

STANDING COMMITTEE ON JUSTICE AND
COMMUNITY SAFETY
Report on Annual and Financial Reports 2008–2009

FEBRUARY 2010

Committee membership

Mrs Vicki Dunne MLA	Chair
Mr John Hargreaves MLA	Deputy Chair (elected 24/11/2009), member from 23/11/2009
Ms Meredith Hunter MLA	
Ms Mary Porter AM MLA	former Deputy Chair, member to 23/11/2009

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Resolution of appointment

On 9 December 2008 the Legislative Assembly appointed a Standing Committee on Justice and Community Safety to perform the duties of a scrutiny of bills and subordinate legislation committee and examine matters related to community and individual rights, consumer rights, courts, police and emergency services, corrections including a prison, governance and industrial relations, administrative law, civil liberties and human rights, censorship, company law, law and order, criminal law, consumer affairs and regulatory services.¹

Terms of reference

On 13 October 2009 the Legislative Assembly referred annual and financial reports for the calendar year 2009 and the financial year 2008–2009, presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004*, to the Assembly's Standing Committees, as set out in a schedule. The Assembly amended the schedule in minor respects on 10 November 2009.²

¹ Legislative Assembly for the ACT, *Minutes of Proceedings No 2*, 9 December 2008, pp 12–18

² Legislative Assembly for the ACT, *Minutes of Proceedings No 36*, 13 October 2009, pp 396–399; *Minutes of Proceeding No 39*, 10 November 2009, pp 436–438

Abbreviations

a/g	acting
ACAT	ACT Civil and Administrative Tribunal
ACCIS	Commonwealth's Aged Care Complaints Investigation Scheme
ACT	Australian Capital Territory
ACT ESA	ACT Emergency Services Agency
ACTGS	ACT Government Solicitor
ACTEW	Territory owned corporation which provides energy, water and wastewater services to the ACT
AFP	Australian Federal Police
ALS	Aboriginal Legal Service
AMC	Alexander Maconochie Centre
ANU	Australian National University
CEO	Chief Executive Officer
CFU	Community Fire Units
COAG	Council of Australian Governments
DPP	Director of Public Prosecutions
FTE	Full time equivalent
ICT	Information and communication technology
JACS	Department of Justice and Community Safety
JACS Committee	ACT Legislative Assembly Standing Committee on Justice and Community Safety
IGA	Intergovernmental Agreement on Federal Financial Relations
MLA	Member of the Legislative Assembly
ORS	Office of Regulatory Services
ROGS	<i>Report on Government Services</i> – an annual report produced by the Australian Government's Productivity Commission
RFS	Rural Fire Service
TAMS	Department of Territory and Municipal Services

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RECOMMENDATIONS

The Committee makes the following 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

RECOMMENDATION 14

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

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.

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.

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.

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.

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.

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.

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.

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.

RECOMMENDATION 23

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

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.

RECOMMENDATION 25

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

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.

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.

1 INTRODUCTION

Referral of the inquiry

- 1.1 On 13 October 2009 the Legislative Assembly referred annual and financial reports for the calendar year 2009 and the financial year 2008–2009 in the Justice and Community Safety portfolio to this Committee. The referral was amended in minor respects on 10 November 2009.
- 1.2 The referred reports cover the portfolio responsibilities, under the administrative arrangements in place in 2008–09, of the Attorney-General, the Minister for Corrections, and the Minister for Police and Emergency Services.
- 1.3 The Committee reviewed the following reports:
 - ACT Electoral Commission
 - ACT Human Rights Commission
 - ACT Ombudsman
 - ACT Policing
 - Department of Justice and Community Safety (including the Emergency Services Agency and Corrective Services)
 - 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.³
- 1.4 As noted below, the Committee resolved on 2 December 2009 that not all of

³ Legislative Assembly for the ACT, *Minutes of Proceedings No 36*, 13 October 2009, pp 396–399; *Minutes of Proceeding No 39*, 10 November 2009, pp 436–437

these reports would be discussed in this report, even if they were the subject of discussion in public hearings.

Conduct of the inquiry

- 1.5 Assembly Committee inquiries into annual and financial reports provide an opportunity for Assembly Members (MLAs) to seek clarification about issues raised in those reports. This is done in public hearings and through a supplementary question process. MLAs who are not on the Committee who participate in public hearings can also seek information about annual reports matters from the relevant minister through a questions on notice process. The issues pursued and details about response times to questions taken on notice during the hearing, and placed on notice after the hearing, are listed at Appendix A.
- 1.6 Mr Hargreaves MLA was appointed to this Committee from 23 November 2009. In his former capacity as the ACT Government Minister for Corrections, Mr Hargreaves, accompanied by officials, provided evidence to the Committee at a public hearing on 28 October 2009.
- 1.7 Mr Hargreaves advised the Committee in the first private meeting that he attended as a member, that he would not participate in any committee discussions or draft report deliberations that concerned corrections issues so as to avoid any real or perceived conflicts of interest.
- 1.8 The Committee did not become aware of any conflicts of interest in relation to Mr Hargreaves' former role during the course of this inquiry.
- 1.9 The Committee held public hearings on 28 October and 25 November 2009. Witnesses who appeared before the Committee at public hearings are listed at Appendix B.
- 1.10 On 2 December 2009 the Committee agreed that the report would be short, and not summarise the publicly-available transcript evidence, except where text was needed to support recommendations.⁴

⁴ The full transcript of public hearings is available on the Assembly website at <http://www.hansard.act.gov.au/hansard/2009/comms/default.htm>

- 1.11 The Committee deliberated on the draft inquiry report at meetings on 2 December 2009, and 3, 17 and 22 February 2010, and adopted the report on 22 February 2010.
- 1.12 The Committee is concerned about the slow responses to questions taken on notice and given on notice during the inquiry, and the slow delivery of some cleared responses which had been signed sometimes weeks before delivery to the Committee. A notable exception was a very prompt and detailed response from the Chief Minister in relation to national reform of government performance assessment, discussed below.
- 1.13 The Committee requested that responses to questions taken on notice during the public hearings for the inquiry be provided within 10 days of the receipt of the Hansard of the hearing. Responses to supplementary questions provided to the Minister during the week following the hearing were requested within 10 days of receipt of those questions by the relevant Minister's office.⁵
- 1.14 The Committee wrote to the Attorney-General in late November 2009 as answers to questions taken on notice at the October 2009 public hearing had not been provided. The delay had earlier been raised informally with the departmental liaison officer for JACS.⁶
- 1.15 Tardiness in responding to questions on notice is a recurring problem for this Committee, and it inhibits the Committee's ability to perform its role. As the Assembly re-affirmed in its resolution of 11 February 2010, the Assembly 'unconditionally supports the right of Assembly committees to ... have unfettered and timely access to documents and witnesses relevant to matters being considered' unless privilege has been claimed, and 'to be entitled to respectful responses from government'.⁷ The 2009 end-of-year shutdown may have delayed responses to questions put in November and early December, but this could have been avoided if the due dates were taken seriously within government.

⁵ Information provided by committee secretary when circulating proof Hansard for checking, as agreed by the Committee

⁶ JACS Committee, minutes of meeting number 40, 2 December 2009, item 3.2

⁷ Legislative Assembly for the ACT, *Minutes of Proceedings No 50*, 11 February 2010, pp 580–582

- 1.16 In the Committee's view, it would be a common courtesy Committee to be advised, with an explanation and apology, if it's timeframes for responding to questions on notice are unable to be met.

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.**

Purpose and intent of annual reports

- 1.18 Agencies' annual reporting requirements are set out in the *Annual Report (Government Agencies) Notice 2009*.⁸ That Notice includes the Chief Minister's *Annual Reports Directions* (the *Directions*) which are issued under the *Annual Reports (Government Agencies) Act 2004* (ACT). That Act says that agencies *must* comply with the *Directions*, rendering them mandatory.⁹
- 1.19 As key accountability documents concerning management performance, annual reports reflect on the year's performance, achievements and outcomes. They are also a concise way of accounting for the expenditure of public monies.
- 1.20 Agencies account for management performance through Ministers to the Legislative Assembly and the wider community. Since annual reports are tabled in the Assembly, they are historical documents on the public record, and are available for use by stakeholders, including educational and research institutions, the media and the public. Annual reports are also key reference documents, and documents for internal management.
- 1.21 As specified in the *Directions*, annual reports 'should not be designed for promotional, marketing, commercial or morale-building purposes' but should be 'an objective account, primarily to the Legislative Assembly, of how the

⁸ Annual Reports (Government Agencies) Notice 2009 (No 1) NI2009-283, accessible at <<http://www.legislation.act.gov.au/ni/2009-283/default.asp>>

⁹ ss 5(2)(b) and 6(2) the *Annual Reports (Government Agencies) Act 2004* <<http://www.legislation.act.gov.au/a/20048/default.asp>>.

entity has performed during the reporting year'.¹⁰

1.22 The *Directions* also specify that an effective annual report will:

- provide a clear picture of the agency's purpose, priorities, outputs and achievements;
- focus on results and outcomes – communicate the success or otherwise, including shortfalls, of the agency's activities in achieving ACT Government policy outcomes in the reporting year, while accounting for the resources used in the process;
- discuss results against expectations – provide sufficient information and analysis for the Assembly and community to make a fully informed judgement on agency performance;
- clearly identify any changes to structures or functions of the agency in the reporting period and explain changes in performance over time;
- report on agency financial and operational performance and clearly link with budgeted priorities and financial projections as set out in annual Budget Estimate Papers and the agency Statement of Intent and Corporate Plan;
- provide performance information that is complete and informative, linking costs and results to provide evidence of value for money;
- discuss risks and environmental factors affecting the agency's ability to achieve objectives including any strategies employed to manage these factors, and forecast future needs and expectations;
- recognise the diverse needs and backgrounds of stakeholder groups and present information in a manner that is responsive to the maximum number of users while maintaining a suitable level of detail;
- comply with any specific legislative reporting requirement; and
- comply with the *Annual Reports (Government Agencies) Act 2004* and the Chief Minister's *Annual Report Directions*.¹¹

1.23 Annual reports which have been nominated by agencies may also be assessed for an award by the Institute of Public Administration (ACT

¹⁰ *Chief Minister's 2007–2010 Annual Report Directions*, p 7

¹¹ *Chief Minister's 2007–2010 Annual Report Directions*, pp 5–6

Division).¹²

- 1.24 The Committee notes that the JACS annual report for the 2008–09 financial year, and reviewed in this inquiry, is of a slightly better quality than in 2007–08. The Committee recommended that JACS improve the design, print and binding quality of its report in 2009.¹³ The Committee welcomes the improvements made in the 2008–09 report.

Reporting on external scrutiny

ACT Legislative Assembly Committees

- 1.25 Scrutiny of agency performance by ACT Legislative Assembly Committees is an important component of the accountability process.
- 1.26 Section B.3 of the Chief Minister's guidelines requires agencies to include a list of inquiries completed by ACT Legislative Assembly committees that relate to the operations of the reporting agency. Agencies are also required to provide details on the implementation of recommendations of Assembly Committees that have been accepted by the Government of the day.¹⁴ As noted above, the *Annual Reports (Government Agencies) Act 2004* requires that ACT Government annual reports comply with the Chief Minister's annual report direction.¹⁵
- 1.27 The Committee is concerned that there is a lack of accurate reference to the content of reports of this Committee (including reference to the agency in annual report and estimates inquiry reports even if there is no recommendation directly relevant to the agency) in the following JACS portfolio annual and financial reports:
- ACT Policing, *Annual Report 2008–09*
 - ACT Human Rights Commission, *Annual Report 2008–09*

¹² Institute of Public Administration Australia [ACT Division], 'Annual report awards', accessed 7 December 2009, <http://www.act.ipaa.org.au/annual_report_awards>

¹³ ACT Legislative Assembly, Standing Committee on Justice and Community Safety, *Report on Annual and Financial Reports 2007–08: Report 1*, June 2009, rec 1

¹⁴ *Chief Minister's 2007–2010 Annual Report Directions*, p19

¹⁵ s 5(2)(b), 6(2) <<http://www.legislation.act.gov.au/a/2004-8/default.asp>>

- Public Trustee for the ACT, *Annual Report 2008–09*
 - Legal Aid Commission (ACT), *Annual Report 2008–09*
 - Public Advocate of the ACT, *Annual Report 2008–09*
 - Director of Public Prosecutions, *Annual Report 2008–09*
 - Victims of Crime Support Program, *Annual Report 2008–09*
- 1.28 The Committee notes that the annual report of the ACT Electoral Commission and the Department of Justice and Community Safety provide good summaries of relevant JACS Committee reports.
- 1.29 The Committee requests that in future, the annual and financial reports of agencies in the JACS portfolio include reference to relevant Assembly Committee report recommendations as required by legislation and statutory instruments.

