



## **Legislative Assembly for the Australian Capital Territory**

Standing Committee on Justice and  
Community Safety

# **Inquiry into Annual and Financial Reports 2022–23**

Legislative Assembly for the Australian Capital Territory  
Standing Committee on Justice and Community Safety

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Approved for publication

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Report 27  
10th Assembly  
April 2024



# About the committee

## Establishing resolution

The Assembly established the Standing Committee on Justice and Community Safety on 2 December 2020.

The Committee is responsible for the following areas:

- ACT Electoral Commission
- ACT Integrity Commission
- ACT Ombudsman
- Gaming
- Minister of State (Justice and Community Safety reporting areas)
- Emergency management and the Emergency Services Agency
- Policing and ACT Policing
- Corrective services
- Attorney-General
- Consumer affairs
- Human rights
- Victims of crime
- Access to justice and restorative practice
- Public Trustee and Guardian

You can read the full establishing resolution [on our website](#).

## Committee members

Peter Cain MLA, Chair

Marisa Paterson MLA, Deputy Chair

Andrew Braddock MLA

## Secretariat

Kathleen de Kleuver, Committee Secretary

Peter Materne, Assistant Secretary (until 23 November 2023)

Alicia Coupland, Assistant Secretary

Erin Dinneen, Assistant Secretary

Kate Mickelson, Assistant Secretary

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## About this inquiry

The 2022–2023 Annual Reports were presented in the Assembly on 24 October 2023. Clause 3 of the establishing resolution refers all calendar and financial year annual and financial reports to the relevant standing committee for inquiry and report by 9 April of the year after the presentation of the report to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004*.

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# Acronyms & Abbreviations

Acronym or Abbreviation	Long form
ACT	Australian Capital Territory
ACTCS	ACT Corrective Services
AMC	Alexander Maconochie Centre
CLC	Community Legal Centre
COVID-19	Coronavirus Disease 2019, caused by the novel coronavirus SARS-CoV-2.
EGM	Electronic gaming machine
ESA	Emergency Services Agency
EVACS	Electronic voting and counting system
FOI	Freedom of Information
MLA	Member of the Legislative Assembly
NPM	National Preventive Mechanism
OMCG	Outlaw Motorcycle Gang
OPCAT	Optional Protocol to the Convention Against Torture
PACER	Police Ambulance and Clinician Early Response
PCO	Parliamentary Counsel's Office
QON	Question on Notice
QTON	Question Taken on Notice
The Review	<i>Healthy Prison Review of the Alexander Maconochie Centre 2022</i>
Sofronoff inquiry	Board of Inquiry into the Criminal Justice System

# Recommendations

## Recommendation 1

The Committee recommends that the ACT the Human Rights Commission should publish records of the number and status of received human rights complaints, including the number and status of those subject to conciliation.

## Recommendation 2

The Committee recommends that the ACT Government support the recommendations of the review of the *Integrity Commission Act 2018* undertaken by Mr Ian Govey AM in respect of the bestowal of telecommunications interception powers upon the ACT Integrity Commission to improve its capabilities and effectiveness.

## Recommendation 3

The Committee recommends that the ACT Integrity Commission should observe and conform to each of the recommendations made by the Inspector of the Integrity Commission's *Investigation into the dismissal of corruption reports by the ACT Integrity Commission*.

## Recommendation 4

The Committee recommends that the ACT Integrity Commission should provide six-monthly updates to the Assembly on the status of all investigations including expected timeframe for completion.

## Recommendation 5

The Committee recommends that the ACT Government should explore in-depth a specialist sexual offences court.

## Recommendation 6

The Committee recommends that the ACT Government improve its data and transparency on court statistics on the criminal justice system.

## Recommendation 7

The Committee recommends that the ACT Government publish a plan outlining actions to improve publicly available statistical information provided to the community across the entire criminal justice system.

## Recommendation 8

The Committee recommends that the ACT Government increase in Parliamentary Counsel Office resourcing to meet non-executive members' drafting requirements.

## Recommendation 9

The Committee recommends that the ACT Government continue to advocate for health warnings on gas appliances and woodfired heaters.

## Recommendation 10

The Committee recommends that the ACT Government explore bail programs in other jurisdictions to ensure there are enough bail staff for number of people on bail, and that the ACT is offering best practice in bail implementation.

### **Recommendation 11**

The Committee recommends the ACT Government ask the Law and Sentencing Council to do a review of bail (given the issue of recidivist dangerous driving), with a focus on those that breach bail – the reasons why and what could be done to improve the system to see people meet their bail conditions.

### **Recommendation 12**

The Committee recommends that the ACT Government ensure that any examination of electronic monitoring technology incorporates consideration of the technology's ability to identify excessive speeding.

### **Recommendation 13**

The Committee recommends that the ACT Government write to each of the judges and magistrates of the ACT to formally invite them to tour the Alexander Maconochie Centre.

### **Recommendation 14**

The Committee recommends that the ACT Government look to improve activities and programs to prevent of sexual coercion and sexual violence at the Alexander Maconochie Centre.

### **Recommendation 15**

The Committee recommends that the ACT Government does not commit to an ACT-wide central monitoring system before fully exploring cashless gaming options.

### **Recommendation 16**

The Committee recommends that the ACT Government work with the community club sector to implement a standardised system for reporting on the gambling incidents register.

### **Recommendation 17**

The Committee recommends the ACT Government include the breakdown of different categories of gambling harm reported in the incident register in its Annual Reporting data.

### **Recommendation 18**

The Committee recommends the ACT Government make a tangible investment and improvement to the current self-exclusion scheme.

### **Recommendation 19**

The Committee recommends that the ACT Government urgently explore the implementation of the use of facial recognition technology in community clubs with effectiveness and human rights implications at the forefront.

### **Recommendation 20**

The Committee recommends that the ACT Government not approve an increase in poker machine bet limits above \$2 for the Canberra Casino.

### **Recommendation 21**

The Committee recommends that the ACT Government increase its compliance program with a focus on electronic gaming machines and a goal to check 10% of the ACT's machines each year.

### **Recommendation 22**

The Committee recommends that the ACT Government advocate the needs of Legal Aid ACT when considering the recommendations of the independent review of the National Legal Assistance Partnership.

### **Recommendation 23**

The Committee recommends that the Director of Public Prosecutions revise its organisational Key Performance Indicator of an average cost per matter in light of failing to meet this target for two consecutive years.

# 1. Introduction

- 1.1. All annual and financial reports for the territory were tabled on 24 October 2023<sup>1</sup> in the Legislative Assembly. A collated list of annual and financial reports is available online.<sup>2</sup>
- 1.2. During its inquiry the Standing Committee on Justice and Community Safety was required to examine all or part of the following annual and financial reports for 2022–23:
  - ACT Electoral Commission
  - ACT Inspector of Correctional Services
  - ACT Integrity Commission
  - ACT Ombudsman
  - ACT Policing
  - Director of Public Prosecutions
  - Gambling and Racing Commission
  - ACT Human Rights Commission
  - Justice and Community Safety Directorate
  - Official Visitor Scheme
  - Legal Aid Commission
  - Public Trustee and Guardian for the ACT
  - Inspector of the ACT Integrity Commission
  - Sentence Administration Board (as part of the Justice and Community Safety Directorate report)
- 1.3. The Committee resolved on 8 November 2023 to also invite the Principal Officer of the Judicial Council to appear before the Committee at the public hearings for this inquiry.

## Public hearings

- 1.4. The Committee held public hearings between 13 November 2023 and 24 November 2023. At the hearings the Committee heard from ACT Government Ministers and their accompanying Directorate officials, and statutory officers.
- 1.5. Witnesses who appeared before the Committee are listed at **Appendix A**. Transcripts from the hearings are available on the Assembly website. Footage of the hearings is available via video on demand on the Legislative Assembly website.

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<sup>1</sup> Legislative Assembly for the ACT, *Minutes of Proceedings*, No 101, 24 October 2023, pp 1466–67.

<sup>2</sup> Chief Minister, Treasury, and Economic Development Directorate, Annual Reports, [Annual Reports - Chief Minister, Treasury and Economic Development Directorate \(act.gov.au\)](https://www.act.gov.au/annual-reports) (accessed 3 November 2023).

- 1.6. Committees began collecting information on the gender of witnesses in April 2023, in response to an audit by the Commonwealth Parliamentary Association. The aim is to determine whether committee inquiries are meeting the needs of, and allowing the participation of, a range of genders in the community. Participation is voluntary and there are no set responses. A table showing the distribution of witness gender is in **Appendix C**.

## Questions taken on notice at hearings and questions placed on notice

- 1.7. A total of 70 questions were lodged during the inquiry: 49 questions were taken on notice (QTONs) by Ministers and statutory office holders during the hearings and 21 questions on notice (QONs) were submitted by Committee members and visiting MLAs following the hearings.
- 1.8. A list of questions (by subject and recipient) are available in **Appendix B**, and on the inquiry webpage (with the answers).

## Acknowledgements

- 1.9. The Committee thanks everyone who participated in, or otherwise assisted, this inquiry. This includes the ACT Government ministers, Directorate officials, and statutory officers. The Committee extends particular thanks to the Hansard and Broadcasting staff of the Office of the Legislative Assembly.

## 2. ACT Electoral Commission

- 2.1. The ACT Electoral Commission is an independent statutory authority responsible for the conduct of elections and referendums for the ACT Legislative Assembly. It provides electoral advice and services and administers the ACT election funding, expenditure and financial disclosure scheme.<sup>3</sup>

### ACT Electoral Commissioner

#### Matters considered

- 2.2. During the ACT Electoral Commissioner's appearance before the Committee on 22 November 2023 the following matters were considered:
- overseas electronic voting system;<sup>4</sup>
  - threats to and risks of electronic voting systems including the Electronic Voting and Counting System (EVACS);<sup>5</sup>
  - risks associated with voter verification processes;<sup>6</sup>
  - connectivity of evacs;<sup>7</sup>
  - access to source code for evacs;<sup>8</sup>
  - compliance with restrictions on number of electoral advertising signs;<sup>9</sup>
  - draft service delivery plan for the election;<sup>10</sup> and
  - number of electronic voting booths available.<sup>11</sup>

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<sup>3</sup> Elections ACT, *Annual Report 2022–23*, p 8.

<sup>4</sup> *Committee Hansard*, 22 November 2023, pp 139–140.

<sup>5</sup> *Committee Hansard*, 22 November 2023, pp 141–143.

<sup>6</sup> *Committee Hansard*, 22 November 2023, pp 143–144.

<sup>7</sup> *Committee Hansard*, 22 November 2023, pp 144–145.

<sup>8</sup> *Committee Hansard*, 22 November 2023, p 145.

<sup>9</sup> *Committee Hansard*, 22 November 2023, pp 145–146.

<sup>10</sup> *Committee Hansard*, 22 November 2023, p 146.

<sup>11</sup> *Committee Hansard*, 22 November 2023, pp 146–147.

### 3. ACT Gambling and Racing Commission

- 3.1. The ACT Gambling and Racing Commission is responsible for ensuring the lawful conduct of gambling and racing in the ACT.<sup>12</sup>

#### Matters considered

- 3.2. During the ACT Gambling and Racing Commission's appearance before the Committee on 17 November 2023 with the Minister for Gaming the following matters were considered:
- data recorded in the gambling incident register;<sup>13</sup>
  - disseminating information about gambling harm in languages other than English;<sup>14</sup> and
  - self-exclusion regime.<sup>15</sup>

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<sup>12</sup> ACT Gambling and Racing Commission, *Annual Report 2022-23*, September 2023, p 4.

<sup>13</sup> *Committee Hansard*, 17 November 2023, pp 98-100.

<sup>14</sup> *Committee Hansard*, 17 November 2023, p 100.

<sup>15</sup> *Committee Hansard*, 17 November 2023, p 105.



## 4. ACT Human Rights Commission

- 4.1. The Human Rights Commission is an independent agency whose roles include:
- promoting understanding of human rights in the ACT;
  - identifying and examining issues that affect human rights and the welfare of vulnerable groups in the ACT;
  - independently handling complaints about discrimination, and complaints between users and providers of prescribed services;
  - providing advice to government and others about their human rights obligations; and
  - advocating for and delivering services to victims of crime.<sup>16</sup>

### Matters considered

- 4.2. During the ACT Human Rights Commissioner's appearance before the Committee on 17 November 2023 the following matters were considered:
- number of complaints received by the Commission;<sup>17</sup>
  - summary disposal of certain offences from the Magistrates Court;<sup>18</sup>
  - victims registers;<sup>19</sup>
  - trends in complaints to the Discrimination Commissioner;<sup>20</sup> and
  - resourcing of public advocate to review mental health orders.<sup>21</sup>

### Key Issues

#### Data on Human Rights complaints

- 4.3. The Committee heard that the number of complaints received by the Commission had plateaued, after increasing steadily over the past four years including during COVID. The Commission attributed the increase to increased awareness of its role and the nature of complaints that could be addressed.<sup>22</sup>
- 4.4. In 2022-23, there were 11,477 complaints and 2,362 enquiries. This included 43 complaints from vulnerable people, seven percent were from Aboriginal and Torres Strait Islander people (up from 4.6 percent in the last year), and 760 of the complaints related to health services. There were 1,191 complaints finalised in 2022-23.<sup>23</sup> The Annual Report

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<sup>16</sup> ACT Human Rights Commission, *Annual Report 2022–23*, September 2023, p 10.

<sup>17</sup> *Committee Hansard*, 17 November 2023, pp 84–85.

<sup>18</sup> *Committee Hansard*, 17 November 2023, pp 85–86.

<sup>19</sup> *Committee Hansard*, 17 November 2023, pp 86–87.

