

APPROPRIATION BILL 2021-2022 AND
APPROPRIATION (OFFICE OF THE LEGISLATIVE
ASSEMBLY) BILL 2021-2022

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

NOVEMBER 2021

REPORT 3

THE COMMITTEE

COMMITTEE MEMBERSHIP

Mr Jeremy Hanson MLA (Chair)

Dr Marisa Paterson MLA (Deputy Chair)

Ms Jo Clay MLA

PARTICIPATING MEMBERS

Mr Andrew Braddock MLA, Mr Peter Cain MLA, Mr Johnathan Davis MLA, Mrs Elizabeth Kikkert MLA
Mr James Milligan MLA, Mr Mark Parton MLA

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RESOLUTION OF APPOINTMENT

The Legislative Assembly for the ACT established the Standing Committee on Justice and Community Safety on 2 December 2020 by resolution which states (in part):

- (1) the following general-purpose standing committees be established as set out in the table below. The purpose of such committees is to enhance the scrutiny of the Executive, to examine and suggest improvements to any bills referred to it, to enable the citizens of the Territory to engage and to participate in law-making and policy review, to enable financial scrutiny of the Executive's budget proposals and to review annual reports of taxpayer funded agencies;
- ...
- (7) the committees so established are required to examine the expenditure proposals contained in the main appropriation bills for the Territory and any revenue estimates proposed by the Government in the annual budget and prepare a report to the Assembly within 60 days of the presentation of the budget bills;¹

Committee	Primary Wellbeing Indicator/s	Areas of Responsibility
Justice and Community Safety	Safety and Governance and Institutions	<ul style="list-style-type: none"> • ACT Electoral Commission • ACT Integrity Commission • Gaming • Minister of State (JACS reporting areas) • Emergency management and the Emergency Services Agency • Policing and ACT Policing • Corrective services • Attorney-General • Consumer affairs • Human rights • Victims of crime • Access to justice and restorative practice • Public Trustee and Guardian

¹ ACT Legislative Assembly, *Minutes of Proceedings, No 2*, 2 December 2020, p 17 (as amended 11 February 2021, 30 March 2021, 22 April 2021, and 16 September 2021).

TERMS OF REFERENCE

The resolution of establishment for standing committees of the Tenth Assembly requires the Standing Committee on Justice and Community Safety to inquire into ACT Budget 2021-22:

‘the committees so established are required to examine the expenditure proposals contained in the main appropriation bills for the Territory and any revenue estimates proposed by the Government in the annual budget and prepare a report to the Assembly within 60 days of the presentation of the budget bills’.²

At its meeting on 9 November 2021, the Assembly amended this resolution to require standing committees to report on the ACT Budget by 12 November 2021.³

² ACT Legislative Assembly, *Minutes of Proceedings*, No 2, 2 December 2020, p. 17 (as amended 11 February 2021, 30 March 2021, 22 April 2021, and 16 September 2021).

³ ACT Legislative Assembly, *Minutes of Proceedings*, No 28, 9 November 2021, p 349.

ACRONYMS

Acronym	Long name or phrase
ACAT	ACT Civil and Administrative Tribunal
ACTAS	ACT Ambulance Service
ACT	Australian Capital Territory
ACTCS	ACT Corrective Services
ACTF&R	ACT Fire & Rescue
ACTGS	ACT Government Solicitor
AFPA	Australian Federal Police Association
AMC	Alexander Maconochie Centre
CLCs	Community Legal Centres
CMTEDD	Chief Minister Treasury and Economic Development Directorate
COVID-19	Coronavirus disease 2019
DHSDCSC	Discrimination Health Services Disability and Community Services Commissioner
DPP	Director of Public Prosecutions
ESA	Emergency Services Agency
FOI	Freedom of Information
GSO	Government Solicitors Office
HR Act	<i>Human Rights Act 2004</i>
HRC	Human Rights Commission
JACS Committee	Standing Committee on Justice and Community Safety
JACSD	Justice and Community Safety Directorate
MLA	Member of the Legislative Assembly

Acronym	Long name or phrase
ODPP	Office of the Director of Public Prosecutions
OICS	Office of the Inspector of Correctional Services
OPCAT	Optional Protocol on the Convention Against Torture
PACER	Police, Ambulance and Clinician Early Response
PACYPC	Public Advocate and Children & Young People Commissioner
PTG	Public Trustee and Guardian
QON	Question on notice
QTON	Question taken on notice
RFS	Rural Fire Service
SES	State Emergency Service
SMOS	Special Minister of State
TIN	Traffic Infringement Notice
VOCC	Victims of Crime Commissioner

TABLE OF CONTENTS

THE COMMITTEE	I
Committee Membership	i
Participating Members.....	i
Secretariat	i
Contact Information.....	i
Resolution of appointment	ii
Terms of reference	iii
ACRONYMS	IV
RECOMMENDATIONS	IX
1 INTRODUCTION.....	1
Presentation of the ACT Budget 2021-22.....	1
Conduct of Inquiry	2
Acknowledgements.....	3
2 ACT GOVERNMENT	4
Attorney-General	4
Minister for Gaming.....	6
Minister for Consumer Affairs	8
Special Minister of State	9
Minister for Human Rights	9
Minister for Corrections	9
Minister for Policing and Emergency Services	13
3 STATUTORY OFFICE HOLDERS AND COMMUNITY ORGANISATIONS.....	20
Director of Public Prosecutions	20
Legal Aid and Community Legal Centres.....	22
Human Rights Commission.....	27
Inspector of Correctional Services	28
Public Trustee and Guardian	30
Solicitor-General for the Territory	31
4 OFFICERS OF THE ASSEMBLY	32
Electoral Commission.....	32
Integrity Commission	32
Inspector of the Integrity Commission	32

5	CONCLUSION	34
	APPENDIX A - WITNESSES.....	35
	Friday 15 October 2021	35
	Monday 18 October 2021.....	35
	Tuesday 19 October 2021.....	36
	Tuesday 26 October 2021.....	36
	Wednesday 27 October 2021	36
	Thursday 28 October 2021	37
	APPENDIX B – QUESTIONS TAKEN ON NOTICE/ QUESTIONS ON NOTICE	39

RECOMMENDATIONS

RECOMMENDATION 1

- 2.3 The Committee recommends that ACT Government report to the Assembly on the progress of the evaluation of the Justice Reinvestment Strategy being conducted by the ANU Centre for Social Research and Methods, and the times frames for completion.

RECOMMENDATION 2

- 2.5 The Committee recommends that ACT Government collect data on recidivism rates for Aboriginal and Torres Strait Islander people in the justice system.

RECOMMENDATION 3

- 2.7 The Committee recommends that ACT Government appoint a dedicated ACT Coroner.

RECOMMENDATION 4

- 2.10 The Committee recommends that ACT Government establish a legislative framework for supported decision making as part of the Disability Justice Strategy.

RECOMMENDATION 5

- 2.12 The Committee recommends that ACT Government apply a multicultural lens over its court and justice system to ensure evidence from people from multicultural or cultural and linguistically diverse communities is received in the way it is intended; in the same way that a cultural lens has been applied to assist access to justice for Aboriginal and Torres Strait Islander people.

RECOMMENDATION 6

- 2.15 The Committee recommends that ACT Government take steps to ensure gambling harm does not increase in poker machine venues during the months following the easing of COVID-19 public health restrictions, through:
- engagement with the Community Club Ministerial Advisory Council, and
 - increased oversight of compliance with harm minimisation measures in the ACT Gambling and Racing Code of Practice.

RECOMMENDATION 7

- 2.18 The Committee recommends that the ACT Gambling and Racing Commission increase compliance and integrity checks on Casino Canberra and ACT clubs, to ensure that money laundering does not become established in the local industry.

RECOMMENDATION 8

- 2.20 The Committee recommends that ACT Government divest from shareholdings in gambling entities, and companies that derive revenue from gaming.

RECOMMENDATION 9

2.26 The Committee recommends that ACT Government:

- establish a firm timetable for construction of the Reintegration Centre at Alexander Maconochie Centre, and
- while development of the Reintegration Centre is on hold, commit not to divert the funds dedicated for this purpose to repairs and maintenance at Alexander Maconochie Centre.

RECOMMENDATION 10

2.30 The Committee recommends that ACT Government:

- commence using the Transitional Release Centre at Alexander Maconochie Centre as a matter of priority to improve reintegration outcomes for detainees,
- review the eligibility criteria for the Transition Release Program to increase the number of detainees progressing through the program, and
- provide female detainees the same level of access to the Transitional Release Centre as male detainees.

RECOMMENDATION 11

2.32 The Committee recommends that ACT Government develop a remand unit at Alexander Maconochie Centre separate to sentenced detainee accommodation to comply with the *Corrections Management Act 2007*, and the *Human Rights Act 2004*.

RECOMMENDATION 12

2.34 The Committee recommends that ACT Government continue to focus on increasing the number of female custodial officers at Alexander Maconochie Centre.

RECOMMENDATION 23

2.36 The Committee recommends that ACT Government:

- provide opportunity for diagnostic assessment of Fetal Alcohol Spectrum Disorder (FASD) among detainees in Alexander Maconochie Centre (AMC),
- identify appropriate interventions to support detainees living with FASD while in custody, and
- review ACTCS policies and procedures to ensure AMC operations are informed by the fact that a substantial proportion of detainees experience challenges with memory, attention, communication, emotional regulation, and social skills.

RECOMMENDATION 34

2.38 The Committee recommends that ACT Government provide an update to the Assembly on the status of proposals for a needle and syringe program at Alexander Maconochie Centre.

RECOMMENDATION 15

- 2.42 The Committee recommends that the Minister for Policing and Emergency Services make a statement in the Assembly outlining the progress of recruitment of the 69 new policing positions announced in 2020, and the roles to which they will be allocated.

RECOMMENDATION 16

- 2.45 The Committee recommends that ACT Government adequately resource ACT Policing during this term of the Assembly.

RECOMMENDATION 17

- 2.48 The Committee recommends that ACT Policing publicly report on the total number of police callouts, in addition to the subset of incidents that reach the threshold for an infringement or offence.