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.**

Decisions by courts and administrative tribunals

- 1.31 The Committee notes that unlike Australian Government requirements, the current *Directions* do not require agencies to report on court or administrative tribunal decisions which have, or may have, a significant impact on the operations of departments, and the department’s response.
- 1.32 In contrast, the Australian Government’s *Requirements for Annual Reports for Departments, Executive Agencies and FM Act Bodies* provides, in its section on management and accountability:

External Scrutiny

The annual report must provide information on the most significant developments in external scrutiny of the department and the department’s response, including particulars of:

- (a) judicial decisions and decisions of administrative tribunals that have had, or may have, a significant impact on the operations of the department; and

(b) reports on the operations of the department by the Auditor-General (other than the report on financial statements), a Parliamentary committee or the Commonwealth Ombudsman.¹⁶

- 1.33 In response to a series of questions about litigation involving ACT Government agencies, the Committee was advised:

As it appears this question relates to every piece of litigation to which any agency in the JACS portfolio may be a party, I am not willing to commit the significant resources it would take to collate the requested answers. In any event due to the nature of these matters, many of them are likely either to attract legal professional privilege or to involve personal information that it would not be appropriate to disclose.¹⁷

- 1.34 In relation to the EpiCentre litigation, the Committee was advised that the Territory's insurance met \$526 597.23 of the \$746 702.60 cost of that litigation. Insurance covered the costs of the professional legal fees involved with the Section 63 litigation, i.e. \$83 997.77.¹⁸

- 1.35 The Committee discussed with the ACT Chief Solicitor an ongoing litigation matter that has the potential to raise significant taxation revenue for the ACT, in addition to the substantial amounts already being recovered. The annual report says in relation to the \$106 900 686 of revenue recovered in 2008–09 (compared with \$1 693 035 in 2007–08, and \$2 321 398 in 2006–07):

A significant increase in the revenue recovered on behalf of the Territory reflects the successful outcome of a large and complex revenue matter in which the ACTGS acted on behalf of the Territory, the details of which cannot be provided by operation of the ACT Tax Laws.¹⁹

- 1.36 The Chief Solicitor would not provide further information, citing tax law obligations, other than to say it was 'a very large matter' for ACT revenue

¹⁶ s 12(2), Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies*, 17 June 2009, approved by the Joint Committee of Public Accounts and Audit under subsections 63(2) and 70(2) of the *Public Service Act 1999 (June 2009)*, accessed 7 December 2009 at <http://www.pmc.gov.au/guidelines/docs/annual_report_requirements.pdf>

¹⁷ response to question on notice, received 11 February 2010

¹⁸ response to question taken on notice, received 28 January 2010

¹⁹ ACT Department of Justice and Community Safety, *Annual Report 2008–09*, vol 1, Canberra, p 20; accessible at <http://www.jcs.act.gov.au/eLibrary/AnnualReports/2008_2009/contents.html>

that ‘one would hope’ would be resolved ‘within the next 12 to 18 months’.²⁰

- 1.37 In the interests of accountability and transparency, the Committee would like to see a public explanation of this significant litigation once it, and associated matters, have been finalised.

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.**

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.**

²⁰ *Transcript of Evidence*, 25 November 2009, pp 58–59

2 DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY

Strategic and accountability indicators and targets

- 2.1 JACS portfolio agencies, and prescribed Territory authorities such as the Legal Aid Commission (ACT), are required by the *Financial Management Act 1996 (FMA)*, the *Annual Reports (Government Agencies) Act 2004*, and the Chief Minister's *Annual Report Directions* to report on progress against strategic indicators, key strategic outputs, and service delivery priorities in the 'highlights' section of the annual report, and in an appendix.
- 2.2 The analysis of agency performance is expected to provide a coherent picture of performance over time, with reference as appropriate to the Government's performance management framework, other reporting requirements, agency business plans, the Canberra Plan's strategic priorities and actions, and statutory functions or duties.
- 2.3 Analyses of performance should also refer to organisational objectives, benchmarks or other comparisons that support trend analysis and management discussion, provide an explanation of significant variances and performance shortfalls and key management issues and organisational change.²¹

The new National Performance Reporting Framework

- 2.4 The Council of Australian Governments (COAG), as part of the national reform agenda, is reviewing performance reporting under national agreements and national partnerships. This followed COAG's endorsement of a new Intergovernmental Agreement on Federal Financial Relations (IGA) in 2008. The Ministerial Council for Federal Financial Relations, in consultation with relevant COAG working groups and Ministerial Councils,

²¹ Chief Minister's 2007–2010 Annual Report Directions, sections A.3, A.8, A.9

is to develop and oversee the new performance reporting system.²² The COAG Reform Council (CRC) will monitor and assess the performance of governments in achieving the outcomes and benchmarks specified in each of the six new national agreements (i.e. healthcare (commencing 1 July 2009), education, skills and workforce development, disability, affordable housing and Indigenous reform). National Partnership payments will fund specific projects and reward jurisdictions that deliver on agreed reforms.²³

- 2.5 COAG also established a working group to review the annual *Report on Government Services* (ROGS) which is currently produced by the Productivity Commission. Since 1995 that annual report has provided comparative information about the performance of government-funded services, particularly in terms of their efficiency and effectiveness. The report has reported against performance indicators since 2007.
- 2.6 The ROGS report is relevant to this inquiry because it includes chapters on justice, police services, court administration, corrective services, and emergency management.
- 2.7 On 7 December 2009 COAG adopted recommendations of the working group following its review of the ROGS, including the recommendation that:

Subject to a performance reporting framework established by COAG in the IGA, the ROGS should continue to be a key tool to measure and report on the productive efficiency and cost-effectiveness of government services.²⁴
- 2.8 On 15 December 2009 the Committee asked the Chief Minister's Department to provide information to this inquiry about where policy development was up to following the submission to government of the Allens Consulting

²² Department of the Prime Minister and Cabinet, 'Discussion Paper for the Review of a the Report on Government Services', 2009, accessed 14 December 2009 <<http://www.coag.gov.au/reports/index.cfm#gov>>

²³ Viewed 18 December 2009, <http://www.coag.gov.au/intergov_agreements/federal_financial_relations/docs/IGA_FFR_ScheduleF_National_Indigenous_Reform_Agreement.rtf>

²⁴ Council of Australian Governments' Meeting, Brisbane, 7 December 2009, *Communiqué* and Report on Government Services—Review Recommendations, viewed 14 December 2009 <http://www.coag.gov.au/coag_meeting_outcomes/2009-12-07/index.cfm?CFID=399225&CFTOKEN=39996347>

*Report Performance and Accountability in the ACT: Towards a New Framework.*²⁵

- 2.9 The Committee also asked whether, and if so how, ACT Government reporting and performance indicators may change following the 7 December 2009 COAG meeting which discussed performance reporting and the annual ROGS.
- 2.10 On 17 December 2009 the Chief Minister responded that the ACT Government had funded an ‘Accountability in Government’ initiative in the 2008–09 Budget, one of the aims of which was to update the Government’s Performance and Accountability Framework. Following the release of the Allen Consulting Group report in 2009, the second phase of the initiative would involve ‘further consultation across government to develop a new ACT Performance and Accountability Framework. The ACT Government was expected to consider an appropriate implementation plan in 2010.’²⁶
- 2.11 Mr Stanhope advised:
- The ROGS plays an important role in providing detailed information for policy makers at the Commonwealth and State level, and for the non-government sector, enabling comparisons of service delivery between jurisdictions and over time. It plays a significant public accountability role, informing the Australian community about government service delivery performance. A key aspect of future work on the ROGS will be to ensure it is aligned with, and complements, the performance reporting regime established under the Intergovernmental Agreement on Federal Financial Relations.
- ...
- It is anticipated that over the coming reporting periods, a number of changes will be made to the ROGS following from further reviews, to align the ROGS with COAG reporting and to make it a more dynamic and contemporary performance measurement tool.
- There are likely to be changes over time to national performance reporting required under the ROGS, although as this is a national

²⁵ viewed 9 February 2010 <<http://www.cmd.act.gov.au/policystrategic>>

²⁶ Letter from the ACT Chief Minister, Mr Jon Stanhope MLA, dated 17 December 2009, p 1

reporting requirement, it would not necessarily impact directly on or require changes to ACT Government agencies' performance reporting requirements or indicators. However, as indicated above, the Government does take into account the operation of these national schemes, such as the ROGS or other COAG-related reporting, when considering its own reporting frameworks.²⁷

- 2.12 The Committee appreciates the Chief Minister's prompt and detailed response, and welcomes his acknowledgement that national indicators will be taken into account when the ACT Government considers its own reporting frameworks.
- 2.13 The Committee notes that the *Directions* are due to be reviewed in 2010–2011, and expects that careful consideration will be given to the COAG and ROGS reporting schemes in that process. The Committee suggests that it would increase accountability and responsibility if jurisdictions adopted performance assessment strategies and indicators in relation to the delivery of government services that are as simple, streamlined, transparent and consistent across jurisdictions as is reasonably practicable.²⁸ For reporting to be effective, where underperformance is identified, remedial measures should also be identified. Differences in jurisdictional circumstances which contribute to outcomes should also be addressed explicitly in the assessment.

JACS' performance assessment

- 2.14 The objective of the Department of Justice and Community Safety (JACS) for the 2008–09 financial year was to
- maintain a fair, safe and peaceful community in the ACT where people's rights and interests are respected and protected.
- 2.15 The Department aimed to protect the rule of law and human rights, protect and preserve life, property and the environment, provide effective emergency management, and implement and enforce legislation covering

²⁷ Letter from the ACT Chief Minister, Mr Jon Stanhope MLA, dated 17 December 2009, p 2

²⁸ Department of the Prime Minister and Cabinet, 'Discussion Paper for the Review of a the Report on Government Services', 2009, accessed 14 December 2009 <<http://www.coag.gov.au/reports/index.cfm#gov>>

regulatory functions of government.²⁹

2.16 In summary, the strategic indicators for JACS for 2008–09 were:

- a fair justice system,
- a safe community,
- safe community – emergency services, and
- a reduction in the rate of significant workplace injuries.³⁰

2.17 Aspects of the performance reporting against the ROGS indicators in the JACS annual report was discussed in the public hearing on 25 November 2009.³¹ How the ACT Government and judiciary were responding to identified underperformance in the timeliness of resolving court cases was also discussed in some detail.³²

2.18 The Committee notes that reporting against the indicators for imprisonment and juvenile detention rates, in a manner similar to the *Key Indicators for Overcoming Indigenous Disadvantage*, is satisfactory in the JACS annual report.

