



Legislative Assembly for the Australian Capital Territory

Standing Committee on Justice and
Community Safety

Inquiry into Annual and Financial Reports 2020-21

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

Approved for publication

Report 6
10th Assembly
May 2022

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

Mr Peter Cain MLA, Chair

Dr Marisa Paterson MLA, Deputy Chair

Mr Andrew Braddock MLA

Secretariat

Ms Brianna Gill, Committee Secretary (until 18 February 2022)

Dr David Monk, Committee Secretary (from 18 February to 28 March 2022)

Ms Kathleen de Kleuver, Committee Secretary (from 28 March 2022)

Ms Miona Ikeda, Senior Research Officer

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About this inquiry

Clause 3A of the establishing resolution refers all calendar and financial year annual and financial reports for 2020-21 to the relevant standing committee for inquiry and report by 31 May 2022 of the year after the presentation of the report to the Assembly, pursuant to the *Annual Reports (Government Agencies) Act 2004*.

Contents

About the committee	i
Establishing resolution	i
Committee members	i
Secretariat	i
Contact us	ii
About this inquiry	iii
Acronyms	vi
Recommendations	vii
1. Introduction	1
Presentation of 2020-21 Annual and Financial Reports	1
Conduct of inquiry	1
Public hearings	2
Questions on Notice and Questions Taken on Notice at public hearings	2
2. Justice and Community Safety Directorate	3
Policy Advice and Justice Programs	3
Matters considered	3
Key Issues	5
Office of the Solicitor-General for the ACT	14
Matters considered	14
ACT Corrective Services	14
Matters considered	15
Key Issues	15
Courts and Tribunal	20
Emergency Services	20
Matters considered	21
3. Statutory office holders	22
ACT Gambling and Racing Commission	22
Matters considered	22
Key Issues	22
ACT Human Rights Commission	23
Matters considered	24
Key Issues	25
ACT Policing	26

Matters considered	26
Key Issues	27
Inspector of the ACT Integrity Commission	27
Matters considered	27
Legal Aid ACT	28
Matters considered	28
Key Issues	29
Office of the Director of Public Prosecutions	30
Matters considered	30
Office of the Inspector of Correctional Services	31
Matters considered	31
Key Issues	31
Office of the Public Trustee and Guardian	33
Matters considered	33
Sentence Administration Board	33
Matters considered	33
Key Issues	34
4. Officers of the Assembly	36
ACT Electoral Commission	36
Matters considered	36
Key Issues	36
ACT Integrity Commission	37
Matters considered	37
Key Issues	38
5. Conclusion	39
Appendix A: Witnesses	40
Day 1 – 21 February 2022	40
Day 2 – 22 February 2022	40
Day 3 – 23 February 2022	41
Day 4 – 16 March 2022	42
Appendix B: Questions on Notice and Questions Taken on Notice	43
Questions on Notice (QON)	43
Questions Taken on Notice (QTON)	44

Acronyms

Acronym	Long form
ABS	Australian Bureau of Statistics
ACAT	ACT Civil and Administrative Tribunal
ACCC	Australian Competition and Consumer Commission
ACT	Australian Capital Territory
ACTCS	ACT Corrective Services
ACTCT	ACT Courts and Tribunal
ACTSES	ACT State Emergency Service
AFP	Australian Federal Police
AMC	Alexander Maconochie Centre
ASO	Administrative Services Officer
Committee	Standing Committee on Justice and Community Safety
COVID-19	Coronavirus Disease 2019, caused by the novel coronavirus SARS-CoV-2
DPP	Director of Public Prosecutions
DSSF	Diversification and Sustainability Support Fund
ESA	Emergency Services Agency
FTE	Full Time Equivalent
HPR	2019 Healthy Prison Review
IEP	Incentives and Earned Privileges Policy
JACS	Justice and Community Safety Directorate
LVC	Lease variation charge
MLA	Member of the Legislative Assembly
OICS	Office of the Inspector of Correctional Services
OPCAT	Optional Protocol to the Convention Against Torture
PTG	Public Trustee and Guardian
QON	Question on Notice
QTON	Question Taken on Notice
TRC	Transitional Release Centre
TRP	Transitional Release Program
VET	Vocational Education and Training

Recommendations

Recommendation 1

The Committee recommends that the ACT Government consider revising the restorative justice legislation to support court referrals to the Restorative Justice Unit so that they can be made after the second mention.

Recommendation 2

The Committee recommends that the Justice and Community Safety Directorate take steps to better understand why matters are not proceeding to Restorative Justice conferences (for example, the offender declining or not being contactable) and analyse the impact on victims who are engaging with the Restorative Justice process.

Recommendation 3

The Committee recommends that the ACT Government look to accelerate the Disability Justice Strategy as a priority.

Recommendation 4

The Committee recommends that the ACT Government ensure that direct personal responses are promptly facilitated with respect to the national redress scheme for institutional child sexual abuse.

Recommendation 5

The Committee recommends that the ACT Government ensure that the ACT Government reporting framework can positively demonstrate the protection of human rights.

Recommendation 6

The Committee recommends that the ACT Government review the *Coroner's Act* and associated policy for information included in death certificates so as to not include traumatising information and suicidal means for those who have committed suicide.

Recommendation 7

The Committee recommends that the ACT Government undertake proactive communications to increase community understanding of cooperatives and how they can operate in the ACT.

Recommendation 8

The Committee recommends that the ACT Government look at further ways to educate, inform, and warn the community about scams that are occurring.

Recommendation 9

The Committee recommends that the ACT Government decrease study interval for gambling harm survey.

Recommendation 10

The Committee recommends that the ACT Government provide gambling harm and support services information in other languages to assist those communities that do not speak English.

Recommendation 11

The Committee recommends that the ACT Government outline a clear plan and timeframes to implement bet-limits on gambling machines in the ACT.

Recommendation 12

The Committee recommends that the ACT Government ACT Diversification and Sustainability Support Fund ensure grant funds are going to diversification as opposed to sustainability of club venues as an immediate priority.

Recommendation 13

The Committee recommends that the ACT Government consider a population level prevalence survey to understand the impacts and changes of gambling harm post-COVID-19 lockdowns.

Recommendation 14

The Committee recommends that the ACT Government develop and implement an action plan to substantially increase the number of detainees, especially women, in the Transitional Release Centre and to provide regular updates to the Assembly.

Recommendation 15

The Committee recommends that the ACT Government restart the reintegration centre project.

Recommendation 16

The Committee recommends that the ACT Corrective Services fully implement and report back to the Assembly on the Incentives and Earned Privileges (IEP) Policy.

Recommendation 17

The Committee recommends that the ACT Government ensure the ACT Corrective Services workforce culture values, considers, and upholds the human rights of detainees and supports their rehabilitation.

Recommendation 18

The Committee recommends that the ACT Government publish a plan to expand the facilities at the Hume Health Centre.

Recommendation 19

The Committee recommends that the ACT Government ensure that female remandees be accommodated separately from the general female prisoner population.

Recommendation 20

The Committee recommends that the ACT Gambling and Racing Commission provide assurances that ACT poker machine venues are operating machines that have been inspected to ensure correct player payouts.

Recommendation 21

The Committee recommends that the ACT Gambling and Racing Commission publicly provide detail to the self-exclusion data and present it in ACT Gambling and Racing Commission Annual

Reports, including numbers of self-exclusions, regions of self-exclusion, gender of self-excluded, average length of exclusion, and outline both casino and club data relating to numbers of self-exclusion breaches.

Recommendation 22

The Committee recommends that the ACT Government look to urgently resource the Public Advocate, with respect to FTE positions, to assist with processing the significant increase in involuntary mental health orders.

Recommendation 23

The Committee recommends that the ACT Government continue to adequately resource ACT Policing and advocate to the Commonwealth Government for resource assistance in respect to recent protest activity.

Recommendation 24

The Committee recommends that Legal Aid ACT, in their next annual report, fully explain the reason(s) for their reported surplus.

Recommendation 25

The Committee recommends that the ACT Government ensure funding for the Office of the Inspector of Correctional Services be commensurate with their new oversight responsibilities as well as the higher than anticipated critical incident reviews.

Recommendation 26

The Committee recommends that the ACT Government urgently address the Sentencing Administration Board's accommodation problem by ensuring they have office space at the courts.

Recommendation 27

The Committee recommends that ACT Policing ensure that those individuals whose parole has been revoked, and who currently have a warrant out for their arrest, be detained as a priority.

Recommendation 28

The Committee recommends that the ACT Government increase Electoral Commission funding for the conduct of democratic education for the community.

Recommendation 29

The Committee recommends that the ACT Government seek advice from the Integrity Commission regarding the need for extra resources to enable more detailed investigation if they are required.

1. Introduction

Presentation of 2020-21 Annual and Financial Reports

- 1.1. All Annual and Financial Reports for the territory were tabled between 8 October 2021¹ and 2 December 2021² in the ACT Legislative Assembly. A collated list of Annual and Financial Reports is available online.³
- 1.2. During its inquiry the Standing Committee on Justice and Community Safety (the Committee) was required to examine all or part of the following Annual and Financial Reports for 2020-21:
 - ACT Electoral Commission
 - ACT Gambling and Racing Commission
 - ACT Human Rights Commission
 - ACT Integrity Commission
 - ACT Policing
 - Inspector of the ACT Integrity Commission
 - Justice and Community Safety Directorate
 - Legal Aid ACT
 - Office of the Director of Public Prosecutions
 - Office of the Inspector of Correctional Services
 - Office of the Public Trustee and Guardian
 - Sentence Administration Board

Conduct of inquiry

- 1.3. The Committee's inquiry was undertaken amid the COVID-19 pandemic. In light of this, some of the Annual and Financial Report hearings were conducted via videoconference. On 16 September 2021, the Assembly amended the resolution of establishment for standing committees to set a reporting date for the committee inquiries into Annual and Financial Reports for the financial year 2020-21 of 31 May 2022.⁴

¹ ACT Legislative Assembly, *Minutes of Proceedings*, No 27, 8 October 2021, p 334.

² ACT Legislative Assembly, *Minutes of Proceedings*, No 36, 2 December 2021, pp 451–453.

³ Chief Minister, Treasury, and Economic Development Directorate, *Annual Reports*, 2 December 2021, https://www.cmtedd.act.gov.au/open_government/report/annual-reports (accessed 21 March 2022).

⁴ ACT Legislative Assembly, *Minutes of Proceedings*, No 24, 16 September 2021, p 272.

Public hearings

- 1.4. The Committee held public hearings on 21, 22, 23 February and 16 March 2022. At the hearings, the Committee heard from ACT Government Ministers and their accompanying Directorate officials; statutory officers; and members of governing boards.
- 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.

Questions on Notice and Questions Taken on Notice at public hearings

- 1.6. A total of 64 questions were lodged during the inquiry. 44 questions were taken on notice (QTONs) by Ministers and statutory office holders during the hearings, and 20 questions on notice (QONs) were submitted by Committee Members and visiting MLAs following the hearings.
- 1.7. The answers to questions, and a list of questions (by subject, submitter, recipient) are available at Appendix B, and on the inquiry webpage.

2. Justice and Community Safety Directorate

- 2.1. The Justice and Community Safety Directorate (JACS) is the ACT Government's agency responsible for strengthening community safety, promoting people's rights and interest, caring for and supporting vulnerable people, enhancing access to justice, and building community resilience to emergencies.⁵

Policy Advice and Justice Programs

- 2.2. The Policy Advice and Justice Programs provide high quality policy, legislation, ministerial support and advice to portfolio Ministers, Cabinet and other agencies on justice and community safety matters. They administer security coordination and emergency management policy, and innovative justice and crime prevention programs (including the Restorative Justice Program) across government and the community.⁶

Matters considered

- 2.3. During the Attorney-General's appearance before the Committee on 21 February 2022, the following matters were considered:
- Restorative justice;⁷
 - Programs and initiatives to increase community safety;⁸
 - Minimum age of criminal responsibility;⁹
 - Property crime prevention strategy and increases in motor vehicle theft;¹⁰
 - Program with the Solomon Islands and Pacific regions on family and sexual violence matters;¹¹
 - Reducing the rate of incarceration for Aboriginal and Torres Strait Islanders;¹²
 - Success of programs under the reducing recidivism strategy;¹³
 - Data security and updates to the ACT Governance and Management Framework;¹⁴
 - Disability Justice Strategy rate of progress;¹⁵
 - National redress scheme for institutional child sexual abuse;¹⁶

⁵ Justice and Community Safety Directorate, *Annual Report 2020-21*, p 1.