<sup>20</sup> *Committee Hansard*, 17 November 2023, pp 87–88.

<sup>21</sup> *Committee Hansard*, 17 November 2023, pp 88–89.

<sup>22</sup> Ms Karen Toohey, Discrimination, Health Services, Disability and Community Services Commissioner, *Committee Hansard*, 17 November 2023, p 84.

<sup>23</sup> ACT Human Rights Commission, *Annual Report 2022–23*, September 2023, p 33.

provides a breakdown of data including by types of complaints received and closed, issue and by outcome.<sup>24</sup>

- 4.5. The Commission noted that it advertised in the press and on radio to promote awareness of people's rights and responsibilities and the Commission's role.<sup>25</sup>
- 4.6. A proportion (85 percent) said the complaint process was fair, and 77 percent said the process was accessible.<sup>26</sup> In response to a question on perceptions of procedural unfairness, the Discrimination, Health Services, Disability and Community Services Commissioner noted that such perceptions may occur if a matter had not been settled through conciliation and a complainant had not achieved their desired outcome.<sup>27</sup>

#### Committee comment

- 4.7. The Committee is of the view that regular publication of the number and status of complaints received by the Commission, including the complaints subject to conciliation, would assist in assuring the public that processes are equitable and accessible.

#### **Recommendation 1**

The Committee recommends that the ACT the Human Rights Commission should publish records of the number and status of received human rights complaints, including the number and status of those subject to conciliation.

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<sup>24</sup> ACT Human Rights Commission, *Annual Report 2022–23*, September 2023, pp 32-50.

<sup>25</sup> Ms Karen Toohey, Discrimination, Health Services, Disability and Community Services Commissioner, *Committee Hansard*, 17 November 2023, pp 84–85.

<sup>26</sup> ACT Human Rights Commission, *Annual Report 2022–23*, September 2023, p 32.

<sup>27</sup> Ms Karen Toohey, Discrimination, Health Services, Disability and Community Services Commissioner, *Committee Hansard*, 17 November 2023, p 85.

## 5. ACT Inspector of Correctional Services

- 5.1. The ACT Office of the Inspector of Correctional Services was established in 2017 to promote continual improvement of ACT correctional facilities and services and ACT youth detention centres. It works to increase transparency, the protection of rights and the prevention of ill-treatment, mismanagement, unfairness and corruption.<sup>28</sup>

### Matters considered

- 5.2. During the Inspector of Correctional Services' appearance before the Committee on 22 November 2023 the following matters were considered:

- capacity of Bimberi Youth Justice Centre to handle increase in youth incarceration;<sup>29</sup>
- issues covered in forthcoming report following last visit to Bimberi;<sup>30</sup>
- non-publication of findings regarding the smoke-free policy at the Alexander Maconochie Centre (AMC);<sup>31</sup>
- transition of the AMC to be smoke-free;<sup>32</sup>
- education needs of detainees at the AMC;<sup>33</sup>
- date and purpose of most recent visit to the AMC;<sup>34</sup>
- proposed multipurpose building at the AMC;<sup>35</sup>
- critical incident reviews;<sup>36</sup>
- limitations on and independence of the Inspector;<sup>37</sup>
- of Inspector's reports in legal proceedings;<sup>38</sup> and
- disputed implementation of Inspector's recommendations.<sup>39</sup>

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<sup>28</sup> ACT Inspector of Correctional Services, *Annual Report 2022–23*, p 7.

<sup>29</sup> *Committee Hansard*, 22 November 2023, pp 148–149.

<sup>30</sup> *Committee Hansard*, 22 November 2023, p 149.

<sup>31</sup> *Committee Hansard*, 22 November 2023, pp 149–150.

<sup>32</sup> *Committee Hansard*, 22 November 2023, pp 150–151.

<sup>33</sup> *Committee Hansard*, 22 November 2023, p 151.

<sup>34</sup> *Committee Hansard*, 22 November 2023, p 151.

<sup>35</sup> *Committee Hansard*, 22 November 2023, pp 151–152.

<sup>36</sup> *Committee Hansard*, 22 November 2023, pp 152–153.

<sup>37</sup> *Committee Hansard*, 22 November 2023, pp 153–154.

<sup>38</sup> *Committee Hansard*, 22 November 2023, pp 154–155.

<sup>39</sup> *Committee Hansard*, 22 November 2023, pp 155–156.

## 6. ACT Integrity Commission

- 6.1. The ACT Integrity Commission was established in 2018 with the purpose of strengthening public confidence in the integrity of the ACT Government by preventing, investigating and exposing corruption. The Commission assesses reports of alleged corrupt conduct in the ACT Government and public service, and investigates and reports on such allegations where warranted. It is also responsible for raising awareness of the risks of corruption and how to combat it, both in the public sector and in the community.<sup>40</sup>

### ACT Integrity Commissioner

#### Matters considered

- 6.2. During the Integrity Commissioner's appearance before the Committee on 13 November 2023 the following matters were considered:
- interim report on the CIT investigation;<sup>41</sup>
  - Inspector of the Integrity Commission's report *Investigation into the dismissal of corruption reports by the ACT Integrity Commission*;<sup>42</sup>
  - resourcing and funding of the Commission;<sup>43</sup>
  - investigation into Canberra Institute of Technology;<sup>44</sup>
  - Operation Kingfisher;<sup>45</sup>
  - telecommunications interception powers;<sup>46</sup>
  - Operation Athena;<sup>47</sup>
  - Conflict of interest report R21/0065;<sup>48</sup>
  - handling of conflict of interest of the Commissioner;<sup>49</sup>
  - statutory review of the Integrity Commission;<sup>50</sup>
  - workload and resourcing of the Commission;<sup>51</sup> and
  - Campbell Primary School modernisation project investigation.<sup>52</sup>

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<sup>40</sup> ACT Integrity Commission, *Annual Report 2022–23*, p 8.

<sup>41</sup> *Committee Hansard*, 13 November 2023, p 10, pp 12–13.

<sup>42</sup> *Committee Hansard*, 13 November 2023, pp 10–11.

<sup>43</sup> *Committee Hansard*, 13 November 2023, pp 11–12.

<sup>44</sup> *Committee Hansard*, 13 November 2023, pp 12–13.

<sup>45</sup> *Committee Hansard*, 13 November 2023, pp 13–14.

<sup>46</sup> *Committee Hansard*, 13 November 2023, pp 14–15, pp 22–23.

<sup>47</sup> *Committee Hansard*, 13 November 2023, pp 15–17.

<sup>48</sup> *Committee Hansard*, 13 November 2023, pp 17–18.

<sup>49</sup> *Committee Hansard*, 13 November 2023, pp 18–22.

<sup>50</sup> *Committee Hansard*, 13 November 2023, pp 23–24.

<sup>51</sup> *Committee Hansard*, 13 November 2023, pp 24–25.

<sup>52</sup> *Committee Hansard*, 13 November 2023, pp 25–26.

## Key Issues

### Telecommunication interception powers

- 6.3. During the hearing, the Integrity Commissioner told the Committee that telecommunications interception powers could have expedited and ‘assisted to clarify certain aspects’ of an investigation, where there was otherwise a lack of direct evidence on those matters.<sup>53</sup>
- 6.4. The Chief Executive Officer of the Integrity Commission told the Committee that the Commission has received in-principle approval from the federal Attorney-General for access to telecommunications data and access to stored communications. The Commission was undergoing the process to confirm to the federal Attorney-General that it was an appropriate agency to hold those powers, which included a ‘health check’ by the federal Ombudsman due to take place in January 2024. The Commission hoped for a decision from the federal Attorney-General in the first half of 2024.<sup>54</sup>

### Committee comment

- 6.5. The Committee notes that the Select Committee on Estimates 2022–2023 recommended that the ACT Government consider including telephone intercept powers in its review of legislative reform for the Integrity Commission<sup>55</sup>, and that the ACT Government agreed to this recommendation in its response.<sup>56</sup>
- 6.6. Since that time, an independent review of the Integrity Commission Act 2018, released on 30 November 2023, recommended that the ACT Government continue to engage with the Commonwealth for the purpose of eligibility for telephone interception powers for the ACT Integrity Commission.<sup>57</sup>
- 6.7. The Committee is of the view that telecommunications interception powers would improve the capabilities and effectiveness of the ACT Integrity Commission as indicated in its *Report 26 – Inquiry into the Integrity Commission Amendment Bill 2022 (No 2)* tabled 21 March 2024.

### Recommendation 2

The Committee recommends that the ACT Government support the recommendations of the review of the *Integrity Commission Act 2018* undertaken by Mr Ian Govey AM in respect of the bestowal of telecommunications interception powers upon the ACT Integrity Commission to improve its capabilities and effectiveness.

<sup>53</sup> The Hon Michael Adams, ACT Integrity Commissioner, *Committee Hansard*, 13 November 2023, p 14.

<sup>54</sup> *Committee Hansard*, 13 November 2023, p 23.

<sup>55</sup> Select Committee on Estimates 2022–2023, *Inquiry into Appropriation Bill 2022-2023 and Appropriation (OLA) Bill 2022-2023*, Recommendation 141.

<sup>56</sup> ACT Government, *Government Response to the Select Committee on Estimates 2022-23*, 11 October 2022, p 55.

<sup>57</sup> Mr Ian Govey AM, *Report of the Independent Statutory Review of the ACT's Integrity Commission Act 2018*, November 2023, p 98.

## Dismissal of corruption reports

- 6.8. The Committee noted that the Inspector of the Integrity Commission's *Investigation into the dismissal of corruption reports by the ACT Integrity Commission* had been prompted by a former employee of the Commission who had raised concerns about corruption reports not being properly assessed.<sup>58</sup>
- 6.9. The Inspector told the Committee that the report made recommendations on improving processes for assessing claims of apparent corruption and for keeping records of processes.<sup>59</sup>
- 6.10. The Integrity Commissioner described the findings of the report as 'helpful and focused on shortcomings in process', while noting that the complaint itself may have arisen out of misunderstanding of the process.<sup>60</sup>

## Committee comment

- 6.11. The Committee considers that the Inspector of the Integrity Commission's recommendations will assist the Commission in improving its recordkeeping and its processes for assessing claims of apparent corruption.

### Recommendation 3

The Committee recommends that the ACT Integrity Commission should observe and conform to each of the recommendations made by the Inspector of the Integrity Commission's *Investigation into the dismissal of corruption reports by the ACT Integrity Commission*.

## Updating the Assembly on status of investigations

- 6.12. The Commission indicated that the number of reports it receives each year is stable at about 150, and that while it had satisfactory resourcing for assessments it would likely seek to expand its investigative resources in future.<sup>61</sup>
- 6.13. The Commissioner expanded on recent cases which had necessitated reprioritisation of tasks within the Commission,<sup>62</sup> and the Chief Executive Officer reported that the Commission was undertaking a review of all open matters to determine how they should be managed on an ongoing basis.<sup>63</sup>

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<sup>58</sup> *Committee Hansard*, 13 November 2023, p 10.

<sup>59</sup> Mr Iain Anderson, Inspector of the ACT Integrity Commission, *Committee Hansard*, 13 November 2023, p 2.

<sup>60</sup> The Hon Michael Adams, ACT Integrity Commissioner, *Committee Hansard*, 13 November 2023, pp 10–11.

<sup>61</sup> The Hon Michael Adams, ACT Integrity Commissioner, *Committee Hansard*, 13 November 2023, p 24.

<sup>62</sup> The Hon Michael Adams, ACT Integrity Commissioner, *Committee Hansard*, 13 November 2023, pp 24–25.

<sup>63</sup> Ms Judy Lind, Chief Executive Officer, ACT Integrity Commission, *Committee Hansard*, 13 November 2023, p 25.

## Committee comment

- 6.14. The Committee considers that would be in the public interest for the status of all Integrity Commission investigations, including those reprioritised or redirected, to be reported on a regular basis to improve transparency of timelines.

### **Recommendation 4**

The Committee recommends that the ACT Integrity Commission should provide six-monthly updates to the Assembly on the status of all investigations including expected timeframe for completion.

## 7. Inspector of the Integrity Commission

- 7.1. The role of Inspector of the Integrity Commission is performed by the ACT Ombudsman, unless an Inspector is appointed. The Inspector was established under *the Integrity Commission Act 2018* to provide assurance that the ACT Integrity Commission operates within its legislative powers.<sup>64</sup>

### Matters considered

- 7.2. During the Inspector of the Integrity Commission's appearance before the Committee on 13 November 2023 the following matter was considered:
- Inspector of the Integrity Commission's report *Investigation into the dismissal of corruption reports by the ACT Integrity Commission*.<sup>65</sup>

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<sup>64</sup> Inspector of the ACT Integrity Commission, *Annual Report 2022–23*, p 2.

<sup>65</sup> *Committee Hansard*, 13 November 2023, pp 1–3.



## 8. ACT Ombudsman

8.1. The ACT Ombudsman handles complaints about ACT Government agencies and other designated entities, and provides oversight of the ACT Freedom of Information framework, the Reportable Conduct Scheme, use of covert and intrusive powers under ACT legislation, and ACT Policing. The Ombudsman is part of the National Preventive Measure in relation to the Optional Protocol to the Convention Against Torture, along with the ACT Inspector of Correctional Services and the ACT Human Rights Commission.<sup>66</sup>

### Matters considered

8.2. During the ACT Ombudsman's appearance before the Committee on 13 November 2023 the following matters were considered:

- the Reportable Conduct Scheme and complaints regarding MLAs;<sup>67</sup>
- the Freedom of Information (FOI) framework;<sup>68</sup>
- challenges, priorities and objectives identified by the Ombudsman;<sup>69</sup>
- functions and activities undertaken by the Ombudsman in relation to the Optional Protocol to the Convention Against Torture (OPCAT) National Preventive Mechanism (NPM);<sup>70</sup>
- FOI request complaints and reviews;<sup>71</sup> and
- the Reportable Conduct Scheme and effectiveness.<sup>72</sup>

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<sup>66</sup> ACT Ombudsman, *Annual Report 2022–23*, p 9.

