

2010

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

**GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
REPORT NO 4**

REPORT ON ANNUAL AND FINANCIAL REPORTS 2008-2009

**Presented by
Mr Jon Stanhope MLA
Chief Minister**

Government Response

Standing Committee on Justice and Community Safety Report No 4 – Report on Annual and Financial Reports 2008-2009

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 Justice and Community Safety reviewed annual reports for:

- ACT Electoral Commission;
- ACT Human Rights Commission;
- ACT Ombudsman;
- ACT Policing;
- Department of Justice and Community Safety;
- Director of Public Prosecutions;
- Independent Competition and Regulatory Commission;
- Legal Aid Commission (ACT);
- Public Advocate of the ACT;
- Public Trustee for the ACT; and
- Victims of Crime Support Program.

The Committee made 28 recommendations.

Response to Committee Recommendations

Recommendation 1

1.17 That relevant Ministers advise the Committee if, and why, they are unable to provide responses to questions taken on notice, and supplementary questions, within the timeframe advised by the Committee.

Government Response

Noted.

Principally, delays in responding to questions on notice were as a result of the large volume and complexity of questions asked. Several questions required significant disaggregation and analysis of data, some of which is not easily available.

Recommendation 2

1.30 That agencies, in the 'external scrutiny' section of annual reports, provide more accurate reporting of relevant inquiries by Legislative Assembly Committees concerning the operation of the agency, and information about the implementation of Assembly committee recommendations that have been accepted by the ACT Government.

Government Response

Noted.

The Annual Report Directions outline that agencies must report on the most significant developments in scrutiny, both internal and external of the agency and the agency's response, including particulars of ACT Auditor General and ACT Ombudsman reports.

Recommendation 3

1.38 That the Attorney-General report to the Assembly about the significant litigation referred to in the Department of Justice and Community Safety's Annual Report 2008–09 (vol 1 p 20). The litigation concerns the recovery of significant ACT taxation revenue. The report should be made once the litigation and associated matters have been finalised, and having regard to relevant statutory constraints.

Government Response

Noted.

This matter is the responsibility of the Commissioner for ACT Revenue and the Government Solicitor is acting as legal adviser. It is a matter for the Commissioner for ACT Revenue to consider this recommendation, subject to statutory confidentiality obligations.

Recommendation 4

1.39 That future Chief Minister's Annual Report Directions include a requirement, in the section on 'external scrutiny', that annual and financial reports provide information about judicial decisions and decisions of administrative tribunals that have had, or may have, a significant impact on the operations or responsibilities of the reporting entity.

Government Response

Noted.

Recommendation 5

2.23 That when the Chief Minister's Annual Report Directions are updated in 2010–2011, consideration be given to requiring more comparative performance reporting in ACT annual reports in relation to the key indicators used in Council of Australian Government reporting, and the national Report on Government Services and Overcoming Indigenous Disadvantage Key Indicator reports.

Government Response

Not agreed.

The availability of comparative performance data relating to juvenile justice has previously been limited by the size, quality or comparability of the data of small jurisdictions such as the ACT with the larger states. The Australian Juvenile Justice Administrators are developing a performance indicator framework. Performance indicators of sufficient comparability and agreed definition were included in the 2010 Report on Government Services. Further indicators and associated data will be included in the 2011 Report on Government Services. Given the Report on Government Services also provides contextual information around the data, it would be inappropriate for this to be provided in Annual Reports.

Recommendation 6

2.24 That the indicators and comparative data in the Productivity Commission's Report on Government Services and Overcoming Indigenous Disadvantage Key Indicators report inform the strategic indicators in ACT Budget Papers.

Government Response

Not agreed.

The Productivity Commission's Report on Government Services has a primary aim of determining the cost effectiveness of service delivery, as distinct from policy and future objectives. The Report on Government Services gives factual existing service information while strategic indicators give future strategic targets. The indicators and comparative data in the Productivity Commission's Report on Government Services should not be accepted as indicators for the ACT Budget Papers.

Recommendation 7

2.26 That the Chief Minister's Annual Report Directions require that where statistical data is presented, that agencies include data for at least the previous reporting year, where available, so that an analysis of trends is facilitated.