⁶ Justice and Community Safety Directorate, *Annual Report 2020-21*, p 10.

⁷ *Proof Committee Hansard*, 21 February 2022, p 9, 12.

⁸ *Proof Committee Hansard*, 21 February 2022, p 11.

⁹ *Proof Committee Hansard*, 21 February 2022, p 16.

¹⁰ *Proof Committee Hansard*, 21 February 2022, p 17.

¹¹ *Proof Committee Hansard*, 21 February 2022, p 18.

¹² *Proof Committee Hansard*, 21 February 2022, p 18.

¹³ *Proof Committee Hansard*, 21 February 2022, p 18.

¹⁴ *Proof Committee Hansard*, 21 February 2022, p 18, 21.

¹⁵ *Proof Committee Hansard*, 21 February 2022, p 19.

¹⁶ *Proof Committee Hansard*, 21 February 2022, p 21.

- *Residential Tenancies Act 1997*, assistance to protect renters and the cost of litigating lease variation charge disputes;¹⁷
 - Gaming policy and the Diversification and Sustainability Support Fund;¹⁸
 - Promotion and encouragement of cooperatives;¹⁹
 - Price-gouging on Rapid Antigen Tests;²⁰
 - Hawker licences and food vans;²¹
 - Establishing a process for the Commissioner of Fair Trading to conduct binding conciliations with respect to certain consumer law;²²
 - Supporting the community in respect of scams;²³
 - Monitoring on fuel prices in the ACT;²⁴ and
 - Time and resources dedicated to freedom of information requests.²⁵
- 2.4. During the Human Rights Commissioner’s appearance before the Committee on 22 February 2022, the following matters were considered:
- Scrutiny of COVID-19 related bills for compatibility with human rights;²⁶
 - Aboriginal and Torres Strait Islander Children’s Commissioner;²⁷ and
 - Death certificates for people who have died due to suicide.²⁸
- 2.5. During the Special Minister of State’s appearance before the Committee on 22 February 2022, the following matters were considered:
- Horse racing;²⁹
 - Time and resources dedicated to freedom of information requests,³⁰ and
 - Electoral Legislation Amendments – timeframes.³¹
- 2.6. During the Public Trustee and Guardian’s appearance before the Committee on 23 February 2022, the following matters were considered:

¹⁷ *Proof Committee Hansard*, 21 February 2022, p 22.

¹⁸ *Proof Committee Hansard*, 21 February 2022, pp 25–36.

¹⁹ *Proof Committee Hansard*, 21 February 2022, p 38.

²⁰ *Proof Committee Hansard*, 21 February 2022, pp 38–39.

²¹ *Proof Committee Hansard*, 21 February 2022, pp 37–38.

²² *Proof Committee Hansard*, 21 February 2022, p 39.

²³ *Proof Committee Hansard*, 21 February 2022, p 40.

²⁴ *Proof Committee Hansard*, 21 February 2022, p 43.

²⁵ *Proof Committee Hansard*, 21 February 2022, p 83.

²⁶ *Proof Committee Hansard*, 21 February 2022, p 78.

²⁷ *Proof Committee Hansard*, 21 February 2022, p 79.

²⁸ *Proof Committee Hansard*, 21 February 2022, p 80.

²⁹ *Proof Committee Hansard*, 21 February 2022, pp 82–83.

³⁰ *Proof Committee Hansard*, 21 February 2022, pp 83–84.

³¹ *Proof Committee Hansard*, 21 February 2022, p 85.

- Official Visitors;³²
- Fit for work certificates;³³
- Detainees in commercial industries;³⁴
- Challenges faced by Aboriginal and Torres Strait Islander official visitors;³⁵ and
- Funding levels.³⁶

Key Issues

Restorative Justice

- 2.7. Offences can be referred to restorative justice at any stage of the criminal justice system, however for referrals by the Director of Public Prosecutions (DPP), the referral must be after a prosecution referral is made, prior to entering a plea, but before a second mention hearing. For referrals from the Magistrates Court (Children's Court), referrals can be made unless or until the offender pleads guilty after the second mention hearing but before the end of case management hearing or case status inquiry.³⁷
- 2.8. The Committee heard that referrals to the restorative justice system can be problematic:
- ‘It is extraordinarily difficult for us to make referrals to the restorative justice unit, because of the way the act is structured. The act gives us a very narrow window up to the second mention, and we simply are not able to engage with a matter sufficiently to personally make a referral.’³⁸
- 2.9. The Committee heard that reasons for matters being not eligible or not suitable for the restorative justice program often were due to being not able to contact people, particularly the offender and the offender declining the program. There were also impacts from COVID-19. However, there had been a turnaround in matters proceeding from referral to conference notwithstanding lockdown impacts. The Restorative Justice Unit made significant efforts to track people down and when not able to proceed, made sure that there were referral options.
- 2.10. The Restorative Justice Unit would then report back to the courts to advise that the matter was not suitable for the restorative justice program, and the matter would proceed in the

³² *Proof Committee Hansard*, 23 February 2022, pp 119–123.

³³ *Proof Committee Hansard*, 23 February 2022, p 119.

³⁴ *Proof Committee Hansard*, 23 February 2022, p 120.

³⁵ *Proof Committee Hansard*, 23 February 2022, pp 120–121.

³⁶ *Proof Committee Hansard*, 23 February 2022, p 122.

³⁷ Director of Public Prosecutions, *Director's Instruction No. 8 – Referring matters to Restorative Justice*, [Directors-Instruction-No.-8-Referring-matters-to-Restorative-Justice.pdf \(act.gov.au\)](#), March 2010, accessed 29 April 2022.

³⁸ Shane Drumgold, Director of Public Prosecutions, *Proof Committee Hansard*, 22 February 2022, p 3.

courts or if there is a police referral, the police will consider other options. Victims can also be referred to and receive support from the Victims of Crime Commission.³⁹

- 2.11. The Committee heard that there were generally lower rates of re-offending by those who had successfully engaged with the restorative justice program but noted the potential for positive bias.⁴⁰ However, when considering if there is a bias for young people, the Directorate advised that there had there been a higher re-offending rate for those participating in restorative justice conferences compared to those who did not – this was because the young people participating were part of a demographic who were much more likely to re-offend.⁴¹
- 2.12. While the Restorative Justice Unit does not collect information on the recidivism rate, previous evaluations have shown a reduction in recidivism rates compared to those that haven't participated in restorative justice conferences and that 98 percent of victims, young offenders and support people who participated, found the restorative justice process satisfying.⁴²

Committee comment

- 2.13. The Committee is of the view that restorative justice should be promoted as a positive way to achieve outcomes for the victim and for the offender to try to make amends with the victim. Ways to increase the use of restorative justice and remove potential barriers should be investigated and acted on.

Recommendation 1

The Committee recommends that the ACT Government consider revising the restorative justice legislation to support court referrals to the Restorative Justice Unit so that they can be made after the second mention.

Recommendation 2

The Committee recommends that the Justice and Community Safety Directorate take steps to better understand why matters are not proceeding to Restorative Justice conferences (for example, the offender declining or not being contactable) and analyse the impact on victims who are engaging with the Restorative Justice process.

Disability Justice Strategy

- 2.14. The Committee heard that there had been some progress in the Disability Justice Strategy. This included the introduction of eight disability liaison officers. However, there has been a

³⁹ Richard Denning, Senior Director, Restorative Justice Unit, Legislation, Policy and Programs Division, Justice and Community Safety Directorate *Proof Committee Hansard*, 21 February 2022, pp 7–8.

⁴⁰ Shane Rattenbury MLA, Attorney-General, *Proof Committee Hansard*, 21 February 2022, p 9.

⁴¹ Richard Denning, Senior Director, Restorative Justice Unit, Legislation, Policy and Programs Division, Justice and Community Safety Directorate, *Proof Committee Hansard*, 21 February 2022, p 14.

⁴² Shane Rattenbury MLA, *answer to QTON 1: Rates of reoffending by participants in the Restorative Justice Scheme*, 21 February 2022 (received 1 March 2022), p 1.

risk of losing some momentum in the strategy, particularly in the last 12 to 18 months. There has been a focus on addressing that risk, which includes consulting with some of the key community stakeholders.⁴³

- 2.15. ACT Corrective Services (ACTCS) have launched their own disability action plan and inclusion plan in December 2020. This has included a focus on rolling out the Disability Justice Strategy in a way that supports detainees and those who are participating in community corrections programs.⁴⁴

Committee comment

- 2.16. The Committee is of the view that the Disability Justice Strategy is an important initiative but is moving too slowly, noting that this had been observed in some of the submissions to the Committee's Inquiry into Community Corrections.

Recommendation 3

The Committee recommends that the ACT Government look to accelerate the Disability Justice Strategy as a priority.

National redress scheme for institutional child sexual abuse

- 2.17. The Committee noted that there had been seven survivors in the last financial year that had indicated that they would like a direct personal response from the ACT government institution. However, only one direct personal response had been facilitated.⁴⁵
- 2.18. The Committee heard that of the seven requested, only three formally accepted the offer of a direct personal response and that it was a lengthy and trauma-informed process. There were two in process at the time of the hearing and Victim Support ACT have engaged an external provider to undertake those direct personal responses.⁴⁶

Committee comment

- 2.19. The Committee is of the view that survivors of institutional child sexual abuse should receive redress in a responsive and timely manner given the trauma they have faced.

Recommendation 4

The Committee recommends that the ACT Government ensure that direct personal responses are promptly facilitated with respect to the national redress scheme for institutional child sexual abuse.

⁴³ Shane Rattenbury MLA, Attorney-General, *Proof Committee Hansard*, 21 February 2022, p 19.

⁴⁴ Karen Greenland, Executive Branch Manager, Criminal Law, Legislation, Policy and Programs Division, *Proof Committee Hansard*, 21 February 2022, p 19.

⁴⁵ Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2021, p 13.

⁴⁶ Robyn Hakelis, Executive Branch Manager, Civil Law, Legislation, Policy and Programs Division, *Proof Committee Hansard*, 21 February 2022, p 21.

Accountability for human rights

- 2.20. The Directorate operates in accordance with its governance framework which was reviewed in 2021.⁴⁷ Under the previous framework, protection of rights was reported under output 1.5, which covered provision of advocacy, complaints-handling, advice, community awareness raising and other services in connection with the promotion and protection of rights especially for vulnerable members of society, through services provided by the ACT Human Rights Commission, including the Public Advocate of the ACT and Victim Support ACT. This output also includes services provided by the Privacy Commissioner.
- 2.21. In the framework used for the 2020-21 Annual Report, protection of people's rights and interest and supporting vulnerable people is predominately reported with other issues as part of output 1.1 Policy Advice and Justice programs.

Committee comment

- 2.22. The Committee is of the view that there should be clearer accountability for the protection of rights, through separate reporting.

Recommendation 5

The Committee recommends that the ACT Government ensure that the ACT Government reporting framework can positively demonstrate the protection of human rights.

Death certificates

- 2.23. The Committee heard that death certificates include an extract from the death register which records information about the cause of death from a coroner's report where the cause of death has not been ascertained by a doctor within 48 hours. Under section 44 of the *Births, Deaths and Marriages Registration Act 1977*, in providing information extracted from the register, the Register-General must, as far as practicable, protect a person to whom the entry in the register relates from unreasonable intrusion into the person's privacy. The Register-General of Births Deaths and Marriages can use his discretion under this provision to agree to use a different extract if agreed to by the families free of charge in the death certificate however the death register must be recorded accurately.⁴⁸
- 2.24. The Minister for Human Rights undertook to investigate this further with the Attorney-General who has responsibility for the coroner's legislation and to make information on this more available to the community via the website and training for customer service operators.

⁴⁷ Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2021, p 8.

⁴⁸ Justice and Community Safety Directorate, *answer to QTON 16: Policy on death certificates*, 22 February 2022 (received 9 March 2022), p 1.

Committee comment

- 2.25. The Committee is of the view that there is a traumatising impact for families of deceased who have died due to suicide where death certificates have detailed, graphic information from coroner's reports.
- 2.26. There are connections between requirements for the death register and *Coroner's Act* that need further consideration in order to reduce the distress faced by families in these circumstances.

Recommendation 6

The Committee recommends that the ACT Government review the *Coroner's Act* and associated policy for information included in death certificates so as to not include traumatising information and suicidal means for those who have committed suicide.

