

2014

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

**GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
REPORT NO 2**

ANNUAL AND FINANCIAL REPORTS 2012-2013

**Presented by
Ms Katy Gallagher MLA
Chief Minister**

Government Response

Standing Committee on Justice and Community Safety Report No 2 – Annual and Financial Reports 2012-2013

Introduction

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

The Standing Committee on Justice and Community Safety reviewed annual reports for:

- ACT Electoral Commission;
- ACT Human Rights Commission;
- ACT Policing;
- ACT Long Service Leave Authority;
- Director of Public Prosecutions;
- Justice and Community Safety Directorate;
- Legal Aid Commission (ACT);
- Public Advocate of the ACT;
- Public Trustee for the ACT; and
- Victims of Crime Support Program.

The Committee made 11 recommendations.

Response to Committee Recommendations

Recommendation 1

2.39 The Committee recommends that the ACT Government investigate creating a sentencing council or similar agency to perform community engagement and education on sentencing in the ACT.

Government Response

Noted.

The ACT Sentencing Database is relatively new. At this time, the Government considers that the value from setting up a sentencing council or similar agency does not justify the expense that would be required to establish and maintain a sentencing council.

The Law Reform Advisory Council currently provides a law reform capacity in the ACT.

The Justice Reform Strategy will further inform Government policy on sentencing and sentencing options, and to commit to a Sentencing Council before the Strategy is finalised would be premature.

Recommendation 2

2.44 The Committee recommends that the ACT Government investigate and clarify ACT courts' jurisdiction over case management.

Government Response

Agreed in principle.

Listing practices and in-court procedures are properly matters for the Court. However, the Government will continue to provide legislative, infrastructure, and funding support to assist the Court.

With support from the Government, the Courts have achieved significant improvements in wait times and backlog, particularly in the Supreme Court. For example, there was a 47% reduction in the number of Supreme Court criminal matters older than 12 months awaiting finalisation at the end of 2012-13 as compared to 2011-12. The reduction in long-wait cases before the Court was supported by targeted additional Government funding and legislative changes, for example, to broaden the range of matters able to be heard in the Magistrates' Court.

Recommendation 3

3.34 The Committee recommends that, over time and subject to budgetary considerations, positions which combine a statutory office holder and an officer answerable to the Executive be disaggregated so that these functions performed by different persons.

Government Response

Noted.

Recommendation 4

3.37 The Committee recommends that the ACT Government work across all agencies to ensure that they are utilising the tests and tools offered by Shared Services when undertaking a procurement process.

Government Response

Agreed.

Notwithstanding matters specific to the Getting Home Safely Report, which are being addressed through a Deputy Directors-General Steering Committee, Shared Services Procurement works with directorates and agencies to provide assistance and advice on procurement processes. Shared Services also provides tools, as well as ongoing education on the proper use of the tools, as required.

Recommendation 5

3.38 The Committee recommends that the ACT Government, through Shared Services, investigate mechanisms that could be employed so that successful government tenders are audited while work is being conducted.

Government Response

Noted.

Noting that legal obligations on tenderers are only imposed through contracts signed with the Territory, the ACT Government already audits successful tenderers to ensure their compliance with contractual obligations as work is being conducted. These compliance measures include Active Certification audits every 13 weeks, as well as health checks and risk assessments throughout the course of the project. Contractors are subject to regular compliance audits, and may also be selected for additional audits on the basis of a risk-based assessment process.

Recommendation 6

3.39 The Committee recommends that all ACT Government tender documents contain a statement of the Government's clear position on only engaging companies that are properly established as legitimate enterprises.

Government Response

Agreed.

The Government has addressed the issue of sham contracting, as well as other IR matters, by requiring tenderers to declare that they abide by all relevant legislation and that they are IRE certified where applicable.

Recommendation 7

4.20 The Committee recommends that the ACT Government publish information about flood zones and risks to residential housing as soon as possible, with appropriate caveats.

Government Response

Noted.

The majority of Canberra suburbs are above the 1% Annual Exceedence Probability (AEP) flood level also known as one in 100 year flood level (1:100).

The ACTMAPi website (<http://www.actmap.i.act.gov.au/flo.html>) shows the latest flood data, in reference to the Molonglo River, and the level of riverine flood risk to the community.

The ACTMAPi website includes a caveat that the map is for information purposes only and that further inquiries and expert advice may be required.

It is noted that extremely intense local rainfall can cause localised flash flooding. These events are not able to be shown on the ACTMAPi website at this stage.

Recommendation 8

5.37 The Committee recommends that the ACT Government undertake an evaluation of the Periodic Detention Centre as a sentencing option. The evaluation should include a comparison with sentencing options in other jurisdictions which have replaced periodic detention.

Government Response

Noted.

On 26 March the Minister for Corrections announced the Government's intention to cease the use of periodic detention as a sentencing option from the 2016-17 financial year.

The Government will develop alternative options, through a consultative process, as part of its justice reform strategy.

Recommendation 9

5.45 The Committee recommends that the ACT government investigate provision of sufficient resources to the ACT Human Rights Commission so that it can conduct a full human rights audit of the Alexander Maconochie Centre (AMC).

Government Response**Noted.**

The ACT has a strong human rights framework and the AMC has been the subject of numerous audits and reviews. The scoping and prioritisation of the work of the Human Rights Commission is a matter for that Commission. The Government is currently reviewing arrangements for the provision of protection of rights services to assess whether changes would allow resources to be deployed more effectively.

Recommendation 10

6.73 The Committee recommends that the ACT Government commission an independent review of the resources needed for the Human Rights Commission to fulfil its statutory obligations.

Government Response**Noted.**

The ACT has a strong human rights framework. The Government is currently reviewing arrangements for the provision of protection of rights services to assess whether changes would allow resources to be deployed more effectively. The resourcing of the Human Rights Commission must be considered in the overall context of the ACT budget.

Recommendation 11

6.77 The Committee recommends that the ACT Government review the Human Rights Act 2004 with respect to avenues for human rights complaints.

Government Response**Noted.**

The ACT already has a comprehensive rights protection system in place, including the ACT Human Rights and Discrimination Commissioner, the Health Services and Disability and Community Services Commissioner, the Children and Young People Commissioner, the Public Advocate, the Public Trustee, the Privacy Commissioner, the Victims of Crime Commissioner and the ACT Ombudsman.

Extending the jurisdiction of the ACT Civil and Administrative Tribunal or the Human Rights Commissioner would necessarily involve increased allocation of resources and would risk duplicating existing complaints handling roles.