Government Response**Not agreed.**

The inclusion of data elements for previous reporting years across all statistical data fields is not consistent with the concept of reporting on the performance in the financial year in review and would contribute to unnecessary duplication of information in annual reports.

Recommendation 8

2.30 That consideration is given to strengthening the Chief Minister's Annual Report Directions in relation to reporting on the activities of statutory and non-statutory committees, boards and councils.

Government Response**Noted.**

Section C.5 of the Annual Report Directions 2007-2010 outlines the reporting requirements in relation to Internal Accountability. Reporting entities are required to report on a number of governance related areas within this section particularly governing or advisory boards and committees. A number of boards, committees and councils already have reporting obligations within their enabling legislation or as part of the community service grant arrangements. A number of these entities have multiple sources of funding and shared stakeholders which makes it difficult to ascertain which Agency should be reporting each board/committee. This would also mean that there may be multiple Agencies reporting on the same board/committee resulting in duplication and the potential for inconsistencies. There is a significant breadth of work involved in this recommendation and as a result of its complexity would be difficult to implement.

Recommendation 9

2.39 That the Attorney-General report to the ACT Legislative Assembly every six months to 2012, on the measures that are being taken, and the progress that has been made, to reduce the backlog of ACT Supreme Court, Magistrates Court and Children's Court matters.

Government Response**Agreed-in-principle.**

While the management of cases in the courts is ultimately a matter for the heads of jurisdiction for each of the Courts, the administrative measures taken to reduce backlog can be reported on. Reporting will include progress of the provision of a third jury trial room, the appointment and sitting periods of acting judges and the progress of the District Court proposal.

Recommendation 10

2.49 That the next annual report for the Department of Justice and Community Safety include an analysis of the gender of external counsel engaged to provide legal services to the ACT Government, and information about the measures taken to ensure gender equity in the allocation of external legal work.

Government Response**Agreed.**

The information will be supplied by the ACT Government Solicitor.

Recommendation 11

2.57 That the Attorney-General report to the ACT Legislative Assembly in the autumn 2010 sittings on progress that has been made in recovering unpaid court fines.

Government Response**Agreed-in-principle.**

The Government has introduced and passed legislation to improve the enforcement of court imposed fines. The Crimes (*Sentence Administration*) Amendment Act 2010 introduces a new enforcement scheme for court imposed fines from 1 July 2010. The scheme provides more payment options and strengthens the Territory's ability to recover outstanding fines. Some enforcement options available under the scheme are instalment plans, driver licence and vehicle registration suspension, earnings redirections orders and voluntary community work orders.

Recommendation 12

2.61 That the review of the Victims of Crime Act is concluded at the earliest opportunity and that a report of the results of the consultations on the Issues Paper is released with the amending or replacement legislation.

Government Response**Noted.**

The Issues Paper stipulates that submissions may be made public unless confidentiality is specifically requested.

The Victims of Crime Amendment Bill 2010 was introduced in the Legislative Assembly on 1 July 2010.

Recommendation 13

2.70 That ACT Corrective Services improve the collection and analysis of data about the effectiveness of referrals, and the effectiveness of programs and services for offenders on probation and parole.

Government Response**Agreed.**

ACT Corrective Services (ACTCS) will improve the collection and analysis of data about the effectiveness of programs and services for those programs and services facilitated by ACTCS.

Recommendation 14

2.77 That the ACT Government commission a feasibility study for an Outcare Centre for the families of detainees at the AMC.

Government Response**Agreed-in-principle.**

Consideration will be given to funding a feasibility study for an outcare centre for families of detainees at the AMC to complement the existing throughcare model of rehabilitation for offenders as part of ordinary Budget processes.

Recommendation 15

2.81 That future JACS annual reports include a summary of the findings of any review of the operation of the Alexander Maconochie Centre and associated programs and services.

Government Response**Agreed.**

JACS reports on the operation of the AMC and its programs and services in its annual report.

Recommendation 16

2.92 That the ACT Government make public the reasoning and outcomes of its deliberations about whether or not the restorative justice program will be extended to adult offenders in the ACT before or during the 2009–10 Budget deliberations.

Government Response**Not agreed.**

The ACT Government remains committed to the existing Restorative Justice scheme. The Government has considered options to expand the scheme to adults as resources permit. It is not appropriate to make public deliberations in relation to this matter.