RECOMMENDATION 18

- 2.52 The Committee recommends that ACT Government provide an update to the Assembly on progress of implementation of the ACT Policing accommodation plan, in particular the arrangements for Molonglo.

RECOMMENDATION 19

- 2.57 The Committee recommends the Police, Ambulance and Clinician Early Response (PACER) model be evaluated, and expanded if the early reports of beneficial outcomes are proven.

RECOMMENDATION 20

- 2.59 The Committee recommends that ACT Government explore the feasibility of road resurfacing and CCTV surveillance to reduce incidents of dangerous driving at the intersection of Uriarra Road and Mountain Creek Road.

RECOMMENDATION 21

- 2.60 The Committee recommends that ACT Policing and Transport Canberra and City Services continue to work collaboratively to find long-term solutions to dangerous driving on ACT roads.

RECOMMENDATION 22

- 2.62 The Committee recommends that ACT Government publish a breakdown of funding for the Gungahlin Joint Emergency Services Centre, outlining how the appropriated money is to be spent, to provide greater certainty to the community, and to the services sharing the facility.

RECOMMENDATION 23

- 2.64 The Committee recommend that ACT Government publish a breakdown of how the Fire and Emergency Services Levy is divided between each of the services.

RECOMMENDATION 24

- 2.65 The Committee recommends that ACT Government assess the future bush fire threats to the border areas of the ACT.

RECOMMENDATION 25

- 2.67** The Committee recommends that ACT Emergency Services Agency continue to explore and implement best practice in triage and dispatch systems.

RECOMMENDATION 26

- 2.69** The Committee recommends that ACT Government explore the feasibility of presumptive legislation to accept and treat a mental health injury for police and emergency services workers without requiring an element of proof of injury in the workplace.

RECOMMENDATION 27

- 3.4** The Committee recommends that ACT Government provide an update to the Assembly on the use of the Safer Families Levy; detailing the programs and services that lost funding; and confirming which of these programs and services have now received complete replacement funding from alternative sources.

RECOMMENDATION 28

- 3.7** The Committee recommends that ACT Government explore the feasibility of enabling low-level drink driving offences to proceed by way of traffic infringement notice.

RECOMMENDATION 29

- 3.11** The Committee recommends that ACT Government work with the Director of Public Prosecutions and ACT Policing to determine why there has been a reduction in the proportion of sexual assault allegations progressing to prosecution, and identify any legislative or resourcing issues that may need to be addressed.

RECOMMENDATION 30

- 3.12** The Committee recommends that ACT Policing review the systems in place to respond to people who disclose sexual assault allegations, and identify if additional support would assist more victim/survivors to make formal statements.

RECOMMENDATION 31

- 3.17** The Committee recommends that ACT Government provide community legal centres with greater degree of funding longevity and security by:
- increasing core funding for community legal centres,
 - making core funding recurrent,
 - extending the timeframe of temporary funding agreements beyond 12 months, and
 - providing early notification of funding decisions.

RECOMMENDATION 32

- 3.20** The Committee recommends that ACT Government collaborate with Legal Aid ACT and community legal centres to assess the need for free and low-cost legal services in the ACT, and align base level funding decisions with this information.

RECOMMENDATION 33

- 3.22 The Committee recommends that JACS Directorate review the funding allocation processes for community legal services, with a view to streamlining and minimising administrative burden on recipients.

RECOMMENDATION 34

- 3.24 The Committee recommends that legal assistance funding incorporate a co-design process with community legal centres.

RECOMMENDATION 35

- 3.26 The Committee recommends that ACT Government review the indexation applied to legal services funding, to align more closely to the external cost pressures faced by community legal centres.

RECOMMENDATION 36

- 3.29 The Committee recommends that the ACT Government:
- assist Legal Aid ACT in negotiating with the Commonwealth Government for additional resources for migration and refugee legal services for recent arrivals from Afghanistan, and
 - in the meantime, provide additional funding to cover the internal redirection of resources within Legal Aid ACT.

RECOMMENDATION 37

- 3.31 The Committee recommends that ACT Government increase funding to Legal Aid ACT to provide legal advice and assistance to people experiencing elder abuse.

RECOMMENDATION 38

- 3.32 The Committee recommends that ACT Government develop a campaign to raise community awareness of elder abuse.

RECOMMENDATION 39

- 3.36 The Committee recommends that ACT Government investigate secure funding sources for Legal Aid ACT and community legal centres in response to the predicted decline of the statutory interest account.

RECOMMENDATION 40

- 3.39 The Committee recommends that ACT Government investigate a legislative amendment to the *Human Rights Act 2004* to provide an ACAT remedy where a breach is found.

RECOMMENDATION 41

- 3.41 The Committee recommend that ACT Government:
- investigate the reasons for the recent increase in notifications of involuntary mental health orders, and

- ensure the Public Advocate is adequately resourced to perform her functions under the *Mental Health Act 2015*.

RECOMMENDATION 42

- 3.44 The Committee recommends that ACT Government fund an additional 1 FTE position within the Office of the Inspector of Correctional Services to support oversight of Bimberi Youth Justice Centre.

RECOMMENDATION 43

- 3.48 The Committee recommends that the Minister for Corrections respond to the Committee's letter dated 12 May 2021, requesting an update on the status of implementation of recommendations about Alexander Maconochie Centre.

RECOMMENDATION 44

- 3.49 The Committee recommends that ACT Government review the processes for tracking and verifying implementation of recommendations about Alexander Maconochie Centre, and provide an update to the Assembly on the outcomes of the review.

RECOMMENDATION 45

- 3.54 The Committee recommends that the Public Trustee and Guardian:
- provide further evidence to the Committee explaining why: they could provide only limited information about oversight of private financial managers during the hearing; the figures later provided on notice do not reconcile, and do not match the evidence given during the hearing; they currently do not aggregate the total value of assets subject to examination; and no discrepancies were found on examinations in the past 12 months; and
 - explain how they are satisfactorily protecting vulnerable Canberrans who are under financial management.

RECOMMENDATION 46

- 3.55 The Committee recommends that ACT Government review the legislative framework protecting people from financial abuse by managers appointed under the *Guardianship and Management of Property Act 1991*.

1 INTRODUCTION

PRESENTATION OF THE ACT BUDGET 2021-22

- 1.1 On 6 October 2021 the Appropriation Bill 2021-2022 and Appropriation (Office of the Legislative Assembly) Bill 2021-2022 were presented in the Assembly⁴, and the related Budget papers were published on the Treasury website.⁵
- 1.2 During this inquiry the Standing Committee on Justice and Community Safety was required to examine the expenditure proposals for the following outputs in the main appropriation bills for the Territory, as outlined in Budget Statement D:
 - Justice and Community Safety Directorate:
 - Output Class 1: Justice Services
 - Output 1.1 Policy Advice and Justice Programs
 - Output 1.2 Legal services to Government
 - Output 1.3 Legislative Drafting and Publishing Services
 - Output 1.4 Public Prosecutions
 - Output 1.5 Protection of Rights
 - Output Class 2: Corrective Services
 - Output 2.1 Corrective Services
 - Output Class 3: Courts and Tribunals
 - Output 3.1 Courts and Tribunals
 - Output Class 4: Emergency Services
 - Output 4.1 Emergency Services
 - EBT 1: ACT Policing
 - Legal Aid Commission (ACT), Statement of Intent
 - Public Trustee and Guardian for the ACT, Statement of Intent
 - ACT Integrity Commission
 - Electoral Commissioner

⁴ ACT Legislative Assembly, *Minutes of Proceedings*, No 25, 6 October 2021, pp 306–309.

⁵ Chief Minister, Treasury and Economic Development Directorate, Budget Papers, <https://www.treasury.act.gov.au/budget/budget-2021-22/budget-papers> (accessed 6 October 2021).

CONDUCT OF INQUIRY

- 1.3 The ACT Budget 2021-22 and Estimates hearings were originally scheduled for September 2021. However, following an outbreak of COVID-19 in the Territory on 12 August 2021, the Budget was postponed to 6 October 2021, and Estimates hearings postponed to 15-29 October 2021.
- 1.4 Due to public health restrictions, hearings were conducted by video link rather than onsite at the Assembly building.
- 1.5 The resolution establishing this inquiry originally allocated 60 days for the Committee to report (establishing a due date of 5 December 2021). On 14 October 2021 the Manager of Government Business, Minister Gentleman, wrote to notify the Committee of the Government's intention to move a motion at the next sitting period bringing forward the reporting date for this inquiry. On 9 November 2021 the Assembly passed a resolution amending the reporting date to 12 November 2021.⁶

PUBLIC HEARINGS

- 1.6 The Committee held six public hearings on 15, 18, 19, 26, 27 and 28 October 2021. At the hearings the Committee heard from ACT Government Ministers and their accompanying directorate officials; statutory officers; members of governing boards; and three community organisations.
- 1.7 Witnesses who appeared before the Committee are listed at [Appendix A](#). [Transcripts](#) from the hearings are available on the Assembly website.⁷ Footage of the hearings is available via [video on demand](#) on the Legislative Assembly website.⁸

QUESTIONS TAKEN ON NOTICE AT HEARING AND QUESTIONS PLACED ON NOTICE

- 1.8 A total of 76 questions were lodged during the inquiry. 24 questions were taken on notice by Ministers and statutory office holders during the hearings, and 52 questions on notice were submitted by Committee Members and visiting MLAs following the hearings.

⁶ ACT Legislative Assembly, *Proof Minutes of Proceedings*, No 28, 9 November 2021, p 349.

⁷ Standing Committee on Justice and Community Safety, *Committee transcripts*, https://www.hansard.act.gov.au/hansard/2021/comms/default.htm#5_jcs (accessed 6 November 2021).

⁸ Legislative Assembly for the ACT, *Assembly on Demand*, <https://aod.parliament.act.gov.au/> (accessed 6 November 2021).

- 1.9 The [answers to questions](#), and a list of questions (by subject, submitter, recipient) are available at [Appendix B](#), and on the inquiry webpage.⁹
- 1.10 Only 40 of 76 (53%) of answers to questions were received before finalisation of the report, as the reporting date was brought forward from 5 December to 12 November 2021.
- 1.11 The Committee thanks directorates and statutory agencies for the time and effort involved in providing responses to questions.

