

2022

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

PAPER FOR TABLING

**JUSTICE AND COMMUNITY SAFETY DIRECTORATE - STATEMENT OF PERFORMANCE
HALF-YEARLY REPORT TO 31 DECEMBER 2021**

**Presented by
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Attorney-General
February 2022**



ACT
Government

Justice and Community Safety

Justice and Community Safety Directorate

Statement of Performance

Half-year ending 31 December 2021

Justice and Community Safety Directorate
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Output Class 1 Justice Services

Output 1.1 Policy Advice and Justice Programs

Description High quality policy, legislation, ministerial support and advice to portfolio Ministers, Cabinet and other agencies on justice and community safety matters. Administer security coordination and emergency management policy, and innovative justice and crime prevention programs (including the Restorative Justice Program) across government and the community.

	2021-22 Original Target	2021-22 YTD Target	2021-22 YTD Actual	Variance %	Note
Total Cost (\$'000)	30,384	15,109	12,871	(15)	1
Controlled Recurrent Payments (\$'000)	28,451	13,992	13,992	-	
Accountability Indicators					
a Percentage of legislation requested by the JACS portfolio ministers is developed within timeframes agreed by the JACS portfolio ministers	100%	100%	100%	-	
b Proportion of surveyed users of restorative justice programs satisfied with service received ⁱ	97%	97%	99%	2	
c Number of initiatives that reduce regulatory burden ⁱⁱ	2	1	1	-	

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators

- i Following a restorative justice conference, surveys designed to monitor convenors' delivery of the process and participant experience for quality assurance and service improvement, are provided to each offender, victim and support person. Nine key questions are included in the surveys. These questions capture feedback on different aspects of the restorative justice process to provide an insight into the level of participant satisfaction.
- ii Relevant initiatives include changes or innovations, made as part of legislative reforms or policy or program design or modification, and which have been identified as reducing regulatory burden.

Note - Explanation of Material Variances (≥+/-10%)

- ¹ Total outcome is lower than the target, due to a number of programs still under procurement processes, and also delays in the timing and progress of grants as a result of COVID-19 restrictions.

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Output Class 1 Justice Services

Output 1.2 Legal Services to Government

Description High quality and timely legal advice and representation for the Attorney-General and Government.

	2021-22 Original Target	2021-22 YTD Budget	2021-22 YTD Actual	Variance %	Note
Total Cost (\$'000)	17,763	8,328	12,123	46	1
Controlled Recurrent Payments (\$'000)	12,036	6,147	6,147	-	

Accountability Indicators

a Timely legal services provided by the ACT Government Solicitor: percentage of advices completed within 28 days	85%	85%	78%	(8)	
b High quality legal services provided by the ACT Government Solicitor: percentage of client survey respondents satisfied with quality of advice and representation ¹	95%	95%	95%	-	
c Timely legal services provided by the ACT Government Solicitor: percentage of court matters undertaken and completed within courts, tribunal or any applicable statutory timetable	95%	95%	99%	4	

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Note - Explanation of Material Variances (≥+/-10%)

- ¹ Total Cost is higher than target, primarily due to the engagement of additional staff to undertake work for client agencies on a recovery of cost for services basis.

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Output Class 1 Justice Services

Output 1.3 Legislative Drafting and Publishing Services

Description Provision of high quality and timely legislative drafting and publishing services for ACT legislation and maintenance of the ACT legislation register.

	2021-22 Original Target	2021-22 YTD Budget	2021-22 YTD Actual	Variance %	Note
Total Cost (\$'000)	6,504	3,266	2,763	(15)	1
Controlled Recurrent Payments (\$'000)	4,916	2,481	2,481	-	

Accountability Indicators

a High level of client satisfaction for legislative drafting and publishing services by the Parliamentary Counsel's Office: - percentage of satisfied client survey respondents ⁱ	90%	90%	N/A	N/A	2
b Timely legislative drafting and publishing services by the Parliamentary Counsel's Office:					
– Percentage of drafting responses provided within 30 day standard	95%	95%	100%	5	
– Percentage of notifications notified on ACT Legislation Register on requested notification day	99%	99%	100%	1	
– Percentage of republications of changed legislation published on ACT legislation register on day the change happens	99%	99%	100%	1	

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Note - Explanation of Material Variances (≥+/-10%)

- ¹ The lower than expected total costs is predominantly due to lower than expected depreciation expense as a result of the Parliamentary Counsel's Office move to City Office Block 2 (as office fit-out costs are owned by the Chief Minister, Treasury and Economic Development Directorate) and delays in the completion of the ACT legislation Register Replacement which have extended the useful life of the asset resulting in lower annual depreciation expense.
- ² This is an annual survey which will be conducted in the 4th quarter of the financial year.