<sup>67</sup> *Committee Hansard*, 13 November 2023, pp 3–4.

<sup>68</sup> *Committee Hansard*, 13 November 2023, pp 4–5.

<sup>69</sup> *Committee Hansard*, 13 November 2023, pp 5–6.

<sup>70</sup> *Committee Hansard*, 13 November 2023, p 7.

<sup>71</sup> *Committee Hansard*, 13 November 2023, pp 7–8.

<sup>72</sup> *Committee Hansard*, 13 November 2023, pp 8–9.

## 9. ACT Policing

- 9.1. ACT Policing provides policing services to the ACT under the 2022–26 Purchase Agreement with the Australian Federal Police. The agreement details the outcomes and outputs to be provided, the powers and obligations of the Minister for Police and Emergency Services and the Chief Police Officer and associated administrative arrangements.<sup>73</sup>

### Minister for Police and Emergency Services

#### Administrative Arrangements

- 9.2. The following matters are allocated to the Minister for Police and Emergency Services and Justice and Community Safety Directorate:

- Policing policy and ACT Policing.<sup>74</sup>

#### Matters considered

- 9.3. During the Minister for Police and Emergency Services' appearance before the Committee on 23 November 2023 the following policing matters were considered:

- police numbers in the ACT;<sup>75</sup>
- deployment of police across the ACT;<sup>76</sup>
- attrition rate of police staffing;<sup>77</sup>
- recruitment and training;<sup>78</sup>
- Police Ambulance and Clinician Early Response (PACER);<sup>79</sup>
- Outlaw motorcycle gangs (OMCGs);<sup>80</sup>
- condition of facilities used by ACT Policing;<sup>81</sup>
- emergency alert system;<sup>82</sup>
- drug decriminalisation and OMCGs;<sup>83</sup>
- trip by the Minister and officials to North America;<sup>84</sup>

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<sup>73</sup> ACT Policing, *Annual Report 2022–23*, p 12.

<sup>74</sup> ACT Government, *Administrative Arrangements 2022 (No 2)*, <https://legislation.act.gov.au/ni/2022-697/>

<sup>75</sup> *Committee Hansard*, 23 November 2023, pp 165–166.

<sup>76</sup> *Committee Hansard*, 23 November 2023, pp 166–167.

<sup>77</sup> *Committee Hansard*, 23 November 2023, pp 167–168.

<sup>78</sup> *Committee Hansard*, 23 November 2023, pp 168–169.

<sup>79</sup> *Committee Hansard*, 23 November 2023, pp 169–170.

<sup>80</sup> *Committee Hansard*, 23 November 2023, pp 170–172.

<sup>81</sup> *Committee Hansard*, 23 November 2023, pp 172–175.

<sup>82</sup> *Committee Hansard*, 23 November 2023, p 175.

<sup>83</sup> *Committee Hansard*, 23 November 2023, pp 175–176.

<sup>84</sup> *Committee Hansard*, 23 November 2023, pp 176–177.

- Fentanyl;<sup>85</sup>
- road safety and drug use;<sup>86</sup>
- decline in property offences;<sup>87</sup>
- police response to drug use;<sup>88</sup> and
- ‘Narco-tourism’ as a result of drug decriminalisation.<sup>89</sup>

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<sup>85</sup> *Committee Hansard*, 23 November 2023, pp 177–178.

<sup>86</sup> *Committee Hansard*, 23 November 2023, pp 178–180.

<sup>87</sup> *Committee Hansard*, 23 November 2023, pp 180–181.

<sup>88</sup> *Committee Hansard*, 23 November 2023, pp 181–183.

<sup>89</sup> *Committee Hansard*, 23 November 2023, pp 183–184.

## 10. Justice and Community Safety Directorate

10.1. The Justice and Community Safety Directorate comprises two primary programs: Justice and Community Safety. The Justice program comprises the following business units:

- ACT Courts and Tribunal;
- ACT Director of Public Prosecutions;
- ACT Government Solicitor;
- ACT Human Rights Commission;
- ACT Parliamentary Counsel's Office;
- ACT Public Trustee and Guardian; and
- Legislation Policy and Programs.<sup>90</sup>

10.2. The Community Safety program is composed of the following business units:

- ACT Corrective Services;
- ACT Emergency Services Agency;
- Security and Emergency Management Division;
- Strategic Policy and Programs, Community Safety; and
- First Nations Justice Branch.<sup>91</sup>

### Attorney-General

#### Administrative arrangements

10.3. The following matters are allocated to the Attorney-General and the Justice and Community Safety Directorate under the administrative arrangements:

- administration of justice;
- civil and criminal law;
- justice reinvestment;
- policy relating to incorporation of associations;
- policy relating to liquor;
- policy relating to sex work;
- policy relating to security;
- policy relating to the registration of deeds and charitable collections;

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<sup>90</sup> Justice and Community Safety Directorate, *Annual Reports 2022–23*, p 15.

<sup>91</sup> Justice and Community Safety Directorate, *Annual Reports 2022–23*, p 15.

- policy relating to the registration of land titles and tenancies;
- reducing recidivism;
- restorative justice; and
- Sentence Administration Board.<sup>92</sup>

## Matters considered

10.4. During the Attorney-General's appearance before the Committee on 14 November 2023 the following matters were considered:

- interactions with the Chief Justice following the Board of Inquiry into the Criminal Justice System (the Sofronoff inquiry);<sup>93</sup>
- availability and integrity of data on dangerous driving;<sup>94</sup>
- the *ACT Criminal Justice Statistical Profile* and data on the criminal justice system;<sup>95</sup>
- resourcing of the Parliamentary Counsel's Office (PCO);<sup>96</sup>
- handling of allegations against an MLA;<sup>97</sup>
- the Law and Sentencing Advisory Council;<sup>98</sup>
- Restorative Justice Scheme and domestic violence and sexual offences;<sup>99</sup>
- reduction in detainee population at the Alexander Maconochie Centre (AMC) and sentencing;<sup>100</sup>
- sexual assault court;<sup>101</sup> and
- legal proceedings against the Board of Inquiry and the Territory.<sup>102</sup>

## Key Issues

### A specialist sexual offences court

10.5. The Attorney-General outlined the results of a roundtable on a possible specialist sexual offences court. He advised the Committee that the courts had 'some reservations' about the establishment of such a court, including that it could put an undue workload on a small number of judicial officers and could lead to delays in prosecution.<sup>103</sup>

<sup>92</sup> ACT Government, *Administrative Arrangements 2022 (No 2)*, <https://legislation.act.gov.au/ni/2022-697/>

<sup>93</sup> *Committee Hansard*, 14 November 2023, pp 42–43.

<sup>94</sup> *Committee Hansard*, 14 November 2023, pp 43–44.

<sup>95</sup> *Committee Hansard*, 14 November 2023, pp 44–45.

<sup>96</sup> *Committee Hansard*, 14 November 2023, pp 45–46.

<sup>97</sup> *Committee Hansard*, 14 November 2023, pp 46–61, pp 62–64, p 68.

<sup>98</sup> *Committee Hansard*, 14 November 2023, p 61.

<sup>99</sup> *Committee Hansard*, 14 November 2023, pp 61–64.

<sup>100</sup> *Committee Hansard*, 14 November 2023, pp 64–66.

<sup>101</sup> *Committee Hansard*, 14 November 2023, pp 66–67.

<sup>102</sup> *Committee Hansard*, 14 November 2023, pp 68–70.

<sup>103</sup> Mr Shane Rattenbury MLA, Attorney-General, *Committee Hansard*, 14 November 2023, pp 66–67.

- 10.6. The Attorney-General noted that the ACT Government has not ruled out a dedicated sexual offences court, but was considering other measures, such as improved judicial training and procedural changes, and how to ‘make the most improvement as quickly as possible’.<sup>104</sup>

### Committee comment

- 10.7. The Committee considers that the establishment of a specialist sexual offences court should be fully examined by the Government, as well as ensuring best-practice procedures and judicial training.

#### Recommendation 5

The Committee recommends that the ACT Government should explore in-depth a specialist sexual offences court.

### Analysis of court data

- 10.8. During the public hearing the Committee heard that sentencing data prior to 2019 was not reliably available due to an upgrade of the case management system. Data recorded prior to the upgrade could not be interrogated consistently with newer data.<sup>105</sup>
- 10.9. The Principal Registrar of the ACT Courts and Tribunal noted that they were working to improve data collection and integrity, and to develop rules for data entry that would lead to more reliability.<sup>106</sup>
- 10.10. When asked why the ACT Government had not produced the *ACT Criminal Justice Statistical Profile* since 2019, the Attorney-General observed that the publication had been reviewed by the Australian Bureau of Statistics (ABS) in 2019 and suggestions for improvements and adjustments had been made. Work on this had been delayed by COVID-19. The Attorney-General noted that different data sets produced with different accounting rules could cause confusion over whether the data was correct, and that this was an issue to be addressed: ‘The integrity of the data is fine; it is the analysis that we are working on.’<sup>107</sup>
- 10.11. The Director-General of the Justice and Community Safety Directorate told the Committee that the directorate was considering the best way to represent the data available, whether within the Report on Government Activities (ROGS) or using different ways to interrogate the data within the courts’ data system:

I am not going to accept the premise that we need to improve the quality of the data. I think we need to be able to have data that is of utility for the public discussion about the criminal justice system. ROGS is a component of that, and we are always going to have to do ROGS because we participate in that process.

<sup>104</sup> Mr Shane Rattenbury MLA, Attorney-General, *Committee Hansard*, 14 November 2023, p 67.

<sup>105</sup> Ms Amanda Nuttall, Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal, *Committee Hansard*, 14 November 2023, p 43.

<sup>106</sup> Ms Amanda Nuttall, Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal, *Committee Hansard*, 14 November 2023, p 44.

<sup>107</sup> Mr Shane Rattenbury MLA, Attorney-General, *Committee Hansard*, 14 November 2023, pp 44–45.

Whether there are other steps that we can take on a jurisdictional basis to be able to deal with data is an ongoing question, and I do not have a specific answer to the next step, other than it is work that is ongoing.<sup>108</sup>

### Committee comment

- 10.12. The Committee is concerned that court and sentencing data reliability, availability and presentation is not adequate to inform public debate and policy decisions and determinations.
- 10.13. The Committee notes that it has earlier recommended that the ACT Government overhaul its data collection on corrections orders for improved analysis.<sup>109</sup> The ACT Government's response stated that the Data and Innovation Working Group established by ACT Corrective Services would review governance mechanisms for the consistency and quality of data collection in the offender record management system.<sup>110</sup>
- 10.14. The Committee considers that regular publication of consistently-extracted court and sentencing data would be useful in identifying trends, causes and emerging issues for policy development.

#### Recommendation 6

The Committee recommends that the ACT Government improve its data and transparency on court statistics on the criminal justice system.

#### Recommendation 7

The Committee recommends that the ACT Government publish a plan outlining actions to improve publicly available statistical information provided to the community across the entire criminal justice system.

### Parliamentary Counsel Office

- 10.15. The Committee heard that the Parliamentary Counsel Office was at times unable to meet timeframes sought for drafting of private members' bills, due to competing priorities of government bills. Delays were variable, depending on the Office's workload, and where the Office could not meet a member's desired timeframe, they would attempt to negotiate a suitable outcome.<sup>111</sup>

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<sup>108</sup> Mr Richard Glenn, Director-General, Justice and Community Safety Directorate, *Committee Hansard*, 14 November 2023, p 45.

<sup>109</sup> Standing Committee on Justice and Community Safety, *Report 16 – Inquiry into Dangerous Driving*, April 2023, Recommendation 12.

<sup>110</sup> ACT Government, *Standing Committee On Justice And Community Safety Report No. 16 Inquiry Into Dangerous Driving – Government Response*, August 2023, pp 19–20.

<sup>111</sup> Ms Bianca Kimber, Parliamentary Counsel, Parliamentary Counsel Office, *Committee Hansard*, 14 November 2023, pp 45–46.

- 10.16. The Parliamentary Counsel also informed the Committee that the budget for drafters had not increased since the number of MLAs was increased.<sup>112</sup> The number of Members of the Legislative Assembly was increased from 17 to 25 at the 2016 election.<sup>113</sup>

#### Committee comment

- 10.17. The Committee is of the view that the Parliamentary Counsel Office should be adequately resourced to meet the drafting demands placed on it by members.

#### Recommendation 8

The Committee recommends that the ACT Government increase in Parliamentary Counsel Office resourcing to meet non-executive members' drafting requirements.

## Minister for Consumer Affairs

### Administrative arrangements

- 10.18. The following matters are allocated to the Minister for Consumer Affairs and the Justice and Community Safety Directorate:
- fair trading policy relating to Australian consumer law, fuel prices and licensing motor vehicle repairers;
  - policy relating to retirement villages, egg labelling, sale of goods and uncollected goods; and
  - policy relating to the licensing of agents, hawkers, pawnbrokers, motor vehicle dealers, second-hand dealers and x-films.<sup>114</sup>

### Matters considered

- 10.19. During the Minister for Consumer Affairs' appearance before the Committee on 17 November 2023 the following matters were considered:
- potential conflict of interest of the Fair Trading Commissioner in 2021;<sup>115</sup>
  - raising consumer awareness of the health risks of gas heating and wood-fired heaters;<sup>116</sup> and
  - same-day delivery of alcohol.<sup>117</sup>

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<sup>112</sup> Ms Bianca Kimber, Parliamentary Counsel, Parliamentary Counsel Office, *Committee Hansard*, 14 November 2023, p 45.