ACKNOWLEDGEMENTS

- 1.12 The Committee thanks everyone who participated in, or otherwise assisted, this inquiry during the disruption of the COVID-19 outbreak. This includes ACT Government Ministers, directorate officials, statutory officers, members of governing boards, Members of the Legislative Assembly, Members' staff, and staff of the Office of the Legislative Assembly.

⁹ Standing Committee on Justice and Community Safety, *Inquiry into the ACT Budget 2021-22, Questions on Notice*, <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees/jcs/act-budget-20212022#tab1864864-4id> (accessed 6 November 2021).

2 ACT GOVERNMENT

ATTORNEY-GENERAL

MATTERS CONSIDERED

- 2.1 The Committee discussed the following matters during the appearance by the Attorney-General on 28 October 2021: bail data; serious offences committed by people on bail; restorative justice; Aboriginal and Torres Strait Islander recidivism rates, prevalence of Fetal Alcohol Spectrum Disorder in AMC; AMC Reintegration Centre; raising the age of criminal responsibility; rescission of off-the-plan contracts; mandatory judge-alone trials; Restorative Cities; coronial reform; cultural competence of courts and tribunals; e-conveyancing; court delays and clearance rates; supported decision making by people with a disability; Therapeutic Care Court; reducing regulatory burden; legalisation of cannabis; body-worn cameras; Sentence Administration Board; staff numbers in JACS Directorate; work from home arrangements for JACS Directorate staff during the COVID-19 outbreak.¹⁰

KEY ISSUES

EVALUATION OF JUSTICE REINVESTMENT STRATEGY

- 2.2 During hearings, the Committee spoke with the Attorney-General about the Justice Reinvestment Strategy. The Attorney stated that a ‘series of ongoing evaluation programs’ have been designed with ANU to ‘monitor the efficacy of the programs, the return on investment’ and guide future decisions on whether to continue and expand particular crime prevention and diversion programs.¹¹

Recommendation 1

- 2.3 The Committee recommends that ACT Government report to the Assembly on the progress of the evaluation of the Justice Reinvestment Strategy being conducted by the ANU Centre for Social Research and Methods, and the times frames for completion.**

¹⁰ *Committee Hansard*, 28 October 2021.

¹¹ *Committee Hansard*, 28 October 2021, p 137.

DATA COLLECTION ON RECIDIVISM

- 2.4 The Attorney-General told the Committee that recidivism rates in the ACT have ‘fallen from 42.4 per cent in 2018-19 to 37.1 per cent in 2019-20’. The Committee sought to compare these figures with the recidivism rate for Aboriginal and Torres Strait Islander people in the justice system, but were told that comparable data for this subset of the population is not available.¹²

Recommendation 2

- 2.5 The Committee recommends that ACT Government collect data on recidivism rates for Aboriginal and Torres Strait Islander people in the justice system.**

CORONER’S COURT

- 2.6 During hearings, the Committee heard that the ACT Budget 2021-22 allocates ‘resources to create a dedicated coroner position’; and that ACT Government is preparing a recruitment process for the position.¹³ The Committee welcomes this news, and looks forward to implementation of the policy.

Recommendation 3

- 2.7 The Committee recommends that ACT Government appoint a dedicated ACT Coroner.**

SUPPORTED DECISION MAKING

- 2.8 The Committee asked the Attorney General about progress on the action plan for the Disability Justice Strategy, which includes the stated goal of implementing supported decision making:

‘Supported decision making... provides an alternative to substitute decision makers and guardians. People with disability are given the greatest decision making autonomy and support possible to make decisions affecting their lives.’¹⁴

- 2.9 ACT Government officials told the Committee that ‘ACAT and the Public Trustee and Guardian are already actively seeking to explore opportunities for supported decision-making’ in performing their functions, rather than relying solely on substitute decision making. The Committee heard that ACT Government has not yet decided whether to establish a legislative

¹² *Committee Hansard*, 28 October 2021, p 139.

¹³ *Committee Hansard*, 28 October 2021, pp 144-145.

¹⁴ ACT Government, *Disability Justice Strategy: First Action Plan 2019-2023*, p. 24
<https://www.communityservices.act.gov.au/data/assets/pdf/0008/1397924/Disability-Justice-Strategyv2.pdf>
(accessed 6 November 2021).

framework for supported decision-making, but community feedback is that ‘legislative change would be desirable to drive a longer-term culture of the implementation of supported decision making’.¹⁵

Recommendation 4

2.10 The Committee recommends that ACT Government establish a legislative framework for supported decision making as part of the Disability Justice Strategy.

CULTURAL COMPETENCE IN THE COURT SYSTEM

2.11 During hearings, the Committee asked the Attorney-General what work is being done to ensure that people from diverse backgrounds can engage fully with the justice system, without disadvantage from cultural or communication barriers. Government officials spoke about the use of interpreters; and a range of strategies to improve cultural competence of the justice system for the Aboriginal and Torres Strait Islander community, such as circle sentencing programs, culturally sensitive meeting space in the court building, Judicial training, and court staff training.¹⁶ The Committee encourages further work in this area.

Recommendation 5

2.12 The Committee recommends that ACT Government apply a multicultural lens over its court and justice system to ensure evidence from people from multicultural or cultural and linguistically diverse communities is received in the way it is intended; in the same way that a cultural lens has been applied to assist access to justice for Aboriginal and Torres Strait Islander people.

MINISTER FOR GAMING

MATTERS CONSIDERED

2.13 The Committee discussed the following matters during the appearance by the Minister for Gaming on 28 October 2021: Community Clubs Ministerial Advisory Council; problem gambling during the lockdown period of the COVID-19 outbreak; ACT Government shareholdings in gambling entities; energy efficiency improvement scheme; gambling machine reduction measures; Cabinet processes for managing decisions on gambling policy; money laundering in

¹⁵ *Committee Hansard*, 28 October 2021, pp 149-150.

¹⁶ *Committee Hansard*, 28 October 2021, pp 144-145.

casinos; impact of COVID on the timelines for poker machine reform; clubs diversification and sustainability support fund; problem gambling incident register; online gambling; alternative revenue stream for clubs; gambling machine reduction incentive payments; gambling harm reduction strategies.¹⁷

MONITORING GAMBLING HARM

- 2.14 During the hearings, the Committee spoke with the Minister for Gaming about the impact of the COVID-19 public health restrictions on gambling activity in the ACT, and the potential for an increase in gambling harm following the end of lockdown and re-opening of club facilities. The Committee encourages ACT Government to monitor poker machine gambling activity in coming months, and quickly address any concerning trends through harm minimisation strategies.¹⁸

Recommendation 6

- 2.15 The Committee recommends that ACT Government take steps to ensure gambling harm does not increase in poker machine venues during the months following the easing of COVID-19 public health restrictions, through:**

- **engagement with the Community Club Ministerial Advisory Council, and**
- **increased oversight of compliance with harm minimisation measures in the ACT Gambling and Racing Code of Practice.**

MONEY LAUNDERING

- 2.16 These Estimates hearings coincided with the publication of the report of the Victoria Royal Commission into the Casino Operator and Licence (Crown Casino),¹⁹ and the announcement by NSW Independent Liquor & Gaming Authority of a review of Star Casino's capacity to counter money laundering and infiltration by organised crime.²⁰
- 2.17 The Committee asked the Gambling and Racing Commissioner about the existence and extent of money laundering in gaming venues in the ACT. The Commissioner told the Committee that her team is monitoring the issue:

‘We do regular compliance checks and integrity checks on Casino Canberra in the ACT, and we have a regular compliance program. We also work quite closely with AUSTRAC

¹⁷ *Committee Hansard*, 28 October 2021.

¹⁸ *Committee Hansard*, 28 October 2021, pp 162-163.

¹⁹ Royal Commission into the Casino Operator and Licence, October 2021, <https://www.rccol.vic.gov.au/> (accessed 6 November 2021).

²⁰ Independent Liquor and Gaming Authority of New South Wales, *Review of the Star Pty Ltd*, October 2021, https://www.liquorandgaming.nsw.gov.au/data/assets/pdf_file/0012/1012062/Review-of-The-Star-Terms-of-Reference.pdf (accessed 6 November 2021).

and other agencies in that anti-money laundering field to liaise and share information, where appropriate.²¹

Recommendation 7

2.18 The Committee recommends that the ACT Gambling and Racing Commission increase compliance and integrity checks on Casino Canberra and ACT clubs, to ensure that money laundering does not become established in the local industry.

DIVESTMENT FROM GAMBLING COMPANIES

2.19 During hearings, a visiting Member asked the Minister for Gaming about ACT Government shareholdings listed on the Treasury website. The Member stated that the list includes ‘eight out of the top 29 gambling companies in the world, listed for 2021’, as well as ‘Aristocrat Leisure, BetMakers Technology Group, Crown Resorts and PointsBet Holdings’.²² The Minister thanked the Member for bringing this information to his attention, and told the Committee ‘I can assure you that I will be taking that up with the Treasury in order to clean up the ACT’s investment portfolio’.²³

Recommendation 8

2.20 The Committee recommends that ACT Government divest from shareholdings in gambling entities, and companies that derive revenue from gaming.

MINISTER FOR CONSUMER AFFAIRS

MATTERS CONSIDERED

2.21 The Committee discussed the following matters during the appearance by the Minister for Consumer Affairs on 28 October 2021: right to repair; consumer protection and scams during COVID lockdown; community batteries.²⁴

²¹ Yu-Lan Chan, Chief Executive Officer, ACT Gambling and Racing Commission, *Committee Hansard*, 28 October 2021, p 168.

²² Mr Mark Parton MLA, *Committee Hansard*, 28 October 2021, pp 164-165.

²³ Mr Shane Rattenbury MLA, Minister for Gambling, *Committee Hansard*, 28 October 2021, p 265.

²⁴ *Committee Hansard*, 28 October 2021.