2.19 The Committee suggests, however, that there are some sections in the JACS report, including discussion of program and policy effectiveness, that could be improved in future. For example:

- There could be a better analysis of JACS portfolio services for justice and emergency services, drawing on the ROGS report and the Productivity Commission's *Overcoming Indigenous Disadvantage Key Indicators 2009*.³³ The JACS annual report has brief reference to the ROGS indicators in the sections of the report dealing with court administration, and emergency service response times.³⁴

²⁹ ACT Government, *Budget 2008–09, Budget Paper 4*, 'Department of Justice and Community Safety', accessed 14 December 2009, p 223, <http://www.treasury.act.gov.au/budget/budget_2008/html/paper4.htm>

³⁰ For further information, including performance measures, see *2008–09 Budget Paper No 4*, Department of Justice and Community Safety, pp 225–228, viewed 9 February 2010 <http://www.treasury.act.gov.au/budget/budget_2008/html/paper4.htm>

³¹ *Transcript of Evidence*, 25 November 2009, pp 73–74

³² *Transcript of Evidence*, 25 November 2009, pp 75–79

³³ Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage Key Indicators 2009*, Canberra, accessible at <<http://www.pc.gov.au/gsp/reports/indigenous/keyindicators2009>>

³⁴ *Annual Report 2008–09*, vol 1, pp 51, 53, 54, 56–58

- An analysis of the trends in the quarterly Criminal Justice Statistical Profile for the ACT over the reporting period is not provided as a performance indicator.³⁵
- Performance indicators for programs aimed at preventing re-offending by released detainees could be developed and reported against, both in the JACS annual report and in future ROGS.
 - As noted below, JACS is looking at conducting a new study on recidivism covering the four years of the restorative justice program for young offenders,³⁶ and the opening of the Alexander Maconochie Centre provides an opportunity for data collection on the success or otherwise of offender intervention programs.³⁷
- The targets in the 2008–09 Budget Papers against which performance is supposed to be measured for that financial year are not provided in Appendix 2; JACS performance and the 2009–10 targets are presented. This Appendix could usefully cross-reference the very detailed analysis of crime and safety management provided in the annual report for ACT Policing.³⁸
- JACS' reporting on the strategic indicator 'reduction in the rate of significant workplace injuries' was incomplete in the annual report and the on-line supplement only provided data to 2007–08, followed by projections.³⁹

2.20 The Committee suggests that the performance indicators and reporting requirements of the ROGS should be explicitly and consistently referenced in the next version of the Chief Minister's *Annual Report Directions*, developed in 2010–2011, and be required to be reported against in other relevant ACT Government annual and financial reports.

³⁵ Vol 1 of the JACS annual report 2008–09 has only a brief mention of the statistical profile on p 17

³⁶ *Transcript of Evidence*, 25 November 2009, p 43

³⁷ An overview of programs is provided in the ACT Department of Justice and Community Safety, *Annual Report 2008–09 vol 1*, pp 43–44. See also *Transcript of Evidence*, 28 October 2009, p 15

³⁸ *Annual Report 2008–09*, vol 1, pp 138–9

³⁹ *Annual Report 2008–09*, vol 1, pp 138–9; on-line supplement accessed 14 December 2009, <http://www.jcs.act.gov.au/eLibrary/AnnualReports/2008_2009/contents.html>

- 2.21 The Committee is aware that the Chief Minister's Department has been consulting on a pilot triple bottom line annual report which included sections on social, economic and environmental impacts, projects and other initiatives.⁴⁰ The model released for comment did not refer to ROGS indicators, or the growing literature on human rights frameworks for assessing sustainable development.
- 2.22 The Committee looks forward to seeing a significant new focus on monitoring and evaluating programs and services in the JACS portfolio.

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.**

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.**

Staffing profiles

- 2.25 The Committee notes that many tables in the JACS annual report contain information for 2007–2008, as well as 2008–09. However, in the section of the annual report dealing with human resources, and staffing and agency profiles,⁴¹ there is only data for 2008–09. Having data for the previous year would be helpful, as comparisons and trends could then be better identified. The Committee notes that there are also only a few tables with comparative

⁴⁰ 'Pilot Triple Bottom Line Annual Report', viewed 16 February 2010

<http://www.communityengagement.act.gov.au/engagements/cmd/current/a_consultation_document_to_guide_the_development_of_an_approach_to_future_triple_bottom_reporting_across_the_act_government>

⁴¹ *Annual Report 2008–09*, vol 1, p 89

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.**

Statutory and non-statutory committees, boards and councils

- 2.27 The Committee notes that the JACS annual report provides a table with details of the JACS portfolio statutory and non-statutory committees, boards and councils. Additional information was provided in response to questions on notice.⁴³ This minimal reporting is required by the C5 'Internal accountability' section of the *Directions*. Authorities with a governing or advisory board that provides advice to the Minister are required to have more information than other committees included in the annual report about their operation.⁴⁴
- 2.28 The Committee notes that while the JACS report may comply with the *Directions* for most of the committees more information should have been provided about the activities of the statutory Victims Assistance Board, especially since the Victims Services Scheme is under review.
- 2.29 The Committee regards the public reporting of the roles, membership and activities of statutory and non-statutory committees, boards and councils to be very uneven. It would be better if annual reports were required to include more information about the key issues that the body discussed during the reporting year, the resources available to them, the regularity of meetings, and the bodies' achievements. Attendance could also be noted.

⁴² Commissioner for Public Administration, 2006–07 *ACT Government Workforce Profile*, ACT Chief Minister's Department, Canberra, viewed 15 December 2009

<<http://www.cmd.act.gov.au/governance/public/publications#W>>

⁴³ response to questions on notice, received 28 January 2010, 4 February 2010

⁴⁴ *Chief Minister's 2007–2010 Annual Report Directions*, section C.5 'Internal accountability'

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.**

Law courts and tribunals

- 2.31 In the JACS annual and financial report, ACT courts and tribunals report against indicators used in the ROGS. These include a backlog indicator to assess timeliness; the number of judicial officers per 100 000 population and a clearance indicator relating to the volume of complete cases compared with new cases.⁴⁵
- 2.32 JACS advised that while the ROGS benchmarks for backlogs in Supreme Court lists is that no more than 10% of cases should be older than 12 months, and that none should be older than 24 months, few jurisdictions met these.⁴⁶
- 2.33 Whilst the Committee recognises that the backlog data across jurisdictions nationally is not directly comparable due to different court structures and jurisdictions, the Committee remains concerned about the backlog of cases in the ACT Supreme Court, Magistrates Court and Children's Court. The annual report lists the percentage of criminal and civil cases that have been delayed for periods longer than the national benchmarks for 12 and 24 months.⁴⁷
- 2.34 In response to questions, the Committee was advised that as at 30 June 2009, 2 168 cases before the Supreme Court were unresolved. During 2007–08, 1 619 cases were lodged. In 2008–09, 174 judgements were handed down (including judgments from the Court of Appeal). As at 4 December 2009, the four Supreme Court judges had 57 judgements outstanding.⁴⁸ As at 6 November 2009, 74 judgements were reserved by the Master, judges and

⁴⁵ *Annual Report 2008–09*, vol 1, pp 51–3

⁴⁶ response to question on notice, received 28 January 2010. In 2007–08, no jurisdiction met the benchmark for non-appeal cases in the Supreme Court; Victoria, Queensland, WA, SA and the ACT did not meet the 12 month benchmark.

⁴⁷ *Annual Report 2008–09*, vol 1, pp 52–3

⁴⁸ response to question on notice, received 21 January 2010

the Court of Appeal. The earliest judgement was reserved on 13 March 2008 and the most recent on 6 November 2009.⁴⁹

- 2.35 Of the non-appeal criminal matters in the Supreme Court, 92 were older than 12 months and 20 were older than 24 months. Of Supreme Court civil matters, 395 non-appeal matters were older than 12 months, and 364 matters were older than 24 months.⁵⁰
- 2.36 In contrast, in 2008–09 the Court of Appeal handed down 21 judgements, for 31 cases.⁵¹
- 2.37 The Committee discussed with the Attorney-General and officials the issue of court and tribunal timeliness and accessibility.⁵² The Attorney-General noted that some delays had been caused by a rise in special listings and other matters, but that JACS and the courts were actively trying to address the backlog. A working group was looking at ways to expedite the delivery of Supreme Court reserve judgements and to reduce the length of time matters took to get to trial. The working party was also looking at the visiting judicial officer arrangements, which the Territory actively supported.⁵³ The Government was also working to introduce a courts excellence framework in the ACT, towards the design phase for the new ACT Supreme Court building, the commencement of the building phase of the ACT Forensic Medical Centre, and continuing to upgrade the courts case-management system.⁵⁴
- 2.38 The Committee suggests that as the level of community interest in access to justice is high, the Attorney-General should report to the Assembly on the progress the portfolio has made in addressing the backlog of matters before the ACT Supreme Court and ACT Magistrates Court at least six-monthly to 2012.

⁴⁹ response to question on notice, received 28 January 2010

⁵⁰ response to question on notice, received 28 January 2010

⁵¹ response to question on notice, received 28 January 2010

⁵² response to question on notice, received 4 February 2010

⁵³ *Transcript of evidence*, 25 November 2009, pp 75–76, 78–80

⁵⁴ 'Australian Capital Territory Government comments', in 'Courts administration', chapter 7, in Productivity Commission, *Report on Government Services 2010*, p 7.59, viewed 29 January 2010, <<http://www.pc.gov.au/gsp/reports/rogs/2010>>

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.**

Aboriginal Justice Agreement

- 2.40 The ACT Government is continuing to develop an Aboriginal Justice Agreement with the Aboriginal Justice Centre concerning the provision of justice services to members of the ACT Indigenous community.
- 2.41 The Agreement is intended to guide the delivery of program services and policy in relation to the over-representation of Indigenous people in the ACT justice system. Issues such as 'family violence, rehabilitation, transition and post-release programs from prison, access to legal services, mental health services, drug and alcohol programs' will be addressed.⁵⁵ A whole-of-government working group has been overseeing the development and negotiation of the Agreement, and the ACT Indigenous Elected Body will be involved in the negotiation. The agreement is intended to commence towards the middle of 2010.⁵⁶
- 2.42 The Aboriginal Justice Centre, with whom the agreement will be entered into, is an independent community based association incorporated under the *Associations Incorporation Act 1991* (ACT). The Centre does not provide legal advice, but provides 'significant liaison with and support for justice agencies for Indigenous people, including through ACT Corrective Services, victim support, [and] policing'.⁵⁷ It has been provided funding under a three-year Service Funding Agreement which began in the 2006–07 financial year. The Agreement requires the Centre to report every six months against agreed performance indicators and to provide an annual audit report, and other financial reports.⁵⁸

⁵⁵ *Transcript of Evidence*, 25 November 2009, pp 48–49

⁵⁶ *Transcript of Evidence*, 19 February 2009, p 23

⁵⁷ *Transcript of Evidence*, 25 November 2009, p 48

⁵⁸ response to question on notice, received 24 March 2009

- 2.43 The Attorney-General advised that in 2008–09 the Aboriginal Justice Centre had implemented various initiatives aimed at reducing Indigenous representation in the criminal justice system. These included:
- establishing a men’s group to provide peer group and other support for isolated men at high risk
 - discussions with ACT Policing and ACT Courts about a diversionary program aimed at reducing custody levels
 - facilitated mediations involving Indigenous individuals and families and ACT Policing, ACT Corrective Services, legal services and neighbours to prevent conflicts escalating
 - managing the Aboriginal Interview Friends volunteers program
 - representing Indigenous community views in inter-agency processes.⁵⁹
- 2.44 The Committee looks forward to being briefed at future hearings on progress with this initiative.

