

2016

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

**GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
REPORT NO 6**

REPORT ON ANNUAL AND FINANCIAL REPORTS 2014-2015

**Presented by
Andrew Barr MLA
Chief Minister**

Government Response

Standing Committee on Justice and Community Safety Report No 6 – Annual and Financial Reports 2014-2015.

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

- ACT Electoral Commission;
- ACT Human Rights Commission;
- ACT Long Service Leave Authority;
- ACT Policing;
- Chief Minister and Treasury Directorate
- 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 13 recommendations.

Response to Committee Recommendations

Recommendation 1

The Committee recommends, in preparation for the possibility that the next Federal election is scheduled for a day on or near voting day for the ACT election, that the ACT Government consider introducing legislative amendments in the Legislative Assembly which, if passed, would make it possible for the ACT election to be held on a date earlier than the first of December.

Government Response – Noted

The Government considers that the existing provision in section 100 (2) of the *Electoral Act 1992*, which sets an alternative election date as the first Saturday in December, is the appropriate timeframe. This position is supported by the ACT Electoral Commissioner, noting that overlapping federal and ACT election periods were effectively managed in 2004 with minimal confusion for electors.

The first Saturday in December provides the earliest alternative occasion on which an ACT election could be held if the legislated pre-election period of 36 days was to commence at the conclusion of a Commonwealth election.

Provision for an earlier alternative ACT election is liable to generate unjustifiable cost and effort for Government, associated with moving election dates on short notice (eg loss of booked polling premises, booked advertising and staffing work agreements). Political participants might also be adversely affected in the loss of pre-booked advertising and pre-made campaign material.

Recommendation 2

The Committee recommends that the ACT Government ensure sufficient resourcing to the ACT Human Rights Commission to disseminate, effectively, information about rights in connection with pregnancy and work, and return to work, and that the results of these efforts be tested and measured to ensure that there are improvements in ACT workplaces in these areas.

Government Response - Noted

The new structure for the Human Rights Commission introduced by the *Protection of Rights (Services) Legislation Amendment Bill 2015* includes new provisions including requiring the President of the Commission to consult with the Director-General of the Justice and Community Safety Directorate in developing a corporate governance plan that includes detail about how the HRC can request additional funding for specific programs. The President will also have centralised responsibility for providing information about the Discrimination Act and rights under it.

Recommendation 3

The Committee recommends that the Public Trustee gather information on the Indigenous status of clients, as a routine part of its interactions with clients, subject to their agreement, and that this information be published in the Public Trustee's annual report.

Government Response - Agreed

The Public Trustee for the ACT is implementing recording processes that will enable the identification of Aboriginal and Torres Strait Islander clients of the office. The information will be published in the Public Trustee's Annual Report.

Recommendation 4

The Committee recommends that the ACT Government assess the expected work load for compliance under the Mental Health Act 2015 after the Act comes into force on 1 March 2016, and ensure that there are adequate resources for effective compliance testing.

Government Response - Noted

Work to implement the *Mental Health Act 2015* has been ongoing for some time and as such agencies are prepared for implementation in March 2016.

Recommendation 5

The Committee recommends that the ACT Government's response to Domestic Violence includes the measures described by the Victims of Crime Commissioner in the Committee's hearings of 6 November 2015.

Government Response - Agreed

The Government is already implementing this recommendation.

At the Committee hearing on 6 November 2015 the Victims of Crime Commissioner recommended a whole-of-system approach to respond to domestic violence that allows agencies to share information in a secure way, supported by a risk process and that the risk is shared by service providers.

Much of the effort and the work of Government over the last 12 months, to respond to domestic and family violence, has been focused on identifying and addressing opportunities for better coordination across government and the community sector to support innovative service and integrated systems—a key priority under our local and national strategies.

The government is considering how to improve the sharing of information in relation to domestic and family violence noting the complex privacy environment agencies must operate within.

The gap analysis of the domestic violence service system by the Office for Women will inform future work in this area. This includes identifying gaps, duplication and cross over within the

domestic violence system and the project will use this analysis to make recommendations to improve integration across and within the system.

Recommendation 6

The Committee recommends that the ACT Government continue to develop and refine indicators and reporting on workplace culture in the Emergency Services Agency (ESA), with the intent of ensuring its strength, stability and readiness to meet complex threats, including by ensuring greater diversity in recruitment.

Government Response - Agreed

The ACT Government reports publicly on an annual basis a range of metrics associated with workforce demographics, profile and performance. In addition to ESA through its Strategic Reform Agenda and associated strategies for the Blueprint for change and Women in Emergency Strategy has a number of key actions and measures publicly identified. Indicators currently available and reported:

- State of Service Report
- Executive Scorecards
- Red Framework- ESA specific
- Targeted recruitment (WIES) 1 in 5
- Staff survey
- Creation of People and Culture Executive role
- Measure Integrity, Equity and Diversity

Recommendation 7

The Committee recommends that the Emergency Services Agency (ESA) consider conducting staff audits of attitudes to diversity in the workplace.

Government Response - Agreed

The Directorate proposes a whole of service approach is taken with CMTEDD taking the lead in relation to a whole of government strategy on diversity.

In addition the Directorate is currently progressing the development of a new employment strategy for Aboriginal and Torres Strait Islander people. The strategy will build upon outcomes of discussions at an Aboriginal and Torres Strait Islander employee forum held on 3 December 2015 and the advice sought from the ACT Human Rights Commissioner and the Australian Human Rights Commissioner. The strategy will be implemented in 2016. These strategies have been developed involving ESA representation.

Recommendation 8

The Committee recommends that the Emergency Services Agency (ESA) ensure that signage identifying facilities be consistent and of sufficient size to support ready recognition by the public of ESA facilities.