Consumer Affairs

- 2.27. During the hearing with the Minister for Consumer Affairs, the Committee heard that ACT Government communications regarding cooperatives focused on registration and general COVID-19 messaging rather than promotion or encouragement. This has particularly been the case during the pandemic when the focus was on supporting businesses struggling due to COVID-19 impacts. Once pandemic impacts recede, there may be an opportunity for broader communication strategies across a range of different industries and businesses including cooperatives.⁴⁹

Committee comment

- 2.28. The Committee is of the view that more should be done to encourage the use of cooperatives as organisations that are owned and controlled by workers and people who use their services.

Recommendation 7

The Committee recommends that the ACT Government undertake proactive communications to increase community understanding of cooperatives and how they can operate in the ACT.

Scams

- 2.29. The Committee heard that the ACT Government has a range of promotional activities to warn the community about potential scams and raise awareness. This has included a romance-themed scam alert around Valentine's Day, noting a story that ACT residents had lost two million dollars to romance scams in the last year. These awareness activities are in

⁴⁹ Derise Cubin, Executive Branch Manager, Licensing and Registrations, Access Canberra, *Proof Committee Hansard*, 21 February 2022, p 38.

conjunction with educational activities, media engagements and other activities by the Australian Competition and Consumer Commission (ACCC).⁵⁰

- 2.30. The Committee heard that there can be grooming as part of the scams and that new scams have emerged with the pandemic including messages regarding 'parcels not delivered' with links that, if clicked, may result in malware being inserted into the victim's phone, or people purporting to be from the Australian Federal Police (AFP) saying they have a fine.
- 2.31. The ACT Government are looking at outreach programs to raise awareness in the ACT community of scams and noted that there had been some previous activities with retirement villages that had been successful, but that face-to-face activities had been limited in the last few years due to the pandemic. There are a range of different channels that can be used and ways to target potential audiences. Access Canberra is also able to provide information to people through their contact line.⁵¹

Committee comment

- 2.32. The Committee is of the view that with the increasing prevalence of, at times, very convincing scams and the impact that this has on the community in terms of feeling threatened and financial loss, more should be done to support the ACT community.
- 2.33. While the Committee acknowledges past activities and those currently being carried out, such scams have a big impact on the community and are constantly evolving. The ways that the government can respond to those scams should also evolve.

Recommendation 8

The Committee recommends that the ACT Government look at further ways to educate, inform, and warn the community about scams that are occurring.

Gambling issues

- 2.34. During the hearing with the Attorney-General, the Committee asked about a range of issues regarding gambling, including the progress of introducing five dollar bet limits and \$100 load up limits, increases in gambling revenues, the Diversification and Sustainability Support Fund which was established to help clubs diversify their revenue streams away from gaming machines, the impacts of gambling on sectors of the community including from non-English Speaking backgrounds, and self-exclusion.
- 2.35. The Attorney-General also advised that the survey on gambling harm is conducted every five years based on historical patterns noting that the survey takes some time to prepare, conduct and analyse the results. The Committee asked if using an online mechanism might help reduce the workload associated with this, however this could not be confirmed.⁵²

⁵⁰ Shane Rattenbury MLA, Attorney-General, *Proof Committee Hansard*, 21 February 2022, p 40.

⁵¹ Derise Cubin, Executive Branch Manager, Licensing and Registrations, Access Canberra, *Proof Committee Hansard*, 21 February 2022, p 41.

⁵² Shane Rattenbury MLA, Attorney-General, *Proof Committee Hansard*, 21 February 2022, p 35.

There were also questions on whether it might be time to do another survey since the last one in 2019, noting the impacts of COVID-19.

Committee comment

- 2.36. The Committee is of the view that the five-year time interval between the gambling harm surveys is too long, particularly when taking into account the impacts of COVID-19 and technological developments which may have led to a move to online gambling. It was noted that the Attorney-General made the observation that there needs to be a sufficient interval in order to measure impacts of policy changes.

Recommendation 9

The Committee recommends that the ACT Government decrease study interval for gambling harm survey.

- 2.37. The Committee heard that the two primary support services in the ACT are the ACT Gambling Support Service and the Gambling Help Online service both of which are funded by the ACT Gambling and Racing Commission and have a remit to work with all communities including those from a non-English speaking background. The Commission also received feedback through their community outreach, including from the Vietnamese community, that some of their gambling support materials, in particular a credit-sized wallet card, would be good in different languages.

Committee comment

- 2.38. The Committee also was of the view that people in the community from non-English speaking backgrounds needed to be able to access information about gambling harm and support services such as that from the Gambling Support Service and Gambling Help Online in their own language.

Recommendation 10

The Committee recommends that the ACT Government provide gambling harm and support services information in other languages to assist those communities that do not speak English.

- 2.39. The Committee noted that the government is working with the Community Clubs Ministerial Advisory Council on options for the implementation of the 10 gaming related commitments listed in the Labor-Greens parliamentary agreement. In regard to the fifth commitment, on five dollar bet limits and \$100 load up limits, the Committee heard that the Directorate were undertaking a range of background work and research on the best way to implement the policy.⁵³

⁵³ Shane Rattenbury MLA, Attorney-General, *Proof Committee Hansard*, 21 February 2022, p 25.

- 2.40. A technical specialist is being procured to advise the government on the technical capability of ACT machines moving to \$5 bet limits and \$100 load-up limits.⁵⁴ The government is also observing a trial in Newcastle on cashless gaming, and this will assist and inform policy development, but noted the trial was running behind schedule. Representatives from the Newcastle trial will be asked to speak to the ministerial council about their experiences, especially in regard to the technology developments.⁵⁵

Committee comment

- 2.41. The Committee notes that there have been some challenges that the pandemic has had on the progress of this work and emerging technology and noted that it was important to fulfill the agreement properly. However, the Committee considers that there should be more transparency and clarity on how the work will progress in a timely way.

Recommendation 11

The Committee recommends that the ACT Government outline a clear plan and timeframes to implement bet-limits on gambling machines in the ACT.

- 2.42. The Diversification and Sustainability Support Fund (DSSF) commenced on 1 July 2019 and is jointly funded by industry and government to help clubs diversify their revenue streams away from gaming machines and to develop new staff skills. Eight clubs received funding from a recent round of funding of \$657,811 from the DSSF, in line with DSSF Advisory Board recommendations. In addition, \$300,000 was to be set aside for the ACT Government to engage a training provider to provide skills development and training to the club industry. The \$657,811 in funding was used for various purposes by the eight clubs for the following activities:
- Installing solar panels, electric vehicle charging stations and solar light fittings in a venue car park;
 - Engaging consultants to assist with the development of an early learning centre;
 - Upgrading and reopening a kitchen;
 - Constructing a shed to store golf carts; and
 - Engaging consultants to provide advice to inform the development of a strategy to diversify to alternative income streams.⁵⁶
- 2.43. The Committee heard that there were some examples of clubs moving away from poker machine revenue but noted that some are struggling financially. Many clubs have been reliant on revenue from poker machines and moving from this will take some time.⁵⁷

⁵⁴ Daniel Ng, A/g Executive Group Manager, Legislation, Policy and Programs Division, *Proof Committee Hansard*, 21 February 2022, p 26.

⁵⁵ Shane Rattenbury MLA, Attorney-General, *Proof Committee Hansard*, 21 February 2022, p 26.

⁵⁶ Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2021, p 15.

⁵⁷ Shane Rattenbury MLA, Attorney-General, *Proof Committee Hansard*, 21 February 2022, pp 29–31.

Committee comment

- 2.44. The Committee noted that some of the funding from the DSSF has been directed to expenditure to support the sustainability of the clubs. The ACT Government's policy in supporting clubs to move to alternative income streams is an important change, and that this should be the priority for the funding grants.

Recommendation 12

The Committee recommends that the ACT Government ACT Diversification and Sustainability Support Fund ensure grant funds are going to diversification as opposed to sustainability of club venues as an immediate priority.

- 2.45. The Committee noted a 20 percent increase in gambling revenue in the last year in comparison to 2019-20. This is in contrast to a decline in previous years,⁵⁸ noting that there had been lockdowns and other restrictions due to the COVID-19 pandemic during this time.⁵⁹ It was noted that in the 2021 financial year, COVID-19 restrictions required gambling operations to cease in the ACT for 40 days. In the previous financial year, it was 140 days, which may explain some of the difference.⁶⁰
- 2.46. The ACT Gambling and Racing Commission put in place a number of activities in preparation for the lockdown, including emailing Gambling Contact officers to remind them of their obligations regarding gambling harm, providing a range of resources and training.⁶¹

Committee comment

- 2.47. The Committee considers that more should have been done following the first COVID-19 lockdown to consider the impacts of the lockdown on gambling activity, noting the increases in gambling revenue.

Recommendation 13

The Committee recommends that the ACT Government consider a population level prevalence survey to understand the impacts and changes of gambling harm post-COVID-19 lockdowns.

⁵⁸ ACT Gambling and Racing Commission, *Annual Report 2020-21*, 18 June 2021, p 50.

⁵⁹ Yu-Lam Chan, Chief Executive Officer, ACT Gambling and Racing Commission, *Proof Committee Hansard*, 21 February 2022, p 27.

⁶⁰ Shane Rattenbury MLA, Attorney-General, *Proof Committee Hansard*, 21 February 2022, p 30.

⁶¹ Shane Rattenbury MLA, Attorney-General, *answer to QTON 8: Increase in gambling revenue*, 21 February 2022 (received 9 March 2022), p 1.

Office of the Solicitor-General for the ACT

2.48. The ACT Government Solicitor is established as a body corporate to act as the legal practitioner for the Territory, its Ministers, and agencies.⁶²

Matters considered

2.49. The Solicitor appeared before the Committee on 21 February 2022 and 22 February 2022 and the following matters were considered:

- Female employment in the role of the Solicitor General and in the office of the Government Solicitor;⁶³
- Costs and resources in litigating lease variation charge disputes;⁶⁴
- Changes in numbers of child welfare cases;⁶⁵
- Funding and expenses relating to litigation for the ACT Government and how it is calculated for cost recovery purposes;⁶⁶
- Portion of work allocated to personal injury claims;⁶⁷
- Portion of work allocated to child welfare cases;⁶⁸
- Status of a constitutional challenge to court-ordered judge-only trials;⁶⁹
- Processes for directorates to seek legal advice through the ACT Solicitor;⁷⁰ and
- The role of the ACT Solicitor in reviewing services provided by external legal providers.⁷¹

2.50. The Committee had no recommendations in relation to the Solicitor-General.

ACT Corrective Services

2.51. ACT Corrective Services (ACTCS) is responsible for administering court-imposed sanctions. This includes a safe and secure environment for those in custody, and supervising offenders in the community subject to bail conditions or community-based sentences. ACTCS strives to reduce recidivism and promotes rehabilitation and re-integration to the community.⁷²

⁶² Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2021, page 35.

⁶³ *Proof Committee Hansard*, 21 February 2022, p 2.

⁶⁴ *Proof Committee Hansard*, 21 February 2022, p 22.

⁶⁵ *Proof Committee Hansard*, 21 February 2022, p 23.

⁶⁶ *Proof Committee Hansard*, 22 February 2022, p 60.

⁶⁷ *Proof Committee Hansard*, 22 February 2022, p 61.

⁶⁸ *Proof Committee Hansard*, 22 February 2022, p 62.

⁶⁹ *Proof Committee Hansard*, 22 February 2022, p 62.

⁷⁰ *Proof Committee Hansard*, 22 February 2022, pp 62–63.

⁷¹ *Proof Committee Hansard*, 22 February 2022, pp 62–64.

⁷² Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2021, page 50.

Matters considered

2.52. During the Minister for Correction's appearance before the Committee on 23 February 2022 the following matters were considered:

- Rates of recidivism, issues and programs in place to reducing recidivism;⁷³
- Employment for detainees;⁷⁴
- Lower levels of completion of community correction orders for women compared to men;⁷⁵
- Hume Health Centre capacity;⁷⁶
- Transitional release;⁷⁷
- Alexander Maconochie Centre's approach to COVID-19 and vaccinations;⁷⁸
- Detainee nutrition;⁷⁹
- Smoking at the Alexander Maconochie Centre;⁸⁰
- Justice Housing Program;⁸¹
- Recruitment of female corrective services officers;⁸²
- Reintegration centre;⁸³
- Oversight committee and Alexander Maconochie Centre culture;⁸⁴
- Walking with Women on the Pathway to Change Framework;⁸⁵ and
- Onsite mental health specialists.⁸⁶

Key Issues

Transitional Release

2.53. In the 2021 calendar year, a total of 757 detainees were released from the Alexander Maconochie Centre (AMC).⁸⁷

⁷³ Shane Rattenbury MLA, Attorney-General, *Proof Committee Hansard*, 21 February 2022, p 6, 11.