ACT Government Solicitor

- 2.45 The gender of the external counsel commissioned to provide legal advice and services to the ACT Government was discussed with the Attorney-General and the ACT Chief Solicitor.
- 2.46 The annual report shows that only a small proportion of the number of external counsel engaged by JACS in 2008–09 were women.⁶⁰
- 2.47 In October 2009 ACT barristers had been accused in the media of running a ‘boys club’ and a national survey reported in December 2009 found that women barristers were missing out on the most lucrative commercial work at the bar.⁶¹
- 2.48 The Attorney-General and ACT Chief Solicitor advised that this issue was largely beyond their control. The factors contributing to the gender differential included the small number of women at the ACT bar and in

⁵⁹ response to question on notice, received 4 February 2010

⁶⁰ Department of Justice and Community Safety, *Annual Report 2008–09*, pp 117–8

⁶¹ N Towell, ‘ACT barristers running a ‘boys club’, *The Canberra Times*, 12 October 2009, p 3, N. Berkovic, ‘Women miss out on big bucks’, *The Australian*, 4 December 2009, p 29

senior counsel ranks, and their availability for the specialised and often complex public law matters in Territory work. The Chief Solicitor advised that he had ‘a positive approach to the briefing of female counsel’, which he encouraged in his staff.⁶²

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.**

Office of Regulatory Services

- 2.50 The Committee discussed developments in ACT Government policies in relation to the inspection of premises licensed to sell alcohol, and the role of ACT Policing.
- 2.51 The Attorney-General advised that following a policy review, the Office of Regulatory Services (ORS) will continue to have a dedicated role in liquor licensing administration for matters such as occupancy loadings, consultations with the Fire Brigade, and the issuing of licences. ORS will still refer matters to ACAT for ‘occupational discipline’. If an ORS liquor inspector finds a young person less than 18 years of age on licensed premises, they would be removed and cautioned at the nearest police station, then released into the custody of their parents.⁶³
- 2.52 An enhanced role for ACT Policing is envisaged in relation to licensed premises. The ACT Government will seek Assembly approval for legislation to confer additional powers on police in relation to liquor licensing enforcement.
- 2.53 The ACT Government proposes that a dedicated team of about 12 officers in ACT Policing will have the primary responsibility for ensuring that liquor

⁶² *Transcript of Evidence*, 25 November 2009, pp 86–87

⁶³ response to question, received 18 January 2010

licensees comply with their statutory obligations and liquor licences under the *Liquor Act 1975* (ACT).

- Summary powers for ACT Policing will be sought, so that police can respond to issues around service of alcohol and the appropriateness of security arrangements in licensed premises etc.
- New powers will be sought to enable police to close a licensed premise in what they deem to be an emergency situation, and to close a licensed premise for 24 hours.
- Licensees will be expected to cover some of the costs associated with the delivery of the additional policing effort through their licence fees, and that this will be achieved partly through a risk-based licensing structure based on the hours premises serve alcohol.⁶⁴

Unrecovered fines

- 2.54 The Committee continues to have concerns about the large number of unpaid fines owed to the Territory. As at 30 June 2009, a total of \$3 232 807.76 was outstanding. In 2008–09, the total value of the fines collected was \$1 200 05.⁶⁵
- 2.55 The enforcement of fines is part of the responsibility of the Criminal Law Section of the Magistrates Court, but a new fines recovery unit is being established to improve fine recovery rates. A new fine enforcement system is also being developed which aims to provide the courts with more options when pursuing fine defaulters. Some of the new options include:
- payment plans for fine defaulters
 - suspension of fine defaulter's driving licence or car registration
 - voluntary income garnishees
 - property seizure and sale
 - provision of information to credit providers
 - voluntary community work to a value sufficient to discharge the fine, provided certain conditions are met
 - imprisonment as a last resort

⁶⁴ *Transcript of Evidence*, 25 November 2009, pp 65–69

⁶⁵ response to question on notice, received 28 January 2010

- remit of the fine if the defaulter lacks the income or property to discharge the fine and is unable to perform voluntary community service work.⁶⁶
- 2.56 The Committee recommends that the Attorney-General provide an update on progress with this welcome initiative to the ACT Legislative Assembly in the autumn sittings.

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.**

Victims of Crime Support Program

- 2.58 In June 2008 JACS released an issues paper for the review of the *Victims of Crime Act 1994* (ACT) for comment. The ACT Government will not be responding directly to the recommendations of the report – *The Quality of Justice: Operation of the ACT Victims of Crime Act 1994 from 1996 to 2007* – as the Minister considers that the review of the Act ‘will effectively address many of the issues canvassed in the report’.⁶⁷
- 2.59 The Committee is concerned that the review of the Act is taking a relatively long time to complete. The Committee understands that amending or new legislation should be introduced to the Assembly before the end of this financial year.
- 2.60 The Attorney-General and the acting Victims of Crime Coordinator, Mr John Hinchey, outlined some features of the program which provides support to victims of crime in the ACT.⁶⁸ These include:
- The Victims of Crime Coordinator has statutory functions (including advocacy), but as a public servant, also coordinates the delivery of support to victims through Victim Support ACT.
 - Victim Support ACT is a service delivery agency within JACS which is overseen by the Victims of Crime Coordinator in a dual role. Victim

⁶⁶ response to question on notice, received 28 January 2010

⁶⁷ response to question on notice, received 4 February 2010

⁶⁸ *Transcript of evidence*, 25 November 2009, pp 50–53

Support ACT provides a counselling and support role for victims. It runs the victim services scheme, which provides therapeutic interventions to victims of crime. These are professional interventions. There are a range of therapies and modalities.

- The Victims of Crime Assistance League (VOCAL) is a non-government organisation that receives funding from government to provide general support to victims of crime. It provides a drop-in service and has a telephone service. Volunteers provide practical support including assistance during court hearings, assistance with post-crime clean-up, and moral support.
- SupportLink is contracted to ACT Policing to provide first a point of contact and support service for people referred to the service by ACT Police. It provides moral support, counselling and referral to more specialised bodies and services such as Victim Support.
- The financial assistance scheme is a court-administered scheme that enables victims of crime who have suffered harm to apply for financial assistance to compensate them and help them recover, up to a maximum amount of \$50 000. The cost of providing reimbursement for out-of-pocket expenses and damages under this scheme for the reporting year was \$920 755.⁶⁹ In that financial year, 78 victims of crime received payments.⁷⁰

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.**

ACT Corrective Services

- 2.62 The costs of housing prisoners at the AMC compared with the former costs of housing prisoners in NSW was discussed at the hearings, in a response to a question taken on notice, and in the media,⁷¹ in early 2010. As at the end of September 2009, the average daily cost of housing remandees and sentenced

⁶⁹ *Transcript of Evidence*, 25 November 2009, p 54

⁷⁰ response to question taken on notice, received 28 January 2010

⁷¹ D Stockman, 'Territory prisoners in budget blow-out: \$500 a day for each inmate', *The Canberra Times*, 27 January 2010, p 1, V Violante, 'Stanhope defends costs for 'world's best practice' new jail', *The Canberra Times*, 28 January 2010, p 3

prisoners was \$504 per day. The average cost of holding prisoners in NSW in 2007–08 was \$264 per day.⁷² During 2007–08 it cost \$431 per day to house prisoners (mainly remandees) in the ACT, with \$490 per head budgeted for.⁷³

2.63 In a response to a question taken on notice, the Attorney-General said:

It must be noted that the economies of scale associated with comparing a larger jurisdiction, such as NSW (who held approximately 10 000 prisoners in 2008–09), with the ACT do not allow an accurate comparison of costs ... It should also be noted that this figure does not take account of remandee costs.⁷⁴

2.64 The Committee discussed rehabilitation and other programs and services at the AMC and for offenders on probation and parole.⁷⁵ These programs include:

- Alcohol and Other Drugs First Steps Relapse Prevention (36 participants)
- Cognitive Self Change (9 participants)
- Solaris Therapeutic Community (12 participants)
- First Steps to Anger Management (9 participants)
- Adult Sex Offenders (3 participants)
- Violent Offenders
- Back in Control Relapse Prevention
- Personal Effectiveness
- an integrated internal employment program offering prisoner employment opportunities in a range of areas.⁷⁶

2.65 During the hearing on 28 October 2009 the Minister said of the suite of programs at the AMC:

We are constantly seeking to expand the range of programs being offered in order to rehabilitate our prisoners and our offenders and to support them in the community, with the ultimate result of developing and maintaining an offence-free lifestyle.

⁷² response to question taken on notice, received 8 December 2009

⁷³ responses to questions taken on notice, received 8 December 2009, 11 January 2010

⁷⁴ response to question taken on notice, received 8 December 2009

⁷⁵ *Transcript of Evidence*, 28 October 2009, pp 35, 39–40

⁷⁶ response to question taken on notice, received 11 January 2010. More information about these programs is in the response and is available on request.

The therapeutic community, a crime prevention initiative, was established at the AMC in July 2009 to address drug dependency issues of prisoners. The therapeutic community is a structured environment where prisoners live together and are encouraged to support and learn from each other. The therapeutic community provides a range of additional programs for participants, including a personal effectiveness program, which is readiness intervention; criminal conduct and substance abuse treatment; parenting for dads; financial management; horticulture; relapse prevention, which is positive lifestyles; 12-step programs; SMART recovery; and one on one counselling interventions. Another important crime prevention initiative established in 2009 is the managed accommodation program. This residential program provides intensive support for up to five offenders. It is designed specially for high-risk recidivist offenders and became operational in April 2009.⁷⁷

- 2.66 While the annual report notes that 100% of offenders on probation and parole had been referred to programs and services in relation to their offending behaviour, the department had not collected statistics on the actual uptake of programs.⁷⁸ About 31% of prisoners are participating in non-educational or non-employment related programs, and variable numbers participate in programs for different types of offending behaviours.⁷⁹ Another response advised that the number of parole breaches dealt with by the Sentence Administration Board had more than halved from 2007–08 (down from 196 to 84), because of factors such as

a small decrease in the number of parole orders given, an increase in offender compliance with parole orders, and a greater involvement of ACT Corrective Service with offenders due to the commissioning and operation of the Alexander Maconochie Centre.⁸⁰

- 2.67 The senior manager of community based corrections in ACT Corrective

⁷⁷ *Transcript of evidence*, 28 October 2009, pp 2–3

⁷⁸ Department of Justice and Community Safety, *Annual Report 2008–09*, vol 1, pp 43–44; *Transcript of evidence*, 28 October 2009, pp 37–38

⁷⁹ response to question taken on notice, received 11 January 2010

⁸⁰ response to question on notice, received 4 February 2010

Services also advised that if an offender did not comply with the requirements of a program, a breach procedure could be invoked in the courts, or a case plan could be renegotiated.⁸¹ Breaches and outcomes would be noted on an individual's personal file, but 'not necessarily collated and compiled in one single dataset'.⁸²

- 2.68 The Committee suggests that in order to monitor and evaluate the effectiveness of referrals to programs and services for offenders on probation and parole, and the effectiveness of the programs in terms of improved behaviours, records should be kept in a form which is suitable for analysis over time.
- 2.69 The Committee supports the objective of providing rehabilitative and supportive services for offenders, ex-offenders and their families. A rigorous and ongoing assessment of program uptake and effectiveness would assist in helping to achieve this.

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.**

Outcare services – new Family Support Centre?

- 2.71 The Committee supports the rehabilitation focus which is claimed as a distinguishing feature of the AMC. The Committee was advised that up to 30 September 2009, 97% of the prisoners released from the AMC had a rehabilitation plan in place. The AMC has a designated Pre-release Officer who case-manages prisoners for the final three months of their detention. ACT Corrective Services Probation and Parole staff are responsible for these plans. The Sentence Administration Board takes account of post release plans when determining parole conditions.⁸³
- 2.72 The Committee welcomes this rehabilitation effort, but would like to see

⁸¹ *Transcript of evidence*, 28 October 2009, p 38

⁸² response to question taken on notice, received 11 January 2010, p 2

⁸³ response to question on notice, received 4 February 2010

more support being provided to the families of detainees so that their experience of the incarceration system is not traumatic, and offers genuine potential for new beginnings.

- 2.73 The Committee is aware of a program in Western Australia that offers holistic support for offenders and their families. One of the components of the WA Outcare program which would have merit for the AMC provides support for the families of detainees at dedicated centres. In WA this can include help with:
- prison procedures, including feedback/complaint forms
 - supervised access visits for prisoners' children
 - interviews with prisoners about family issues
 - housing and tenancy options and applications
 - budgeting and financial management
 - information about support services and Centrelink payments and appeal processes
 - emergency relief.⁸⁴
- 2.74 In WA in 2008–09 about 167 000 visitors to family support centres received some relief from the disadvantages they experience as the relatives or close associate of a detainee. Churches, community groups and individuals contribute to the costs of running these centres through fundraising and donations.⁸⁵
- 2.75 The Committee would like to see such a centre here built with support from the private sector and trade training institutions. The centre could provide a supportive environment, and guidance for first-time visitors to the AMC, and offer post-visit debriefs if requested. The centre could also provide information and access to government and community-based services that respond to disadvantaged families' material and emotional needs. It could also provide a venue for families to offer each other support during and after their experiences with the AMC.
- 2.76 The Committee suggests that a feasibility study for such a centre should be commissioned at the earliest opportunity.