<sup>113</sup> Office of the Legislative Assembly, *Frequently asked questions – How many members are in the ACT Legislative Assembly?*, [Resources - ACT Legislative Assembly](#) (accessed 12 February 2024).

<sup>114</sup> ACT Government, *Administrative Arrangements 2022 (No 2)*, <https://legislation.act.gov.au/ni/2022-697/>

<sup>115</sup> *Committee Hansard*, 17 November 2023, pp 91–93, pp 97–98, pp 102–104, pp 106–109, pp 111–112, pp 113–114.

<sup>116</sup> *Committee Hansard*, 17 November 2023, pp 95–96.

<sup>117</sup> *Committee Hansard*, 17 November 2023, pp 110–111.



## Key Issues

### Health warnings on gas appliances and woodfired heaters

- 10.20. During the hearing, the Minister for Consumer Affairs observed that a range of new science was emerging about the health impacts of gas heating and wood-fired heaters, especially regarding the impacts on children and their respiratory health.
- 10.21. The Minister indicated that he had contacted counterparts throughout Australia, advocating for improved labelling and information standards on these health risks. The Minister expressed the opinion that communication of the health risks and impacts would be most effective when done on a national level.<sup>118</sup>

### Committee comment

- 10.22. The Committee is pleased to see proactive efforts by the Minister to progress this issue with state and territory counterparts, and is keen to see health warnings on gas and wood-fired appliances as soon as practicable.

#### Recommendation 9

The Committee recommends that the ACT Government continue to advocate for health warnings on gas appliances and woodfired heaters.

## Minister for Corrections

### Administrative arrangements

- 10.23. The following matter is assigned to the Minister for Corrections and the Justice and Community Safety Directorate:
- Corrective services.<sup>119</sup>

### Matters considered

- 10.24. During the Minister for Correction's appearance before the Committee on 14 November 2023 the following matters were considered:
- increasing complaints about the corrections system from Official Visitors;<sup>120</sup>
  - response to and prevention of sexual coercion and violence at the Alexander Maconochie Centre (AMC);<sup>121</sup>
  - Transitional release program participation;<sup>122</sup>

<sup>118</sup> Mr Shane Rattenbury, Minister for Consumer Affairs, *Committee Hansard*, 17 November 2023, p 95.

<sup>119</sup> ACT Government, *Administrative Arrangements 2022 (No 2)*, <https://legislation.act.gov.au/ni/2022-697/>

<sup>120</sup> *Committee Hansard*, 14 November 2023, pp 27–30.

<sup>121</sup> *Committee Hansard*, 14 November 2023, p 30.

<sup>122</sup> *Committee Hansard*, 14 November 2023, p 31.

- development plans for improved facilities at the AMC and effect on the transitional release program;<sup>123</sup>
- effect of changed eligibility criteria for transitional release;<sup>124</sup>
- incentives and earned privileges;<sup>125</sup>
- proportion of Indigenous detainee population;<sup>126</sup>
- decrease in overall sentenced detainee population;<sup>127</sup>
- bail management;<sup>128</sup>
- increasing breaches by community service offenders;<sup>129</sup>
- implementation of the smoke-free policy at the AMC;<sup>130</sup>
- electronic monitoring feasibility study;<sup>131</sup> and
- Judges' and magistrates' perceptions of conditions at the AMC.<sup>132</sup>

## Key Issues

### Bail

- 10.25. Mr Bruno Aloisi, Acting Commissioner of ACT Corrective Services (ACTCS), told the Committee that the approach to managing bail had shifted from an administrative system to 'one that looks at the individual more holistically and looks at those things that really make meaningful impacts and changes in people's lives'.<sup>133</sup> As part of this review, the number of bail officers had been revised and another officer had been engaged, bringing the number to three.<sup>134</sup>
- 10.26. Mr Aloisi commented that, as well as introducing bail support plans, ACTCS was going to engage a second court duty officer, with the aim of ensuring people appearing in court made connection with community operations and that recorded details were correct so that the service could maintain contact.<sup>135</sup>
- 10.27. The Committee heard that 184 people were on bail and subject to supervision by ACTCS in early October.<sup>136</sup>

<sup>123</sup> *Committee Hansard*, 14 November 2023, pp 31–32.

<sup>124</sup> *Committee Hansard*, 14 November 2023, p 32.

<sup>125</sup> *Committee Hansard*, 14 November 2023, pp 32–33.

<sup>126</sup> *Committee Hansard*, 14 November 2023, pp 33–34.

<sup>127</sup> *Committee Hansard*, 14 November 2023, p 34.

<sup>128</sup> *Committee Hansard*, 14 November 2023, pp 34–36.

<sup>129</sup> *Committee Hansard*, 14 November 2023, pp 36–37.

<sup>130</sup> *Committee Hansard*, 14 November 2023, pp 37–39.

<sup>131</sup> *Committee Hansard*, 14 November 2023, pp 39–40.

<sup>132</sup> *Committee Hansard*, 14 November 2023, p 40.

<sup>133</sup> Mr Bruno Aloisi, Acting Commissioner, ACT Corrective Services, *Committee Hansard*, 14 November 2023, p 35.

<sup>134</sup> Mr Bruno Aloisi, Acting Commissioner, ACT Corrective Services, *Committee Hansard*, 14 November 2023, pp 34–35.

<sup>135</sup> Mr Bruno Aloisi, Acting Commissioner, ACT Corrective Services, *Committee Hansard*, 14 November 2023, p 35.

<sup>136</sup> Mr Bruno Aloisi, Acting Commissioner, ACT Corrective Services, *Committee Hansard*, 14 November 2023, p 36.

## Committee comment

- 10.28. The Committee is of the view that support for and supervision of people on bail is crucial in preventing re-offending, and that it is therefore imperative that the ACT's bail system is best practice and fully resourced.

### Recommendation 10

The Committee recommends that the ACT Government explore bail programs in other jurisdictions to ensure there are enough bail staff for number of people on bail, and that the ACT is offering best practice in bail implementation.

- 10.29. Discussing breaches of bail, Mr Aloisi explained to the Committee that ACTCS had dual goals of ensuring clients completed their bail orders successfully and also protecting community safety.<sup>137</sup> Where breaches may occur due to mental health needs or substance use, ACTCS would work to address that, and could use discretion as a therapeutic interaction with an individual to avoid setting them back while assessing the risk of the breaching behaviour:

An example might be someone who has had a long history of polysubstance abuse, and we know, for example, that the drug use might be associated with their offending behaviour. Say, for example, that that person does a urine drug screen and we detect cannabis. [...] Then we look at that individual, look at their history of compliance, look at the gains they have made and then make an assessment as to whether we might exercise discretion around that detection, rather than a formalised breach, because the outcome of the breach might adversely impact their [...] rehabilitation trajectory. It might be better actually keeping that person in the community as best we can and having them stay connected with their employment, their education, their family and those sorts of things.<sup>138</sup>

## Committee comment

- 10.30. The Committee notes that it identified bail for serious driving offences as a problematic area in its *Report 16 – Inquiry into Dangerous Driving*, and expressed concern at the number of reported recidivist dangerous drivers in breach of bail conditions.<sup>139</sup>
- 10.31. The Committee remains concerned at the level of bail breaches, and considers that a review by the ACT Law and Sentencing Advisory Council could provide helpful insights into reasons and causes for breaches of bail as well as suggestions for improvements to bail administration.

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<sup>137</sup> Mr Bruno Aloisi, Acting Commissioner, ACT Corrective Services, *Committee Hansard*, 14 November 2023, p 36.

<sup>138</sup> Mr Bruno Aloisi, Acting Commissioner, ACT Corrective Services, *Committee Hansard*, 14 November 2023, pp 35–36.

<sup>139</sup> Standing Committee on Justice and Community Safety, *Report 16 – Inquiry into Dangerous Driving*, April 2023, p 29.

### Recommendation 11

The Committee recommends the ACT Government ask the Law and Sentencing Council to do a review of bail (given the issue of recidivist dangerous driving), with a focus on those that breach bail – the reasons why and what could be done to improve the system to see people meet their bail conditions.

### Dangerous driving

- 10.32. The Committee heard that a feasibility study on electronic monitoring of detainees in the ACT was underway, with a dedicated project manager having commenced work in September 2023 and the study due to finish in late 2024. ACTCS was looking at costings for a ‘small scale trial’ of electronic monitoring for Intensive Corrections Orders.<sup>140</sup>
- 10.33. Mr Aloisi indicated that ACTCS was in discussions with ACT Policing on the use of electronic monitoring devices to detect speeding.<sup>141</sup> The Acting Deputy Director-General of the Justice and Community Safety Directorate cautioned that such use of the devices could be covered by different legislation, which would need to be taken into account in the planning stage.<sup>142</sup>

### Committee comment

- 10.34. The Committee has on previous occasions recommended that the ACT Government introduce electronic monitoring as part of community corrections orders including bail,<sup>143</sup> and that it consider the use of electronic monitoring to observe and track speeding drivers.<sup>144</sup>
- 10.35. The Committee is of the view that the detection of excessive speeding through electronic monitoring would be a very useful tool for early identification and apprehension of recidivist dangerous drivers posing a danger to the public.

### Recommendation 12

The Committee recommends that the ACT Government ensure that any examination of electronic monitoring technology incorporates consideration of the technology’s ability to identify excessive speeding.

### Alexander Maconochie Centre

- 10.36. Responding to comments about the perception amongst the judiciary of conditions at the Alexander Maconochie Centre (AMC), the Director-General of the Justice and Community Safety Directorate noted that members of the judiciary were entitled to visit the AMC if

<sup>140</sup> Mr Bruno Aloisi, Acting Commissioner, ACT Corrective Services, *Committee Hansard*, 14 November 2023, p 39.

<sup>141</sup> Mr Bruno Aloisi, Acting Commissioner, ACT Corrective Services, *Committee Hansard*, 14 November 2023, p 39.

<sup>142</sup> Mr Ray Johnson, Acting Deputy Director, Community Safety, Justice and Community Safety Directorate, *Committee Hansard*, 14 November 2023, pp 39–40.

<sup>143</sup> Standing Committee on Justice and Community Safety, *Report 9: Inquiry into Community Corrections*, July 2022, p 6.

<sup>144</sup> Standing Committee on Justice and Community Safety, *Report 16 – Inquiry into Dangerous Driving*, April 2023, Recommendation 18.

they so wished. While a number of tours had been held for members of the Sentence Administration Board and judges' associates, and judges had viewed 'parts of the facility in relation to particular matters', the Director-General did not recall any tours by members of the judiciary.<sup>145</sup>

### Committee comment

- 10.37. The Committee notes that judges have commented in judgements about conditions at the AMC and expressed reservations about sending, for example, elderly people to AMC. The Committee considers that it would be helpful for members of the judiciary to see first-hand the conditions and environment at AMC, and that a direct invitation from the Directorate for a tour may facilitate uptake of their entitlement to visit the facility.

### Recommendation 13

The Committee recommends that the ACT Government write to each of the judges and magistrates of the ACT to formally invite them to tour the Alexander Maconochie Centre.

- 10.38. The *Healthy Prison Review of the Alexander Maconochie Centre 2022* (the Review) by the Inspector of Correctional Services found it likely that sexual coercion and violence occurred in the AMC, although the scope and impact of such violence was unknown. The Review found that ACT Government initiatives on Sexual Assault Prevention and Response appeared to be completely silent on the issue of sexual coercion and violence in custody.<sup>146</sup>
- 10.39. The Review recommended that ACTCS consult with stakeholders to develop a strategy to prevent, track and respond to incidents of sexual coercion and violence in the AMC.<sup>147</sup>
- 10.40. Mr Aloisi told the Committee that ACTCS had been upskilling staff on working with people with trauma, and specifically using gender-informed principles.<sup>148</sup> The Assistant Commissioner, Offender Reintegration, expanded that ACTCS had taken a whole-of-service approach, and was looking to partner with expert community providers for guidance on addressing the issues of sexual coercion and violence both within the AMC and on release.<sup>149</sup>

### Committee comment

- 10.41. The Committee considers that the ACT Government has a duty of care to detainees at the AMC and should work to develop and improve programs for the prevention of sexual violence and coercion in detention.

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<sup>145</sup> Mr Richard Glenn, Director-General, Justice and Community Safety Directorate, *Committee Hansard*, 14 November 2023, p 40.

<sup>146</sup> ACT Inspector of Correctional Services, *Healthy Prison Review of the Alexander Maconochie Centre 2022*, November 2022, p 89.

<sup>147</sup> ACT Inspector of Correctional Services, *Healthy Prison Review of the Alexander Maconochie Centre 2022*, November 2022, Recommendation 7.

<sup>148</sup> Mr Bruno Aloisi, Acting Commissioner, ACT Corrective Services, *Committee Hansard*, 14 November 2023, p 30.

<sup>149</sup> Ms Narelle Pamplin, Assistant Commissioner, Offender Reintegration, ACT Corrective Services, *Committee Hansard*, 14 November 2023, p 30.

## Recommendation 14

The Committee recommends that the ACT Government look to improve activities and programs to prevent of sexual coercion and sexual violence at the Alexander Maconochie Centre.