⁷⁴ *Proof Committee Hansard*, 23 February 2022, p 130.

⁷⁵ *Proof Committee Hansard*, 23 February 2022, p 131.

⁷⁶ *Proof Committee Hansard*, 23 February 2022, p 132.

⁷⁷ *Proof Committee Hansard*, 23 February 2022, pp 133–135, 143–144, 147.

⁷⁸ *Proof Committee Hansard*, 23 February 2022, pp 135–138.

⁷⁹ *Proof Committee Hansard*, 23 February 2022, pp 138–139.

⁸⁰ *Proof Committee Hansard*, 23 February 2022, pp 139–140.

⁸¹ *Proof Committee Hansard*, 23 February 2022, pp 140–141.

⁸² *Proof Committee Hansard*, 23 February 2022, pp 141–142.

⁸³ *Proof Committee Hansard*, 23 February 2022, pp 143–144.

⁸⁴ *Proof Committee Hansard*, 23 February 2022, pp 144–146.

⁸⁵ *Proof Committee Hansard*, 23 February 2022, pp 146–147.

⁸⁶ *Proof Committee Hansard*, 23 February 2022, p 149.

⁸⁷ ACT Corrective Services, *answer to QTON 35: Persons discharged from the AMC each calendar year*, 23 February 2022 (received 26 April 2022), p 1.

- 2.54. The Transitional Services team encompasses the Transitional Release Program (TRP), the Transitional Release Centre (TRC), and the ACT Corrective Services Employment Specialist position.
- 2.55. The TRP provides eligible detainees with access to education, training and work opportunities in the community and well as opportunities to spend time with their families in the community. The program has been affected by COVID-19. In response, the TRC residents assisted in maintaining the cleanliness and hygiene of the Gatehouse Reception area of the AMC.⁸⁸ There are 20 beds in the TRC, and it was intended to be ready for habitation again by March or April 2022 and for it to be expanded.⁸⁹
- 2.56. There were only five approved participants in the TRP as of 20 April 2022. There has been encouragement for detainees to participate. There were two approved occupants in the TRC as of 20 April 2022, noting it had reopened on 13 April and not all participants of the TRP are suitable to be housed in the TRC. During 2019-20, there were nine male detainees accommodated in the TRC.⁹⁰
- 2.57. The requirement for the TRP includes those detainees be at the right classification (for example, not high security), and apply for it. There is general awareness of the program by detainee sentence management officers.
- 2.58. ACTCS are planning to review their Transitional Release policy including eligibility criteria soon.⁹¹
- 2.59. The Committee heard from the Sentence Administration Board of the benefits that a scaled up transitional release centre can offer for people leaving the prison system and readjusting into the community, as has been demonstrated in Hawaii.⁹²

Committee comment

- 2.60. The Committee is of the view that the TRC is being underutilised, and there is concern that detainees do not know what they need to do to enter the TRC.

Recommendation 14

The Committee recommends that the ACT Government develop and implement an action plan to substantially increase the number of detainees, especially women, in the Transitional Release Centre and to provide regular updates to the Assembly.

⁸⁸ Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2021, p 73.

⁸⁹ Ray Johnson, Commissioner, ACT Correctional Services, *Proof Committee Hansard*, 23 February 2022, p 133.

⁹⁰ ACT Correctional Services, answer to QON 8: Transitional Release Centre (TRC) and Transitional Release Program (TRP), 2 March 2022 (received 20 April 2022), p 1.

⁹¹ ACT Correctional Services, answer to QON 8: Transitional Release Centre (TRC) and Transitional Release Program (TRP), 2 March 2022 (received 20 April 2022), p 1.

⁹² Laura Beacroft, Chair, Sentence Administration Board, *Proof Committee Hansard*, 23 February 2022, p 126.

Reintegration Centre project

- 2.61. The planned Reintegration Centre at the AMC was to provide up to 80 beds and increase the range of rehabilitation programs available to detainees with programs for trauma and relationship counselling, alcohol, tobacco and other drug rehabilitation, and other training such as job skills to support detainees to stay out of the justice system.⁹³
- 2.62. The Committee heard that work in preparation for the reintegration centre project has been paused with work focusing on the TRC, which is considered as a first step to get scaled up to a reintegration centre. Programming work such as employment and education for the reintegration centre is occurring. Funding for the reintegration centre has been put in reserve, and not put towards the TRC. The Committee also heard that while high numbers at the AMC were taken into account in the business case for the reintegration centre, numbers have since reduced to some extent.

Committee comment

- 2.63. The Committee is of the view that rehabilitation programs are an important part of reducing recidivism and that the pause of reintegration centre program should be ceased. The TRC at 20 beds is much smaller than the reintegration centre project at 80 beds.

Recommendation 15

The Committee recommends that the ACT Government restart the reintegration centre project.

Incentives and Earned Privileges (IEP) Policy

- 2.64. The ACT Government agreed to recommendation 6 of the ACT Inspector of Correctional Services' 2019 Healthy Prison Review that ACTCS implement the Incentives and Earned Privileges (IEP) policy as a matter of urgency.⁹⁴
- 2.65. The Committee heard that the IEP policy was near to being settled, but that it was complex to implement.⁹⁵
- 2.66. The policy is expected to be settled by the end of April 2022, then it will be necessary to train staff, develop processes, and educate detainees prior to full implementation.⁹⁶

Committee comment

- 2.67. The Committee is of the view that the IEP is an important part of the strategy to assist detainees transition to release successfully. The absence of the policy makes it harder for detainees to obtain privileges. While the implementation of the IEP policy is complex, given

⁹³ ACT Government, *Reducing Recidivism in the ACT by 25% by 2025*, August 2020, p 30.

⁹⁴ Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2021, p 128.

⁹⁵ Ray Johnson, Commissioner, ACT Correctional Services, *Proof Committee Hansard*, 23 February 2022, p 133.

⁹⁶ ACT Correctional Services, *answer to QON 11: Incentives and Earned Privileges (IEP) Policy*, 2 March 2022 (received 21 March 2022), p 1.

the passage of time that has occurred, it is reasonable to expect that it should be in place soon.

Recommendation 16

The Committee recommends that the ACT Corrective Services fully implement and report back to the Assembly on the Incentives and Earned Privileges (IEP) Policy.

Human rights of detainees and rehabilitation

- 2.68. An oversight committee was in place to improve the culture of the AMC, address staffing and rostering issues and identify priorities for the AMC to work on.
- 2.69. The Committee heard that the oversight committee is still working on finalising its processes and considerations and was due to report at the end of March. The oversight committee includes representatives from AMC staff, the unions, Aboriginal and Torres Strait Islander representatives and the ACT Human Rights Commission and there has been substantial consultation.⁹⁷ The report from the oversight committee has since been published with six findings and 15 recommendations.⁹⁸
- 2.70. While the work is confidential and incomplete at the time of the hearing, there have been 12 priority areas over the last few years for ACTCS to work on.

Committee comment

- 2.71. The Committee is of the view that human rights are a fundamental concern in correctional services and noted that the report by the oversight committee (of which the ACT Human Rights Commission was represented), *A new future for custodial services – ACT Corrective Services Blueprint for Change March 2022*, has since been released on 7 April 2022 and provided to the ACT Government.⁹⁹ It has several recommendations relating to the rights of detainees including in relation to their accommodation and structured day activities to keep detainees occupied. It also includes recommendations to develop a staff culture at the AMC that should also support upholding of human rights for detainees.
- 2.72. The Committee looks forward to timely implementation of these recommendations and further measures as required to uphold human rights of detainees.

Recommendation 17

The Committee recommends that the ACT Government ensure the ACT Corrective Services workforce culture values, considers, and upholds the human rights of detainees and supports their rehabilitation.

⁹⁷ Karen Doren, Deputy Director-General, Community Safety, Justice and Community Safety Directorate, *Proof Committee Hansard*, 23 February 2022, p 145.

⁹⁸ ACT Government, *A new future for custodial services: ACT Corrective Services Blueprint for Change*, March 2022.

⁹⁹ Mick Gentleman MLA, Minister for Corrections, 'Blueprint for Change report provides roadmap to a better future at the Alexander Maconochie Centre', *Media Release*, 7 April 2022.

Hume Health Centre

- 2.73. The Hume Health Centre is purpose-built and provides facilities for the care and treatment of detainees at the AMC. Work has been undertaken to provide improved administrative facilities for health staff in recent years. Justice Health and Winnunga Health Services are working with ACTCS to consider improvements to the Hume Health Centre to meet current and future needs.¹⁰⁰
- 2.74. The Committee heard that the Hume Health Centre has been able to expand the area allocated to clinical work by moving administrative functions outside the Centre itself. There is further work planned by the end of the financial year to improve facilities for Justice Health and Winnunga Health Services within the facilities without actually increasing the footprint of the Centre itself.
- 2.75. The works to expand the capability of the Hume Health Centre and Winnunga Health Services include making the space more fit for purpose and reconfiguration of the space to include a waiting room to allow for a larger number of detainees to be in the waiting area at any one time.¹⁰¹
- 2.76. The Centre itself is close to capacity, however, there is an apparent trend to increased demand on the centre due to growth in prison population and increased complexity of mental and physical health needs.¹⁰²

Committee comment

- 2.77. The Committee is of the view that given the ongoing increase in requirements for health services by detainees at the Hume Health Centre, and constraints in the footprint of the Centre, a plan to increase the facilities should be published so that the community has confidence that ongoing needs are met.

Recommendation 18

The Committee recommends that the ACT Government publish a plan to expand the facilities at the Hume Health Centre.

Accommodation for female remandees

- 2.78. A 2018 report by the Inspector of Correctional Services found that, while the AMC was designed to provide separate living accommodation for remandees, overcrowding has meant that this has not been possible. In particular, the report noted female detainees, many of whom were remandees, had been moved from purpose-built cottages to a unit designed for male high-security detainees and concluded that this was unsuitable for

¹⁰⁰ Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2021, p 56.

¹⁰¹ ACT Correctional Services, *answer to QON 11: Incentives and Earned Privileges (IEP) Policy*, 2 March 2022 (received 21 March 2022), p 1.

¹⁰² *Proof Committee Hansard*, 23 February 2022, pp 132–133.

female remandees and limiting of their human rights (finding 29, 32 and 33, respectively).¹⁰³

- 2.79. The Government response to the report noted this finding, explaining time outside the unit was a current priority for the Women's Care Team, but did not specifically address the issue for female remandees (finding 29 and 33) and acknowledged concerns in respect of female remandees in responding to finding 33.¹⁰⁴
- 2.80. In 2020-21, the average daily unsentenced detainee population was 13.2, with the average daily sentenced detainee population of 14.4.¹⁰⁵
- 2.81. The Committee heard that female detainees have moved back into the purpose-built women's facility.

Committee comment

- 2.82. The Committee is of the view that the human rights of remandees as unsentenced detainees should be protected and not limited to the same extent as other detainees.

Recommendation 19

The Committee recommends that the ACT Government ensure that female remandees be accommodated separately from the general female prisoner population.

Courts and Tribunal

- 2.83. The ACT Courts and Tribunal (ACTCT) is responsible for the provision of high-quality support to judicial officers and tribunal members in the Supreme Court, Magistrates Court and ACT Civil and Administrative Tribunal (ACAT) and high-quality services to the public that use the courts and tribunal.¹⁰⁶
- 2.84. No matters were raised for JACS in relation to ACTCT and the Committee had no recommendations.

Emergency Services

- 2.85. The ACT Emergency Services Agency (ESA) is responsible for emergency management strategies in supporting the ACT Community and fulfilling its responsibilities under the *Emergencies Act 2004*.¹⁰⁷

¹⁰³ ACT Inspector of Correctional Services, *The care and management of remandees at the Alexander Maconochie Centre 2018*, February 2019, pp 7–8.

¹⁰⁴ ACT Government, *The care and management of remandees at the Alexander Maconochie Centre 2018*, Government response, February 2019, pp 17–18.

¹⁰⁵ Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2019, p 55.

¹⁰⁶ Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2021, p 78.

¹⁰⁷ Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2021, p 84.