⁸⁴ 'Family support centres', viewed 5 February 2010 <<http://www.outcare.com.au/family.html>>

⁸⁵ Peter Sirr, 'Chief Executive Officer's report 2008–09', viewed 5 February 2010 <<http://www.outcare.com.au/annual.html>>

RECOMMENDATION 14

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

Review of the AMC

- 2.78 The Committee discussed with the Minister for Corrections whether a review would be done of the operation of the AMC after its first year of operation. The Minister indicated that it was reasonable to assume that a review would happen soon after 30 March 2010.⁸⁶
- 2.79 The Committee notes that a resolution of the Legislative Assembly of 10 February 2010 called for an independent review of the first year of operation of the AMC, with a progress report on the review to be delivered to the Assembly by August 2010. Whilst the Government indicated that it had already been committed to a review, the Assembly insisted that:
- the review be open, transparent and public, and include input from community and non-government groups with an interest or involvement in the AMC, including on the terms of reference for the review;
- ...the review ...[be] completed in a timely manner and be tabled in the Legislative Assembly immediately upon completion⁸⁷
- 2.80 The Committee supports regular evaluations of the effectiveness of the AMC and associated programs and services, and welcomes the prospect of a review. Summary information about the outcomes of such reviews, completed within the reporting year, should be accessible in the appropriate annual report.

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.**

⁸⁶ *Transcript of evidence*, 28 October 2009, pp 18–19

⁸⁷ Legislative Assembly for the ACT, *Minutes of Proceedings No 49*, 10 February 2010, pp 573–575 at p 575

Other corrections issues

Restorative justice

- 2.82 The Committee maintained its interest in the operation of the *Crimes (Restorative Justice) Act 2004 (ACT)* and discussed with the Attorney-General the cost-effectiveness and outcomes of the program. The annual report describes the program as ‘innovative justice’, and the Attorney-General described it as ‘very successful’.⁸⁸ It involves giving people who have been affected by an offence (including the victim, the offender and their supporters) the opportunity to voluntarily reflect together on the events that had occurred, and to discuss and agree on what can be done to move forward.⁸⁹
- 2.83 In the reporting year 257 young offenders had been referred under the Act in relation to 453 offences against 350 victims. The age of the offenders was said to be similar in the reporting year to the previous reporting year, at:
- 2 – 12 years of age
 - 27 – 13 years of age
 - 49 – 14 years of age
 - 59 – 15 years of age
 - 66 – 16 years of age
 - 54 – 17 years of age.⁹⁰
- 2.84 Of the offences committed that led to restorative justice referrals, 349 or 76% were property related. Offences against a person were 21%.⁹¹ Of the 349 property offences, 207 were minor theft and theft, 52 were burglary (including trespass with intent), 42 were property damage and 33 were damage to a motor vehicle. Property offences less often committed and referred were: unlawful possession of stolen property (9), going equipped for theft (4) and defacing premises– graffiti (2).⁹²

⁸⁸ *Transcript of evidence*, 25 November 2009, p42; ACT Department of Justice and Community Safety, *Annual Report 2007–08*, vol 1, p 13

⁸⁹ *Annual Report 2007–08*, vol 1, p 10

⁹⁰ response to question taken on notice, received 21 January 2010

⁹¹ ACT Department of Justice and Community Safety, *Annual Report 2007–08*, vol 1, p 14

⁹² response to question taken on notice, received 21 January 2010

- 2.85 Of the 257 *victims* who were offered the opportunity to participate in a conference, 186 or 68% agreed. Of the 203 *offenders* who were offered the opportunity to participate in a conference, 154, or 76% agreed. There were 133 conferences held in the 2008–09 financial year, slightly less than the 142 of the previous year. Compliance rates are reportedly strong, at 94%.⁹³
- 2.86 On the increased number of referrals under the program, the Office of the Director of Public Prosecutions (DPP) advised that prosecutors in the Children’s Court were encouraged to actively consider whether matters should be referred to restorative justice, and that the court also encouraged referrals.⁹⁴
- 2.87 The Committee welcomes the Attorney-General’s statement that the ACT Government will consider through Budget processes whether it has the resources and capacity to expand restorative justice into the adult offender area,⁹⁵ as it had indicated to the Committee it would previously.⁹⁶
- 2.88 The Committee was advised that the Restorative Justice Unit had been allocated \$725 000 in the reporting year. \$557 000 was for employee and administrative expenses, and the Australian Federal Police (AFP) provided \$148 000 for 1.4 FTE ASO6 officers.⁹⁷ The Committee was advised that the cost of the program per participant was not possible to quantify precisely. A simplistic division of program cost by participation rates for 2008–09 leads to a per head cost of approximately \$890.⁹⁸
- 2.89 The Committee was particularly interested in whether the effectiveness of the program was monitored and evaluated. The Committee queried whether the program discouraged offenders from further criminal behaviour leading to incarceration, and how effective it was for particular types of offences, such as property theft. The acting manager of the Restorative Justice Unit, Dr

⁹³ ACT Department of Justice and Community Safety, *Annual Report 2007–08*, vol 1, pp 10–14

⁹⁴ response to question on notice, received 18 January 2010

⁹⁵ *Transcript of evidence*, 25 November 2009, p 42

⁹⁶ ACT Legislative Assembly, Standing Committee on Justice and Community Safety, *Report on Annual and Financial Reports 2007–2008, Report 1*, p 6

⁹⁷ response to question taken on notice, received 28 January 2010

⁹⁸ Participants include offenders, victims and supporters: response to question taken on notice, received 4 February 2010

Inkpen, advised that satisfaction rates were assessed and were high because compliance rates were high. However assessment of later recidivism 'was a complicated type of analysis', but that the unit was working with the AFP to progress that assessment work. The Attorney-General noted that there was no single, integrated database for the ACT criminal justice system which meant that data collection was complicated.⁹⁹

- 2.90 The Committee has already recommended a greater focus on the monitoring and evaluation of criminal justice programs and services above.
- 2.91 Given that the Committee has been advised in two annual reports hearings that the ACT Government will consider extending the restorative justice program to adult offenders, information about that consideration would be appreciated.

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.**

⁹⁹ *Transcript of evidence*, 25 November 2009, pp 42–43

3 ACT POLICING AND EMERGENCY SERVICES AGENCY

ACT Policing

- 3.1 ACT Policing is the community policing arm, and a business unit of the Australian Federal Police (AFP). ACT Policing is accountable for providing quality policing services through the Purchase Agreement between the Minister for Justice and Customs of the Commonwealth and the ACT Government. The latest agreement was entered into on 14 June 2006 for a five year period. The agreement provides for an annual purchase agreement for policing services which is entered into by the ACT Minister for Police and Emergency Services, the Chief Police Officer for the ACT and the Commissioner of the AFP.¹⁰⁰
- 3.2 The Committee asked about the number of ACT Policing officers on duty on Friday and Saturday night busy periods. The Committee was advised that there were three shifts on Friday nights, which were typically staffed as follows: 47 officers for noon to 10.00pm; 51 officers for 4.00pm to 2.00am, and 39 officers for 9.00pm to 7.00am.¹⁰¹
- 3.3 The Committee asked about the number of ACT Policing officers on duty on a typical Saturday night, and was advised that 52 officers would typically work the 4.00pm to 2.00am shift, and 39 officers would work the 9.00pm to 7.00am shift. So 91 officers are usually on duty between 9.00pm and 2.00am, and 39 officers thereafter.¹⁰²

Community consultative committees

- 3.4 Suburban policing community consultative committees were discussed in the

¹⁰⁰ Australian Federal Police, *ACT Policing Annual Report 2008–2009*, Canberra 2009, p 11

¹⁰¹ response to question taken on notice, received 28 January 2010

¹⁰² response to question taken on notice, received 28 January 2010

public hearing on 25 November 2009. In response to a question about the costs associated with running the committees, advice was provided that the staff costs of \$4 471.98 plus miscellaneous costs of about \$7 000 provided the total cost of \$11 472.24.¹⁰³ The ACT Government had declined to fund the committees so ACT Policing drew on their budget to run a 12-month trial. One committee has been established in Charnwood, and another in Narrabundah. The a/g Chief Police Officer, Commander Hill, advised that the effectiveness of these committees would be best discussed at the end of the trial.¹⁰⁴

Infringement notices

- 3.5 The Committee asked a range of questions about the implementation of 'on the spot fine' scheme for some minor offences that was legislated for in 2008, but which had not been implemented by the time of the hearings.¹⁰⁵ The Attorney-General admitted that he had concerns about the delay.¹⁰⁶
- 3.6 Since amendments in 2008, infringement notices for offending behaviour have been authorised by the *Magistrates Court Act 1930* (ACT), *Crimes Act 1900* (ACT), *Magistrates Court (Liquor Infringement Notices) Regulation 2008* and the *Magistrates Court (Crimes Infringement Notices) Regulations 2008*. These provisions were enacted following ACT Legislative Assembly consideration of a 1997 inquiry report by the Community Law Reform Commission on behaviour in public places and freedom of public assembly.¹⁰⁷
- 3.7 This legislation enables infringement notices to be issued for behaviour such as urinating in a public place, defacing premises, and failing to follow a direction to stop making offensive noise. Police officers, and in the case of defacing premises, some officers in the Department of Territory and Municipal Services, are authorised to issue infringement notices to alleged offenders. However due to difficulties in providing effective and convenient

¹⁰³ response to question taken on notice, received 28 January 2010

¹⁰⁴ *Transcript of Evidence*, 25 November 2009, pp 108–09

¹⁰⁵ *Transcript of Evidence*, 25 November 2009, pp 109–114

¹⁰⁶ *Transcript of Evidence*, 25 November 2009, p 112

¹⁰⁷ Explanatory statement for the *Magistrates Court (Crimes Infringement Notices) Regulations 2008*, viewed 2 February 2010 <http://www.legislation.act.gov.au/es/db_32189/default.asp>

systems for police to operate, the legislation has not yet been implemented as intended. No on-the-spot fines had been issued under the legislation between April 2008 and November 2009.¹⁰⁸

3.8 Commander Hill advised:

We have been working towards developing what we call criminal infringement notices, an automated system very similar to our traffic infringement notices [TINs] which are issued on the road. We thought we would be able to link them up to the TIN system [managed by TAMS]. Unfortunately, that has not been the case. It appears to be quite a difficult technical issue for us. We have to develop a stand-alone system to support this. We have developed a paper-based system so that people will be able to write tickets, on-the-spot fines, issued within the CBD and the entertainment areas for public order types of offences. This will definitely assist; there is no doubt about that. We anticipate that will be ready this week or next week for issue to the officers out on the street. That will definitely help. In the interim we have got a partnership with a couple of other agencies to look at the automated response so that we have this fully automated, very similar to our TIN system.¹⁰⁹

3.9 ACT Policing had liaised with various ACT Government agencies and InTACT to find a technical solution, but when that was proving ‘costly and difficult’ an interim paper-based system was introduced. The need to print B-Pay numbers on tickets then created further difficulties, with several contractors becoming involved to deliver the tickets. InTACT had conducted a review and another study reviewing the electronic requirements of an electronic system had been commissioned.¹¹⁰

3.10 The a/g Minister was unable to provide the Committee with information about spot fine capabilities in other jurisdictions.¹¹¹

¹⁰⁸ *Transcript of Evidence*, 25 November 2009, p 110

¹⁰⁹ *Transcript of Evidence*, 25 November 2009, pp 109–110

¹¹⁰ *Transcript of Evidence*, 25 November 2009, pp 110–111

¹¹¹ response to question taken on notice, received 28 January 2010

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.**

ACT Emergency Services Agency

- 3.12 The Emergency Services Agency (ESA) in JACS includes the ACT Ambulance Service, the ACT Fire Brigade, the ACT State Emergency Service and the ACT Rural Fire Service. It also includes emergency management and support areas, and the affiliated Snowy Hydro Southcare aero medical and rescue helicopter services.
- 3.13 The ESA financial outcome for 2008–09 for outputs 4.1 and 4.2 totalled \$95.82 million, that is, \$8.49 million or nearly 10 per cent more than the revised budget. The Committee is concerned that the ESA has consistently overspent its budget for a number of years.

