

2004

THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY

GOVERNMENT RESPONSE

Standing Committee on Legal Affairs

Report 9

Annual and Financial reports of the Department of
Justice and Community Safety and related agencies -
February 2004

1 • July 2004

Tabled by
Jon Stanhope MLA
Chief Minister

Government Response

Report 9 - Standing Committee on Legal Affairs - Annual and Financial reports of the Department of Justice and Community Safety and related agencies - February 2004

Introduction

The Annual Reports of all ACT Government agencies are referred to the Standing Committees of the ACT Legislative Assembly for examination and report.

The Standing Committee on Legal Affairs reviewed annual reports for:

- Department of Justice and Community Safety (2002-03)
- Legal Aid Commission (2002-03)
- Public Trustee (2002-03)
- ACT Ombudsman (2002-03)
- ACT Electoral Commission (2002-03)
- Director of Public Prosecutions (2002-03)
- Nominal Defendant (2002)
- Australian Federal Police (ACT Region) (2002-03)
- Victims of Crime Support Program (2002-03)

The Committee makes 5 recommendations. The committee did not make any recommendations in relation to the following reports:

- Public Trustee (2002-2003)
- ACT Ombudsman (2002-03)
- ACT Electoral Commission (2002-03).

Response to Committee Recommendations

Recommendation 1

2.15 The committee recommends that the Department of Justice and Community Safety revise the performance measure relating to attendance at bushfires.

Government Response

Agreed. The Emergency Services Bureau has reviewed the number of bushfire events attended over the last 5 years by the ACT Bushfire Service, numbers previously indicated in the Performance Measures are too high based on historical information. Therefore the number has been reduced to 130 bushfires attended on average by the ACT Bushfire Services per year.

Recommendation 2

3.5 The committee recommends that the annual report of the Victims of Crime Support Program include information on the budgeted allocation for each of the programs and a reconciliation of expenditure.

Government Response

Agreed.

Recommendation 3

4.9 The committee recommends that future reports include a breakdown of the number of employees in ACT Policing who have identified as being from indigenous or culturally and linguistically diverse background.

Government Response

Agreed in Principle. ACT Policing notes the Committee's concern that ACT Policing did not include data in the 2002-2003 Annual Report in relation to cultural diversity and indigenous status of employees. This data was not available in a reliable or complete format to enable reporting. This issue was raised with the Australian Federal Police Equity and Diversity Team which has confirmed that AFP data related to cultural diversity and indigenous status are collected on a voluntary basis at the time of induction to the organisation. These data are therefore not wholly representative of cultural and indigenous diversity within ACTP. Statistics based on this methodology can be made available for the Annual Report but would necessarily carry a caveat to this effect.

Recommendation 4

5.7. The committee recommends that the annual report of the Nominal Defendant include a greater level of detail relating to outstanding liabilities and the amount recovered.

Government Response

Agreed. Currently the Nominal Defendant's Annual Report contains a total number of claims opened with a combined total estimated liability.

For the 2004 and future annual reports, the Nominal Defendant proposes to expand on this with a yearly breakdown of both the number of open claims and of the estimated amount outstanding for those open claims. Recovered amounts per year will also be provided.

Recommendation 5

8.7. The committee recommends that as a matter of urgency the Government develop a co-ordinated approach to the provision of an appropriate secure mental health service where persons who are dangerous to themselves or others who have come into the criminal justice system but who have significant mental dysfunction can be detained.

Government Response

Agreed. On 19 February 2004 the Chief Minister directed the Chief Executive of the Chief Minister's Department to establish a senior interdepartmental committee (IDC) to examine the issue of mental health and the criminal justice system. In particular the Chief Minister asked the IDC to:

"Examine all aspects in relation to the care and custody of people with mental health issues who come into contact with the criminal justice system. The committee should also examine any requirement for the provision of facilities, including step down or forensic mental health facilities, in the ACT."

Chief Executives of the Departments of Justice and Community Safety; Health; Disability, Housing and Community Services; Education, Family and Youth Services; and Chief Minister's Department formed the IDC.

The IDC reported its findings and recommendations to the Chief Minister in April 2004. Following the Chief Minister's decision to accept the recommendations of the IDC an interdepartmental working group was established to implement the necessary changes. Key officials from the Department of Justice and Community Safety, ACT Health, the Department of Disability, Housing and Community Services and the Chief Minister's Department form the working group.