SPECIAL MINISTER OF STATE

MATTERS CONSIDERED

- 2.22 The Committee discussed the following matters during the appearance by Special Minister of State on 18 October 2021: memorandum of understanding with the Canberra Racing Club; animal welfare standards in the racing industry; Special Minister of State components of funding under output class 1.1 (policy advice and justice programs); numbers of FOI applications to ACT Government directorates; Electoral Commission IT system.²⁵

MINISTER FOR HUMAN RIGHTS

MATTERS CONSIDERED

- 2.23 The Committee discussed the following matters during the appearance by the Minister for Human Rights on 19 October 2021: consultation with the Human Rights Commission on government policy; mandating vaccination via primary legislation rather than health directions; funding for Aboriginal and Torres Strait Islander Children & Young People Commissioner; right to remedy at ACAT under the *Human Rights Act 2004*.²⁶

MINISTER FOR CORRECTIONS

MATTERS CONSIDERED

- 2.24 The Committee discussed the following matters during the appearance by the Minister for Corrections on 27 October 2021: recent riots at AMC (cost of repair work, impact on insurance premiums, systemic reviews); implementation of recommendations by Inspector of Correctional Services; gender breakdown of recent recruitment round for AMC staff; facilities for women on remand; Transitional Release Program; justice reinvestment programs; Justice Housing Program; Sentence Administration Board; staffing numbers; foetal alcohol spectrum disorder (prevalence and support services); detention numbers for breach of public health orders during COVID-19 outbreak; Reintegration Centre; body scanner; Caring for Country program; needle exchange program; human rights culture in AMC.²⁷

²⁵ *Committee Hansard*, 18 October 2021.

²⁶ *Committee Hansard*, 19 October 2021.

²⁷ *Committee Hansard*, 27 October 2021.

KEY ISSUES

REINTEGRATION CENTRE

- 2.25 The Committee discussed the Reintegration Centre at Alexander Maconochie Centre with the Minister for Corrections. The Minister confirmed that development of the Centre has been put on hold, while Corrective Services repairs significant damage to AMC facilities resulting from storms and detainee riots. The committee heard that ACT Government has not yet set a timeline for implementation of the Reintegration Centre.²⁸

Recommendation 9

2.26 The Committee recommends that ACT Government:

- **establish a firm timetable for construction of the Reintegration Centre at Alexander Maconochie Centre, and**
- **while development of the Reintegration Centre is on hold, commit not to divert the funds dedicated for this purpose to repairs and maintenance at Alexander Maconochie Centre.**

TRANSITIONAL RELEASE CENTRE

- 2.27 During the hearing with the Corrections Minister, the Committee discussed the Transitional Release Centre at AMC. The Commissioner for ACT Corrective Services (ACTCS) told the Committee that ‘when the policy started in 2020 three detainees – one female, two male – were already involved in the program’,²⁹ and since December 2020:

‘there have been 13 applications. Of the 13, to date one has been approved, one declined and three not progressed. The remaining eight are in various stages of progression.’³⁰

- 2.28 The Committee was told that the COVID-19 outbreak delayed the use of the Transitional Release Centre, and one detainee has qualified for the program and is ready to commence once the ‘systems and processes’ are ‘back online’.³¹
- 2.29 The Minister told the Committee that ACTCS are working to ‘expand on the eligibility for the transitional release program and the transitional release centre’.³²

²⁸ *Committee Hansard*, 27 October 2021, pp 102-105.

²⁹ Ray Johnson, Commissioner, ACT Corrective Services, *Committee Hansard*, 27 October 2021, p 99.

³⁰ Ray Johnson, Commissioner, ACT Corrective Services, *Committee Hansard*, 27 October 2021, p 99.

³¹ Ray Johnson, Commissioner, ACT Corrective Services, *Committee Hansard*, 27 October 2021, p 94.

³² Mr Mick Gentleman MLA, Minister for Corrections, *Committee Hansard*, 27 October 2021, pp 94-95.

Recommendation 10

2.30 The Committee recommends that ACT Government:

- commence using the Transitional Release Centre at Alexander Maconochie Centre as a matter of priority to improve reintegration outcomes for detainees,
- review the eligibility criteria for the Transition Release Program to increase the number of detainees progressing through the program, and
- provide female detainees the same level of access to the Transitional Release Centre as male detainees.

SEPARATE REMAND FACILITIES

2.31 The Committee asked the Minister for Corrections for an update on facilities for people on remand at Alexander Maconochie Centre. This is a subject raised by this Committee, and by the Inspector of Correctional Services, on multiple occasions in recent years. The Minister's response indicated that there has been no progress on this issue since the Annual Reports and Estimates hearing in February this year, and no likelihood that the situation will change soon:

'In regard to accommodation for remandees as against prisoners, there is more work that needs to be done. We know that we have a situation where people on remand are in the same accommodations as those that are detained for criminal sentences. We know that does not sit well within our legislation. Indeed the issue has been raised by the Inspector of Correctional Services in his *Care and management of remandees* report back in 2018. There is quite a bit of work to be done to ensure that we can get the best for remandees in their accommodation. At this time there are no set plans for those accommodations; to say that it is still a work in progress would be the best explanation I can give at this time.'³³

Recommendation 11

2.32 The Committee recommends that ACT Government develop a remand unit at Alexander Maconochie Centre separate to sentenced detainee accommodation to comply with the *Corrections Management Act 2007*, and the *Human Rights Act 2004*.

FEMALE WORKERS AT AMC

2.33 The Committee asked the Minister for Corrections for a gender breakdown on the recent recruitment intake for Alexander Maconochie Centre. The Commissioner said Corrective

³³ Mr Mick Gentleman MLA, Minister for Corrections, *Committee Hansard*, 27 October 2021, p 93.

Services are ‘working hard to try and increase the percentage of women applicants’ to positions at AMC, and the current ratio of female custodial officers is 25 per cent:

‘At the AMC, for custodial officers our ratio is about 25 or 26 per cent female and 75 per cent male, so we have a bit of work to do to increase the number of female staff. Across the whole of corrections, that ratio has improved quite a bit. There are a number of female staff who work in and around the AMC—not necessarily as corrections officers, but in sentence management or other roles, including supporting the health services.’³⁴

Recommendation 12

2.34 The Committee recommends that ACT Government continue to focus on increasing the number of female custodial officers at Alexander Maconochie Centre.

FETAL ALCOHOL SPECTRUM DISORDER

2.35 During the hearings, the Committee asked the Minister for Corrections about prevalence and treatment of Fetal Alcohol Spectrum Disorder (FASD) among detainees at Alexander Maconochie Centre. The Committee heard that ACT Government is exploring the potential for a screening program for FASD and similar conditions at a range of points in the justice system (such as detention at AMC, court proceedings, and police interactions), and there may be a pilot program in 2022.³⁵

Recommendation 23

2.36 The Committee recommends that ACT Government:

- **provide opportunity for diagnostic assessment of Fetal Alcohol Spectrum Disorder (FASD) among detainees in Alexander Maconochie Centre (AMC),**
- **identify appropriate interventions to support detainees living with FASD while in custody, and**
- **review ACTCS policies and procedures to ensure AMC operations are informed by the fact that a substantial proportion of detainees experience challenges with memory, attention, communication, emotional regulation, and social skills.**

³⁴ Ray Johnson, Commissioner, ACT Corrective Services, *Committee Hansard*, 27 October 2021, p 93.

³⁵ *Committee Hansard*, 27 October 2021, p 99.

NEEDLE EXCHANGE PROGRAM

- 2.37 The Committee asked the Minister for Corrections for an update on the proposed needle and syringe program at Alexander Maconochie Centre. The Commissioner stated that the program has not progressed, and the Minister undertook to provide further information on notice about current government policy.³⁶ The Minister's answer is quoted here in full, and the committee recommends that ACT Government make a detailed statement of the current policy position in the Assembly.

'Any process for development, consideration and implementation of a needle syringe program (NSP) requires appropriate consultation, in particular with staff and unions. In 2016 a proposed model was overwhelmingly rejected by eligible staff through ballot. There has been no further progress of NSP policy since the unsuccessful ballot. A deed of agreement with the CPSU, signed by the previous Minister for Corrections remains in place. The deed of agreement provides that the implementation of any proposed model is subject to majority support by staff.'³⁷

Recommendation 34

- 2.38 The Committee recommends that ACT Government provide an update to the Assembly on the status of proposals for a needle and syringe program at Alexander Maconochie Centre.**

MINISTER FOR POLICING AND EMERGENCY SERVICES

MATTERS CONSIDERED

- 2.39 The Committee discussed the following matters during the appearance by the Australian Federal Police Association (AFP Association) on 15 October 2021: impact of COVID-19 outbreak on ACT Policing members; resourcing for operational staff in ACT Policing; community engagement in enforcement of public health restrictions; mental health support for ACT Policing members; PACER program (Police, Ambulance and Clinician Early Response); funding for 69 new positions in previous Budget; challenges of enforcing public health restrictions; regional areas or operational areas where additional staff might be deployed.³⁸
- 2.40 The Committee discussed the following matters during the appearance by the Minister for Policing and Emergency Services on 27 October 2021: Australian Federal Police Association calls for increased numbers of operational police officers; diversion of ACT Policing officers

³⁶ *Committee Hansard*, 27 October 2021, p 108.

³⁷ Minister for Corrections, *answer to QTON 14* (received 8 November 2021).

³⁸ *Committee Hansard*, 15 October 2021.

from ordinary operations to support the enforcement of public health orders during the COVID-19 outbreak; AFP member wellbeing; traffic offences on the corner of Uriarra Road and Mountain Creek Road; ACT Policing long term planning for impact of climate change; partnerships with Australian Defence Force; number of charges for breaching public health restrictions; crime rates in Molonglo; proportion of sexual offence allegations progressing to prosecution; trends in domestic violence offences; trends in proceeds of crime offences; planning for joint fire and ambulance station in Molonglo; current dispatch arrangements for ambulance callouts in Molonglo; funding for ambulance service; impact of COVID-19 outbreak on the ambulance service; climate change litigation; Gungahlin Joint Emergency Service Centre; preparation for bushfire season; cultural burns; Emergency Services Agency (ESA) coordination with Australian Defence Force; ESA cost of operations per head of population; ambulance fees (revenue, administration costs, waivers); Fire and Emergency Service Levy increase.³⁹

KEY ISSUES

ACT POLICING OPERATIONAL RESOURCES

- 2.41 During hearings, the Committee discussed the funding allocated in the 2020-21 Budget for 69 new positions in ACT Policing. AFP Association said that it was unclear where and how these additional staffing resources will be allocated.⁴⁰

Recommendation 15

- 2.42 The Committee recommends that the Minister for Policing and Emergency Services make a statement in the Assembly outlining the progress of recruitment of the 69 new policing positions announced in 2020, and the roles to which they will be allocated.**

- 2.43 During hearings, the AFP Association reported that several factors are ‘stretching the police force very, very thin across the ACT’.⁴¹ The bushfires of 2020 and the COVID-19 pandemic significantly increased operational demand on ACT Policing. AFP Association said that the ACT has ‘some of the fastest growing jurisdictions anywhere in Australia... yet we have the lowest police densities to any police jurisdiction in Australia’.⁴²

³⁹ *Committee Hansard*, 27 October 2021.