Matters considered

2.86. During the Minister for Police and Emergency Services appearance before the Committee on 23 February 2022 the following matters were considered:

- The ESA's role in responding to emergencies including recent storm events;¹⁰⁸
- Ambulance fees and waivers;¹⁰⁹
- Strategic Bushfire Management Plan;¹¹⁰
- Agreement with the New South Wales Rural Fire Service;¹¹¹
- Respiratory protection;¹¹²
- Training of volunteer and paid workforces;¹¹³
- Strategic accommodation study for the joint emergency services centre in Gungahlin;¹¹⁴
- Human rights and disability awareness training;¹¹⁵
- Hybrid electric fire truck;¹¹⁶ and
- Building inspections.¹¹⁷

2.87. The Committee had no recommendations in relation to Emergency Services.

¹⁰⁸ *Proof Committee Hansard*, 23 February 2022, pp 163–166.

¹⁰⁹ *Proof Committee Hansard*, 23 February 2022, p 166.

¹¹⁰ *Proof Committee Hansard*, 23 February 2022, pp 166–168.

¹¹¹ *Proof Committee Hansard*, 23 February 2022, pp 168–169.

¹¹² *Proof Committee Hansard*, 23 February 2022, p 169.

¹¹³ *Proof Committee Hansard*, 23 February 2022, pp 169–170.

¹¹⁴ *Proof Committee Hansard*, 23 February 2022, pp 170–171.

¹¹⁵ *Proof Committee Hansard*, 23 February 2022, p 171.

¹¹⁶ *Proof Committee Hansard*, 23 February 2022, p 172.

¹¹⁷ *Proof Committee Hansard*, 23 February 2022, pp 172–173.

3. Statutory office holders

- 3.1. The JACS Directorate consists of business units operating under Ministerial Direction, and independent statutory office holders with objects and functions defined in establishing legislation.

ACT Gambling and Racing Commission

- 3.2. The ACT Gambling and Racing Commission is an independent statutory authority responsible for ensuring the lawful conduct of gambling and racing in the ACT. The Commission is established under the *Gambling and Racing Control Act 1999*.

Matters considered

- 3.3. The ACT Gambling and Racing Commission appeared before the Committee on 21 February 2022 and the following matters were considered:

- Breaches under the *Gaming Machine Act 2004*,¹¹⁸ and
- Progress on the new self-exclusion data base.¹¹⁹

Key Issues

Breaches under the *Gaming Machine Act 2004*

- 3.4. The Commission identified a total of 42 breaches of the legislation during the reporting period. This includes twenty-seven breaches of the *Gaming Machine Act 2004*, two breaches of the Gaming Machine Regulation 2004 and thirteen breaches of the Gambling and Racing Control (Code of Practice) Regulation 2002.
- 3.5. The twenty-seven breaches of the *Gaming Machine Act 2004* were:
- one instance of failing to keep a copy of the licence and authorisation certificate at the authorised premises;
 - two instances of failing to operate a gaming machine at the correct percentage payout;
 - nine instances of failing to display an approved gaming machine statement;
 - three instances of failing to have all required operational details included in control procedures; and
 - twelve instances of failing to display required linked-jackpot arrangement signage.
- 3.6. The two breaches of the Gaming Machine Regulation 2004 were:
- one instance of failing to comply with a cashless gaming system requirement; and

¹¹⁸ Dr Marisa Paterson MLA, *Proof Committee Hansard*, 21 February 2022, p 31.

¹¹⁹ Yu-Lam Chan, Chief Executive Officer, ACT Gambling and Racing Commission, *Proof Committee Hansard*, 21 February 2022, p 31.

- one instance of operating a high denomination note acceptor.¹²⁰

Committee comment

- 3.7. The Committee is of the view that the community should expect that ACT poker machines are paying out at the correct rate.

Recommendation 20

The Committee recommends that the ACT Gambling and Racing Commission provide assurances that ACT poker machine venues are operating machines that have been inspected to ensure correct player payouts.

Self-exclusion

- 3.8. The ACT Government has introduced a rigorous, cross-venue self-exclusion regime in the ACT for people experiencing harm from gaming, with significant penalties for breaches.¹²¹
- 3.9. In 2020-21, of the 813 breaches the Casino detected and self-reported to the ACT Gambling and Racing Commission, there were 17 instances in which an excluded person breached the terms of their exclusion. These include either a self-exclusion under the Gambling and Racing Control (Code of Practice) Regulation 2002 or an exclusion enacted by the Casino under the *Casino Control Act 2006*.¹²²

Committee comment

- 3.10. The Committee is of the view there would be benefit if data on breaches of the self-exclusion were more transparent in order to evaluate the effectiveness of the regime and to identify how to improve the regime.

Recommendation 21

The Committee recommends that the ACT Gambling and Racing Commission publicly provide detail to the self-exclusion data and present it in ACT Gambling and Racing Commission Annual Reports, including numbers of self-exclusions, regions of self-exclusion, gender of self-excluded, average length of exclusion, and outline both casino and club data relating to numbers of self-exclusion breaches.

ACT Human Rights Commission

- 3.11. The ACT Human Rights Commission is an independent agency established in 2006 under the *Human Rights Commission Act 2005*. The Public Advocate and the Victims of Crime

¹²⁰ ACT Gambling and Racing Commission, *Annual Report 2020-21*, p 28.

¹²¹ Justice and Community Safety Directorate, *Annual Report 2020-21*, December 2021, p 7.

¹²² Shane Rattenbury MLA, Attorney-General, answer to QTON 9: Gaming Machine Act breaches, 21 February 2022 (received 9 March 2022), p 1.

Commissioner joined the Commission in April 2016. The ACT is the first Australian jurisdiction to have legislated a Human Rights Commission Act.

3.12. The Commission's role under the Human Rights Commission Act is to:

- promote understanding of human rights in the ACT;
- identify and examine issues that affect human rights and the welfare of vulnerable groups in the ACT;
- independently handle complaints about discrimination, and complaints between users and providers of prescribed services;
- encourage service improvement and increase awareness of the rights and responsibilities of service users and providers;
- provide advice to government and others about their human rights obligations;
- provide advocacy for children, young people and adults experiencing vulnerability; and
- deliver services to victims of crime and advocate for them.¹²³

Matters considered

3.13. The Human Rights Commission appeared before the Committee on 22 February 2022 and the following matters were considered:

- Public Advocate and meeting of targets;
- Resourcing capacity of the Human Rights Commission to handle additional rights that have been added to their responsibility;¹²⁴
- Inquiries and complaints received by the Human Rights Commission;¹²⁵
- Community engagement activities being undertaken by the Public Advocate ACT;
- Key challenge for the Human Rights Commissioner for the next 12 months, including:
 - real time oversight of COVID-19 exercises of power;¹²⁶
 - ensuring adherence to the new Charter of Victim Rights;¹²⁷
 - advocacy on the minimum age of criminal responsibility;¹²⁸
 - increasing numbers of people coming to the Human Rights Commission, including the numbers of young people brought into the involuntary mental health system;¹²⁹

¹²³ ACT Human Rights Commission, *Annual Report 2020-21*, p 18.

¹²⁴ *Proof Committee Hansard*, 22 February 2022, p 65.

¹²⁵ *Proof Committee Hansard*, 22 February 2022, p 66.

¹²⁶ *Proof Committee Hansard*, 22 February 2022, pp 67–68.

¹²⁷ *Proof Committee Hansard*, 22 February 2022, p 68, 70.

¹²⁸ *Proof Committee Hansard*, 22 February 2022, p 68.

¹²⁹ *Proof Committee Hansard*, 22 February 2022, p 69.

- the JACS review of the *Discrimination Act 1991* and new areas of jurisdiction in respect of elder abuse and abuse, neglect and exploitation of people with a disability;¹³⁰
- Oversight of Chief Health Officer directions issued to individuals and review rights;¹³¹
- Improvements for monitoring and oversight of closed environments;¹³²
- Review rights for vaccination directions and lack of scrutiny by the ACT Legislative Assembly;¹³³
- Young people's rights to be engaged in the democratic process in the ACT;¹³⁴
- Family violence safety action pilot;¹³⁵
- Complaints received from March 2020 when COVID-19 started impacting;¹³⁶ and
- Lack of an official visitor program.¹³⁷

Key Issues

Public Advocate - Mental Health

- 3.14. The Committee heard that the number of new consumers in the involuntary mental health system is a growing area of concern. The Human Rights Commission is looking to develop a greater understanding of the reason for the growth and to particularly understand better numbers of young people coming into the involuntary system. There was a concern in relation to people who were presenting briefly to the emergency department, but not to inpatient facilities, and then returning quickly to the emergency department. There is a risk that if these people are not being adequately stabilised, then this may lead to further issues going forward.¹³⁸
- 3.15. The Human Rights Commission told the Committee that they only had two Full Time Equivalent (FTE) responsible for the mental health portfolio, which has limited their capacity to provide advocacy and documentation review. Of the 11,750 compliance documents received, 7,034 or 60 percent related to mental health and forensic mental health. It has not been possible to re-divert resources from other areas of the Human Rights Commission.¹³⁹

¹³⁰ *Proof Committee Hansard*, 22 February 2022, p 69.

¹³¹ *Proof Committee Hansard*, 22 February 2022, p 71.

¹³² *Proof Committee Hansard*, 22 February 2022, p 72.

¹³³ *Proof Committee Hansard*, 22 February 2022, p 73.

¹³⁴ *Proof Committee Hansard*, 22 February 2022, p 73.

¹³⁵ *Proof Committee Hansard*, 22 February 2022, p 73.

¹³⁶ *Proof Committee Hansard*, 22 February 2022, p 74.

¹³⁷ *Proof Committee Hansard*, 22 February 2022, p 77.

¹³⁸ *Proof Committee Hansard*, 22 February 2022, p 69.

¹³⁹ *Proof Committee Hansard*, 22 February 2022, p 69.

Committee comment

- 3.16. The Committee is of the view that given the growing numbers in the involuntary system for mental health, and potential for such patients to have re-occurring issues if it is not properly addressed it should be resourced appropriately. There are currently only two FTE in this area. More FTEs are required to undertake documentation reviews and direct advocacy.

Recommendation 22

The Committee recommends that the ACT Government look to urgently resource the Public Advocate, with respect to FTE positions, to assist with processing the significant increase in involuntary mental health orders.

ACT Policing

- 3.17. The Australian Federal Police (AFP) is a statutory authority established by the Federal Parliament under the *Australian Federal Police Act 1979*. The AFP delivers policing services to the ACT as a separate outcome under a contractual arrangement between the Commonwealth and the ACT Government.¹⁴⁰

Matters considered

- 3.18. The Minister for Police and Emergency Services and ACT Policing appeared before the Committee on 23 February 2022 and the following matters were considered:
- COVID-19 impacts and diversion of resources from other police activities;¹⁴¹
 - Protester activity;¹⁴²
 - Body-worn cameras;¹⁴³
 - Satisfaction rates of people with interactions with Police in the last 12 months;¹⁴⁴
 - Implementation of the police services model;¹⁴⁵ and
 - Online crime reporting.¹⁴⁶

¹⁴⁰ ACT Policing, *Annual Report 2020-21*, p 11.

¹⁴¹ *Proof Committee Hansard*, 23 February 2022, pp 151–152.

¹⁴² *Proof Committee Hansard*, 23 February 2022, pp 152–155.

¹⁴³ *Proof Committee Hansard*, 23 February 2022, pp 155–156.

¹⁴⁴ *Proof Committee Hansard*, 23 February 2022, pp 156–158.

¹⁴⁵ *Proof Committee Hansard*, 23 February 2022, pp 159–161.

¹⁴⁶ *Proof Committee Hansard*, 23 February 2022, pp 161–162.

Key Issues

Frontline police services

- 3.19. In the last five years, there has been a 19 percent increase in critical and time-sensitive calls requiring urgent police attendance, increasing the demand on policing services.¹⁴⁷
- 3.20. The Committee heard that there had been demands on the services of ACT Policing, including from significant protest activity from December 2021 which was expected to continue over an extended period without additional direct support from other jurisdictions.¹⁴⁸

Committee comment

- 3.21. The Committee is of the view that ACT Policing frontline services are essential to ensure the safety of the Canberra community. Given the increase in demands that have been growing over time, there is a need to ensure that the number of frontline services increases in line with increased demand.

Recommendation 23

The Committee recommends that the ACT Government continue to adequately resource ACT Policing and advocate to the Commonwealth Government for resource assistance in respect to recent protest activity.