## Minister for Gaming

### Administrative arrangements

10.42. The following matter is assigned to the Minister for Gaming and the Justice and Community Safety Directorate:

- gaming policy.<sup>150</sup>

### Matters considered

10.43. During the Minister for Gaming's appearance before the Committee on 17 November 2023 the following matters were considered:

- central monitoring system, cashless gaming and bet limits;<sup>151</sup>
- reduction in number of electronic gaming machine (EGM) licences;<sup>152</sup>
- gambling incident register discrepancies;<sup>153</sup>
- dissemination of information about gambling harm in languages other than English;<sup>154</sup>
- the Community Clubs Ministerial Advisory Council;<sup>155</sup>
- establishment of a self-exclusion regime for people experiencing harm from gambling;<sup>156</sup>
- diversity and sustainability fund grants;<sup>157</sup>
- breaches detected for gaming machine licences;<sup>158</sup> and
- gaming machine licences for Casino Canberra.<sup>159</sup>

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<sup>150</sup> ACT Government, *Administrative Arrangements 2022 (No 2)*, <https://legislation.act.gov.au/ni/2022-697/>

<sup>151</sup> *Committee Hansard*, 17 November 2023, pp 93–95.

<sup>152</sup> *Committee Hansard*, 17 November 2023, pp 96–97, pp 112–113.

<sup>153</sup> *Committee Hansard*, 17 November 2023, pp 98–100.

<sup>154</sup> *Committee Hansard*, 17 November 2023, p 100.

<sup>155</sup> *Committee Hansard*, 17 November 2023, pp 101–102.

<sup>156</sup> *Committee Hansard*, 17 November 2023, pp 104–105.

<sup>157</sup> *Committee Hansard*, 17 November 2023, pp 105–106.

<sup>158</sup> *Committee Hansard*, 17 November 2023, pp 109–110, p 111.

<sup>159</sup> *Committee Hansard*, 17 November 2023, pp 114–115.

## Key Issues

### Centralised monitoring system and cashless gaming

- 10.44. The Committee queried the appropriateness of progressing a centralised monitoring system for gaming machines in the ACT at present given recent technology developments and the Committee’s inquiry into cashless gaming. The Minister for Gaming told the Committee that the Government is interested in developing a centralised monitoring system, as is the case in all other Australian jurisdictions.<sup>160</sup>
- 10.45. The Minister indicated that a centralised monitoring system ensures a ‘joined-up’ system that could assist with harm minimisation strategies, as well as eliminating manual processes and improve efficiencies.<sup>161</sup>
- 10.46. The Minister suggested that without a centralised monitoring system, there were concerns about the effectiveness of any cashless gaming scheme:

If you do not have a centralised monitoring system, the best advice I have is that if, for example, you went to cashless gaming - which your committee [is] considering - you would not be able to have a joined-up system. Somebody could have a cashless gaming account at one club and at another club, and those two would not talk to each other. That certainly opens up concerning questions about frictionless gaming, loss of a sense of perspective on how much money one has spent - those sorts of issues that I know you are very aware of, and we are trying to think about very carefully.<sup>162</sup>

### Committee comment

- 10.47. The Committee notes that the Minister recognises a cashless gaming scheme would be best implemented through a centralised monitoring system.
- 10.48. This, alongside the technological advancements occurring in the gaming sector, lead the Committee to believe that a centralised monitoring system should only be implemented after cashless gaming has been thoroughly investigated.

#### Recommendation 15

The Committee recommends that the ACT Government does not commit to an ACT-wide central monitoring system before fully exploring cashless gaming options.

### Gambling incident reports and self-exclusion

- 10.49. The Committee heard that there is a discrepancy in the approach that different club groups take in reporting incidents to the incidents register.<sup>163</sup> The incidents register is used by

<sup>160</sup> Mr Shane Rattenbury MLA, Attorney-General, *Committee Hansard*, 17 November 2023, pp 93–94.

<sup>161</sup> Mr Shane Rattenbury MLA, Attorney-General, *Committee Hansard*, 17 November 2023, pp 93–94.

<sup>162</sup> Mr Shane Rattenbury MLA, Attorney-General, *Committee Hansard*, 17 November 2023, p 94.

<sup>163</sup> Ms Yu-Lan Chan, Chief Executive Officer, Gambling and Racing Commission, *Committee Hansard*, 17 November 2023, pp 98–99.

licensees to record patron activities for use in making decisions about a person's wellbeing, including whether to exclude them from gambling at the licensee's premises.<sup>164</sup>

- 10.50. Ms Yu-Lan Chan, Chief Executive Officer of the Gambling and Racing Commission, told the Committee that they train clubs to recognise signs of gambling harm, what they should be reporting, and how to use the incident register, with a goal of improving consistency in how the database is used. The Committee heard that pandemic put venue visits on pause, but the intent is to resume education operations in 2024.<sup>165</sup>
- 10.51. In response to a question about why the incident reporting data is not published, the Chief Executive Officer of the Gambling and Racing Commission told the Committee that there are risks attached to the publication of this raw data, but that consideration is being given to the possibility of publishing the data as part of a report.<sup>166</sup>

### Committee comment

- 10.52. The Committee is of the view that more needs to be done to standardise incident reporting across club, due the continued discrepancy between club groups, which has continued for several years.
- 10.53. The Committee notes that incident reporting data is published in response to QONs in a way that does not identify venues but does provides informative and helpful data. The Committee is of the view that this data could be meaningfully reported to the community.

#### Recommendation 16

The Committee recommends that the ACT Government work with the community club sector to implement a standardised system for reporting on the gambling incidents register.

#### Recommendation 17

The Committee recommends the ACT Government include the breakdown of different categories of gambling harm reported in the incident register in its Annual Reporting data.

- 10.54. The Committee heard that the gamblers exclusion register is the same database as the incident register.<sup>167</sup>
- 10.55. In response to a question about establishing a rigorous self-exclusion scheme across the ACT, the Minister for Gaming advised the Committee that a central monitoring system

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<sup>164</sup> ACT Gambling and Racing Commission, *Changes to the Code of Practice Summary*, July 2014.

<sup>165</sup> Ms Yu-Lan Chan, Chief Executive Officer, Gambling and Racing Commission, *Committee Hansard*, 17 November 2023, pp 98–99.

<sup>166</sup> Ms Yu-Lan Chan, Chief Executive Officer, Gambling and Racing Commission, *Committee Hansard*, 17 November 2023, p 100.

<sup>167</sup> Ms Yu-Lan Chan, Chief Executive Officer, Gambling and Racing Commission, *Committee Hansard*, 17 November 2023, pp 98–99.



would assist in the development of a connected electronic scheme across all ACT clubs and venues.<sup>168</sup>

- 10.56. Ms Yu-Lan Chan further elaborated that the exclusion database is system that venues log into to enter data of a new excluded person or view photos of individuals who are excluded.<sup>169</sup>

### Committee comment

- 10.57. The Committee is concerned that the establishment of a rigorous and effective self-exclusion scheme has not progressed, and that issues of facial recognition remain.

#### **Recommendation 18**

The Committee recommends the ACT Government make a tangible investment and improvement to the current self-exclusion scheme.

#### **Recommendation 19**

The Committee recommends that the ACT Government urgently explore the implementation of the use of facial recognition technology in community clubs with effectiveness and human rights implications at the forefront.

### Poker machine bet limits at the Casino

- 10.58. The Minister for Gaming informed the Committee that Casino Canberra continue to advocate for poker machines at their venue and would like an increase to the \$2 bet limit, stating that they do not believe it possible to obtain electronic gaming machines with \$2 limits.<sup>170</sup>
- 10.59. The Committee heard from the Minister that the Government has not taken any decision regarding this.<sup>171</sup>

### Committee Comment

- 10.60. The Committee considers that increasing bet limits above \$2 could increase the risk of gambling harm and seeks assurance from the Government that this limit will not be increased.

#### **Recommendation 20**

The Committee recommends that the ACT Government not approve an increase in poker machine bet limits above \$2 for the Canberra Casino.

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<sup>168</sup> Mr Shane Rattenbury MLA, Attorney-General, *Committee Hansard*, 17 November 2023, p 105.

<sup>169</sup> Ms Yu-Lan Chan, Chief Executive Officer, Gambling and Racing Commission, *Committee Hansard*, 17 November 2023, p 105.

<sup>170</sup> Mr Shane Rattenbury MLA, Attorney-General, *Committee Hansard*, 17 November 2023, p 114.

<sup>171</sup> Mr Shane Rattenbury MLA, Attorney-General, *Committee Hansard*, 17 November 2023, p 114.

## Electronic gaming machine compliance

- 10.61. Mr Guiseppe Mangeruca, Executive Branch Manager of the Fair Trading and Compliance Branch at Access Canberra advised the Committee that for 2022-23, there were 139 intricate reviews of electronic gaming machines as part of a more targeted compliance program. The Commission identified three breaches of the legislation during the reporting period.<sup>172</sup>
- 10.62. In response to a question regarding the possibility of increasing compliance checks, Mr Mangeruca advised the Committee that there could be room for a more comprehensive compliance program in the future.<sup>173</sup>

### Committee comment

- 10.63. The Committee notes that there are 3587 electronic gaming machines in operation in the ACT and is concerned that the number of compliance checks is a very small percentage of the total number of machines.<sup>174</sup>
- 10.64. The Committee is of the belief that increasing the number of checks would be of benefit to the community, noting that in previous years, significantly more breaches were found.

### Recommendation 21

The Committee recommends that the ACT Government increase its compliance program with a focus on electronic gaming machines and a goal to check 10% of the ACT's machines each year.

## Minister for Human Rights

### Administrative arrangements

- 10.65. The following matters are assigned to the Minister for Human Rights and the Justice and Community Safety Directorate:
- Aboriginal and Torres Strait Islander Children and Young People Commissioner;
  - ACT Human Rights Commission;
  - human rights and anti-discrimination policy;
  - policy relating to births, deaths, parentage, marriages, civil unions, domestic relationships, voluntary assisted dying/end of life;
  - Victims of Crime Commissioner; and

<sup>172</sup> Mr Guiseppe Mangeruca, Executive Branch Manager, Fair Trading and Compliance Branch, Access Canberra, *Committee Hansard*, 17 November 2023, p 109–110; ACT Gambling and Racing Commission, Annual Report 2022-23, pp 28-29.

<sup>173</sup> Mr Guiseppe Mangeruca, Executive Branch Manager, Fair Trading and Compliance Branch, Access Canberra, *Committee Hansard*, 17 November 2023, p 110.

<sup>174</sup> ACT Gambling and Racing Commission, [Gaming Machine Reform Package – trading scheme, information provided as at 1 February 2024](#), (accessed 14 March 2024).

- voluntary assisted dying.<sup>175</sup>

## Matters considered

10.66. During the Minister for Human Rights' appearance before the Committee on 21 November 2023 the following matters were considered:

- Voluntary Assisted Dying Bill 2023;<sup>176</sup>
- right to a healthy environment and right to remedy;<sup>177</sup> and
- Child Safe Standards legislation.<sup>178</sup>

## Minister for Police and Emergency Services

### Administrative arrangements

10.67. The following matters are allocated to the Minister for Police and Emergency Services and Justice and Community Safety Directorate:

- bushfire and other natural disaster resilience and response;
- emergency management (including overall coordination of hazard and risk assessment, and overall coordination of the prevention of, preparedness for, response to and recovery from emergencies); and
- Emergency Services Agency (ACT Fire and Rescue, ACT Ambulance Service, State Emergency Service, Rural Fire Service).<sup>179</sup>

### Matters considered

10.68. During the Minister for Police and Emergency Services appearance before the Committee on 23 November 2023 the following Emergency Services matters were considered:

- 2023–24 Bushfire Operational Plan;<sup>180</sup>
- emergency plans that did not meet targets in 2022–23;<sup>181</sup>
- fuel reduction burns and bushfire preparedness targets;<sup>182</sup>
- refurbishment of the Joint Emergency Services Centre in Gungahlin;<sup>183</sup>
- Gungahler Grasslands Nature Reserve and interaction of Rural Fire Service with park rangers for bushfire preparedness;<sup>184</sup>

<sup>175</sup> ACT Government, *Administrative Arrangements 2022 (No 2)*, <https://legislation.act.gov.au/ni/2022-697/>

<sup>176</sup> *Committee Hansard*, 21 November 2023, pp 124–126, p 129.

<sup>177</sup> *Committee Hansard*, 21 November 2023, pp 126–129.

<sup>178</sup> *Committee Hansard*, 21 November 2023, p 129.

<sup>179</sup> ACT Government, *Administrative Arrangements 2022 (No 2)*, <https://legislation.act.gov.au/ni/2022-697/>

<sup>180</sup> *Committee Hansard*, 23 November 2023, p 185.

<sup>181</sup> *Committee Hansard*, 23 November 2023, p 186–187.

<sup>182</sup> *Committee Hansard*, 23 November 2023, pp 187–188.

<sup>183</sup> *Committee Hansard*, 23 November 2023, pp 188–189.

<sup>184</sup> *Committee Hansard*, 23 November 2023, pp 189–191.

- Walker review of Emergency Services Agency (ESA) management;<sup>185</sup>
- outstanding repairs from 2020–21 storm damage to bushfire trails;<sup>186</sup>
- proposed emergency services station in Casey;<sup>187</sup>
- incident response times;<sup>188</sup>
- availability of fast water rescue team;<sup>189</sup>
- gender pay gap;<sup>190</sup>
- recruitment of women into Fire and Rescue;<sup>191</sup>
- functions legislated for police to carry out that could instead be provided by the ESA or another service;<sup>192</sup>
- progress on the Molonglo Fire Station;<sup>193</sup> and
- progress of construction of the Acton Fire Station.<sup>194</sup>

## Special Minister of State

### Administrative arrangements

10.69. The following matters are assigned to the Special Minister of State and the Justice and Community Safety Directorate:

- electoral policy; and
- racing policy.<sup>195</sup>

### Matters considered

10.70. During the Special Minister of State’s appearance before the Committee on 24 November 2023 the following Electoral Policy and Racing Policy matters were considered:

- future of racing in the ACT;<sup>196</sup>
- enforcement of regulation restricting the number of electoral roadside advertising signs;<sup>197</sup>

<sup>185</sup> *Committee Hansard*, 23 November 2023, pp 191–192.

