

2021

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

TABLING STATEMENT

GOVERNMENT RESPONSE - PROTECTION OF RIGHTS SERVICES REVIEW - FINAL REPORT

**Presented by
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Minister for Human Rights**

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Madam Speaker

I am pleased to present to the Assembly the Final Report of the Protection of Rights Services Review, conducted by Insight Consulting Australia, and the Government's Response to the Review.

The Review indicates that our protection of rights agencies – the Human Rights Commission and the Public Trustee and Guardian – continue to provide a high-quality service to the ACT community.

The review highlights the commitment and professionalism of the Human Rights Commission President and Commissioners, the Public Trustee and Guardian, and their staff.

Review background

Back in 2016, the legislation that underpins the Human Rights Commission and the Public Trustee and Guardian was amended. These amendments brought in a range of reforms to the structure, leadership and operation of the Commission and the Public Trustee and Guardian.

The reforms were intended to strengthen the leadership, governance, and coordination of key rights protection services in the ACT. They were designed to improve accountability of these agencies, while ensuring that service accessibility was maintained.

It was also anticipated that the reforms to the Public Trustee and Guardian would result in a more joined up service for clients, and bring a wider range of experienced staff together to act for Canberrans with impaired decision-making capacity.

The Review considered and consulted with stakeholders and the broader community on the extent to which the 2016 Protection of Rights Services Reforms achieved their intended aims.

I am pleased to report that the Review found that to a great extent, these goals had been achieved. This is attributable in part to the architecture of the 2016 reforms, and in part to the professionalism and capabilities of the office holders and their teams who make it work. The Human Rights Commissioners, the Public Trustee and Guardian , and the staff who support them, are a credit to their organisations.

Report recommendations

The final report outlines 31 recommendations, and the Government either agrees or agrees in principle to all 31. The recommendations are primarily directed at the Commission and the Public Trustee and Guardian.

Several recommend the Commission continue with what they're doing – because it's working. A significant number prompt minor adjustments to internal work practices or suggest consideration of issues in the context of strategic planning that is already underway at the Commission and the Public Trustee and Guardian.

A handful of recommendations warrant engagement between the Government and the Commission or Public Trustee and Guardian, and this consultation is already underway. This speaks to the collegiate and effective working relationship between the Justice and Community Safety Directorate, the Commission, and the Public Trustee and Guardian.

Minor legislative changes have been recommended to the *Public Trustee and Guardian Act (1985)* to enable the delegation of decision-making guardians to financial managers. The report found that such an amendment would be consistent with other jurisdictions, expedite decision making, and reduce vulnerabilities associated with key senior staff being unavailable.

The Review also considered the recommendation of the *Our Booris Our Way Review* that the ACT establish an Aboriginal and Torres Strait Islander Children's Commissioner. The concept of the Commissioner role was included in the Review's terms of reference so that it could be properly considered in the context of other protection of rights agencies.

The Review confirmed the strong community support for the establishment of an Aboriginal and Torres Strait Islander Children's Commissioner, and considered that this role would complement the work of the other Commissioners.

The Government is committed to establishing this new role, and welcomes the Review's recommendations in this respect. These recommendations will inform the co-design process that is underway.

We hear the urgency from the community calling for an Aboriginal and Torres Strait Islander Children's Commissioner. We want to deliver this new role with the full trust and support of the Aboriginal and Torres Strait Islander community. We recognise that hearing from the community through a genuine co-design process will be key.

The Government therefore agrees, or agrees in principle, with all the Review's recommendations. Where the Government agrees in principle to the recommendations relating to establishment of an Aboriginal and Torres Strait Islander Children's Commissioner, this is purely to ensure we do not pre-empt the conclusions of the co-design process.

Conclusion

I'm pleased that the current arrangements at the Human Rights Commission and the Public Trustee and Guardian are serving the Canberra community. This Government continues to value the experience, expertise and exceptional work of each office holder and all of their staff. I would like to take this opportunity to thank them for their ongoing commitment to the protection of human rights of all Canberrans.

Thank you to each of the stakeholders and community organisations who contributed their time and input to the Review. You are also an indispensable part of Canberra's rights-protection system. As Minister for Human Rights, I look forward to continuing my relationship, whether well-established or emerging, with all of you.