Recommendation 17

3.11 That ACT Policing or JACS provide an analysis of progress with the implementation of an electronic infringement notice system for minor public offences in their 2009–10 Annual Report, and compare the performance of the ACT system with interstate counterparts.

Government Response**Agreed.**

The electronic system will not be implemented before the end of the current financial year.

Recommendation 18

3.14 That the Minister for Police and Emergency Services provide an explanation to the Assembly for the overrun in the budget for the ESA for 2008–09.

Government Response**Noted.**

This information was provided to the committee in response to Question on Notice asked following the Committee hearings.

Recommendation 19

3.16 That the ACT Ambulance Service, including Snowy Hydro Southcare, ACT Rural Fire Service and ACT State Emergency Service provide more detailed performance measures and outcomes in a comparative data format, showing activity year by year.

Government Response**Agreed.**

The Emergency Services Agency (ESA) is compiling the required information to deliver on this recommendation.

Recommendation 20

3.18 That a staffing and volunteer profile be provided for each Emergency Services Agency service and support functions, indicating total staffing and volunteer numbers, gender breakdown, age profile, and classifications.

Government Response**Agreed.**

The Emergency Services Agency is compiling the required information to deliver on this recommendation.

Recommendation 21

3.23 That the Minister provide to the Assembly a complete analysis of all the components of the Emergency Services Agency's new headquarters project, setting out the proposed location of each function and activity at each of the three sites and the capital cost of each site, including the pattern of the actual spend and the proposed spending of funds at each site.

Government Response**Agreed.**

The Minister will provide an analysis of the new headquarters project to the Assembly as appropriate.

Recommendation 22

3.24 That Minister provides a detailed analysis of the estimated capital and recurrent costs required to build and operate the new Emergency Services Agency headquarters across the three sites at Fairbairn, Hume and Fyshwick and reconcile these estimates with the analysis provided by the Auditor-General.

Government Response**Noted.**

The Minister for Police and Emergency Services has already provided this information through the 2010 Estimates process.

Recommendation 23

3.28 That the ACT Government assess the need for a volunteer recruitment drive in relation to Community Fire Units.

Government Response**Agreed.****Recommendation 24**

4.5 That the ACT Electoral Commission include in future annual reports more information and analysis about election funding, annual returns and election returns.

Government Response**Agreed.**

The ACT Electoral Commission has advised that its future annual reports will include further information and analysis about annual and election returns and public funding.

Recommendation 25

4.15 That the Attorney-General seek a real increase in Commonwealth legal aid funding.

Government Response**Noted.**

The Legal Aid Commission, with the support of the Attorney General, will continue to seek additional Commonwealth funding.

Recommendation 26

4.18 That the Legal Aid Commission (ACT) explore the provision of payroll services through the ACT Government's Shared Services agency.

Government Response**Agreed.**

The Legal Aid Commission has explored this option.

Recommendation 27

4.19 That the Attorney-General and Legal Aid Commission (ACT) work together to ensure that legal aid funds are directed to legal matters, and administrative costs are minimised.

Government Response**Noted.**

The Legal Aid Commission will continue to administer the legal aid fund and provide legal assistance in the Territory in accordance with the *Legal Aid Act 1977*, and is improving administrative efficiency through its New Directions Program and investment in major infrastructure improvements.

Recommendation 28

4.28 That ACT Health examines the feasibility of incorporating information about persons authorised to exercise substituted decision-making powers on relevant electronic files being created for national and ACT e-health initiatives.

Government Response**Agreed.**

As a component of the health-e future program, funded in 2009-10, ACT Health has committed to the development of an Electronic Health Record (EHR) to support patients seeking health treatment within the ACT. The purpose of the EHR would be to support higher quality and safety healthcare decision-making enabling providers' access to a more complete view of their patient, drawn from as many sources of clinical data as possible. It is intended that consumers will also be provided with access to this data.

Enduring powers of attorney will be considered for inclusion in the ACT EHR. It is anticipated that a process will be established, whereby a carer, with an enduring power of attorney, will be able to apply to be registered to have access and control over an individual's EHR, where they have been legally deemed as the person responsible for making decisions about that individual's healthcare. The information in relation to the enduring power of attorney should also be made available to the patient's providers, where they have access to the EHR.