Inspector of the ACT Integrity Commission

- 3.22. The ACT Integrity Commission is established under the *Integrity Commission Act 2018* and commenced full operations in December 2019. The Commission is an independent body with broad powers to:
- investigate alleged corruption in the ACT Government and public service;
 - refer suspected instances of criminality or wrongdoing to the appropriate authorities;
 - publish information about investigations and conduct education programs; and
 - strengthen public confidence in government integrity.¹⁴⁹

Matters considered

- 3.23. The Inspector of the ACT Integrity Commission appeared before the Committee on 22 February 2022 the following matters were considered:
- Inspections of the Commissioner's conflict of interest register;¹⁵⁰

¹⁴⁷ ACT Policing, *Annual Report 2020-21*, p 15.

¹⁴⁸ Deputy Commissioner Neil Gaughan, Chief Police Officer, *Proof Committee Hansard*, 23 February 2022, pp 152–155.

¹⁴⁹ ACT Integrity Commission, *Annual Report 2020-21*, p 9.

¹⁵⁰ *Proof Committee Hansard*, 22 February 2022, p 87.

- General calls by the Integrity Commission regarding corruption concerns;¹⁵¹ and
- Use of powers by the Integrity Commission.¹⁵²

3.24. The Committee made no recommendations in relation to the ACT Integrity Commission.

Legal Aid ACT

3.25. The Legal Aid Commission (ACT) is an independent statutory authority established by the *Legal Aid Act 1977* (ACT). The primary purpose of the Legal Aid Commission is to provide vulnerable and disadvantaged Australians with access to justice through a range of legal aid services in accordance with the Act.

Matters considered

3.26. Legal Aid ACT appeared before the Committee on 23 February 2022 and 16 March 2022 and the following matters were considered:

- Legal representation for people appearing before the Sentencing Administration Board;¹⁵³
- Funding levels in relation to operational requirements;¹⁵⁴
- Cash holding levels;¹⁵⁵
- Recruitment;¹⁵⁶
- Level of service from volunteers and pro-bono work;¹⁵⁷
- Sexual violence matters;¹⁵⁸
- Tenancy advisory services;¹⁵⁹
- Retention of staff;¹⁶⁰
- Surplus reported;¹⁶¹
- Increase in personal protection orders;¹⁶²
- Tenancy advisory service;¹⁶³
- Services provided to Aboriginal and Torres Strait Islanders and related staffing;¹⁶⁴ and

¹⁵¹ *Proof Committee Hansard*, 22 February 2022, p 88.

¹⁵² *Proof Committee Hansard*, 22 February 2022, p 89.

¹⁵³ *Proof Committee Hansard*, 23 February 2022, p 106.

¹⁵⁴ *Proof Committee Hansard*, 23 February 2022, pp 106–107.

¹⁵⁵ *Proof Committee Hansard*, 23 February 2022, p 107.

¹⁵⁶ *Proof Committee Hansard*, 23 February 2022, p 108.

¹⁵⁷ *Proof Committee Hansard*, 23 February 2022, p 109.

¹⁵⁸ *Proof Committee Hansard*, 23 February 2022, p 109; 16 March 2022, pp 179–180.

¹⁵⁹ *Proof Committee Hansard*, 23 February 2022, p 110.

¹⁶⁰ *Proof Committee Hansard*, 23 February 2022, p 110.

¹⁶¹ *Proof Committee Hansard*, 16 March 2022, pp 174–176, 177.

¹⁶² *Proof Committee Hansard*, 16 March 2022, pp 176–177.

¹⁶³ *Proof Committee Hansard*, 16 March 2022, p 177.

¹⁶⁴ *Proof Committee Hansard*, 16 March 2022, p 178.

- Youth Law Centre.¹⁶⁵

Key Issues

Surplus reported

- 3.27. Legal Aid ACT reported an increase in total assets of \$12.166 million which exceeded the 2020-21 Budget of \$9.401 million by 29 percent. This was due to an increase in cash and equivalents, including:
- \$0.981 million in retained funding received for specific projects that are yet to be spent, or yet to be completed;
 - \$0.500 million due to a delay in office fit outs;
 - \$0.452 million due to lower than budgeted staff expenses; and
 - \$0.437 in lower referrals to Private Legal Practitioners and Legal Disbursements.¹⁶⁶
- 3.28. Legal Aid ACT told the Committee that they were looking at how to best staff and recruit for the organisation but are limited by office space and are taking caution due to ongoing cost commitments in engaging staff.¹⁶⁷
- 3.29. Legal Aid ACT also advised that it was necessary to retain a significant cash reserve to cover temporary surges in demand, support expensive criminal cases and commitments to external legal practitioners, high one-off operating or capital expenditure or cessation of services. To manage this range of contingencies, they carry a reserve of \$5 million to \$7 million. The cash surplus is also required to meet one-off costs with an end of office lease of up to \$2 million, and an upgrade for their IT system of up to \$0.5 million over the current and next financial year. There has been some short-term recruitment of staff, but an on-going staff increase outside budget is not currently planned.¹⁶⁸

Committee comment

- 3.30. The Committee is of the view that it is important to ensure that funds are being used for Legal Aid's core functions in serving the community. While retaining a level of cash reserves is part of good financial management, reasons why funds are held in surplus rather than assisting the most vulnerable and needy in our community should be fully explained.

Recommendation 24

The Committee recommends that Legal Aid ACT, in their next annual report, fully explain the reason(s) for their reported surplus.

¹⁶⁵ *Proof Committee Hansard*, 16 March 2022, pp 178–179.

¹⁶⁶ Legal Aid ACT, *Annual Report 2020-21*, p 67.

¹⁶⁷ *Proof Committee Hansard*, 23 February 2022, pp 107–108.

¹⁶⁸ Legal Aid ACT, *answer to QTON 25 (Revised): Anticipated plan for surplus funds*, 9 May 2022 (received 9 May 2022), p 2.

Office of the Director of Public Prosecutions

3.31. The Office of the Director of Public Prosecutions was established by the *Director of Public Prosecutions Act 1990* to institute, conduct and supervise prosecutions and related proceedings. It comprises the Director of Public Prosecutions, an independent statutory officer appointed by the ACT's Executive, and staff employed under the *Public Sector Management Act 1994*, to assist the Director.¹⁶⁹

Matters considered

- 3.32. The Director of Public Prosecutions (DPP) appeared before the Committee on 21 February 2022 and 23 February 2022 and the following matters were considered:
- Impact of the raising of the minimum age of criminal responsibility on the number of cases in the Children's Court and referrals to the Restorative Justice Unit and rate of re-offending in respect of matters in the Children's Court;¹⁷⁰
 - Coronial reforms and funding for the family liaison role;¹⁷¹
 - Changes in the number of family violence matters and support for families in the Children's Court;¹⁷²
 - Twin program with the Solomon Islands and Pacific regions;¹⁷³
 - Offences under the *Electoral Act 1992*;¹⁷⁴
 - Child welfare cases;¹⁷⁵
 - Statutory reforms relating to the test for grievous bodily harm and the relevant state of mind;¹⁷⁶
 - Business plan estimates of numbers of trials with not guilty verdicts;¹⁷⁷
 - Drug and alcohol sentencing list;¹⁷⁸
 - Staff retention and attracting staff to the Office of the DPP;¹⁷⁹
 - Engagement with the Report from the sexual assault response and prevention steering committee and consent legislation;¹⁸⁰

¹⁶⁹ Office of the Director of Public Prosecutions, *Annual Report 2020-21*, p 35

¹⁷⁰ *Proof Committee Hansard*, 21 February 2022, pp 3–4.

¹⁷¹ *Proof Committee Hansard*, 21 February 2022, p 4.

¹⁷² *Proof Committee Hansard*, 21 February 2022, p 15.

¹⁷³ *Proof Committee Hansard*, 21 February 2022, p 18.

¹⁷⁴ *Proof Committee Hansard*, 21 February 2022, p 19; 23 February 2022, p 102.

¹⁷⁵ *Proof Committee Hansard*, 21 February 2022, p 23.

¹⁷⁶ *Proof Committee Hansard*, 23 February 2022, p 98.

¹⁷⁷ *Proof Committee Hansard*, 23 February 2022, p 99.

¹⁷⁸ *Proof Committee Hansard*, 23 February 2022, pp 99–100.

¹⁷⁹ *Proof Committee Hansard*, 23 February 2022, p 101.

¹⁸⁰ *Proof Committee Hansard*, 23 February 2022, p 101.

- Issues with the introduction of criminal party conferencing;¹⁸¹
- Statistics related to the criminal advocacy support and inquiry system;¹⁸² and
- Staff receiving fraud training.¹⁸³

3.33. The Committee did not have any recommendations in relation to the DPP.

Office of the Inspector of Correctional Services

3.34. The Office of the ACT Inspector of Correctional Services is responsible for the continual improvement of ACT correctional centres and services including youth justice facilities.¹⁸⁴ Jurisdiction includes the AMC, Court Transport Unit, and the Bimberi Youth Justice Centre.

Matters considered

3.35. The Deputy Inspector of Correctional Services appeared before the Committee on 22 February 2022, and the following matters were considered:

- Extending the time frame for reviews from two to three years;¹⁸⁵
- Level of resourcing;¹⁸⁶
- Meeting obligations under the OPCAT (Optional Protocol to the Convention Against Torture);¹⁸⁷
- Outcomes of previous reviews of the AMC and the 2019 Healthy Prison Review;¹⁸⁸
- National Preventative Mechanism;¹⁸⁹
- Subcommittee on Prevention of Torture;¹⁹⁰ and
- Cultural safety for Aboriginal and Torres Strait Islander detainees and staff.¹⁹¹

Key Issues

Funding concerns

3.36. The Office of the Inspector of Correctional Services (OICS) has been in operation since early 2018, and in 2020-21, the Inspector of Correctional Services did its first whole of centre review of Bimberi Youth Justice Centre. Oversight by the Office of Bimberi only

¹⁸¹ *Proof Committee Hansard*, 23 February 2022, p 103.

¹⁸² *Proof Committee Hansard*, 23 February 2022, p 103.

¹⁸³ *Proof Committee Hansard*, 23 February 2022, p 104.

¹⁸⁴ Office of the Inspector of Correctional Services, *Annual Report 2020-21*, p 6.

¹⁸⁵ *Proof Committee Hansard*, 23 February 2022, p 91.

¹⁸⁶ *Proof Committee Hansard*, 23 February 2022, p 92, 95.

¹⁸⁷ *Proof Committee Hansard*, 23 February 2022, p 93.

¹⁸⁸ *Proof Committee Hansard*, 23 February 2022, p 93.

¹⁸⁹ *Proof Committee Hansard*, 23 February 2022, p 94.

¹⁹⁰ *Proof Committee Hansard*, 23 February 2022, p 95.

¹⁹¹ *Proof Committee Hansard*, 23 February 2022, pp 95–96.

commenced in December 2019, a whole of centre review of Bimberi was required within the first two years of this.

- 3.37. The office was funded to review one critical incident per year. As with the previous year, during 2020-21, critical incident review functions took up more of the operational budget than expected with FTE decreasing.¹⁹² During the reporting period, OICS was notified of six critical incidents by ACTCS, had one critical incident declared by a Minister, and was notified of another critical incident by a family member of a detainee who had allegedly been assaulted leading to admission to hospital. The Inspector has discretion whether to review a critical incident.¹⁹³
- 3.38. The Committee heard that there were fewer than three FTEs in the OICS, noting that one staff member is 0.8 FTE and there is an ASO6 funded from the operational budget without guaranteed permanency. The ASO6 was responsible for part of the background work for the first Healthy Prisons Review of Bimberi. Permanency of this resource would assist with planning.
- 3.39. There has been a significant frequency of critical incidents at the AMC and the scale of the Healthy Prisons Review has meant that there have been limited resources to meet obligations under the OPCAT that Australia has ratified. This has impacted on resourcing in respect of visits to Bimberi.¹⁹⁴
- 3.40. When the OICS was first set up in 2017 it was originally planned to be an adult correctional oversight body, however Bimberi was added later without corresponding additional resources.¹⁹⁵

Committee comment

- 3.41. The Committee is of the view that the OICS is under resourced noting that the responsibility for Bimberi did not come with additional resourcing. This has meant that it has not been possible to conduct sufficient visits and risks the ability for the office to meet obligations under the OPCAT.

Recommendation 25

The Committee recommends that the ACT Government ensure funding for the Office of the Inspector of Correctional Services be commensurate with their new oversight responsibilities as well as the higher than anticipated critical incident reviews.

¹⁹² Office of the Inspector of Correctional Services, *Annual Report 2020-21*, p 4.