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Output Class 1 Justice Services

Output 1.4 Public Prosecutions

Description Prosecution of summary and indictable matters, at first instance and on appeal, provision of assistance to the Coroner, and provision of witness assistance services.

	2021-22 Original Target	2021-22 YTD Budget	2021-22 YTD Actual	Variance %	Note
Total Cost (\$'000)	16,330	8,069	8,119	1	
Controlled Recurrent Payments (\$'000)	15,905	7,938	7,938	-	

Accountability Indicators

a	Average cost per matter finalised	\$3,000	\$3,000	\$3,137	5	
b	The percentage of cases where the brief is served within two weeks of it being received from the ACT Police	80%	80%	89%	11	1
c	The percentage of cases where the indictment case statement and questionnaire are filed within the timeframes specified at directions in the Supreme Court	80%	80%	100%	25	2

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Note - Explanation of Material Variances ($\geq \pm 10\%$)

¹ The result has reduced from from 94% in 2020-21 to 89% in this quarter. This reduction is due to COVID-19 restrictions which placed limits on hand delivered briefs. However, the result is still above the target.

² The above target result is due to the implementation of new internal processes, including a new committal unit, resulting in stronger compliance to the target.

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Output Class 1 Justice Services

Output 1.5 Protection of Rights

Description 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.

	2021-22 Original Target	2021-22 YTD Budget	2021-22 YTD Actual	Variance %	Note
Total Cost (\$'000)	15,081	6,814	7,228	6	
Controlled Recurrent Payments (\$'000)	14,144	6,370	6,370	-	

Accountability Indicators

ACT Human Rights Commission

a High level of client satisfaction with Human Rights Commission complaints process:

– Percentage of survey respondents who consider the complaint handling service accessible ⁱ	75%	75%	71%	(5)	
– Percentage of survey respondents who consider the complaint handling service to be fair	75%	75%	74%	(1)	
– Percentage of complaints concluded within Commission standards ^j	75%	75%	85%	13	1

b High level of community education, information and advice in relation to human rights and (i) services for children and young people, (ii) disability services, (iii) discrimination, (iv) health services, and (v) services for older people and other complaint jurisdictions:^{ll}

– Number of community engagement activities undertaken by the Commission	70	35	35	-	
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Public Advocate of the ACT

c The Public Advocate of the ACT's actions towards achieving a caring community where the rights and interests of vulnerable people are protected:

– Proportion of client survey respondents for whom advocacy services are provided by the Public Advocate of the ACT where a high level of satisfaction is reported	75%	75%	0%	N/A	2
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Individuals, excluding guardianship clients, brought to the attention of the Public Advocate:

Individuals, excluding guardianship clients, brought to the attention of the Public Advocate:

– Proportion of individuals brought to the attention of the Public Advocate for whom direct advocacy is provided	25%	25%	62%	148	3
– Percentage of clients referred to the Public Advocate for whom a review of the documentation was undertaken ^{lll}	65%	65%	66%	2	

Victim Support ACT

d Percentage of referrals to Victim Support ACT or the Victims of Crime Commissioner - actioned within five working days^v

The above Accountability Indicators should be read in conjunction with the accompanying notes.

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Output Class 1 Justice Services

Output 1.5 Protection of Rights - Continued

Explanation of Accountability Indicators

- i These are new indicators in 2021-22 year which have replaced the Percentage of survey respondents who consider the process fair, accessible and understandable by splitting fair and accessible into separate indicators to make it clearer and easier to report on.
- ii Description has been changed to include 'and other complaint jurisdictions' in the name of the indicator as the previous wording did not reflect all jurisdictions the Human Rights Commission administers.
- iii The change to the target in 2021-22 reflects the significant increase in the amount of mental health documentation received since 2019.

Notes - Explanation of Material Variances (\geq +/-10%)

- 1 The Commission continues to streamline its complaint handling processes and focus on early informal intervention to resolve matters quickly and informally in response to an increase in complaints received over this period.
- 2 The satisfaction survey typically conducted in 2nd quarter did not proceed due to business demand associated with the pandemic. A survey will instead be issued in the 3rd quarter of the reporting period.
- 3 The higher than target outcome is mainly due to an increase in matters requiring Public Advocate intervention.

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Output Class 2 Corrective Services

Output 2.1 Corrective Services

Description Provision of safe and secure custody for detainees with a strong focus on the delivery of rehabilitative, educational and vocational programs, effectively managing un-sentenced offenders and community based corrections programs, and providing advice and services to the ACT justice system.