⁴⁰ *Committee Hansard*, 15 October 2021, p 12.

⁴¹ Alex Caruana, President, Australian Federal Police Association, *Committee Hansard*, 15 October 2021, p 10.

⁴² Alex Caruana, President, Australian Federal Police Association, *Committee Hansard*, 15 October 2021, p 10.

- 2.44 The Committee heard that as ACT Policing resources were diverted to compliance activities for public health orders during the pandemic, some criminal investigation teams, such as commercial crime and organised crime, were stood down.⁴³

Recommendation 16

- 2.45 The Committee recommends that ACT Government adequately resource ACT Policing during this term of the Assembly.**

REPORTING ON POLICE CALLOUTS

- 2.46 During this inquiry the Committee discussed police resources, and the significant increase in operational demand placed on ACT Policing during the 2020 bushfires and COVID-19 pandemic.⁴⁴
- 2.47 ACT Police officers play an important safety role in our community, and their efforts in responding to traffic incidents, mental health crises and family/neighbourhood conflict should be recognised and quantified.

Recommendation 17

- 2.48 The Committee recommends that ACT Policing publicly report on the total number of police callouts, in addition to the subset of incidents that reach the threshold for an infringement or offence.**

POLICE STATION IN MOLONGLO

- 2.49 During hearings, the AFP Association said that Molonglo is one of the fastest growing regions in the ACT, and needs a dedicated police station. They put the view that a new station must be accompanied by additional staffing resources, and the building design and location should be ‘future proofed’ to allow for expansion in coming decades.⁴⁵
- 2.50 During the Inquiry into the 2020-21 Budget, the Committee recommended that, while the ACT Policing strategic accommodation plan is in development, close attention be paid to areas of population growth, particularly Molonglo Valley.⁴⁶

⁴³ *Committee Hansard*, 15 October 2021, p 10.

⁴⁴ *Committee Hansard*, 15 October 2021, p 10.

⁴⁵ Alex Caruana, President, Australian Federal Police Association, *Committee Hansard*, 15 October 2021, p 15.

⁴⁶ Standing Committee on Justice and Community Safety, Report 1, *Annual and Financial Reports 2019-2020; Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2020-2021* (tabled 31 March 2021).

2.51 ACT Government responded in July 2021 with this statement:

The ACT Policing's 20-year Master Accommodation Plan pays close attention to the areas of population growth, including Molonglo. This work factors in the growing Canberra population, geographical trends, community expectations and provides an evidence-base to guide the Government's investment in ACT Policing's infrastructure requirements.⁴⁷

Recommendation 18

2.52 The Committee recommends that ACT Government provide an update to the Assembly on progress of implementation of the ACT Policing accommodation plan, in particular the arrangements for Molonglo.

PACER PROGRAM

2.53 In 2019, ACT Policing, ACT Ambulance Service and Canberra Health Services collaborated to establish a multi-disciplinary patient-centred response to mental health crises, named PACER (Police, Ambulance and Clinician Early Response).

2.54 ACT Policing state in their most recent annual report that '[r]esponding to mental health incidents is one of the most regular jobs police attend, equating to about 10 per cent of service demand.'⁴⁸ ACT Policing report that PACER has resulted in 'fewer involuntary apprehensions/presentations to hospital and an increase in the number of people getting the help they need on the front line'.⁴⁹

2.55 AFP Association said during the hearing that police officers are supportive of the PACER model, and describe beneficial outcomes:

'On the ground, from the troops, they have been very positive about the PACER model. They have found true savings both in time and money with the rollout of the PACER model.'⁵⁰

2.56 The AFP Association reported that PACER is cost-neutral: '[f]or every dollar spent, it is almost a dollar saved in terms of the outcomes for that model.'⁵¹

⁴⁷ ACT Government, Government response to Standing Committee on Justice and Community Safety Report No 1, Report on Inquiries into Annual and Financial Reports 2019-20 and ACT Budget 2020-21 (tabled 29 July 2021).

⁴⁸ ACT Policing, *Annual Report 2019-20*, October 2020, p 49.

⁴⁹ ACT Policing, *Annual Report 2019-20*, October 2020, p 49.

⁵⁰ Alex Caruana, President, Australian Federal Police Association, *Committee Hansard*, 15 October 2021, p 13.

⁵¹ Alex Caruana, President, Australian Federal Police Association, *Committee Hansard*, 15 October 2021, p 13.

Recommendation 19

2.57 The Committee recommends the Police, Ambulance and Clinician Early Response (PACER) model be evaluated, and expanded if the early reports of beneficial outcomes are proven.

DANGEROUS DRIVING

2.58 During the hearing with the Minister for Police and Emergency Services, the Committee asked about the policing response to incidents of dangerous driving at the intersection of Uriarra Road and Mountain Creek Road. The Committee heard that there is an active operation underway, and police are considering 'effective targeting strategies'.⁵² In other parts of Canberra where dangerous driving has occurred repeatedly, the committee was told that ACT Policing liaised with ACT Government to change the road surface to make burnouts difficult or impossible:

'We are working very closely with the ACT government to identify strategies that are not just about enforcement, but also about trying to eliminate the behaviours.'⁵³

Recommendation 20

2.59 The Committee recommends that ACT Government explore the feasibility of road resurfacing and CCTV surveillance to reduce incidents of dangerous driving at the intersection of Uriarra Road and Mountain Creek Road.

Recommendation 21

2.60 The Committee recommends that ACT Policing and Transport Canberra and City Services continue to work collaboratively to find long-term solutions to dangerous driving on ACT roads.

GUNGAHLIN JOINT EMERGENCY SERVICE CENTRE

2.61 The Committee spoke with the Minister for Police and Emergency Services about the funding budgeted over the next four years for redevelopment of the Gungahlin Joint Emergency Services Centre (JESC). The Minister and officials described a sequence of projects through to 2023-24 whereby the State Emergency Service (SES), Rural Fire Service (RFS), ACT Ambulance Service (ACTAS), Fire and Rescue (ACTF&R), and ACT Policing will transition to new or expanded premises. The Committee was told that ultimately SES, RFS, ACTAS and ACTF&R will

⁵² Corey Heldon, acting Commander, Operations, *Committee Hansard*, 27 October 2021, pp 114-115.

⁵³ Corey Heldon, acting Commander, Operations, *Committee Hansard*, 27 October 2021, pp 114-115.

be located at a new site in the Gungahlin area that is yet to be identified and funded, and the redeveloped JESC site will be allocated to ACT Policing.⁵⁴

Recommendation 22

2.62 The Committee recommends that ACT Government publish a breakdown of funding for the Gungahlin Joint Emergency Services Centre, outlining how the appropriated money is to be spent, to provide greater certainty to the community, and to the services sharing the facility.

FIRE AND EMERGENCY SERVICES LEVY

2.63 During the hearing, the committee briefly noted that the Budget proposes an increase of 1.75 per cent increase to the Fire and Emergency Services Levy.

Recommendation 23

2.64 The Committee recommend that ACT Government publish a breakdown of how the Fire and Emergency Services Levy is divided between each of the services.

BUSHFIRE PREPAREDNESS

Bushfire response, bushfire preparedness, the aftermath of the 2019-20 bushfire season, and long-term planning for climate change were common themes during the emergency services and policing hearings. The Committee heard that the risks presented by climate change are being considered within the ESA Strategic Bushfire Management Plan and the governance board for the plan.⁵⁵ The Committee was told that the Parks and Conservation Service (PCS) Bushfire Operations Plan is moving to a risk-based approach to assessing bushfire threat from fuel load.⁵⁶

Recommendation 24

2.65 The Committee recommends that ACT Government assess the future bush fire threats to the border areas of the ACT.

⁵⁴ *Committee Hansard*, 27 October 2021, pp 126-128.

⁵⁵ Georgeina Whelan, Commissioner, Emergency Services Agency, *Committee Hansard*, 27 October 2021, p 126.

⁵⁶ Mr Mick Gentleman MLA, Minister for Police and Emergency Services, *Committee Hansard*, 27 October 2021, p 131.

TRIAGE AND DISPATCH

- 2.66 During hearings, the Committee heard that the \$15 million allocation to ACT Ambulance Service over four years will partly be directed to improving the emergency triple 000 triage and dispatch processes. The Minister said that ACT Government has learned from operations in other jurisdictions, particularly Victoria.⁵⁷

Recommendation 25

- 2.67 The Committee recommends that ACT Emergency Services Agency continue to explore and implement best practice in triage and dispatch systems.**

MENTAL HEALTH INJURIES

- 2.68 When discussing the increased workload on police and emergency services workers resulting from the 2019-20 bushfire season and the COVID-19 outbreak, the Committee asked about the agencies' capacity to cope with increased workload, and potential impacts on staff wellbeing. The Acting Chief Police Officer described the SHIELD program, which aims to provide physical and mental health support to AFP officers, in the context of both professional and personal pressures, before matters reach crisis point.⁵⁸

Recommendation 26

- 2.69 The Committee recommends that ACT Government explore the feasibility of presumptive legislation to accept and treat a mental health injury for police and emergency services workers without requiring an element of proof of injury in the workplace.**

⁵⁷ *Committee Hansard*, 27 October 2021, pp 124-125.