¹⁹³ Office of the Inspector of Correctional Services, *Annual Report 2020-21*, p 10.

¹⁹⁴ Rebecca Minty, Deputy Inspector, Office of the Inspector of Correctional Services, *Proof Committee Hansard*, 23 February 2022, p 92.

¹⁹⁵ Rebecca Minty, Deputy Inspector, Office of the Inspector of Correctional Services, *Proof Committee Hansard*, 23 February 2022, p 95.

Office of the Public Trustee and Guardian

- 3.42. The Public Trustee and Guardian (PTG) is an independent statutory officeholder in the JACS Directorate. The PTG incorporates the functions of Guardian and Manager as substitute decision-maker for persons with a decision-making disability.

Matters considered

- 3.43. The Office of the Public Trustee and Guardian appeared before the Committee on 22 February 2022 and 23 February 2022, and the following matters were considered:
- Reasons why GreaterGood were not considered to administer the Chief Minister’s Charitable Fund;¹⁹⁶
 - Lower than expected levels of enduring powers of attorney;¹⁹⁷
 - Resourcing of the Public Trustee and Guardian over shutdown periods and public holidays;¹⁹⁸
 - Increases in numbers for decisions on medical guardianships;¹⁹⁹
 - Online hearing costs and issues with the use of technology for hearings by vulnerable people;²⁰⁰ and
 - Official Visitor program.²⁰¹
- 3.44. The Committee did not have any recommendations in relation to the Office of the Public Trustee and Guardian.

Sentence Administration Board

- 3.45. The Sentence Administration Board makes decisions under the *Crimes (Sentence Administration) Act 2005* and related regulations (*Crimes (Sentence Administration) Regulation 2006*). The Board’s primary objective is to ensure as far as practicable that the sentences imposed by courts are given effect. Considering that public interest and community safety within a human rights framework underpins the work of the Board, the Board observes natural justice in its proceedings and decision-making.²⁰²

Matters considered

- 3.46. The Sentence Administration Board appeared before the Committee on 22 February 2022 and the following matters were considered:

¹⁹⁶ *Proof Committee Hansard*, 22 February 2022, pp 53–54.

¹⁹⁷ *Proof Committee Hansard*, 22 February 2022, pp 54–55.

¹⁹⁸ *Proof Committee Hansard*, 22 February 2022, pp 56–57.

¹⁹⁹ *Proof Committee Hansard*, 22 February 2022, p 57.

²⁰⁰ *Proof Committee Hansard*, 22 February 2022, pp 57–58.

²⁰¹ *Proof Committee Hansard*, 23 February 2022, pp 119–123.

²⁰² Sentence Administration Board, *Background to the Sentence Administration Board*, [The Sentence Administration Board | Justice and Community Safety Directorate \(act.gov.au\)](https://www.act.gov.au/justice-and-community-safety-directorate/sentence-administration-board) (accessed on 4 May 2022).

- Increases in community correction order breaches;²⁰³
- Level of community corrections completions for women and Indigenous offenders;²⁰⁴
- Transitional release centre;²⁰⁵
- Timeframes for hearing matters;²⁰⁶
- Use of teleconferencing and digital transformation;²⁰⁷
- Accommodation at the ACT courts complex;²⁰⁸ and
- People in the community on warrant issued but are still at large.²⁰⁹

Key Issues

Accommodation issues

- 3.47. No reliable venue for safe in-person hearings is available to the Board. While the Board used to have a venue at the ACT Courts Complex for this purpose, this is no longer available. As of 30 June 2021, 19.6 percent (nine) of the warrants issued by the Board during 2020-21 were unexecuted warrants for offenders who participated in a teleconferenced hearing and had their order cancelled or suspended. The Board believes these nine unexecuted warrants would be wholly avoided if the Board were to return to holding its hearings in-person in the ACT Courts Complex, once the COVID-19 emergency ends.²¹⁰
- 3.48. Teleconferenced hearings have been used due to the lack of accommodation and due to COVID-19 reasons. However, that has caused problems as it does not facilitate working therapeutically, and it is challenging to cancel orders over the phone due to the impact that this has on the person. Warrants are then issued to the police, and they ask people to hand themselves in, but this does not always occur resulting in some warrants being outstanding.
- 3.49. The Committee heard that the Sentencing Administration Board have been seeking accommodation within the ACT courts complex which has been supported by the Attorney-General and Minister for Community Corrections and is the practice in other jurisdictions. While it is the Board's preference to be located at the ACT courts complex, the Chief Justice has not agreed to this.²¹¹

²⁰³ *Proof Committee Hansard*, 23 February 2022, p 124.

²⁰⁴ *Proof Committee Hansard*, 23 February 2022, p 125.

²⁰⁵ *Proof Committee Hansard*, 23 February 2022, pp 125–126.

²⁰⁶ *Proof Committee Hansard*, 23 February 2022, p 126.

²⁰⁷ *Proof Committee Hansard*, 23 February 2022, p 127.

²⁰⁸ *Proof Committee Hansard*, 23 February 2022, p 128.

²⁰⁹ *Proof Committee Hansard*, 23 February 2022, p 128.

²¹⁰ Justice and Community Safety Directorate, *Annual Report 2020-21*, Annexure A, December 2021, p 278.

²¹¹ Laura Beacroft, Chair, Sentence Administration Board, *Proof Committee Hansard*, 23 February 2022, p 128.

- 3.50. The Attorney-General has also provided a view that the Sentence Administration Board should not be carrying out its hearings remotely and will continue to raise the issue with the courts and the incoming Chief Justice to resolve the issue.²¹²

Committee comment

- 3.51. The Committee is of the view that the lack of appropriate accommodation for the Sentencing Administration Board is concerning given the impact that it has had on outstanding warrants.

Recommendation 26

The Committee recommends that the ACT Government urgently address the Sentencing Administration Board's accommodation problem by ensuring they have office space at the courts.

Outstanding or unfulfilled warrants

- 3.52. The consequence of outstanding warrants was raised in the context of it being as a result of increased teleconferencing over face-to-face hearings. The Committee heard that at the time of the hearing there were seven offenders all with serious offences still at large for periods between 514 to 18 days.²¹³
- 3.53. The Minister for Corrections advised that ACT Policing works closely with the Sentencing Administration Board, and they are active in pursuing outstanding warrants. ACT Policing considered that the seven cases were low risk, however, noted that this does not mean they will not reoffend and will continue to pursue those cases. Between 1 July 2020 and 1 March 2022, ACT Police have executed 124 Sentence Administration Board warrants with 10 additional warrants withdrawn by the Sentence Administration Board and returned to court.²¹⁴

Committee comment

- 3.54. The Committee is of the view that it is concerning that there have been individuals in the community with outstanding warrants or warrants not served for such long periods and the risk that this has on the community.

Recommendation 27

The Committee recommends that ACT Policing ensure that those individuals whose parole has been revoked, and who currently have a warrant out for their arrest, be detained as a priority.

²¹² ACT Correctional Services, answer to QON 1b: Sentencing Administration Board – Offenders (Corrections), 25 February 2022 (received 13 March 2022), p 1.

²¹³ Laura Beacroft, Chair, Sentence Administration Board, *Proof Committee Hansard*, 23 February 2022, p 128.

²¹⁴ ACT Policing, answer to QON 1a: Sentencing Administration Board – Offenders (Policing), 25 February 2022 (received 16 March 2022), p 1.

4. Officers of the Assembly

ACT Electoral Commission

- 4.1. The ACT Electoral Commission is an independent statutory authority established under the *Electoral Act 1992* comprising a Chairperson (part-time), a full-time Electoral Commissioner (the Commissioner) and a Member (part-time), with responsibility for the conduct of elections and referendums for the ACT Legislative Assembly and for the provision of electoral advice and services.

Matters considered

- 4.2. The ACT Electoral Commission appeared before the Committee on 22 February 2022 and the following matters were considered:
- Scrutiny of electronic voting;²¹⁵
 - Measures to increase staff satisfaction and recruitment prior to an election;²¹⁶
 - Statistics in relation to non-voters;²¹⁷
 - Planning for cybersecurity enhancements in relation to risks to e-voting;²¹⁸
 - Sharing the experiences of conducting an election during the pandemic with other jurisdictions;²¹⁹ and
 - School and Community education programs.²²⁰

Key Issues

Electoral education program

- 4.3. During the first half of the 2020-21 reporting period, the ACT Electoral Commission's educational focus was on communicating to ACT electors' information about the ACT Legislative Assembly election, which included messaging on how, when, and where to vote as well as COVID-19 safety measures put in place.
- 4.4. The ACT Electoral Commission runs schools and community education programs which aim to increase understanding of the Hare-Clark electoral system and the importance of electoral engagement in a democracy. These programs were suspended in March 2020 due to COVID-19 safety concerns and recommenced in January 2021. During this time, the

²¹⁵ Damian Cantwell AM CSC, Electoral Commissioner, ACT Electoral Commission, *Proof Committee Hansard*, 22 February 2022, pp 45–47.

²¹⁶ *Proof Committee Hansard*, 22 February 2022, p 47.

²¹⁷ *Proof Committee Hansard*, 22 February 2022, pp 47–48.

²¹⁸ *Proof Committee Hansard*, 22 February 2022, p 50.

²¹⁹ *Proof Committee Hansard*, 22 February 2022, p 50.

²²⁰ *Proof Committee Hansard*, 22 February 2022, p 50.

number of participants in these programs went from 1012 in 2019-2020, to 739 in 2020-21.²²¹

- 4.5. There is a team of two staff that have been responsible for the delivery of these programs, with one of them recently retired.²²²
- 4.6. According to trends, non-voters tend to be those aged over 18 after initial high engagement to those aged in their early 30s. In the 2020 ACT Legislative Assembly election, 55 percent of non-voters were male, and 45 percent female.²²³ 32,857 eligible electors had not had their name marked off the certified list of electors, as having cast a vote at the election. As of 22 February 2022, a total of 15,254 non-voters had provided to the Electoral Commissioner a reason that was deemed to be valid and sufficient.²²⁴

Committee comment

- 4.7. The Committee is of the view that the community should understand the importance of engaging in the electoral process and how it works. While the ACT Electoral Commission has put in place various programs to do this, it would benefit from more funding.

Recommendation 28

The Committee recommends that the ACT Government increase Electoral Commission funding for the conduct of democratic education for the community.

ACT Integrity Commission

- 4.8. The Integrity Commission is established under the *Integrity Commission Act 2018* and its functions are, essentially, to assess reports of alleged corrupt conduct and investigate and report on those which warrant inquiry, as well as informing the public sector and the community about the risks of corruption and the ways it can be combatted.²²⁵

Matters considered

- 4.9. The Integrity Commissioner appeared before the Committee on 23 February 2022 and the following matters were considered:
- Protections and anonymity for companies in the building and construction industry to come forward with concerns about ACT government procurement;²²⁶

²²¹ ACT Electoral Commission, *Annual Report 2020-21*, pp 26–28.

²²² Damian Cantwell AM CSC, Electoral Commissioner, ACT Electoral Commission, *Proof Committee Hansard*, 22 February 2022, p 51.

²²³ ACT Electoral Commission, *answer to QTON 13: Gender differences in non-voter statistics*, 22 February 2022 (received 2 March 2022), p 1.

²²⁴ ACT Electoral Commission, *answer to QTON 12: Non-voter statistics for 2020 election*, 22 February 2022 (received 2 March 2022), p 1.

²²⁵ ACT Integrity Commission, *Annual Report 2020-21*, p 10.

²²⁶ *Proof Committee Hansard*, 23 February 2022, pp 112–116.

- Staff training on the handling of sensitive information and whistle-blower protection;²²⁷
- Resourcing for investigations;²²⁸ and
- Numbers of confidentiality notices and private hearings, and the benefits of public examinations.²²⁹

Key Issues

Resourcing for large scale investigations

- 4.10. The Committee heard that while the Integrity Commission's resources was adequate in normal circumstances if there were large number of significant issues to investigate it would be necessary to either prioritise issues for investigation according to resources or seek a further special budgetary allowance from the ACT Legislative Assembly.

Committee comment

- 4.11. The Committee is of the view that given that the Integrity Commission's costs were very small in comparison to the cost of some of the tenders that could be subject to investigation, and the potential public interest in investigations, there needed to be a mechanism to ensure that funds would be available if further resources were required for matters of sufficient priority.

Recommendation 29

The Committee recommends that the ACT Government seek advice from the Integrity Commission regarding the need for extra resources to enable more detailed investigation if they are required.