<sup>186</sup> *Committee Hansard*, 23 November 2023, pp 192–194.

<sup>187</sup> *Committee Hansard*, 23 November 2023, pp 194–195.

<sup>188</sup> *Committee Hansard*, 23 November 2023, pp 195–196.

<sup>189</sup> *Committee Hansard*, 23 November 2023, p 196, pp 201–202.

<sup>190</sup> *Committee Hansard*, 23 November 2023, pp 196–197.

<sup>191</sup> *Committee Hansard*, 23 November 2023, pp 197–198.

<sup>192</sup> *Committee Hansard*, 23 November 2023, pp 198–199.

<sup>193</sup> *Committee Hansard*, 23 November 2023, pp 199–201.

<sup>194</sup> *Committee Hansard*, 23 November 2023, p 201.

<sup>195</sup> ACT Government, *Administrative Arrangements 2022 (No 2)*, <https://legislation.act.gov.au/ni/2022-697/>

<sup>196</sup> *Committee Hansard*, 24 November 2023, pp 203–204.

<sup>197</sup> *Committee Hansard*, 24 November 2023, pp 204–205.

- animal welfare standards in racing;<sup>198</sup>
- planning for expiry of the Memorandum of Understanding between the racing industry and the ACT Government;<sup>199</sup>
- Overseas Electronic Voting System;<sup>200</sup>
- Electronic Voting and Counting System;<sup>201</sup>
- draft service delivery plan for the 2024 ACT election;<sup>202</sup>
- representation of the Territory in the federal Senate;<sup>203</sup> and
- representation of the Territory in the federal House of Representatives.<sup>204</sup>

## Sentence Administration Board

10.71. The primary objective of the Sentence Administration Board is to ensure as far as practicable that sentences imposed by courts are given effect and that offenders re-integrate and rehabilitate successfully. Most of the Boards work involves exercising s ‘supervisory powers’ under the Act in relation to:

- granting or refusing parole;
- inquiring into breaches of parole and breaches of Intensive Corrections Orders (ICOs);
- granting or refusing re-instatement of a cancelled ICO;
- recommendations to the Executive in relation to applications for release on licence;
- management hearings into parolee progress and compliance in the community;
- overseas travel requests by those on parole or subject to an ICO; and
- conducting victims’ hearings.

## Matters considered

10.72. During the Sentence Administration Board’s appearance before the Committee on 14 November 2023 the following matters were considered:

- reporting breaches of bail;<sup>205</sup>
- tours of the Alexander Maconochie Centre.<sup>206</sup>

<sup>198</sup> *Committee Hansard*, 24 November 2023, pp 205–206.

<sup>199</sup> *Committee Hansard*, 24 November 2023, pp 206–207.

<sup>200</sup> *Committee Hansard*, 24 November 2023, pp 207–208, p 210.

<sup>201</sup> *Committee Hansard*, 24 November 2023, pp 208–209.

<sup>202</sup> *Committee Hansard*, 24 November 2023, pp 209–210.

<sup>203</sup> *Committee Hansard*, 24 November 2023, pp 210–212.

<sup>204</sup> *Committee Hansard*, 24 November 2023, pp 212–213.

<sup>205</sup> *Committee Hansard*, 14 November 2023, p 36.

<sup>206</sup> *Committee Hansard*, 14 November 2023, p 40.

## 11. Legal Aid ACT

- 11.1. The Legal Aid Commission (ACT) is an independent statutory authority with the purpose of providing access to justice for vulnerable and disadvantaged Australians through a range of legal aid services.<sup>207</sup>

### Matters considered

- 11.2. During Legal Aid ACT's appearance before the Committee on 22 November 2023 the following matters were considered:
- impending expiry of the National Legal Assistance Partnership;<sup>208</sup>
  - Colleges program and legal education sessions;<sup>209</sup>
  - accommodation arrangements for Legal Aid ACT;<sup>210</sup>
  - case study on domestic violence;<sup>211</sup>
  - Board of Inquiry into the Criminal Justice System (the Sofronoff inquiry);<sup>212</sup>
  - Tenancy Advice Service;<sup>213</sup>
  - engagement of barristers for cases;<sup>214</sup> and
  - changes in administration of the criminal justice system since the Board of Inquiry.<sup>215</sup>

### Key Issues

#### Legal Aid funding

- 11.3. Legal Aid ACT receives funding from the ACT Government as well as from the Commonwealth Government under the National Legal Assistance Partnership.<sup>216</sup>
- 11.4. The National Legal Assistance Partnership 2020-2025 is a national partnership between the Australian Government and all states and territories for Australian Government funded legal assistance including funding for services delivered by Legal Aid ACT.<sup>217</sup>
- 11.5. The Committee heard that a review of the National Legal Assistance Partnership was underway, and covered several major issues: 'everything from wage parity across the sector through to scale of fees for private practitioners, through to the allocation of

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<sup>207</sup> Legal Aid ACT, *Annual Report 2022–23*, September 2023, p 12.

<sup>208</sup> *Committee Hansard*, 22 November 2023, pp 157–158.

<sup>209</sup> *Committee Hansard*, 22 November 2023, pp 158–159.

<sup>210</sup> *Committee Hansard*, 22 November 2023, pp 159–160.

<sup>211</sup> *Committee Hansard*, 22 November 2023, p 161.

<sup>212</sup> *Committee Hansard*, 22 November 2023, pp 161–163.

<sup>213</sup> *Committee Hansard*, 22 November 2023, pp 163–164.

<sup>214</sup> *Committee Hansard*, 22 November 2023, p 164.

<sup>215</sup> *Committee Hansard*, 22 November 2023, p 164.

<sup>216</sup> Legal Aid ACT, *Annual Report 2022–23*, September 2023, p 50.

<sup>217</sup> Australian Government, Attorney-General's Department, *National Legal Partnership 2020-25*, [National Legal Assistance Partnership 2020-25 | Attorney-General's Department \(ag.gov.au\)](https://www.ag.gov.au/national-legal-partnership-2020-25), (accessed 6 March 2024)

resources through the Legal Aid CLCs [Community Legal Centres] and Aboriginal organisations.’<sup>218</sup> On 6 March 2024, it was announced that the report of the independent review had been received by the Australian government and would be now considered by Commonwealth and state and territory governments.<sup>219</sup>

11.6. Dr John Boersig, Chief Executive Officer of Legal Aid ACT, described the agreement as ‘very cumbersome’, requiring funds to be signed off by each state and territory jurisdiction before disbursement, and noted that this arrangement was also under review.<sup>220</sup> Dr Boersig said that the review posed a ‘funding cliff’ and a ‘significant issue’ because around 35 percent of Legal Aid ACT’s budget was at risk at the end of the funding period.<sup>221</sup>

11.7. Dr Boersig said the question of whether the ACT Government would fill any funding gap left by the Commonwealth potentially not continuing its payments was ‘a significant question’ and that funding from federal and territory sources should be used for their respective areas of law:

Ultimately, the issues revolve around the use of Commonwealth funds and territory funds for respective areas of law—that is, commonwealth areas of law or territory areas of law. There is some blending of that funding now around family violence and information, referral and so forth, but essentially the commonwealth will fund commonwealth law matters—family law, employment, consumer protection, and those kinds of areas—whereas the territory funds care and protection, crime, and other sorts of civil works. There will be real questions around that and questions probably for the Law Society as well, in terms of their statutory interests to funding.<sup>222</sup>

11.8. Dr Boersig described the consequences for Legal Aid ACT’s funding as being significant, being a ‘funding cliff’ with 35 percent of their budget at risk.<sup>223</sup>

### Committee comment

11.9. The Committee is of the view that Legal Aid ACT performs an essential and valuable service to the people of the ACT, and that it needs to be properly resourced to support its clients appropriately.

### Recommendation 22

The Committee recommends that the ACT Government advocate the needs of Legal Aid ACT when considering the recommendations of the independent review of the National Legal Assistance Partnership.

<sup>218</sup> Dr John Boersig, Chief Executive Officer, Legal Aid ACT, *Committee Hansard*, 22 November 2023, p 157.

<sup>219</sup> The Hon Mark Dreyfus KC MP, Attorney-General, Independent Review of the National Legal Assistance Partnership, *Media Release*, 6 March 2024.

<sup>220</sup> Dr John Boersig, Chief Executive Officer, Legal Aid ACT, *Committee Hansard*, 22 November 2023, p 157.

<sup>221</sup> Dr John Boersig, Chief Executive Officer, Legal Aid ACT, *Committee Hansard*, 22 November 2023, p 158.

<sup>222</sup> Dr John Boersig, Chief Executive Officer, Legal Aid ACT, *Committee Hansard*, 22 November 2023, p 158.

<sup>223</sup> Dr John Boersig, Chief Executive Officer, Legal Aid ACT, *Committee Hansard*, 22 November 2023, p 158.

## 12. Office of the Director of Public Prosecutions

12.1. The Office of the Director of Public Prosecutions was established to ‘institute, conduct and supervise prosecutions and related proceedings’. The Office works closely with courts, the legal profession, police, victims’ representatives and other government agencies, but is an independent prosecution authority.<sup>224</sup>

### Matters considered

12.2. During the Acting Director of Public Prosecutions’ appearance before the Committee on 22 November 2023 the following matters were considered:

- consequences of the Board of Inquiry into the Criminal Justice System;<sup>225</sup>
- recruitment for a Director of Public Prosecutions;<sup>226</sup>
- relationship between the Office of the Director of Public Prosecutions and the Australian Federal Police;<sup>227</sup>
- average cost Key Performance Indicator;<sup>228</sup>
- funding for the Office of the Director of Public Prosecutions;<sup>229</sup>
- Sexual Assault Prevention and Response Program;<sup>230</sup>
- new offence of juror misconduct;<sup>231</sup>
- WorkSafe prosecutions;<sup>232</sup>
- Drug and Alcohol Sentencing List;<sup>233</sup> and
- increase in charges of sexual assault.<sup>234</sup>

### Key Issues

#### Average costs per case

12.3. The Office of the Director of Public Prosecutions used a key performance indicator target cost per case for 2022-23 of \$3000. However the actual average cost per matter finalised was \$3,787, a variance of 33 percent. The Annual Report explains the difference is mainly due to higher employee costs due to backfilling of staff on leave, overtime and termination payments, higher legal and witness costs.<sup>235</sup>

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<sup>224</sup> Director of Public Prosecutions, *Annual Reports 2022–23*, p 33.

<sup>225</sup> *Committee Hansard*, 22 November 2023, p 131.

<sup>226</sup> *Committee Hansard*, 22 November 2023, pp 131–132.

<sup>227</sup> *Committee Hansard*, 22 November 2023, pp 132–133.

<sup>228</sup> *Committee Hansard*, 22 November 2023, pp 133–134.

<sup>229</sup> *Committee Hansard*, 22 November 2023, p 134.

<sup>230</sup> *Committee Hansard*, 22 November 2023, pp 134–135.

<sup>231</sup> *Committee Hansard*, 22 November 2023, pp 135–136.

<sup>232</sup> *Committee Hansard*, 22 November 2023, p 136.

<sup>233</sup> *Committee Hansard*, 22 November 2023, pp 136–137.

<sup>234</sup> *Committee Hansard*, 22 November 2023, pp 137–138.

<sup>235</sup> Director of Public Prosecutions, *Annual Reports 2022–23*, p 111.



- 12.4. At the public hearing, the Acting Director of Public Prosecutions told the Committee that an increase of over 100 percent in the number of days spent in the Supreme Court was the main cause of an increase of nearly \$1,000 in the average cost per matter addressed by the Office. The Committee heard that the increase in trial load led directly to an increase in expenses such as engagement of expert witnesses and reimbursement of interstate witnesses for travel and accommodation.<sup>236</sup>
- 12.5. The Acting Director advised the Committee that the increased trial load was consistent with a general trend in the number of matters dealt with by the criminal justice system, likely reflecting the ‘rapidly expanding’ population of the ACT.<sup>237</sup>
- 12.6. The Acting Director described the current key performance indicator of \$3,000 was calculated by dividing the total cost expended on matters by the total number of matters dealt with by the office in the reporting period.<sup>238</sup>

#### Committee comment

- 12.7. The Committee considers that the Office of the Director of Public Prosecutions’ ‘average cost per matter’ key Performance Indicator is set too low, and needs to be revised to take into account changes in the number of matters and numbers of days likely to be spent in court.

#### **Recommendation 23**

The Committee recommends that the Director of Public Prosecutions revise its organisational Key Performance Indicator of an average cost per matter in light of failing to meet this target for two consecutive years.

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<sup>236</sup> Mr Anthony Williamson, Acting Director of Public Prosecutions, *Committee Hansard*, 22 November 2023, pp 133–134.

<sup>237</sup> Mr Anthony Williamson, Acting Director of Public Prosecutions, *Committee Hansard*, 22 November 2023, p 134.

<sup>238</sup> Mr Anthony Williamson, Acting Director of Public Prosecutions, *Committee Hansard*, 22 November 2023, p 134.