⁵⁸ Peter Crozier, Acting Chief Police Officer, *Committee Hansard*, 27 October 2021, pp 113-114.

3 STATUTORY OFFICE HOLDERS AND COMMUNITY ORGANISATIONS

DIRECTOR OF PUBLIC PROSECUTIONS

MATTERS CONSIDERED

- 3.1 The Committee discussed the following matters during the appearance by the Director of Public Prosecutions on 26 October 2021: impact of COVID-19 outbreak on ODPP operations; sexual offences unit; diversion of ACT Policing officers from ordinary operations to support the enforcement of public health orders during the COVID-19 outbreak; trends in domestic violence matters; allocation of ODPP resources to different matter types; civil matters; ODPP intersection with government policy; ODPP engagement in law reform activities; resourcing of ODPP; appointment of three additional senior prosecutors; prosecution numbers for small quantities of drug possession; Drug and Alcohol Court (operations during COVID-19 lockdown period; adequacy of funding); drug possession matters; policy intention behind use of traffic infringement notices (TINs) or prosecution for road safety incidents; funding increase in the Budget.⁵⁹

KEY ISSUES

SAFER FAMILIES LEVY

- 3.2 The Director of Public Prosecutions stated during the hearing, and in later correspondence, that the ODPP funding from the Safer Families Levy was reduced by \$332,000 in the 2020-21 Budget, and by \$8,000 in the 2021-22 Budget.⁶⁰
- 3.3 JACS Committee of the Ninth Assembly discussed government policy changes to the allocation of funds from the Safer Families Levy which caused funding uncertainty for Legal Aid ACT and the ODPP.⁶¹

⁵⁹ *Committee Hansard*, 26 October 2021.

⁶⁰ *Committee Hansard*, 26 October 2021, pp 70-71; correspondence from Director of Public Prosecutions to the Committee dated 27 October 2021.

⁶¹ *Committee Hansard*, 6 November 2019, p 40.

Recommendation 27

- 3.4 The Committee recommends that ACT Government provide an update to the Assembly on the use of the Safer Families Levy; detailing the programs and services that lost funding; and confirming which of these programs and services have now received complete replacement funding from alternative sources.**

EXPANDED USE OF TRAFFIC INFRINGEMENT NOTICES

- 3.5 During the hearing, the Committee discussed with the Director of Public Prosecutions the different policy intention behind traffic infringement notices compared with prosecution through the courts, and the circumstances in which either approach might be preferable.⁶²
- 3.6 In the context of traffic offences, the Director said he sees potential benefits to the idea of enabling certain low-level drink driving offences to proceed by way of traffic infringement notices (TINs), because of the high number of such offences, and the broad range of behaviour and culpability along the spectrum of drink driving matters.⁶³

Recommendation 28

- 3.7 The Committee recommends that ACT Government explore the feasibility of enabling low-level drink driving offences to proceed by way of traffic infringement notice.**

SEXUAL ASSAULT PROSECUTIONS

- 3.8 The Committee asked about the rates of sexual assault prosecutions during separate hearings with the Director of Public Prosecutions, and with ACT Policing. Both agencies said that the proportion of sexual assault allegations proceeding to prosecution in the ACT has dropped in the last year, and that they are working together to identify systemic factors that may be contributing to this situation.⁶⁴
- 3.9 The acting Chief Police Officer stated that ACT Policing takes a victim-focused approach when engaging with people disclosing experiences of sexual assault, but that they are also 'working with a range of support agencies about how we might do things differently, how we can work better in the future'.⁶⁵

⁶² *Committee Hansard*, 26 October 2021, pp 69-70.

⁶³ Shane Drumgold, Director of Public Prosecutions, *Committee Hansard*, 26 October 2021, p 70.

⁶⁴ *Committee Hansard*, 26 October 2021, pp 64-65; *Committee Hansard*, 27 October 2021, pp 120-121.

⁶⁵ Peter Crozier, Acting Chief Police Officer, *Committee Hansard*, 27 October 2021, p 120.

3.10 ACT Policing provided information on notice about the number of people that present to disclose sexual assault, compared with the number of people who proceed to make a formal statement. Between 1 January and 31 October 2021, ACT Policing received 262 reports of sexual assault. Of the 262 incidents:

- 68 matters are still under active investigation or before the Court.
- 79 victim/survivors have provided a formal statement.
- 115 victim/survivors have declined to provide a formal statement.⁶⁶

Recommendation 29

3.11 The Committee recommends that ACT Government work with the Director of Public Prosecutions and ACT Policing to determine why there has been a reduction in the proportion of sexual assault allegations progressing to prosecution, and identify any legislative or resourcing issues that may need to be addressed.

Recommendation 30

3.12 The Committee recommends that ACT Policing review the systems in place to respond to people who disclose sexual assault allegations, and identify if additional support would assist more victim/survivors to make formal statements.

LEGAL AID AND COMMUNITY LEGAL CENTRES

MATTERS CONSIDERED

- 3.13 The Committee discussed the following matters during the appearance by Canberra Community Law and Women's Legal Centre on 15 October 2021: adequacy of resourcing; participation in Budget submission process; reliance on short-term funding contracts; increase in demand for services; timing of notification of funding; trends in family violence and sexual assault matters; indexation for funding; discussions with government on future funding.⁶⁷
- 3.14 The Committee discussed the following matters during the appearance by Legal Aid ACT on 26 October 2021: impact of COVID-19 outbreak on Legal Aid operations; legal services for victims of elder abuse; regulatory settings for prevention and detection of elder abuse; Legal Aid funding structures; statutory interest account; law reform agenda; access to justice; legal services for 60 temporary visa holders recently settled in Canberra from Afghanistan; absence

⁶⁶ ACT Policing, *answer to QTON 16* (received 8 November 2021).

⁶⁷ *Committee Hansard*, 15 October 2021.

of free/low-cost legal services for people not eligible for Legal Aid, but unable to afford private legal representation ('the missing middle'); tenancy advice service.⁶⁸

KEY ISSUES

FUNDING FOR COMMUNITY LEGAL CENTRES

- 3.15 The Committee welcomes the allocation of emergency COVID funding for Canberra Community Law, but note that this funding is assured for only 12 months.
- 3.16 Canberra Community Law reported that they have been 'chronically underfunded for a very long time' and they 'continue to see a consistent and significant increase in legal need and clients contacting the centre'.⁶⁹ They described a 47% increase in client contacts between January to June 2021 compared with the same period in 2020.⁷⁰

Recommendation 31

3.17 The Committee recommends that ACT Government provide community legal centres with greater degree of funding longevity and security by:

- increasing core funding for community legal centres,
- making core funding recurrent,
- extending the timeframe of temporary funding agreements beyond 12 months, and
- providing early notification of funding decisions.

- 3.18 Women's Legal Centre reported 'inadequate levels of base funding and of indexation [to] cover increased costs of services'.⁷¹ During the hearing they said the current base staffing rate for the Centre allows them to respond to 75-80% of phone calls to the intake and advice line. When the Committee asked about the quantum of the funding shortfall, the Centre said their estimate was 'between half a million to \$750,000'.⁷²
- 3.19 The Committee is concerned that community legal centre funding only maintains current service levels, and is not commensurate with community need for legal assistance.

⁶⁸ *Committee Hansard*, 18 October 2021.

⁶⁹ Genevieve Bolton, CEO, Canberra Community Law, *Committee Hansard*, 15 October 2021, p 1.

⁷⁰ Genevieve Bolton, CEO, Canberra Community Law, *Committee Hansard*, 15 October 2021, p 1.

⁷¹ Elena Rosenman, CEO, Women's Legal Centre, *Committee Hansard*, 15 October 2021, p 9.

⁷² Elena Rosenman, CEO, Women's Legal Centre, *Committee Hansard*, 15 October 2021, p 9.

Recommendation 32

3.20 The Committee recommends that ACT Government collaborate with Legal Aid ACT and community legal centres to assess the need for free and low-cost legal services in the ACT, and align base level funding decisions with this information.

3.21 Women's Legal Centre said their recent funding arrangements have been structured as short-term and pilot funding. They expressed concern about 'the administration cost of running so many different funding agreements, including multiple funding agreements within the same parts of JACS' and suggested these resources could be directed to service delivery and service improvement.⁷³

Recommendation 33

3.22 The Committee recommends that JACS Directorate review the funding allocation processes for community legal services, with a view to streamlining and minimising administrative burden on recipients.

3.23 During the hearing, witnesses contrasted the process for community services funding operated by Community Services Directorate, with the process for legal assistance services funding operated by JACS Directorate. Women's Legal Centre stated that 'legal assistance services are not subject to the same sort of development, discussion and program management as happens with every other [type of] community service'.⁷⁴

Recommendation 34

3.24 The Committee recommends that legal assistance funding incorporate a co-design process with community legal centres.

3.25 Women's Legal Centre reported that legal services are not subject to the same indexation rates as other community services; and that the rate of indexation for legal services means that services are 'facing an effective funding cut each year':

'A really good example of that is the gap between the increases to our core funding versus the increases to salaries mandated by the equal remuneration order. At the centre, salaries increased between 35 per cent and 45 per cent at some levels, which

⁷³ Elena Rosenman, CEO, Women's Legal Centre, *Committee Hansard*, 15 October 2021, p 7.

⁷⁴ Elena Rosenman, CEO, Women's Legal Centre, *Committee Hansard*, 15 October 2021, p 8.

was long overdue... But the increase to our core funding to cover those costs in the same period was less than 15 per cent.’⁷⁵

Recommendation 35

3.26 The Committee recommends that ACT Government review the indexation applied to legal services funding, to align more closely to the external cost pressures faced by community legal centres.