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.**
- 3.15 The discussion and chart at table 30 for the ACT Fire Brigade does show some activity in tabulated form. Staffing for the Emergency Services Authority is listed as 554.40 FTE, or 566 headcount. There is no breakdown of data for each operational unit. The Committee would prefer more discussion, with tabulated comparative data to show activity levels.

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.**
- 3.17 It would be helpful if the staffing and budget (both recurrent and capital) for

the ESA could be provided in each annual report. This should be broken down into the following:

- Operational Command (including headquarters and support functions)
- ACT Fire Brigade
- ACT Ambulance Service
- ACT Rural Fire Service
- ACT State Emergency Service
- Snowy Hydro Southcare aero medical and rescue helicopter services.

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.**
- 3.19 The Committee asked a number of questions about the new headquarters for the ESA. It was evident that there is still a lack of clarity about the reason for the new headquarters being located on three separate sites: at Fairbairn, at Hume and in Fyshwick. There also is a lack of clarity about the overall capital cost for this project, particularly given the details that were provided on this project in the 2009–10 Budget Review.¹¹²
- 3.20 In August 2009, the ACT Auditor-General reported that the estimated cost for the new ESA headquarters, including leasing and construction costs, had increased to \$75.3m. The Auditor-General also commented that ‘the final costs of this project will be much higher’.¹¹³
- 3.21 In response to questions about ACT ESA’s new headquarters at Fairbairn, the Committee received information about the rent being paid by the ACT Government for both occupied, and unoccupied, buildings.

¹¹² refer to the 2009-2010 Australian Capital Territory Budget Review, Appendix 2, p 55

¹¹³ Report No. 6/2009: Government Office Accommodation, ACT Auditor-General, August 2009, p 93

Rent/precinct levies/outgoings paid, now occupied buildings, December 2006 – 30 June 2009	Rent/precinct levies/outgoings paid, unoccupied buildings, December 2006 – 30 June 2009
17–19 Amberley Avenue¹¹⁴ (to be occupied February 2010) \$2 325 723 - Air Support Operations Centre/ Hangar 48, 2–4 Point Cook Avenue \$743 320 - the Simulation and Training Centre (B65) 40 Laverton Avenue \$459 746	- Training Classrooms (B297) 7 Pearce Avenue \$286 618 - EM Task Force & Simulation Training Centre (B53) 17–19 Point Cook Avenue \$863 739 - HAZMAT (B207) 20 Amberley Avenue \$127 148 - Carport Storage (B148) 18 Amberley Avenue \$1 656
	TOTAL rent, precinct levies/outgoings paid
	\$4 807 951

- 3.22 The estimated final cost for works that are to be completed at Fairbairn is \$14.8m for the new ESA headquarters, new workshop, secure compound and logistic and resource centre. For the new Hume training centre and upgraded Hume Helicopter base, the cost is estimated at \$11.2m.¹¹⁵

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.**

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.**

¹¹⁴ The JACS DLO advised on 17 February 2010 that 17 Amberley Avenue Fairbairn houses the ESA Fleet and Procurement Section, ESA Resource Centre, ESA Projects Team and ACT Ambulance Service Operations Support Section

¹¹⁵ response to question taken on notice, received 28 January 2010

Community Fire Units

- 3.25 The Committee discussed Community Fire Units (CFU) with the Minister and officials in public hearing of 25 November 2009. The Minister said that the CFU program was ‘the largest of the volunteer services in the Territory’.¹¹⁶ The number of CFUs provided is based on a risk assessment of the most vulnerable areas of the urban interface. The Fire Brigade recommended that 50 units be established across Canberra, up from 38 about 12 or 18 months ago. Six additional units were funded in 2009–10, and another six would be funded in 2010–11.¹¹⁷
- 3.26 The Minister advised that the number of CFU volunteers had declined from 950 in 2007–08 to 780 in 2008–09, mainly because CFU members had moved out of the area covered by the unit. Optimal membership for each unit was 14, but each unit was viable with 8 volunteers.¹¹⁸
- 3.27 The Committee suggests that to reduce the rate of attrition in CFU volunteers the ACT Government undertakes a volunteer recruitment drive if an assessment of current trends indicates this is necessary.

RECOMMENDATION 23

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

¹¹⁶ *Transcript of Evidence*, 25 November 2009, p 132

¹¹⁷ *Transcript of Evidence*, 25 November 2009, p 133

¹¹⁸ response to supplementary question, received 18 January 2010

4 OTHER AGENCIES

ACT Electoral Commission

- 4.1 The Committee heard from the ACT Electoral Commissioner, Mr Phil Green, about the redevelopment of the Electoral Commission's ICT system, for which funding was provided in the 2009–10 budget. This upgrade will be part of the long-term planning for the 2012 election. System upgrades are expected to improve the electronic voting and counting system, and the scanning system for voting papers. The robustness of the election night reporting system will also be improved. An on-line voting system for some of the 'feeder service elections' that the Commission runs, such as for enterprise bargaining and certified agreement ballots, is also being considered.¹¹⁹
- 4.2 The Committee welcomes this ICT initiative, and understands that the Commission is also considering how to improve the accessibility of the data the Commission collects under the Electoral Act's reporting and disclosure system. The Committee is aware from its work for the campaign finance reform inquiry, that the information provided on-line by the ACT Electoral Commission is far less amenable to exporting and downloading for analysis than the data provided by the Australian Government's Electoral Commission. It may also be possible for the Commission to provide quicker and more frequent access to returns if its ICT system is significantly upgraded.
- 4.3 The Committee suggests that pending the upgrade of the ICT system, the Commission includes in its annual report more information and analysis about election funding, annual returns

¹¹⁹ *Transcript of Evidence*, 25 November 2009, p 91; ACT Electoral Commission, *Annual Report 2008–09*, p 13

and election returns.¹²⁰

- 4.4 The Committee notes that the NSW Independent Commission Against Corruption (ICAC) expressed the view in January 2010 that ‘disclosure, transparency and oversight are the primary corruption prevention mechanisms in relation to improper attempts to influence public officials’. Unlike in the United States, Australia does not have many well-funded public interest groups able to analyse raw funding disclosure data so that it is meaningful for voters, the media and public interest groups.¹²¹ ICAC suggested that such analyses could be done by a publicly funded independent authority.

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.**

Legal Aid Commission (ACT)

- 4.6 The Legal Aid Commission (ACT) provides legal aid services to ensure that vulnerable and disadvantaged people receive legal services to assert or defend their rights, seek to develop community understanding of the law and seek reform of laws that adversely affect those they assist.
- 4.7 In 2008–09 the Commission received \$4.112m from the Commonwealth, \$3.519m from the ACT and \$1.649m from the Statutory interest Account administered by the ACT Law Society. This compared to \$4.027m, \$3.119m and \$1.269m respectively in 2007–08. Funding of legal aid has been a contentious issue for many years.

¹²⁰ ACT Electoral Commission, *Annual Report 2008–09*, pp 46–48

¹²¹ Hon David Ipp QC, Commissioner, Independent Commission Against Corruption, Submission 14 to NSW Joint Standing Committee on Electoral Matters, 22 January 2010, *Inquiry into Public Funding of Election Campaigns*, p 2

- 4.8 The Commission's report shows that while applications for legal assistance increased in the reporting year, the actual number of grants approved fell when compared to 2007–08.¹²² More than 1000 applicant missed out on assistance during the reporting period.
- 4.9 Recent reports indicate that funding constraints have resulted in the Legal Aid Commission suspending the roster of private practitioners who provide legal assistance on weekends and public holidays. It has also been reported that people have been left unrepresented and some remanded in custody because they were unrepresented.¹²³
- 4.10 In December 2009, the Senate's Legal and Constitutional Affairs Committee tabled a report on Access to Justice. In its Summary, the Committee notes:
- Clearly, weaknesses in the legal (aid) system could be partially rectified, or rectified in the short-term, with increased, and targeted, levels of funding.¹²⁴
- 4.11 The Committee asked about recent developments in relation to the permitted expenditure of Commonwealth legal aid funding and how this might be improved. The Chief Executive Officer of the Legal Aid Commission advised that the situation would be clearer when new national legal aid funding agreements were finalised. The Commonwealth aims to conclude these by 30 June 2010. Under the new agreements there may be a relaxation of spending constraints for ACT Legal Aid (and other Australian legal aid commissions) in relation to early intervention and preventative services (such as community legal education), and for family law matters such as domestic violence and child protection matters.¹²⁵

¹²² *Legal Aid Commission(ACT) Annual Report 2008-2009*, p 24

¹²³ *Sunday Canberra Times* 24 January 2010, p 5; 31 January 2010, p 3

¹²⁴ Viewed 12 February 2010

<http://www.aph.gov.au/SENATE/committee/legcon_ctte/access_to_justice/report/b03.htm#anc3

¹²⁵ *Transcript of Evidence*, 25 November 2009, p 96

4.12 The Chief Executive Officer advised:

The situation on the Commonwealth side in terms of our funding has deteriorated over the last 12 months because there has been an increase in demand for assistance in family law matters. So while theoretically it is good to be able to know that we might be able to use Commonwealth money for some of these other matters, whether in practice that is going to have very much effect on our ability to assist people will depend on the amount of Commonwealth money that is available.¹²⁶

4.13 The Committee notes that in November 2009 the Victorian Attorney-General criticised Commonwealth funding cuts for legal aid and native title conciliation because they increased the risk that women and children would have less protection from domestic violence.¹²⁷

4.14 The Committee is concerned that the legal aid funding situation has deteriorated. This is a matter that the Attorney-General can and should pursue with the Commonwealth Attorney-General and state and territory counterparts.

RECOMMENDATION 254.15 **That the Attorney-General seek a real increase in Commonwealth legal aid funding.**4.16 The Committee notes that the Commission's staffing profile indicates that only 24 of the 60 staff are legal officers. While the Commission cannot be directly compared to a conventional legal practice because of the range of programs offered, its principal role is to provide legal assistance in the form of '...legal advice, duty lawyer services, minor legal assistance and grants of financial assistance for more substantial legal representation.'¹²⁸

¹²⁶ *Transcript of Evidence*, 25 November 2009, p 97

¹²⁷ R. Wallace, 'Cuts hit state's weakest', *The Australian*, 3 November 2009, p 3

¹²⁸ *Legal Aid Commission(ACT) Annual Report 2008–2009*, p 2

- 4.17 The Committee further notes that the Commission's expenses include a range of contractor and consultancy services such as more than \$100 000 on recruitment services, which channel funds away from the provision of legal services. These also include \$23 000 contracted but not expended in payroll services.

RECOMMENDATION 26

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

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.**

Public Advocate

- 4.20 In its report on annual and financial reports for 2007–08, this Committee recommended that the ACT Government, including the Public Advocate and the Public Trustee, investigate the feasibility of establishing a register of enduring powers of attorney in the ACT.¹²⁹
- 4.21 An enduring power of attorney is a legal document by which a person appoints a relative or friend to manage the person's lifestyle and financial affairs in the event that they become incapacitated, or develops a decision making disability which means they cannot make decisions for themselves. More than one attorney can be appointed. An enduring attorney or attorneys can be appointed to make decisions about matters concerning

¹²⁹ *Report on Annual and Financial Reports 2007–08: Report 1, rec 10, p 27*

personal finances and property, personal care and health care.¹³⁰

- 4.22 The Committee made this recommendation having considered evidence about Canberra's ageing population and the rising incidence of dementia, and efforts by the offices of the Public Advocate and Public Trustee to raise awareness about enduring powers of attorney.
- 4.23 The Government did not agree with the Committee's previous recommendation on this issue, on the basis that the ACT already has a publicly accessible register of deeds, established under the *Registration of Deeds Act 1957* (ACT), under which the public may register and search enduring powers of attorney. Registration under that Act is compulsory if the attorney wishes to deal with the principal's land under the Land Titles Act.
- 4.24 The Committee remains concerned that more should be done to ensure that the existence of enduring powers of attorney can be made known to relevant professional and community services in the event that it becomes necessary for substituted decision-making powers to be exercised. The Committee's concerns seem to have been vindicated by a case-study included in the Human Rights Commission's annual report for 2008–09:

A woman indicated that her mother-in-law lives in a residential aged care facility. She stated that her mother-in-law was taken to hospital for a hip replacement and that staff at the facility did not inform the family. The hospital did not contact the family either. The husband had an enduring power of attorney. The hospital used emergency consent procedures to conduct a total hip replacement on the mother-in-law 2 days after her admission to hospital.