## 13. Office of the Public Trustee and Guardian

13.1. The Public Trustee and Guardian performs guardianship and financial management services when appointed by the ACT Civil and Administrative Tribunal (ACAT), acts for clients as power of attorney, supports private managers appointed by ACAT and examines accounts, and provides estate planning services. As the statutory public trustee, the Office delivers estate management services, investment services, and performs the role of Trustee for several entities.<sup>239</sup>

### Matters considered

13.2. During the Public Trustee and Guardian's appearance before the Committee on 17 November 2023 the following matters were considered:

- time taken to settle an estate;<sup>240</sup>
- fees taken from estates;<sup>241</sup>
- employment culture and morale at the Office of the Public Trustee and Guardian;<sup>242</sup>
- GreaterGood charitable fund;<sup>243</sup>
- examination of accounts;<sup>244</sup>
- revised technology strategy;<sup>245</sup> and
- implementation of recommendations of Auditor-General's Report 3/2023—*Financial management services for protected persons*.<sup>246</sup>

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<sup>239</sup> Public Trustee and Guardian, *Annual Report 2022–23*, p 12.

<sup>240</sup> *Committee Hansard*, 17 November 2023, pp 71–72.

<sup>241</sup> *Committee Hansard*, 17 November 2023, p 72.

<sup>242</sup> *Committee Hansard*, 17 November 2023, pp 72–74.

<sup>243</sup> *Committee Hansard*, 17 November 2023, pp 74–75.

<sup>244</sup> *Committee Hansard*, 17 November 2023, pp 75–76.

<sup>245</sup> *Committee Hansard*, 17 November 2023, pp 76–77.

<sup>246</sup> *Committee Hansard*, 17 November 2023, p 77.

## 14. Official Visitor Scheme

14.1. Official Visitors are independent statutory officeholders. ACT Official Visitors cover the following five jurisdictions:

- Children and Young People (under the Children and Young People Act 2008);
- Corrections (under the Corrections Management Act 2007);
- Disability (under the Disability Services Act 1991);
- Housing and Homelessness (under the Housing Assistance Act 2007); and
- Mental Health (under the Mental Health Act 2015).<sup>247</sup>

14.2. Official Visitors meet with and talk to entitled people to hear concerns and resolve complaints. They prepare reports to the responsible Ministers about any systemic issues or concerns, and also prepare summary reports for the Minister with overall responsibility for the Official Visitor Scheme.<sup>248</sup>

### Matters considered

14.3. During the Official Visitor's appearance before the Committee on 17 November 2023 the following matters were considered:

- complaints received relating to response to a suicide attempt;<sup>249</sup>
- Justice Health and healthcare provision within the Alexander Maconochie Centre (AMC);<sup>250</sup>
- reviews of deaths of people with disability in supported accommodation;<sup>251</sup>
- increase in complaints about the corrections system;<sup>252</sup>
- impact of the Incentives and Earned Privileges program on frequency of lock-ins for women detainees;<sup>253</sup>
- complaint about availability of certain food items;<sup>254</sup>
- complaints relating to sexual coercion or violence;<sup>255</sup>
- common issues arising in the disability sector;<sup>256</sup>
- housing quality;<sup>257</sup> and

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<sup>247</sup> ACT Official Visitors, Annual Report 2022–23, p 2.

<sup>248</sup> ACT Official Visitors, Annual Report 2022–23, p 2.

<sup>249</sup> *Committee Hansard*, 17 November 2023, p 78.

<sup>250</sup> *Committee Hansard*, 17 November 2023, p 78.

<sup>251</sup> *Committee Hansard*, 17 November 2023, pp 78–79.

<sup>252</sup> *Committee Hansard*, 17 November 2023, pp 79–80.

<sup>253</sup> *Committee Hansard*, 17 November 2023, p 80.

<sup>254</sup> *Committee Hansard*, 17 November 2023, pp 80–81.

<sup>255</sup> *Committee Hansard*, 17 November 2023, p 81.

<sup>256</sup> *Committee Hansard*, 17 November 2023, p 81.

<sup>257</sup> *Committee Hansard*, 17 November 2023, pp 81–82

- priorities for the coming year.<sup>258</sup>

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<sup>258</sup> *Committee Hansard*, 17 November 2023, pp 82–83.

## 15. Judicial Council

- 15.1. The ACT Judicial Council consists of the Chief Justice of the ACT Supreme Court, the Chief Magistrate of the ACT Magistrates Court, an appointed legal practitioner, and an appointed member of the community. It is supported by a Principal Officer. The Council may consider complaints about the behaviour or mental or physical capacity of a judge of the ACT Supreme Court or of a magistrate of the ACT Magistrates Court.<sup>259</sup>

### Matters considered

- 15.2. During the Principal Officer of the Judicial Council's appearance before the Committee on 13 November 2023 the following matter was considered:
- complaints received by the Judicial Council.<sup>260</sup>

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<sup>259</sup> ACT Judicial Council, *Annual Report 2022–23*, p 2.

<sup>260</sup> *Committee Hansard*, 13 November 2023, p 6.

## 16. Solicitor-General

- 16.1. The ACT Government Solicitor is established as a body corporate to act as legal practitioner for the Territory, its Ministers, and agencies. As well as delivering these legal services, the Solicitor-General acts as counsel for the Territory, the Crown in right of the Territory and any other Territory entity, and performs any other functions as directed by the Attorney-General.<sup>261</sup>

### Matters considered

- 16.2. During the Solicitor-General's appearance before the Committee on 21 November 2023 the following matters were considered:
- legal proceedings against the Board of Inquiry into the Criminal Justice System and the Territory;<sup>262</sup>
  - criteria for public release of ACT Government Solicitor advice;<sup>263</sup>
  - *Calvary Health Care v ACT*;<sup>264</sup>
  - number of cases defended by the ACT Government Solicitor in 2022–23;<sup>265</sup> and
  - external legal advice.<sup>266</sup>

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<sup>261</sup> Justice and Community Safety Directorate, *Annual Report 2022–23*, p 44.

<sup>262</sup> *Committee Hansard*, 21 November 2023, pp 117–118.

<sup>263</sup> *Committee Hansard*, 21 November 2023, pp 118–120.

<sup>264</sup> *Committee Hansard*, 21 November 2023, pp 120–121.

<sup>265</sup> *Committee Hansard*, 21 November 2023, pp 122–123.

<sup>266</sup> *Committee Hansard*, 21 November 2023, p 123.

## 17. Conclusion

- 17.1. The Committee would like to thank the Ministers, statutory officers and directorate staff who participated in this inquiry.
- 17.2. The Committee makes 23 recommendations.

Peter Cain MLA  
Chair, Standing Committee on Justice and Community Safety  
April 2024

# Appendix A: Witnesses

Monday, 13 November 2023

ACT Ombudsman

Inspector of the Integrity Commission

ACT Judicial Council

- **Iain Anderson**, ACT Ombudsman, Inspector of ACT Integrity Commission, and Principal Officer of the ACT Judicial Council
- **Penny McKay**, Deputy ACT Ombudsman
- **David Fintan**, Senior Assistant Ombudsman, Defence, Investigations, ACT and Legal Branch
- **Georgia Ramsay**, Director ACT Strategy and Inspector, Defence Investigations, ACT and Legal Branch

ACT Integrity Commission

- **The Hon Michael Adams KC**, Commissioner, ACT Integrity Commission
- **Judy Lind**, Chief Executive Officer, ACT Integrity Commission

Tuesday, 14 November 2023

Minister for Corrections

- **Mick Gentleman MLA**, Minister for Corrections
- **Richard Glen**, Director-General, Justice and Community Safety Directorate
- **Ray Johnson**, Acting Deputy Director-General, Community Safety, Justice and Community Safety Directorate
- **Jennifer McNeill**, Deputy Director-General, Justice, Justice and Community Safety Directorate
- **Bruno Aloisi**, Acting Commissioner, ACT Corrective Services, Justice and Community Safety Directorate
- **Narelle Pamplin**, Assistant Commissioner, Offender Reintegration, ACT Corrective Services, Justice and Community Safety Directorate
- **Jason Russell**, Assistant Commissioner, Custodial Operations, ACT Corrective Services, Justice and Community Safety Directorate



## Attorney-General

### Sentence Administration Board

#### CEO of the Coroner's Court

- **Shane Rattenbury MLA**, Attorney-General
- **Richard Glenn**, Director-General, Justice and Community Safety Directorate
- **Jennifer McNeill**, Deputy Director-General, Justice and Community Safety Directorate
- **Kelly Williams**, Executive Group Manager, Legislation, Policy and Programs Division, Justice and Community Safety Directorate
- **Zoe Hutchinson**, Executive Branch Manager, Justice Reform Branch, Legislation, Policy and Programs Division, Justice and Community Safety Directorate
- **Bianca Kimber**, Parliamentary Counsel, Parliamentary Counsel's Office, Justice and Community Safety Directorate
- **Richard Dening**, Senior Director, Restorative Justice Unit, Legislation, Policy and Programs Division, Justice and Community Safety Directorate
- **Amanda Nuttall**, Principal Registrar & CEO, ACT Courts, and Tribunal
- **Peter Garrisson, AM SC**, Solicitor-General for the ACT and ACT Government Solicitor
- **Anthony Williamson**, Acting Director of Public Prosecutions, Office of the Director of Public Prosecutions
- **Dominic Mulligan**, Chair, Sentence Administration Board

## Friday, 17 November 2023

### Public Trustee and Guardian

- **Aaron Hughes**, Public Trustee and Guardian
- **Callum Hughes**, Senior Director, Finance Unit

### ACT Official Visitors

- **Stefan Dzwonnik**, Executive Officer
- **Peter Muir**, Chair of the Board
- **Vicki Quinn**, Aboriginal and Torres Strait Islander Official Visitor for Corrections

### ACT Human Rights Commission

- **Penelope Mathew**, President and Human Rights Commissioner
- **Jodie Griffiths-Cook**, Public Advocate and Children and Young People Commissioner
- **Karen Toohey**, Discrimination, Health Services, Disability and Community Services Commissioner
- **Heidi Yates**, Victims of Crime Commissioner

## Minister for Consumer Affairs

## Minister for Gaming

- **Shane Rattenbury MLA**, Minister for Consumer Affairs, Minister for Gaming
- **Richard Glenn**, Director-General, Justice and Community Safety Directorate
- **Daniel Ng**, Executive Branch Manager, Civil and Regulatory Law, Legislation, Policy and Programs, Justice and Community Safety Directorate
- **David Pryce**, Deputy Director-General, Access Canberra, and Registrar-General
- **Yu-Lan Chan**, Chief Executive Officer, Gambling and Racing Commission
- **Giuseppe Mangeruca**, Executive Branch Manager, Fair Trading and Compliance Branch, Access Canberra, Treasury and Economic Development Directorate

## Tuesday, 21 November 2023

### ACT Government Solicitor

- **Peter Garrisson SC AM**, Solicitor-General for the ACT and ACT Government Solicitor

### Minister for Human Rights

- **Tara Cheyne MLA**, Minister for Human Rights
- **Richard Glenn**, Director-General, Justice and Community Safety Directorate
- **Daniel Ng**, Executive Branch Manager, Civil Law, Legislation, Policy and Programs Division, Justice and Community Safety Directorate
- **Gabrielle McKinnon**, Senior Manager, Civil Law, Legislation, Policy and Programs Division, Justice and Community Safety Directorate

## Wednesday, 22 November 2023

### Office of the Director of Public Prosecutions

- **Anthony Williamson SC**, Acting Director of Public Prosecutions
- **Katie McCann**, Acting Chief Crown Prosecutor

### ACT Electoral Commission

- **Damian Cantwell AM CSC**, Electoral Commissioner
- **Rohan Spence**, Deputy Electoral Commissioner

### ACT Inspector of Correctional Services

- **Rebecca Minty**, Inspector of Correctional Services
- **Sean Costello**, Deputy Inspector of Correctional Services

## Legal Aid ACT

- **Dr John Boersig**, Chief Executive Officer
- **Brett Monger**, Chief Financial Officer

## Thursday, 23 November 2023

### Minister for Police and Emergency Services (Policing)

- **Mick Gentleman MLA**, Minister for Police and Emergency Services
- **Richard Glenn**, Director-General Justice and Community Safety Directorate
- **Deputy Commissioner Neil Gaughan**, Chief Police Officer for the ACT, ACT Policing
- **Assistant Commissioner Doug Boudry**, Deputy Chief Police Officer for the ACT, ACT Policing
- **Peter Whowell**, Executive General Manager, ACT Policing

### Minister for Police and Emergency Services (Emergency services)

- **Mick Gentleman MLA**, Minister for Police and Emergency Services
- **Richard Glenn**, Director-General, Justice and Community Safety Directorate
- **Ray Johnson**, Acting Deputy Director-General, Community Safety, Justice and Community Safety Directorate
- **Danielle Krajina**, Chief Operating Officer, Justice and Community Safety Directorate
- **Wayne Phillips**, Acting Commissioner, ACT Emergency Services, Justice and Community Safety Directorate
- **Rohan Scott**, Chief Officer, ACT Rural Fire Service, Justice and Community Safety Directorate
- **Matt Shonk**, Acting Chief Officer, ACT Fire & Rescue Corporate, Justice and Community Safety Directorate

## Friday, 24 November 2023

### Special Minister of State

- **Chris Steel MLA**, Special Minister of State
- **Richard Glenn**, Director-General, Justice and Community Safety Directorate
- **Daniel Ng**, Executive Branch Manager, Civil Law, Legislation, Policy and Programs Division, Justice and Community Safety Directorate