MIGRATION AND REFUGEE LEGAL SERVICES

3.27 Legal Aid ACT stated during hearings that they have experienced a sudden surge in workload to assist up to 60 temporary visa holders who arrived in Canberra following the recent fall of the government in Afghanistan. The initial temporary visas are coming up for renewal, which involves detailed applications and a complex and lengthy process of review.⁷⁶

3.28 The Committee heard that Legal Aid intends to allocate two staff to do this work, while coordinating with Red Cross and Companion House, and leveraging support from a team of volunteers. They have approached the ACT and Commonwealth governments for additional funding for this purpose.⁷⁷

Recommendation 36

3.29 The Committee recommends that the ACT Government:

- **assist Legal Aid ACT in negotiating with the Commonwealth Government for additional resources for migration and refugee legal services for recent arrivals from Afghanistan, and**
- **in the meantime, provide additional funding to cover the internal redirection of resources within Legal Aid ACT.**

ELDER ABUSE

3.30 Legal Aid ACT reported that one of their priorities over the next three years is to provide support to victims of elder abuse. The Committee heard that the Older Persons Legal Service is usually operated by 1 FTE staff member, with an additional staff member appointed to the

⁷⁵ Elena Rosenman, CEO, Women’s Legal Centre, *Committee Hansard*, 15 October 2021, p 7.

⁷⁶ Dr John Boersig, CEO, Legal Aid ACT, *Committee Hansard*, 26 October 2021, p 75.

⁷⁷ Dr John Boersig, CEO, Legal Aid ACT, *Committee Hansard*, 26 October 2021, pp 75-76.

service until June 2022, to meet demand during the public health restrictions of the COVID-19 pandemic.⁷⁸

Recommendation 37

3.31 The Committee recommends that ACT Government increase funding to Legal Aid ACT to provide legal advice and assistance to people experiencing elder abuse.

Recommendation 38

3.32 The Committee recommends that ACT Government develop a campaign to raise community awareness of elder abuse.

STATUTORY INTEREST ACCOUNT

3.33 The Committee spoke with Legal Aid ACT about their complex funding arrangements with both Territory and Commonwealth governments, and particularly the significant changes to the Law Society statutory interest account. This account has been a major source of Legal Aid funding in past decades, but low interest rates and the rise of e-conveyancing are diminishing this resource.⁷⁹

3.34 Legal Aid ACT said that nationally there is a push to ‘move the statutory interest accounts into core funding, into treasuries, and make it a responsibility of government’.⁸⁰

3.35 The Committee notes the complexity of the funding structures for Legal Aid ACT and community legal centres. The Committee encourages ACT Government to collaborate with State, Territory and Commonwealth counterparts in exploring and establishing secure alternative funding sources given the predicted decline of statutory interest accounts.

Recommendation 39

3.36 The Committee recommends that ACT Government investigate secure funding sources for Legal Aid ACT and community legal centres in response to the predicted decline of the statutory interest account.

⁷⁸ Dr John Boersig, CEO, Legal Aid ACT, *Committee Hansard*, 26 October 2021, p 72.

⁷⁹ Dr John Boersig, CEO, Legal Aid ACT, *Committee Hansard*, 26 October 2021, pp 73-74.

⁸⁰ Dr John Boersig, CEO, Legal Aid ACT, *Committee Hansard*, 26 October 2021, p 74.

HUMAN RIGHTS COMMISSION

MATTERS CONSIDERED

- 3.37 The Committee discussed the following matters during the appearance by the Human Rights Commission on 19 October 2021: impact of COVID-19 outbreak on HRC operations; engagement with Minister for Human Rights on the development of the government policy response to the public health emergency; advocacy for amendment of the *Human Rights Act 2004* to enable direct right of complaint to the HRC on a wider range of matters; comparison between public health orders and legislative instruments in managing a public health emergency; resourcing for domestic violence and child protection matters during the COVID lockdown period; engagement with ACT Corrective Services on human rights of detainees at AMC; additional funding allocations in the Budget; policy priorities for each Commissioner; implementation and review of Charter of Rights for Victims of Crime; oversight of involuntary and forensic mental health orders; community engagement targets; engagement with multicultural communities and vulnerable people; OICS report on strip searching at AMC.⁸¹

KEY ISSUES

REMEDIES FOR BREACH OF *HUMAN RIGHTS ACT 2004*

- 3.38 During hearings, the Human Rights Commission called for amendment to the *Human Rights Act 2004* (HRA) to enable people to make a complaint to the Commission about alleged breaches of the HRA. The Commission propose to provide a conciliation process for parties to a human rights complaint, with the option of referral to ACAT for further remedy if conciliation is unsuccessful. The Committee notes that this matter is currently the subject of a petition in the Assembly, which may be referred to this Committee for consideration.

Recommendation 40

- 3.39 The Committee recommends that ACT Government investigate a legislative amendment to the *Human Rights Act 2004* to provide an ACAT remedy where a breach is found.**

RESOURCES FOR OVERSIGHT OF MENTAL HEALTH SYSTEM

- 3.40 The Public Advocate and Children & Young People Commissioner said during hearings that the number of notifications of involuntary mental health orders under the *Mental Health Act 2015* has increased significantly in recent years. She provided further detail on notice:

⁸¹ Committee Hansard, 19 October 2021.

‘In the 2020–21 reporting period, the PA received 7,034 compliance documents for 1,318 mental health/forensic mental health consumers. This sustained demand compares starkly with the demand in 2018–19, when the PA only received 5,705 notifications for 1,087 people. Further, although the number of notifications decreased slightly when compared with the last reporting period, the overall number of unique persons brought to the PA’s attention continues to rise, with 570 people having been brought to the attention of the PA for the first time in 2020–21.’⁸²

Recommendation 41

3.41 The Committee recommend that ACT Government:

- **investigate the reasons for the recent increase in notifications of involuntary mental health orders, and**
- **ensure the Public Advocate is adequately resourced to perform her functions under the *Mental Health Act 2015*.**

INSPECTOR OF CORRECTIONAL SERVICES

MATTERS CONSIDERED

- 3.42 The Committee discussed the following matters during the appearance by the Office of the Inspector of Correctional Services on 27 October 2021: ACT compliance with Operational Protocol for Convention Against Torture (OPCAT); new leadership direction with recent changes to Corrections Minister and ACTCS Commissioner; health matters raised during Healthy Prison Review 2019; implementation of large number of AMC recommendations made over the past decade; implementation of recommendations directed to Justice Health; International Minimum Standards for the Treatment of Prisoners; workplace culture in AMC; impact of COVID-19 outbreak on OICS and AMC operations.⁸³

⁸² Public Advocate, answer to QTON 5 (received 8 November 2021).

⁸³ *Committee Hansard*, 27 October 2021.

KEY ISSUES

RESOURCES FOR BIMBERI OVERSIGHT ACTIVITY

- 3.43 The Inspector for Correctional Services said that, when his statutory functions were expanded to include oversight of Bimberi Youth Justice Centre, there was not additional funding allocated to support this activity.⁸⁴

Recommendation 42

- 3.44 The Committee recommends that ACT Government fund an additional 1 FTE position within the Office of the Inspector of Correctional Services to support oversight of Bimberi Youth Justice Centre.**

IMPLEMENTATION OF OICS RECOMMENDATIONS

- 3.45 The Committee spoke with the Inspector about the progress of implementation of his recommendations. The Inspector said that since establishment he has made 127 recommendations in relation to ACT Corrective Services, and ACT Government agreed with 101 recommendations in this list.⁸⁵
- 3.46 The Inspector told the Committee that ACTCS provide periodic reports on implementation directly to his office. JACS Directorate Annual Report contains a progress report on the status of implementation of OICS recommendations. However, the Inspector stated that ‘it is quite a complex task to keep track of and physically verify that those recommendations have been implemented’, and ‘we have been in discussion with JACS at senior levels about them taking more—or them taking a responsibility for doing—checking—validating, if you like, that recommendations have been implemented’.⁸⁶
- 3.47 The Committee is concerned about the apparent backlog of recommendations and reports about AMC, as described during these hearings, and the Annual Reports and Estimates hearings of February 2021.⁸⁷

⁸⁴ Neil McAllister, Inspector of Correctional Services, *Committee Hansard*, 27 October 2021, p 83.

⁸⁵ Neil McAllister, Inspector of Correctional Services, *Committee Hansard*, 27 October 2021, p 85.

⁸⁶ Neil McAllister, Inspector of Correctional Services, *Committee Hansard*, 27 October 2021, pp 84-85.

⁸⁷ Committee Hansard, 19 February 2021.

Recommendation 43

3.48 The Committee recommends that the Minister for Corrections respond to the Committee's letter dated 12 May 2021, requesting an update on the status of implementation of recommendations about Alexander Maconochie Centre.

Recommendation 44

3.49 The Committee recommends that ACT Government review the processes for tracking and verifying implementation of recommendations about Alexander Maconochie Centre, and provide an update to the Assembly on the outcomes of the review.

PUBLIC TRUSTEE AND GUARDIAN

MATTERS CONSIDERED

3.50 The Committee discussed the following matters during the appearance by the Public Trustee and Guardian on 18 October 2021: self funded revenue; supported decision making; elder abuse and fraud; examining accounts of external financial managers (process, timeliness, outstanding lodgements); customer relationship management system; guarantee and reserve account; benchmarking and best practice improvement; IT upgrades; Chief Minister's Charitable Fund; common funds.⁸⁸

KEY ISSUES

OVERSIGHT OF PRIVATE FINANCIAL MANAGERS

3.51 During the hearing, the Committee asked the Public Trustee and Guardian (PTG) to describe their processes for monitoring financial managers appointed under the *Guardianship and Management of Property Act 1991*. When a person develops a medical condition or disability which impairs their capacity to manage their financial affairs, ACAT might appoint the Public Trustee and Guardian to act as financial manager, but more commonly appoints a family member or friend.

3.52 During the hearing, the PTG was unable to state the number of private financial managers they are currently required to examine; the aggregate sum of money under management; or how

⁸⁸ *Committee Hansard*, 18 October 2021.

many examinations they completed in the last 12 months. This information was provided later in response to a question on notice.⁸⁹

- 3.53 The Committee is concerned that the PTG's evidence during the hearing suggests they do not adopt an active oversight role of preventing and identifying financial abuse of people under financial management orders. The Committees invite the PTG to provide further information on this question, and asks ACT Government to assess whether the legislative framework properly supports this outcome.