¹³⁰ More information is accessible at <<http://www.publicadvocate.act.gov.au/category.php?id=13>>. Relevant legislation includes the *Powers of Attorney Act 2006* (ACT), *Registration of Deeds Act 1957* (ACT), and *Medical Treatment (Health Directions) Act 2006* (ACT)

The Commissioner recommended that the hospital review its policies and procedures to ensure that, where the use of emergency consent provisions are being contemplated *in non-time critical situations*, additional efforts are made by medical staff to identify and contact potential substitute decision makers before using those provisions. The Commissioner also raised the communication issues with the residential aged care facility.¹³¹

- 4.25 The Committee was advised in response to a question on notice, that the Public Advocate had been liaising with information managers at the Canberra Hospital to see whether enduring powers of attorney or guardianship or similar orders could be recorded on a patient's e-file. The Public Advocate had also engaged in educational initiative about enduring powers of attorney with Year 12 students in schools and colleges. This had generated a 'very positive' response.¹³²
- 4.26 In the Committee's view, it is unsatisfactory to not have a mechanism by which professional and community service providers can be alerted to the existence of an enduring power of attorney or other substituted decision-making authority, when it is needed.
- 4.27 The Committee considers that in relation to personal care and health care matters, consideration should be given to including notification of substituted decision-making powers on relevant electronic files being created for national and ACT e-health initiatives. E-health refers to the electronic management of health information for better healthcare.

¹³¹ ACT Human Rights Commission, *ACT Human Rights Commission Annual Report 2008–2009*, p 31

¹³² Response to question on notice, received 4 February 2010

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.**

5 CONCLUSIONS

- 5.1 The Committee has made various recommendations in response to its scrutiny of annual and financial reports, and associated evidence.
- 5.2 The Committee thanks the relevant ACT Government Ministers and accompanying departmental and agency officers for providing their time and expertise as witnesses at its public hearings for this inquiry.
- 5.3 However the Committee expects that responses to questions taken on notice and to supplementary questions will be provided more promptly in future. Inquiries such as these are intended to ensure that the Executive government is, and is seen to be, accountable to the Legislative Assembly and that members of the community have opportunities to participate in the governance of the Territory through the work of their elected representatives.
- 5.4 In its report on 2007–09 annual and financial reports the Committee concluded:

The Assembly’s scrutiny mechanisms and committee inquiry processes are important to good Territory governance, particularly since the ACT is a unicameral legislature, and the Committee trusts that agency and ministerial staff appreciate the need for more timely responses.¹³³
- 5.5 The Committee regrets that matters have not improved since last year.

Vicki Dunne MLA
Chair

February 2010

¹³³ *Report on Annual and Financial Reports 2007–08: Report 1*, June 2009, p 33

APPENDIX A: Questions on notice / taken on notice

The table below lists the subjects in relation to which answers were provided to questions taken on notice during a public hearing, or following submission on notice after a hearing. A copy of questions and responses may be obtained from the Committee Secretary on request:

SUBJECT OF QUESTION	TYPE OF QUESTION	DATE ASKED	RESPONSE DATE (received by Committee)
1. comparative cost maintaining prisoners NSW and ACT	QToN ¹³⁴	28/10/09	8/12/09 (signed 3/12/09)
2. breakdown of costs for decommissioning Belconnen Remand Centre, commissioning Symondston centre, including recurrent costs	QToN ¹³⁵	28/10/09	8/12/09 (signed 27/11/09)
3. additional payment to Codd Stenders May & Russell	QToN ¹³⁶	28/10/09	8/12/09 (signed 27/11/09)
4. cost of maintaining prisoners ACT & NSW re AMC delay - reconciliation of figures	QToN ¹³⁷	28/10/09	11/01/10 (signed 10/12/09)
5. number of ACT prisoners in NSW prisons over last 5 years	QToN ¹³⁸	28/10/09	11/02/10
6. AMC programs	QToN ¹³⁹	28/10/09	11/01/10 (signed 16/12/09)
7. RFID system costs	QToN ¹⁴⁰	28/10/09	11/01/10 (signed 10/12/10)
8. take up rate for program referrals	QToN ¹⁴¹	28/10/09	11/01/10 (signed 16/12/09)
9. contractual matters being dealt with by Procurement Solutions re AMC final payments	QToN ¹⁴²	28/10/09	[discussed in Assembly Chamber 9/02/2010]
10. breakdown of age groupings in restorative justice	QToN ¹⁴³	25/11/09	21/01/10
11. breakdown of property related offences	QToN ¹⁴⁴	25/11/09	21/01/10

¹³⁴ *Transcript of Evidence*, 28 October 2009, p 4,

¹³⁵ *Transcript of Evidence*, 28 October 2009, p 9

¹³⁶ *Transcript of Evidence*, 28 October 2009, p 10

¹³⁷ *Transcript of Evidence*, 28 October 2009, p 4

¹³⁸ *Transcript of Evidence*, 28 October 2009, p 12

¹³⁹ *Transcript of Evidence*, 28 October 2009, pp 20, 40

¹⁴⁰ *Transcript of Evidence*, 28 October 2009, p 30

¹⁴¹ *Transcript of Evidence*, 28 October 2009, p37

¹⁴² *Transcript of Evidence*, 28 October 2009, pp 25–26

¹⁴³ *Transcript of Evidence*, 25 November 2009, p 43

¹⁴⁴ *Transcript of Evidence*, 25 November 2009, p 44

SUBJECT OF QUESTION	TYPE OF QUESTION	DATE ASKED	RESPONSE DATE (received by Committee)
12. components costs of restorative justice program, including staffing	QToN ¹⁴⁵	25/11/09	28/01/10; 4/02/10 (signed 21/1/10)
13. number of eligible vehicles for the immobiliser scheme	QToN ¹⁴⁶	25/11/09	28/01/10
14. commissioning of joint advice re civil partnerships legislation	QToN ¹⁴⁷	25/11/09	28/01/10
15. chronology of advice on civil partnerships legislation	QToN ¹⁴⁸	25/11/09	28/01/10
16. how many victims of crime compensated under victims of crime scheme	QToN ¹⁴⁹	25/11/09	28/01/10
17. costs of EpiCentre litigation and procedures	QToN ¹⁵⁰	25/11/09	28/01/10
18. how was Epicentre matter resolved	QToN ¹⁵¹	25/11/09	28/01/10
19. underage drinking – compliance actions	QToN ¹⁵²	25/11/09	18/01/10
20. proportion of genuinely lapsed workers comp policies	QToN ¹⁵³	25/11/09	28/01/10
21. jurisdictions' compliance with ROGS courts data on backlogs	QToN ¹⁵⁴	25/11/09	28/01/10
22. breakdown of outstanding matters in the courts	QToN ¹⁵⁵	25/11/09	28/01/10
23. number and length of time outstanding for reserve judgements	QToN ¹⁵⁶	25/11/09	28/01/10
24. Supreme Court backlog	QoN	4/12/09	21/01/10
25. Court of Appeal cases	QoN	4/12/09	28/01/10
26. visiting judicial officers	QToN ¹⁵⁷	25/11/09	28/01/10
27. agencies signed up to OfficeSmart project	QToN ¹⁵⁸	25/11/09	28/01/10
28. office accommodation owned and leased	QToN ¹⁵⁹	25/11/09	28/01/10
29. chronology of Sentence Administration Board compensation matter	QToN ¹⁶⁰	25/11/09	28/01/10
30. officers on duty on typical Saturday night	QToN ¹⁶¹	25/11/09	28/01/10

¹⁴⁵ *Transcript of Evidence*, 25 November 2009, pp 44, 45

¹⁴⁶ *Transcript of Evidence*, 25 November 2009, p 47

¹⁴⁷ *Transcript of Evidence*, 25 November 2009, p 50

¹⁴⁸ *Transcript of Evidence*, 25 November 2009, p 50

¹⁴⁹ *Transcript of Evidence*, 25 November 2009, p 54

¹⁵⁰ *Transcript of Evidence*, 25 November 2009, p 64

¹⁵¹ *Transcript of Evidence*, 25 November 2009, p 64

¹⁵² *Transcript of Evidence*, 25 November 2009, p 68

¹⁵³ *Transcript of Evidence*, 25 November 2009, p 71

¹⁵⁴ *Transcript of Evidence*, 25 November 2009, p 74

¹⁵⁵ *Transcript of Evidence*, 25 November 2009, pp 75, 76, 78

¹⁵⁶ *Transcript of Evidence*, 25 November 2009, p 78

¹⁵⁷ *Transcript of Evidence*, 25 November 2009, p 79

¹⁵⁸ *Transcript of Evidence*, 25 November 2009, p 85

¹⁵⁹ *Transcript of Evidence*, 25 November 2009, p 85

¹⁶⁰ *Transcript of Evidence*, 25 November 2009, p 102

¹⁶¹ *Transcript of Evidence*, 25 November 2009, p 108

SUBJECT OF QUESTION	TYPE OF QUESTION	DATE ASKED	RESPONSE DATE (received by Committee)
31. officers on duty on Friday and Saturday during 'busy periods'	QToN ¹⁶²	25/11/09	28/01/10
32. cost of running community consultative committees	QToN ¹⁶³	25/11/09	28/01/10
33. paper-based on-the-spot fine capability in other jurisdictions	QToN ¹⁶⁴	25/11/09	28/01/10
34. decision to close Ginninderra PCYC site	QToN ¹⁶⁵	25/11/09	21/01/10
35. programs run at PCYC and financial strains	QToN ¹⁶⁶	25/11/09	21/01/10
36. programs run by PCYC that generate revenue	QToN ¹⁶⁷	25/11/09	21/01/10
37. PCYC programs transferred from Turner to Ginninderra	QToN ¹⁶⁸	25/11/09	21/01/10
38. other solutions apart from closing Ginninderra PCYC	QToN ¹⁶⁹	25/11/09	21/01/10
39. outreach programs provided at Charnwood PCYC	QToN ¹⁷⁰	25/11/09	21/01/10
40. funding model for the PCYC	QToN ¹⁷¹	25/11/09	21/01/10
41. target for briefs delivered to the DPP	QToN ¹⁷²	25/11/09	28/01/10
42. breakdown of rent paid on occupied and unoccupied buildings at Fairbairn	QToN ¹⁷³	25/11/09	11/02/10
43. full list of CFU locations	QToN ¹⁷⁴	25/11/09	28/01/10
44. are there adequate volunteers to crew all CFU units	QToN ¹⁷⁵	25/11/09	18/01/10
45. volunteer turnover within the ACT Fire Brigade	QToN ¹⁷⁶	25/11/09	28/01/10
46. does ACT have a rep on the National Aerial Firefighting Centre tech. advisory committee	QToN ¹⁷⁷	25/11/09	28/01/10
47. increase in number of lessees engaged in Farm FireWise program	QToN ¹⁷⁸	25/11/09	28/01/10