²²⁷ *Proof Committee Hansard*, 23 February 2022, p 113.

²²⁸ *Proof Committee Hansard*, 23 February 2022, p 116.

²²⁹ *Proof Committee Hansard*, 23 February 2022, pp 117–118.

5. Conclusion

- 5.1. The Committee has made 29 recommendations in its Inquiry into Annual and Financial Reports 2020-2021.
- 5.2. The Committee thanks ACT Government Ministers and accompanying Directorate officials, the statutory office holders, and members of governing boards who assisted the Committee during the inquiry by appearing to give evidence and responding to questions.

Peter Cain MLA

Chair

19 May 2022

Appendix A: Witnesses

Day 1 – 21 February 2022

Shane Rattenbury, Attorney-General, Minister for Gaming and Minister for Consumer Affairs.

Justice and Community Safety Directorate

- **Richard Glenn**, Director General
- **Peter Garrisson**, Solicitor General for the ACT
- **Shane Drumgold**, Director of Public Prosecutions
- **Amanda Nuttall**, Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal
- **Kathryn Johnson**, Executive Branch Manager, Justice Reform, Legislation, Policy and Programs Division
- **Richard Dening**, Senior Director, Restorative Justice Unit, Legislation, Policy and Programs Division
- **Daniel Ng**, Acting Executive Group Manager, Legislation, Policy and Programs Division
- **Karen Greenland**, Executive Branch Manager, Criminal Law, Legislation, Policy and Programs Division
- **Robyn Hakelis**, Executive Branch Manager, Civil Law, Legislation, Policy and Programs Division
- **Dragana Cvetkovski**, Executive Branch Manager, and Chief Finance Officer

ACT Gambling and Racing Commission

- **Yu-Lam Chan**, Chief Executive Officer

Chief Minister, Treasury and Economic Development Directorate

- **Josh Rynehart**, Executive Branch Manager, Fair Trading and Compliance, Access Canberra
- **Derise Cubin**, Executive Branch Manager, Licensing and Registrations, Access Canberra

Day 2 – 22 February 2022

Tara Cheyne, Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights, Minister for Agricultural Affairs

Chris Steel, Minister for Transport and City Services, Minister for Skills, Special Minister of State

Justice and Community Safety Directorate

- **Daniel Ng**, Acting Executive Group Manager, Legislation, Policy and Programs Division
- **Gabrielle McKinnon**, Senior Manager, Civil Law, Legislation, Policy and Programs Division
- **Robyn Hakelis**, Executive Branch Manager, Civil Law, Legislation, Policy and Programs Division

ACT Electoral Commission

- **Damian Cantwell, AM, CSC**, Electoral Commissioner

- **Rohan Spence**, Deputy Electoral Commissioner
- **Scott Hickey**, Chief Finance Officer

Office of the Public Trustee and Guardian

- **Andrew Taylor**, Public Trustee and Guardian
- **Callum Hughes**, Deputy Public Trustee and Guardian

ACT Human Rights Commission

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

Day 3 – 23 February 2022

Mick Gentleman, Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

ACT Integrity Commission

- **Penny McKay**, Acting Inspector of the ACT Integrity Commission
- **Dr Adele Morey**, Director, ACT Strategy Cooperation, Commonwealth and ACT Ombudsman

ACT Policing

- **Deputy Commissioner Neil Gaughan**, Chief Police Officer
- **Assistant Commissioner Peter Crozier**, Deputy Chief Police Officer
- **Peter Whowell**, Executive General Manager, Corporate

Environment, Planning and Sustainable Development Directorate

- **Geoffrey Rutledge**, Deputy Director-General, Sustainability, and the Built Environment

Inspector of the ACT Integrity Commission

- **Michael Adams**, ACT Integrity Commissioner

Justice and Community Safety Directorate

- **Jennifer McNeil**, Deputy Director-General, Justice and Official Visitors Board Chair
- **Shannon Pickles**, Official Visitor, Corrections/Mental Health
- **Vickie Quinn**, Official Visitor, Detainees
- **Ray Johnson**, Commissioner, ACT Corrective Services
- **Corrinne Justason**, Deputy Commissioner, Custodial Operations, ACT Corrective Services

- **Karen Doren**, Deputy Director-General, Community Safety
- **Georgina Whelan**, Commissioner, ACT Emergency Services Agency
- **Brett Burkevics**, Executive Branch Manager, Emergency Services Management
- **Rohan Scott**, Chief Executive Officer, ACT Rural Fire Service
- **Jason Jones**, Acting Deputy Commissioner, ACT Emergency Services Agency
- **Glenn Brewer**, Acting Chief Officer, ACT Emergency Services Agency

Legal Aid ACT

- **Brett Monger**, Chief Financial Officer

Office of the Director of Public Prosecutions

- **Shane Drumgold, SC**, Director of Public Prosecutions

Office of the Inspector of Correctional Services

- **Rebecca Minty**, Deputy Inspector

Sentence Administration Board

- **Laura Beacroft**, Chair

Day 4 – 16 March 2022

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

Appendix B: Questions on Notice and Questions Taken on Notice

Questions on Notice (QON)

No.	Date	Asked by	Asked of	Subject	Response received
1a	25/02/22	Paterson	ACT Policing	Sentencing Administration Board – Offenders (Policing)	16/03/22
1b	25/02/22	Paterson	ACT Corrective Services	Sentencing Administration Board – Offenders (Corrections)	13/03/22
2	28/02/22	Cain	Attorney-General	Tenders awarded by JACS	13/03/22
3	01/03/22	Lee	ACT Electoral Commission	Tenders awarded by ACT Electoral Commission	07/03/22
4	01/03/22	Lee	Public Trustee and Guardian	Tenders awarded by Public Trustee and Guardian	04/03/22
5	01/03/22	Lee	Legal Aid Commission	Tenders awarded by Legal Aid Commission	08/03/22
6	01/03/22	Lee	ACT Integrity Commission	Tenders awarded by ACT Integrity Commission	14/04/22
7	02/03/22	Kikkert	Emergency Services Agency	ACTSES Recruitment	16/03/22
8	02/03/22	Kikkert	ACT Corrective Services	Transitional Release Centre (TRC) and Transitional Release Program (TRP)	20/04/22
9	02/03/22	Kikkert	ACT Corrective Services	Smoking at the AMC and WorkSafe Notices	21/03/22
10	02/03/22	Kikkert	ACT Corrective Services	Recommendation 38 and 39 of the 2019 Healthy Prison Review (HPR)	21/03/22
11	02/03/22	Kikkert	ACT Corrective Services	Incentives and Earned Privileges (IEP) Policy	21/03/22
12	02/03/22	Kikkert	ACT Corrective Services	Expansion of Hume Health Centre and Winnunga	21/03/22
13	02/03/22	Kikkert	ACT Corrective Services	Education and VET training at the AMC	21/03/22
14	02/03/22	Kikkert	ACT Corrective Services	Assaults in the AMC	21/03/22
15	02/03/22	Kikkert	Inspector of Correctional Services	Recommendation 39 of the 2019 Healthy Prison Review (HPR)	10/03/22

16	02/03/22	Kikkert	Inspector of Correctional Services	Quarterly updates on implementation of recommendations	10/03/22
17	02/03/22	Kikkert	Inspector of Correctional Services	Implementation of recommendations from 2019 Health Prison Review (HPR)	10/03/22
18	02/03/22	Kikkert	Official Visitors Board and Corrections	Trauma support for Aboriginal and Torres Strait Islander detainees	16/03/22
19	02/03/22	Kikkert	Official Visitors Board and Corrections	Right to reimbursement when possessions destroyed	16/03/22
20	02/03/22	Kikkert	Official Visitors Board and Corrections	Management unit changes	16/03/22

Questions Taken on Notice (QTON)

No.	Date	Asked by	Asked of	Subject	Response received
1	21/02/22	Braddock	Attorney-General	Rates of reoffending by participants in the Restorative Justice Scheme	01/03/22
2	21/02/22	Cain	Attorney-General	Perception-of-safety breakdown	No response received
3	21/02/22	Paterson	Attorney-General	Increase in family matters in Children's Court	07/03/22
4	21/02/22	Braddock	Attorney-General	Measurement of reducing rate of incarceration of Aboriginal and Torres Strait Islanders	07/03/22
5	21/02/22	Cain	Attorney-General	ACT Governance and Management Framework	15/03/22
6	21/02/22	Cain	Attorney-General	Non-payment of fines for failing to enrol or vote	21/02/22
7	21/02/22	Cain	Attorney-General	Cost of litigating LVC disputes	15/03/22
8	21/02/22	Paterson	Attorney-General	Increase in gambling revenue	09/03/22
9	21/02/22	Paterson	Attorney-General	Gaming Machine Act breaches	09/03/22

10	21/02/22	Braddock	Attorney-General	Community contributions	09/05/22
11	21/02/22	Cain	Attorney-General	Licensing of hawkers	09/03/22
12	22/02/22	Braddock	ACT Electoral Commission	Non-voter statistics for 2020 election	02/03/22
13	22/02/22	Paterson	ACT Electoral Commission	Gender differences in non-voter statistics	02/03/22
14	22/02/22	Paterson	Public Trustee and Guardian	Increase in medical decision making	04/03/22
15	22/02/22	Paterson	ACT Human Rights Commission	Official visitor program for aged care facilities	09/03/22
16	22/02/22	Braddock	JACS	Policy on death certificates	09/03/22
17	22/02/22	Braddock	JACS	Territory Roads Act cabinet papers	01/03/22
18	22/02/22	Cain	JACS	Electoral Policy (Electoral Legislation Amendment Act)	03/03/22
19	23/02/22	Cain	ACT Office of the Inspector of Correctional Services	ACT Inspector of Correction Services 2019 Healthy Prison Review – Recommendations not agreed to	28/02/22
20	23/02/22	Cain	Director of Public Prosecutions	Statutory reform	04/03/22
21	23/02/22	Cain	Director of Public Prosecutions	Retention rate of staff of the DPP	04/03/22
22	23/02/22	Paterson	Director of Public Prosecutions	Criminal advocacy support and inquiry system – ABS data compliance	04/03/22
23	23/02/22	Cain	Director of Public Prosecutions	Fraud training (percentage of staff who have received training)	04/03/22
24	23/02/22	Paterson	Legal Aid ACT	Legal representation for people appearing before the Sentencing Administration Board	11/03/22
25	23/02/22	Cain	Legal Aid ACT	Anticipated plan for surplus funds	11/03/22
26	23/02/22	Braddock	Legal Aid ACT	Pro bono legal aid provided by legal firms in the ACT	11/03/22
27	23/02/22	Cain	Legal Aid ACT	Free legal advice provided to Afghanistan evacuees	11/03/22
28	23/02/22	Paterson	Legal Aid ACT	Breakdown of sexual violence matters dealt with by Legal Aid	11/03/22

29	23/02/22	Braddock	Legal Aid ACT	Substance of calls and issues made to the Tenancy Advisory Service	11/03/22
30	23/02/22	Cain	Legal Aid ACT	Attracting staff to Legal Aid	11/03/22
31	23/02/22	Cain	ACT Corrective Services	Recommended timeframes for hearing matters	No response received
32	23/02/22	Cain	ACT Corrective Services	Detainees employed in commercial industries	26/04/22
33	23/02/22	Cain	ACT Corrective Services	Justice Housing Program	26/04/22
34	23/02/22	Paterson	ACT Corrective Services	Walking with Women on the Pathway to Change Framework	26/04/22
35	23/02/22	Braddock	ACT Corrective Services	Persons discharged from the AMC each calendar year	26/04/22
36	23/02/22	Hanson	ACT Policing	Clearance rates for property crime	14/03/22
37	23/02/22	Cain	ACT Policing	Online crime reporting system cost	14/03/22
38	23/02/22	Paterson	ACT Policing	Dangerous driving on roads in Uriarra	14/03/22
39	23/02/22	Cain	ACT Emergency Services	Ambulance service delivery responses to priority 1 incidents	14/03/22
40	23/02/22	Braddock	ACT Emergency Services	ACT Ambulance fees	14/03/22
41	23/02/22	Cain	ACT Emergency Services	Disability awareness training undertaken by JACS staff	14/03/22
42	23/02/22	Braddock	ACT Emergency Services	Building inspections identifying issues or non-compliance	19/05/22
43	16/03/22	Paterson	Legal Aid ACT	Legal Aid ACT reporting methods	25/03/22
44	21/02/22	Paterson	Attorney-General	Child welfare matters	13/04/22