## Appendix B: Questions on Notice and Questions Taken on Notice

### Questions on Notice

No.	Date	Asked of	Subject	Response received
1	14/11/23	Attorney-General	JACS Directorate and procurement	01/12/23
2	14/11/23	Attorney-General	Attorney-General and Director of Public Prosecutions	27/11/23
3	20/11/23	Minister for Planning and Land Management	Overtime payments for ESA personal	11/12/23
4	20/11/23	Minister for Police and Emergency Services	Bushfire preparedness	07/12/23
5	20/11/23	Minister for Police and Emergency Services	Bushfire preparedness	06/12/23
6	20/11/23	Minister for Police and Emergency Services	Bushfire preparedness	11/12/23
7	21/11/23	Minister for Corrections	Pilot program implementation- organisational and wellbeing program ACTCS employees	29/11/23
8	21/11/23	Minister for Corrections	Corrections and dog usage at the AMC	29/11/23
9	21/11/23	Minister for Corrections	Detainee classification	29/11/23
10	21/11/23	Minister for Corrections	Detainee allowance and payments	29/11/23
11	21/11/23	Minister for Corrections	Employee services at the AMC	01/12/23
12	21/11/23	Minister for Corrections	Transitional Release Centre and work release	01/12/23
13	23/11/23	Minister for Planning and Land Management	Bushfire preparedness	06/12/23
14	24/11/23	Minister for Police and Emergency Services	Rural fire services	06/11/23
15	24/11/23	Minister for Planning and Land Management	Prescribed burning in ACT forests	06/11/23
16	24/11/23	Human Rights Commission	Human Rights Commission – Pro-Palestine protests	30/11/23
17	24/11/23	Elections ACT	EVACS verifications of vote recording systems	14/12/23
18	24/11/23	Inspector of Correctional Services	UN Subcommittee for the Prevention of Torture	30/11/23
19	29/11/23	Legal Aid	Grant applications	12/12/23

20	29/11/23	Legal Aid	Duty lawyer and representation services for care and protection matters	12/12/23
21	29/11/23	Inspector of Correctional Services	Parliamentary privilege for Inspector reports	30/11/23

## Questions Taken on Notice

No.	Date	Asked of	Subject	Response received
1	14/11/2023	Minister for Corrections	Incentive and Earned Privileges (IEP) Policy AMC	27/11/23
2	14/11/2023	Minister for Corrections	OICS NPM visit report	29/11/23
3	14/11/2023	Minister for Corrections	smoke free policy AMC breaches	23/11/23
4	14/11/2023	Attorney-General	sentencing data analysis	27/11/23
5	14/11/2023	Attorney-General	data Provided in QON1392 and ROGS	27/11/23
6	14/11/2023	Attorney-General	ACT Criminal Justice Statistical Profile	27/11/23
7	14/11/2023	Attorney-General	advice from any other agency or directorate	23/11/23
8	14/11/2023	Attorney-General	date of legal advice request	23/11/23
9	14/11/2023	Attorney-General	ACT Policing report information	23/11/23
10	13/11/2023	ACT Ombudsman	Conflict of Interest (COI) investigation (R21-0065)	23/11/23
11	13/11/2023	ACT Ombudsman	impact of R21-0086 Investigation	23/11/23
12	13/11/2023	ACT Ombudsman	MLAs and the Reportable Conduct Scheme	23/11/23
13	13/11/2023	ACT Integrity Commission	date of receipt of the corruption report for R21-0065 (Operation Athena)	23/11/23
14	13/11/2023	ACT Integrity Commission	was complainant written back to following the R21-0065 report	23/11/23
15	17/11/2023	Public Trustee and Guardian	estate settlement length	27/11/23
16	17/11/2023	Public Trustee and Guardian	staff turnover	27/11/23
17	17/11/2023	Public Trustee and Guardian	account examinations	27/11/23
18	17/11/2023	Public Trustee and Guardian	Auditor-General report	27/11/23

19	17/11/2023	ACT Official Visitors	Annual Report p11 suicide attempt incident	28/11/23
20	17/11/2023	ACT Official Visitors	healthcare provision in AMC	28/11/23
21	17/11/2023	ACT Official Visitors	corrections complaints	28/11/23
22	17/11/2023	ACT Official Visitors	complaints about sexual coercion or violence	28/11/23
23	17/11/2023	ACT Official Visitors	general themes of disability complaints	28/11/23
24	17/11/2023	ACT Official Visitors	housing quality issues	28/11/23
25	17/11/2023	Human Rights Commission	people declining treatment	27/11/23
26	17/11/2023	Minister for Consumer Affairs	response time- Public Service Standards Commissioner	28/11/23
27	17/11/2023	Minister for Consumer Affairs	conflict of interest issue	28/11/23
28	21/11/2023	Solicitor-General	Drumgold v Board of Inquiry junior counsel	13/12/23
29	21/11/2023	Solicitor-General	matters defended by the ACTGS in 2022-23	30/11/23
30	21/11/2023	Solicitor-General	legal firm most worked with	06/12/23
31	22/11/2023	Director of Public Prosecutions	drug and alcohol court	30/11/23
32	22/11/2023	Inspector of Correctional Services	Inspector of Correctional Services- last visit to AMC	27/11/23
33	22/11/2023	Legal Aid	ACT colleges project	30/11/23
34	23/11/2023	Minister for Police and Emergency Services	statistics on police attrition	06/12/23
35	23/11/2023	Minister for Police and Emergency Services	numbers of associates of OMCGs in the ACT	06/12/23
36	23/11/2023	Minister for Police and Emergency Services	police property upgrades and timelines	06/12/23
37	23/11/2023	Minister for Police and Emergency Services	strategic facilities plan	11/12/23
38	23/11/2023	Minister for Police and Emergency Services	guidelines for police when witnessing drug taking	06/12/23
39	23/11/2023	Minister for Police and Emergency Services	repeat offenders within the 29 drug offences	06/12/23
40	23/11/2023	Minister for Police and Emergency Services	bushfire readiness plans	06/12/23
41	23/11/2023	Minister for Police and Emergency Services	fuel reduction areas	01/12/23

42	23/11/2023	Minister for Police and Emergency Services	fuel reduction targets	01/12/23
43	23/11/2023	Minister for Police and Emergency Services	cattle grazing	01/12/23
44	23/11/2023	Minister for Police and Emergency Services	gender pay gap	06/12/23
45	23/11/2023	Minister for Police and Emergency Services	training facilities	01/12/23
46	24/11/2023	Special Minister of State	verifiable paper record	30/11/23
47	24/11/2023	Special Minister of State	overseas telephone voting	30/11/23
48	24/11/2023	Special Minister of State	government submissions on senate representation	30/11/23
49	24/11/2023	Special Minister of State	date of last federal engagement	29/11/23

## Appendix C: Gender distribution of witnesses

Beginning in April 2023, in response to an audit by the Commonwealth Parliamentary Association, Committees are collecting information on the gender of witnesses. The aim is to determine whether committee inquiries are meeting the needs, and allowing the participation of, a range of genders in the community. Participation is voluntary and there are no set responses.

<b>Gender indication</b>	<b>Total</b>
Female	14
Male	23
No data	15



# Appendix D: Dissenting report and Additional Comments – Mr Andrew Braddock, MLA

## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

### JUSTICE AND COMMUNITY SAFETY COMMITTEE INQUIRY INTO ANNUAL AND FINANCIAL REPORTS 2022-23

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## Dissenting Report and Additional Comments by Andrew Braddock

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### Dissenting Report Recommendation 15

The committee's majority report makes the following recommendation (Number 15) with respect to gaming policy:

*The Committee recommends that at the ACT Government does not commit to an ACT-wide central monitoring system before fully exploring cashless gaming options.*

I strongly dissent to this recommendation for three reasons.

**Firstly, it prejudices the committee's inquiry into cashless gaming**, and the recommendations that the committee may make with respect to that inquiry in the immediate future. The cashless gaming inquiry, which at time of writing has concluded its hearings and for which a report has begun to be drafted, explored questions regarding both cashless gaming and central monitoring systems in much more significant detail than occurred during the inquiry into the Annual and Financial Reports for 2022-23. As such, Dr Paterson and Mr Cain agreeing to make this recommendation must be viewed through a strategic political lens rather than one of policy and substance.

**Secondly, the recommendation is backwards.** The committee's report cites evidence from the Attorney-General. To give the full context, a more complete version of that evidence is shown here, with the component cited by the majority report in [blue](#) and my additional emphasis is in *italics*:

**DR PATERSON:** This committee, the JACS committee, is conducting an inquiry on cashless gaming at the moment. There have been calls from stakeholders in this sector that there are so many technological changes at the moment, and lots of different trials and things happening. Is it the appropriate time to be progressing a central monitoring system about limits, given the whole industry, and around poker machines, seems to be quite in flux at the moment?

**Mr Rattenbury:** What is important is that the government looks to do a couple of things. One is *to take an approach that does seek to futureproof any decision we make*. I think that your observation around technology change is correct. *We clearly need an effective harm*

*minimisation strategy*. I do not think we can delay on that. I am keen to see further harm minimisation measures put in place as quickly as possible.

Certainly, as we indicated in the response to a question on notice, out of annual reports, *a centralised monitoring system is seen as an underlying backbone to any measures we need to take*. As we have outlined previously, every other jurisdiction in Australia has a centralised monitoring system; that forms the basis on which you can create a jurisdiction-wide approach. *If you do not have a centralised monitoring system, the best advice I have is that if, for example, you went to cashless gaming - which your committee [is] considering - you would not be able to have a joined-up system. Somebody could have a cashless gaming account at one club and at another club, and those two would not talk to each other. That certainly opens up concerning questions about frictionless gaming, loss of a sense of perspective on how much money one has spent - those sorts of issues that I know you are very aware of, and we are trying to think about very carefully.*<sup>267</sup>

It is clear to me that the ACT Government should be extremely wary of implementing cashless gaming until it has fully explored the implementation of an ACT-wide central monitoring system (not the other way around). Without the backbone of a central monitoring system, cashless gaming would stand to exacerbate rather than minimise harm. It is only once other harm-minimisation tools are in place that cashless gaming ceases to be a threat and itself becomes a facilitator of harm-reduction. By contrast, central monitoring systems are already in place interstate and their non-impact on harm-exacerbation is well-understood, meaning that the government only needs to be satisfied that implementing such a system is a worthwhile and responsible use of resources.

**Thirdly, the recommendation is already dated.** At the time of hearings in November, the government's investigations were still ongoing and retained some uncertainty about their conclusions, but these have since materially progressed. The Justice and Community Safety Directorate has clearly advised the attorney general that the best way forward for the ACT is the implementation of a Central Monitoring System, which will facilitate the imposition of bet- and loss-limits, pre-commitment technology and self-exclusion systems on a jurisdiction-wide level. This is apparent in the decision to commence a market sounding on the technology.<sup>268</sup> The CMS technology has been comprehensively explored and all that remains is to test the Government's ability to implement it.

We are operating in an environment where any advice received from the gaming machine operators and gaming technology lobbyists needs to be interpreted with *extreme* caution. The companies and organisations working in this space have proven over the years to be disingenuous. The persuasive methods they employ to protect the profitability of their operations are so extremely refined and potent, that they have effectively captured the old parties, as is apparent from parroting their lines

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<sup>267</sup> Mr Shane Rattenbury MLA, Attorney-General, *Committee Hansard*, 17 November 2023, p 94.

<sup>268</sup> [https://www.cmtedd.act.gov.au/open\\_government/inform/act\\_government\\_media\\_releases/rattenbury/2024/government-tests-market-for-central-monitoring-system-to-reduce-gambling-harm](https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/rattenbury/2024/government-tests-market-for-central-monitoring-system-to-reduce-gambling-harm)

about the viability of clubs<sup>269</sup>, and echoing their advocacy for unregulated, privacy-invading facial recognition technology.<sup>270</sup>

The ongoing conflict of interest for Labor Party representatives must also be acknowledged and addressed. The Labor party remains the ultimate controller and beneficiary of poker machine assets at four of the ACT's licensed clubs. What impacts the profitability of the clubs in turn impacts their own interests. Of note the ACT Labor platform contains no general policy on clubs, gaming or gambling, other than a historic resolution about Canberra Casino.<sup>271</sup>

Until Labor representatives are prepared to come out and back the recommendations of harm-minimisation advocates, I am forced to continue to presume the Labor caucus is captive of the industry, making them complicit in any attempts to delay or redirect ACT Government harm minimisation policy efforts further away from what harm minimisation experts are advocating for.

### ***Additional comments Recommendation 19***

The committee's majority report makes the following recommendation (Number 19) with respect to gambling incident reports and self-exclusion:

*The Committee recommends that the ACT Government urgently explore the implementation of the use of facial recognition technology in community clubs with effectiveness and human rights implications at the forefront.*

As additional comments, I want it to be clear that this should include the exploration of existing implementations, and it should include their effectiveness for attracting and retaining patrons within the club. Facial recognition technology has significant human rights implications as it facilitates the surveillance of activity and behaviour. If implemented by bad actors on the basis of self-interest in a gambling setting, it is more likely to exacerbate than minimise harm.

Andrew Braddock MLA

Member for Yerrabi

April 2024

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<sup>269</sup> See Mr Cain's dissenting report on the Gaming Machine Amendment Bill 2023

[https://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0005/2334659/FINAL-with-Dissenting-report-Inquiry-into-Gaming-Machine-Amendment-Bill-2023-Redacted.pdf](https://www.parliament.act.gov.au/_data/assets/pdf_file/0005/2334659/FINAL-with-Dissenting-report-Inquiry-into-Gaming-Machine-Amendment-Bill-2023-Redacted.pdf) - Page 11

<sup>270</sup> See questions from Dr Paterson in *Committee Hansard (proof)*, 27 March 2024, pp 50-51

<sup>271</sup> See <https://www.actlabor.org.au/our-party/policy-platform/>