Government Response – Agreed-in-part

The ESA reviewed signage for stations currently undergoing construction (Aranda Ambulance and Fire & Rescue) and Greenway Ambulance Station. Signage that supports ready recognition of these facilities will be installed.

The ESA has a number of legacy stations that may be upgraded or replaced in future years. Decisions on new signage will be taken on a case by case basis in this context.

Recommendation 9

The Committee recommends that ACT Policing consider adopting a defined recruitment strategy to increase the number of Aboriginal and Torres Strait Islanders employed by the agency.

Government Response - Noted

Recruitment of members for ACT Policing comes under the auspices of the broader AFP Recruitment policies including the AFP Directions Program Traineeship.

The program comprises a twelve month entry level integrated employment and professional development process to provide Aboriginal and/or Torres Strait Islander Australians with employment pathways into the AFP in a range of unsworn roles.

Through the AFP Directions Program and general recruitment marketing strategies the AFP engages with a broad range of applicants and advocates and continues to work towards increasing the number of suitable Aboriginal and/or Torres Strait Islander applicants.

The AFP Directions Program Traineeship represents part of the AFP's commitment to the Commonwealth Government target of 3 per cent Aboriginal and/or Torres Strait Islander representation in the Commonwealth workforce by 2018.

The AFP's specific target for Aboriginal and/or Torres Strait Islander workforce representation is 2.5 per cent by 2018.

Upon completion of the AFP Directions Program, trainees are employed across a wide range of Canberra based AFP business areas. In addition, trainees are routinely deployed in ACT Policing areas including HR, Policy, Finance and Crime Reduction portfolios.

A number of trainees have expressed an interest in becoming sworn police officers with ACT Policing. This represents an important strategy to increase Aboriginal and/or Torres Strait Islander representation with ACT Policing.

Alternatively, Aboriginal and/or Torres Strait Islander Australians' can apply directly for sworn entry level positions and are encouraged to do so in the marketing strategy.

Recommendation 10

The Committee recommends that the ACT Long Service Leave Authority consults on the degree to which it would be appropriate for measures of the Authority's return on investment to be compared with those of similar agencies.

Government Response - Noted

There are very few ACT Government agencies that hold investments. The ACT Long Service Leave Authority has looked at the ACT Public Trustee's investment however the LSLA is unable to benchmark investment performance against the Public Trustee as the comparison is not on the basis of the same or similar Strategic Asset Allocation (SAA).

ACT Public Trustee's investments are invested under either COMMON FUNDS or RISK MODELS. There are five common funds that are asset class specific, i.e. 100% of the funds are invested in one of the five asset classes only (cash, fixed interest, listed properties, Australian equities, or international equities) and not pre-mixed and pooled into an asset class diversified fund.

Investment held under the Risk Models has four profiles and each of the Public Trustee SAA and one year to 30 June 2015 performance is in the table below, which also includes LSLA's investment return for the same period however with a different SAA and fee structure for comparison purpose.

Risk Profile Investment	1 Year Net Return	ICR^[1]	1 Year Gross Return	SAA (Growth/Defensive)
Capital Secure	2.44%	1.03%	3.47%	0/100
Income Stable Risk Profile	6.10%	1.07%	7.17%	35/65
Balanced Risk Profile	6.92%	1.09%	8.01%	50/50
Growth Risk Profile	8.52%	1.09%	9.61%	70/30
LSLA Investment Profile	11.63%	0.07%	11.7%	65/35

Note that the above comparison would require careful consideration to the different weighting on asset classes within each SAA before a meaningful comparison can be made.

Recommendation 11

The Committee recommends that the Justice and Community Safety Directorate consult on, and develop, an auditing system for staff attitudes to diversity.

^[1] The Indirect Cost Ratio (ICR) represents all fees paid from the fund as an annual percentage less reclaimable GST

Government Response - Noted

The Directorate will consider the possibility of enhancing its bi-annual staff surveys to capture staff attitudes to diversity.

Recommendation 12

The Committee recommends that the Justice and Community Safety Directorate develop a comprehensive strategy for Indigenous recruitment, building upon the advice it has sought from the ACT Human Rights Commissioner and the Australian Human Rights Commissioner.

Government Response – Noted

The Directorate proposes a whole of service approach is taken with CMTEDD taking the lead in relation to a whole of government strategy on diversity.

In addition the Directorate is currently progressing the development of a new employment strategy for Aboriginal and Torres Strait Islander people. The strategy will build upon outcomes of discussions at an Aboriginal and Torres Strait Islander employee forum held on 3 December 2015 and the advice sought from the ACT Human Rights Commissioner and the Australian Human Rights Commissioner. The strategy will be implemented in 2016.

Recommendation 13

The Committee recommends that ACT Corrective Services consider collecting data on and undertake comparative reporting on the proportion of Aboriginal and Torres Strait Islander detainees and non-Indigenous detainees subject to assault at the Alexander Maconochie Centre (AMC).

Government Response – Noted

ACT Corrective Services' (ACTCS') current database (JOIST) does not provide information regarding assaults. ACTCS reports on assaults as part of the annual Report on Government Services (ROGS), however, the numbers that are used for ROGS are derived from manual counting of incident reports.

It would be difficult to disaggregate the data as requested by the Committee as the ACTCS incident form does not identify whether a detainee is an Aboriginal or Torres Strait Islander and would require a significant manual process to identify. Additionally, ROGS does not disaggregate assault data into Indigenous or non-Indigenous.

There may be some increased capability in this respect when ACTCS upgrades its offender management databases; however, this is still at least two years from implementation. It is also important to note that a detainee's Indigenous status is self identified.