	2021-22 Original Target	2021-22 YTD Budget	2021-22 YTD Actual	Variance %	Note
Total Cost (\$'000)	110,004	52,148	55,573	7	
Controlled Recurrent Payments (\$'000)	97,750	44,944	44,944	-	

Accountability Indicators

a	Completion rates of Community Corrections Orders:				
	- The proportion of Community Corrections supervision orders successfully completed within the counting period ⁱ	70%	70%	84%	20 1
	- The proportion of Community Corrections reparation orders successfully completed within the counting period	60%	60%	81%	35 2
b	Average cost per detainee per day for all detainees ^{ii & iii}	\$398	\$398	\$471	18 3
c	Average cost per day for community based offenders ^{iv}	\$44	\$44	\$56	27 4

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators

- i Efficiency in completion rates of Community Correction Supervision Orders are expected to be achieved based on progress on actual performance in 2020-21.
- ii This indicator closely aligns with the Report of Government Services (ROGS) reporting from net recurrent expenditure per community-based offenders per day. This does not include superannuation and depreciation, in line with the ROGS counting method.
- iii The 2021-22 target for this indicator was revised up from \$354 to \$398 based on projected detainee population and cost in 2021-22.
- iv The 2021-22 target for this indicator was revised up from \$39 to \$44 based on average offender population and projected cost.

Notes - Explanation of Material Variances ($\geq \pm 10\%$)

- 1 Community Corrections has undertaken work on improving completion rates, including discretionary processes to reduce 'unnecessary' breaches of orders and ensuring offenders are appropriately linked with programs targeted to reduce criminogenic risk factors. Furthermore, the impact of COVID-19 lockdown across ACT during this reporting period, and subsequent reduction in face-to-face reporting requirements for offenders may also have temporarily reduced the incidence of order breaches.
- 2 This variance is mostly attributable to legislative and procedural provisions enacted by Community Corrections in response to the ACT COVID-19 lockdown during this reporting period. As Community Service Work (CSW) placements were not available due to COVID-19 restrictions, offenders were automatically credited hours towards completion of their Community Reparation (i.e. CSW) orders, to ensure they were not unfairly penalised due to lack of access to CSW opportunities.

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- 3 The average daily cost per detainee has increased due to lower detainee numbers, in large part a consequence of the impact of COVID-19 restrictions in the community.
- 4 The average daily cost per offender has increased due to lower offender numbers, in large part a consequence of the impact of COVID-19 restrictions on the community.

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Output Class 3 Courts and Tribunal

Output 3.1 Courts and Tribunal

Description High quality support to judicial officers and tribunal members in the ACT Courts and Tribunal and high quality services to the public using the courts and the tribunal.

	2021-22 Original Target	2021-22 YTD Budget	2021-22 YTD Actual	Variance %	Note
Total Cost (\$'000)	80,831	38,933	36,145	(7)	
Controlled Recurrent Payments (\$'000)	59,425	29,316	29,316	-	

Accountability Indicators

Courts

a	Cost per finalised criminal case ^{i & ii} :				
	- Supreme Court	\$48,117	\$48,117	\$54,893	14 1
	- Magistrates Court	\$2,419	\$2,419	\$2,024	(16) 2
b	Cost per finalised civil case ^{i & ii} :				
	- Supreme Court	\$22,027	\$22,027	\$23,143	5
	- Magistrates Court	\$3,909	\$3,909	\$4,035	3
c	Criminal Case Clearance Indicator - Number of Supreme Court finalisations, divided by the number of lodgements	100%	100%	80%	(20) 3
d	Criminal Case Clearance Indicator - Number of Magistrates Court finalisations, divided by the number of lodgements	100%	100%	103%	3
e	Civil Case Clearance Indicator - Number of Supreme Court finalisations, divided by the number of lodgements	100%	100%	98%	(2)
f	Civil Case Clearance Indicator - Number of Magistrates Court finalisations, divided by the number of lodgements ⁱⁱⁱ	100%	100%	100%	0

Tribunal

g	Clearance Indicator - Number of ACAT finalisations, divided by the number of lodgements ^{iv}	100%	100%	113%	13 4
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The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators

- i For the purpose of this report a 'case' is defined as per the counting rules detailed in the Report on Government Services (ROGS) Data Collection Manual Courts, Chapters 6, 7 and 8.
- ii An increase in the proposed targets for cost per finalisation reflects the current allocation of costs associated with types of cases and the number of cases anticipated to be finalised in the 2021-22 year.
- iii The civil case clearance indicator for the Magistrates Court includes the Coroners Court and Childrens Court.
- iv ACAT - ACT Civil and Administrative Tribunal

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Notes - Explanation of Material Variances (\geq +/-10%)