¹⁶² *Transcript of Evidence*, 25 November 2009, p 108

¹⁶³ *Transcript of Evidence*, 25 November 2009, p 109

¹⁶⁴ *Transcript of Evidence*, 25 November 2009, p 111

¹⁶⁵ *Transcript of Evidence*, 25 November 2009, p 115

¹⁶⁶ *Transcript of Evidence*, 25 November 2009, p 115

¹⁶⁷ *Transcript of Evidence*, 25 November 2009, p 115

¹⁶⁸ *Transcript of Evidence*, 25 November 2009, p 116

¹⁶⁹ *Transcript of Evidence*, 25 November 2009, p 116

¹⁷⁰ *Transcript of Evidence*, 25 November 2009, p 116

¹⁷¹ *Transcript of Evidence*, 25 November 2009, p 117

¹⁷² *Transcript of Evidence*, 25 November 2009, p 118

¹⁷³ *Transcript of Evidence*, 25 November 2009, p 130

¹⁷⁴ *Transcript of Evidence*, 25 November 2009, p 134

¹⁷⁵ *Transcript of Evidence*, 25 November 2009, p 134

¹⁷⁶ *Transcript of Evidence*, 25 November 2009, p 135

¹⁷⁷ *Transcript of Evidence*, 25 November 2009, p 137

¹⁷⁸ *Transcript of Evidence*, 25 November 2009, p 138

SUBJECT OF QUESTION	TYPE OF QUESTION	DATE ASKED	RESPONSE DATE (received by Committee)
48. when undertook final consultation with Bushfire Council and volunteer brigades re ESA structure	QToN ¹⁷⁹	25/11/09	18/01/10
49. number of qualified incident managers at type 3 level	QToN ¹⁸⁰	25/11/09	28/01/10
50. numbers trained in the 1, 2, 3-type fires	QToN ¹⁸¹	25/11/09	28/01/10
51. reconciliation of RFS volunteer numbers	QToN ¹⁸²	25/11/09	28/01/10
52. anticipated cost of Fairbairn HQ project	QToN ¹⁸³	25/11/09	28/01/10
53. recurrent appropriated funds for operational people at Fairbairn	QToN ¹⁸⁴	25/11/09	28/01/10
54. number of times ambulance unavailable and ACT Fire Brigade sent instead	QToN ¹⁸⁵	25/11/09	28/01/10
55. reconciliation of increase in ESA employee budget of 24%	QToN ¹⁸⁶	25/11/09	28/01/10
56. what makes up balance of non-government user charges for ESA	QToN ¹⁸⁷	25/11/09	18/01/10
57. did Halcrow say the ACTEW cost estimate was robust	QToN ¹⁸⁸	25/11/09	28/01/10
58. numbers voting for Children and Young Peoples Commissioner's Choice Award	QToN ¹⁸⁹	25/11/09	21/01/10
59. commentary 'skating on thin ice' in civil partnerships debate	QToN ¹⁹⁰	25/11/09	28/01/10
60. bike patrols ACT Policing	QoN	4/12/09	28/01/10
61. referrals to victims of crime service providers	QoN	25/11/09	11/02/10
62. Aboriginal Justice Centre	QoN	4/12/09	4/02/10
63. human rights compatibility statements	QoN	4/12/09	4/02/10 (signed 21/01/10)
64. rollover of costs in disability expenditure	QoN	4/12/09	28/01/10
65. litigation against ACT Government agencies	QoN	4/12/09	11/02/10
66. application fees pre and post ACAT	QToN ¹⁹¹	25/11/09	4/02/10
67. backlog from small claims court into ACAT	QToN ¹⁹²	25/11/09	28/01/10

¹⁷⁹ *Transcript of Evidence*, 25 November 2009, p 140

¹⁸⁰ *Transcript of Evidence*, 25 November 2009, p 143

¹⁸¹ *Transcript of Evidence*, 25 November 2009, p 143

¹⁸² *Transcript of Evidence*, 25 November 2009, p 145

¹⁸³ *Transcript of Evidence*, 25 November 2009, p 147

¹⁸⁴ *Transcript of Evidence*, 25 November 2009, p 148

¹⁸⁵ *Transcript of Evidence*, 25 November 2009, p 150

¹⁸⁶ *Transcript of Evidence*, 25 November 2009, pp 152–3

¹⁸⁷ *Transcript of Evidence*, 25 November 2009, p 153

¹⁸⁸ *Transcript of Evidence*, 25 November 2009, p 156

¹⁸⁹ *Transcript of Evidence*, 25 November 2009, p 160

¹⁹⁰ *Transcript of Evidence*, 25 November 2009, p 164

¹⁹¹ *Transcript of Evidence*, 25 November 2009, p 80

¹⁹² *Transcript of Evidence*, 25 November 2009, p 82

SUBJECT OF QUESTION	TYPE OF QUESTION	DATE ASKED	RESPONSE DATE (received by Committee)
68. residential tenancies matters through ACAT	QToN ¹⁹³	25/11/09	28/01/10
69. final cost of fit-out for ACAT	QToN ¹⁹⁴	25/11/09	28/01/10
70. ACAT – fees	QoN	4/12/09	4/02/10
71. ACAT – complexity, resolution statistics, practice and procedure	QoN	4/12/09	4/02/10
72. ACAT – cost of fit-out	QoN	4/12/09	28/01/10
73. ACAT matters: statistics	QoN	4/12/09	28/01/10
74. government contracts – role of Government solicitor	QoN	4/12/09	28/01/10
75. recovered revenue	QoN	4/12/09	28/01/10
76. JACS Committees – existence, last meeting, membership	QoN	4/12/09	4/02/10
77. unpaid court fines – recovering revenue	QoN	4/12/09	28/01/10
78. Supreme Court building feasibility study	QoN	4/12/10	4/02/10 (signed 27/1/10)
79. Ngambra Circle Sentencing Court – stats	QoN	4/12/09	28/1/10
80. FOI – refusal on technical grounds	QoN	4/12/09	4/02/10
81. senior management committees	QoN	4/12/09	28/01/10
82. workers compensation – average lost time target	QoN	4/12/09	4/02/10(signed 27/01/10)
83. workers compensation – return to work times	QoN	4/12/09	4/02/10(signed 27/01/10)
84. JACS financial viability	QoN	4/12/10	4/02/10 (signed 27/01/10)
85. Output classes	QoN	4/12/10	4/02/10 (signed 27/01/10)
86. Philip forensic medical centre	QoN	4/12/09	28/01/10
87. vehicle leases	QoN	4/12/09	28/01/10
88. plant and equipment	QoN	4/12/09	28/01/10
89. office accommodation – leased and owned by ACT Gov't	QoN	4/12/09	4/02/10 (signed 27/01/10)
90. accommodation improvements for disability access	QoN	4/12/09	28/01/10
91. security upgrades	QoN	4/12/09	28/01/10
92. sexual assault reform project – value of capital works	QoN	4/12/09	28/01/10
93. IQON contract	QoN	4/12/09	11/02/10
94. CRS Wordwave contract for monitoring and transcription services	QoN	4/12/09	28/01/10
95. office accommodation – table	QoN	4/12/09	28/01/10
96. balance sheet	QoN	4/12/09	4/02/10 (signed 27/01/10)
97. output class 4	QoN	4/12/09	4/02/10 (signed 27/01/10)
98. protection of rights – oral complaints	QoN	4/12/09	28/01/10
99. assumed identities	QoN	4/12/09	28/01/10

¹⁹³ *Transcript of Evidence*, 25 November 2009, p 83

¹⁹⁴ *Transcript of Evidence*, 25 November 2009, pp 83–4

SUBJECT OF QUESTION	TYPE OF QUESTION	DATE ASKED	RESPONSE DATE (received by Committee)
100. drink driving	QoN	4/12/09	4/02/10 (signed 21/01/10)
101. national bushfire warning system	QoN	4/12/09	28/01/10
102. enduring powers of attorney	QoN	4/12/09	4/02/10 (signed 21/01/10)
103. new direction/Strategic Plan for Legal Aid	QoN	4/12/09	17/02/10
104. DPP – refocussing on litigation	QoN	4/12/09	18/01/10
105. increased number of trials – implications for DPP	QoN	4/12/09	18/01/10
106. Sentence Administration Board workload	QoN	4/12/09	4/02/10 (signed 21/01/10)
107. Sentence Administration Board – qualifications of board members	QoN	4/12/09	4/02/10 (signed 21/01/10)
108. Sentence Administration Board - increases in warnings and ‘no further action’ decisions	QoN	4/12/09	4/02/10 (signed 21/01/10)
109. Sentence Administration Board – incorrect interpretation’ of enabling legislation	QoN	4/12/09	11/02/10
110. Human Rights Commission – post release plans and case management plans	QoN	4/12/09	4/02/10 (signed 21/01/10)
111. Sentence Administration Board decrease in parole breaches	QoN	4/12/09	4/02/10 (signed 21/01/10)
112. human rights complaints and Supreme Court actions	QoN	4/12/09	11/02/10
113. responding to current volume of complaints and inquiries	QoN	4/12/09	4/02/10
114. service delivery and funding to children of multicultural backgrounds	QoN	4/12/09	11/02/10
115. funding to develop committee or ACTKids Network	QoN	4/12/09	11/02/10
116. gathering information C&YP Commissioner	QoN	4/12/09	4/02/10
117. child death review team	QoN	4/12/09	11/02/10
118. Human Rights Commission – community engagement roles	QoN	4/12/09	11/02/10
119. complaints on community services – Human Rights Commission role?	QoN	4/12/09	11/02/10
120. Commission initiated investigation	QoN	4/12/09	4/02/10 (signed 21/01/10)
121. review of wheelchair accessible taxis	QoN	4/12/09	11/02/10
122. matter referred to ACCIS	QoN	4/12/09	11/02/10
123. Health Services Commissioner re complaints against health professionals	QoN	4/12/09	11/02/10
124. review of Victims of Crime Act	QoN	4/12/09	11/02/10
125. response to issues raised by Victims of Crime Coordinator	QoN	4/12/10	11/02/10
126. response to Victims of Crime Act report	QoN	4/12/09	4/02/10
127. COAG and performance reporting	QoN	15/12/09	18/12/09

APPENDIX B: Witnesses at public hearings

Wednesday 28 October 2009

- Mr John Hargreaves MLA, Minister for Corrections
- Ms Kathy Leigh, Chief Executive Officer, Department of Justice and Community Safety (JACS)
- Mr Robert Carter, Deputy Chief Executive, Operations, JACS
- Mr Barry Follp, a/g Executive Director, ACT Corrective Services, JACS
- Mr Greg Tong, Senior Manager, Business, Policy and Co-ordination, ACT Corrective Services, JACS
- Mr Brian Dunn, Senior Manager, Community Based Corrections, ACT Corrective Services, JACS
- Ms Moira Crowhurst, Chief Financial Officer, Strategic Finance, JACS

Wednesday 25 November 2009

- Mr Simon Corbell MLA, Attorney-General
- Ms Kathy Leigh, Chief Executive Officer, JACS
- Mr Stephen Goggs, Deputy Chief Executive, Statutory Support, JACS
- Mr James Ryan, a/g Deputy Chief Executive, Operations, JACS
- Ms Moira Crowhurst, Chief Finance Officer, Strategic Finance, JACS
- Mr Peter Garrisson, Chief Solicitor, Government Solicitor's Office, JACS
- Prof John McMillan, ACT Ombudsman
- Mr Phillip Green, Electoral Commissioner, ACT Electoral Commission
- Ms Anita Phillips, Public Advocate, JACS
- Mr Andrew Taylor, Public Trustee, JACS
- Mr Andrew Crockett, Chief Executive Officer Legal Aid Commission of the ACT, JACS
- Mr Bruce Hill, a/g Chief Police Officer, ACT Policing
- Mr Paul Williams, Director, Corporate Services, ACT Policing
- Mr David Foot, Acting Commissioner, ACT Emergency Services Agency, JACS
- Ms Shelley Schreiner, Chief Executive Officer, Independent Competition and Regulatory Commission, JACS
- Mr Paul Baxter, Senior Commissioner, Independent Competition and Regulatory Commission, JACS
- Dr Helen Watchirs, Human Rights and Discrimination Commissioner, ACT Human Rights Commission, JACS
- Ms Mary Durkin, Health Services, and Disability and Community Services Commissioner, ACT Human Rights Commission, JACS
- Mr Alasdair Roy, Children and Young People Commissioner, ACT Human Rights Commission, JACS