- 1 Cost per finalisation for Supreme Court criminal matters is higher mainly due to a lower number of finalisations due to the COVID-19 lockdown which affected jury trials proceeding during the first half-year of 2021-22.
- 2 Cost per finalisation for Magistrates Court criminal matters is lower mainly due to a higher than expected number of electoral matters (failure to vote) which were finalised during the period (590 finalised) whilst costs have remained the same.
- 3 The number of Supreme Court criminal case finalisations for this reporting period has declined as a result of a number of jury trials not proceeding due to the impact of COVID-19 restrictions in the ACT.
- 4 The number of applications received particularly in the Residential Endorsements and Civil Disputes areas declined for the first half of 2021-22 whilst the overall rate of finalisation remained relatively consistent.

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Output Class 4 Emergency Services

Output 4.1 Emergency Services

Description **Prevention and Mitigation:** Measures taken in advance of an emergency aimed at decreasing or eliminating its impact on the community and the environment.
Preparedness: Measures to ensure that, should an emergency occur, communities, resources and services are capable of responding to and coping with the effects.
Response: Strategies and services to control, limit or modify an emergency to reduce its consequences.
Recovery: Strategies and services to return the ACT Emergency Services Agency to a state of preparedness after emergency situations and to assist with community recovery.

	2021-22 Original Target	2021-22 YTD Budget	2021-22 YTD Actual	Variance %	Note
Total Cost (\$'000)	182,926	91,855	91,798	(0)	
Controlled Recurrent Payments (\$'000)	152,382	75,281	75,281	-	

Accountability Indicators

Prevention and Preparedness

a	Field Audit of Slashing/Grazing/Physical Removal activities, as per approved Bushfire Operational Plans (BOPs) ⁱ	100%	100%	100%	-	
b	Field assessment of Access Management Upgrades and Hazard Reduction burns conducted in accordance with Bushfire Operational Plans of ACT Government Directorates ⁱ	100%	100%	N/A	N/A	1
c	Percentage of capability to activate and maintain an Incident Management Team for 4 consecutive 12-hour shifts	80%	80%	100%	25	2

Response and Recovery

d	Structure Fire incidents responded to within target ⁱⁱⁱ	90%	90%	90%	-	
e	Road Rescue incidents responded to within target ^{iv}	90%	90%	94%	4	
f	Ambulance priority 1 - Incident Response Time 50th percentile (minutes)	8	8	9.70	21	3
g	Ambulance priority 1 - Incident Response Time 90th percentile (minutes) ^v	15	15	16.10	7	
h	Percentage of Patient Transport Service 'fixed booking' attended by booked time	65%	65%	64%	(2)	
i	Total cost per head of population ^{vi}	\$405.19	\$405.19	\$424.70	5	

The above Accountability Indicators should be read in conjunction with the accompanying notes.

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Explanation of Accountability Indicators

- i This is a new indicator in the 2021-22 year which measures field audits on slashing, grazing and physical removal activities. These activities represent a large portion of activities in approved Bushfire Operational Plans (BOPs). Field audit of 2 slashing, 2 grazing, and 2 physical removal activities, per approved BOPs when reported as completed in Quarterly reports to ACT Rural Fire Service and conducted in accordance with approved BOPs. The indicator measures and monitors Directorates' reporting compliance in accordance with the approved BOPs and ensures these activities are completed in adherence to all relevant policies and procedures.
- ii This is a new indicator in 2021-22 year. This indicator measures if ESA has appropriately trained and endorsed staff to maintain a high level IMT (for 4 consecutive 12 hour shifts).
- iii Target refers to the response to structure fires within 10 minutes.
- iv Target refers to the response to road rescues within 13 minutes.
- v Priority 1 records that are incomplete due to operator or system errors, or where incidents are outside the ACT, or where the priority rating has been changed, are excluded.
- vi The 2021-22 target is based on an estimated population of 448,621 estimated according to the most recent population projections for the Australian Capital Territory (ACT) by ACT Treasury (ACT Population Projections 2018-2058).

Notes - Explanation of Material Variances ($\geq \pm 10\%$)

- 1 No Access Management Upgrades or Hazard Reduction burns have been reported as being completed/conducted in the 2021-22 financial year to date. Adverse weather conditions (wet weather/windy) have impacted the ability to conduct these activities.
- 2 The greater level of capability as compared to the 2021-22 target is a result of proactive upskilling of a large number of staff to ensure they are appropriately trained and competent to operate within a high level Incident Management Team (IMT). This above target result shows the ESA is well prepared and can draw on a large number of staff when activating and maintaining IMTs.
- 3 The slower response time as compared to the 2021-22 target is due to the impacts of the COVID-19 pandemic.