Recommendation 45

3.54 The Committee recommends that the Public Trustee and Guardian:

- **provide further evidence to the Committee explaining why: they could provide only limited information about oversight of private financial managers during the hearing; the figures later provided on notice do not reconcile, and do not match the evidence given during the hearing; they currently do not aggregate the total value of assets subject to examination; and no discrepancies were found on examinations in the past 12 months; and**
- **explain how they are satisfactorily protecting vulnerable Canberrans who are under financial management.**

Recommendation 46

3.55 The Committee recommends that ACT Government review the legislative framework protecting people from financial abuse by managers appointed under the *Guardianship and Management of Property Act 1991*.

SOLICITOR-GENERAL FOR THE TERRITORY

- 3.56 The Committee discussed the following matters during the appearance by the Solicitor-General for the ACT on 26 October 2021: impact of COVID-19 outbreak on operations of Government Solicitors' Office (GSO); current priorities for GSO; growth in demand for constitutional, public and administrative law advice services.⁹⁰

⁸⁹ Public Trustee and Guardian, *answer to QON 4* (received 29 October 2021).

⁹⁰ *Committee Hansard*, 26 October 2021.

4 OFFICERS OF THE ASSEMBLY

ELECTORAL COMMISSION

MATTERS CONSIDERED

- 4.1 The Committee discussed the following matters during the appearance by the Electoral Commission on 18 October 2021: overall funding level; \$643,000 allocation for IT upgrades; IT security; Aboriginal and Torres Strait Islander Elected Body (ATSIEB) election; implementation of JACS Committee recommendations in the report on the Inquiry into the 2020 ACT Election and the Electoral Act; truth in political advertising provisions; funding for civics and democracy education; lowering the voting age; organisational review of Elections ACT; modernisation of electoral services; redistribution of electoral boundaries.⁹¹

INTEGRITY COMMISSION

MATTERS CONSIDERED

- 4.2 The Committee discussed the following matters during the appearance by the Integrity Commission on 18 October 2021: no public reports yet tabled by the Commission after nearly two years of operation; number of matters proceeding to investigation; numbers of reports and investigations so far; reports about Cabinet Ministers; increase in capital injection; timeliness and progress compared with other integrity bodies interstate; areas in which the Integrity Commission will seek legislative amendment; process for bringing legislative amendment; \$8.127 million increase in funding; IT systems upgrade.⁹²

INSPECTOR OF THE INTEGRITY COMMISSION

MATTERS CONSIDERED

- 4.3 The Committee discussed the following matters during the appearance by the Acting Commonwealth Ombudsman in her capacity as Inspector of the Integrity Commission on 18 October 2021: assessment of the Integrity Commission's performance; recent publicity about integrity bodies in NSW and Victoria; Inspectorate positioning as proactive or reactive role; low

⁹¹ *Committee Hansard*, 18 October 2021.

⁹² *Committee Hansard*, 18 October 2021.

community awareness of the Commission and the Inspector; no public reports yet tabled by the Commission after nearly two years of operation; funding increase for Integrity Commission; complaints about Integrity Commission.⁹³

⁹³ *Committee Hansard*, 18 October 2021.

5 CONCLUSION

- 5.1 When the reporting date was brought forward from 5 December to 12 November, the Committee had ten business days to draft, deliberate and present this report. Half of this period overlapped with the high demands of an Assembly sitting week. The deliberation time was so short, that the reporting date fell on the due date for some questions on notice.
- 5.2 The analysis in this report is necessarily abbreviated, and the Committee is particularly concerned that deliberations did not benefit from access to answers to all the questions on notice lodged during the inquiry.
- 5.3 The COVID-19 pandemic resulted in significant disruption to the usual Estimates process, and the Committee appreciates the willingness and ability of all stakeholders to adapt to hearings conducted by video link.
- 5.4 The Committee thanks everyone who participated in, or otherwise assisted, this inquiry while managing the significant challenges of the COVID-19 outbreak. This includes ACT Government Ministers, directorate officials, statutory officers, members of governing boards, Members of the Legislative Assembly, Members' staff, and staff of the Office of the Legislative Assembly.

Jeremy Hanson CSC MLA
Chair

10 November 2021

APPENDIX A - WITNESSES

FRIDAY 15 OCTOBER 2021

Canberra Community Law

- Genevieve Bolton, CEO

Women's Legal Centre

- Elena Rosenman, CEO
- Claudia MacLean, Principal Solicitor

Australian Federal Police Association

- Alex Caruana, President
- Troy Roberts, Manager, Media and Government Relations

MONDAY 18 OCTOBER 2021

ACT Electoral Commission

- Damian Cantwell AM CSC, Electoral Commissioner
- Rohan Spence, Deputy Electoral Commissioner
- Scott Hickey, Chief Finance Officer

Special Minister of State

- Richard Glenn, Director-General, Justice and Community Safety Directorate
- Jennifer McNeill, Deputy Director-General, Justice, JACSD
- Karen Doran, Deputy, Director-General, Community Safety, JACSD
- Daniel Ng, Executive Group Manager, Legislation, Policy & Programs, JACSD

Inspector of the Integrity Commission

- Penny McKay, Acting Commonwealth Ombudsman
- Louise MacLeod, Acting Deputy Ombudsman
- Symone Anderson, Acting Senior Assistant Ombudsman, Program Delivery Branch

Integrity Commission

- Michael Adams, Integrity Commissioner
- John Hoitink, Chief Executive Officer
- Scott Hickey, Chief Finance Officer

Public Trustee and Guardian

- Andrew Taylor, Public Trustee and Guardian
- Callum Hughes, Chief Finance Officer

TUESDAY 19 OCTOBER 2021

ACT Human Rights Commission

- Helen Watchirs, President and Human Rights Commissioner
- Karen Toohey, Discrimination, Health Services, Disability and Community Services Commissioner
- Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner
- Heidi Yates, Victims of Crime Commissioner

Minister for Human Rights

- Ms Tara Cheyne MLA
- Richard Glenn, Director-General, Justice and Community Safety Directorate
- Jennifer McNeill, Deputy Director-General, Justice, JACSD
- Karen Doran, Deputy Director-General, Community Safety, JACSD
- Danielle Krajina, a/g Chief Operating Officer, JACSD
- Dragana Cvetkovski, Chief Finance Officer, JACSD
- Daniel Ng, Executive Group Manager, Legislation, Policy & Programs, JACSD
- Kathryn Johnson, Executive Branch Manager, Justice Reform, Legislation, Policy & Programs, JACSD
- Gabrielle McKinnon, Senior Manager, Civil Law, Legislation, Policy & Programs, JACSD

TUESDAY 26 OCTOBER 2021

Director of Public Prosecutions

- Shane Drumgold, Director of Public Prosecutions

Legal Aid ACT

- Dr John Boersig, Chief Executive Officer
- Brett Monger, Chief Financial Officer

Solicitor-General for the ACT

- Peter Garrisson, Solicitor-General for the ACT

WEDNESDAY 27 OCTOBER 2021

Inspector of Correctional Services

- Neil McAllister, Inspector of Correctional Services
- Rebecca Minty, Deputy Inspector of Correctional Services

Minister for Corrections

- Mr Mick Gentleman MLA
- Richard Glenn, Director-General
- Karen Doran, Deputy, Director-General, Community Safety, JACSD
- Ray Johnson, Commissioner, ACT Corrective Services

- Narelle Pamplin, Assistant Commissioner, Offender Reintegration, ACT Corrective Services

Minister for Police and Emergency Services – ACT Policing

- Mr Mick Gentleman MLA
- Richard Glenn, Director-General, Justice and Community Safety Directorate
- Jennifer McNeill, Deputy Director-General, Justice, JACSD
- Karen Doran, Deputy Director-General, Community Safety, JACSD
- Daniel Ng, Executive Group Manager, Legislation, Policy & Programs, JACSD
- Karen Greenland, Executive Branch Manager, Criminal Law, Legislation, Policy & Programs, JACSD
- Peter Crozier, Acting Chief Police Officer
- Linda Champion, Acting Deputy Chief Police Officer

Minister for Police and Emergency Services – Emergency Services Agency

- Mr Mick Gentleman MLA
- Richard Glenn, Director-General, Justice and Community Safety Directorate
- Jennifer McNeill, Deputy Director-General, Justice, JACSD
- Karen Doran, Deputy, Director-General, Community Safety, JACSD
- Daniel Ng, Executive Group Manager, Legislation, Policy & Programs, JACSD
- Georgeina Whelan, Commissioner, Emergency Services Agency
- Jason Jones, a/g Deputy Commissioner
- Matthew Mavity, a/g Chief Officer ACT Fire and Rescue,
- Howard Wren, Chief Officer, ACT Ambulance Service
- Anthony Draheim, Chief Officer, ACT State Emergency Service
- Rohan Scott, Chief Officer, ACT Rural Fire Service
- Geoffrey Rutledge, Deputy Director-General, Sustainability and The Built Environment, Environment Planning and Sustainable Development Directorate

THURSDAY 28 OCTOBER 2021

Attorney-General

- Mr Shane Rattenbury MLA
- Richard Glenn, Director-General, Justice and Community Safety Directorate
- Jennifer McNeill, Deputy Director-General, Justice, JACSD
- Karen Doran, Deputy, Director-General, Community Safety, JACSD
- Daniel Ng, Executive Group Manager, Legislation, Policy & Programs, JACSD
- Karen Greenland, Executive Branch Manager, Criminal Law, Legislation, Policy & Programs, JACSD
- Kathryn Johnson, Executive Branch Manager, Justice Reform, Legislation, Policy & Programs, JACSD
- Amanda Nuttall, Principal Registrar & CEO, ACT Courts & Tribunal

Minister for Gaming and Minister for Consumer Affairs

- Mr Shane Rattenbury MLA
- Richard Glenn, Director-General, Justice and Community Safety Directorate
- Jennifer McNeill, Deputy Director-General, Justice, JACSD
- Karen Doran, Deputy, Director-General, Community Safety, JACSD
- Daniel Ng, Executive Group Manager, Legislation, Policy & Programs, JACSD
- Derise Cubin, ACT Commissioner for Fair Trading and Executive Branch Manager, Licensing & Registrations, Access Canberra
- Yu-Lan Chan, Chief Executive Officer, ACT Gambling and Racing Commission and Executive Branch Manager, Projects, Governance & Support, Access Canberra
- Josh Rynehart, EBM, Fair Trading & Compliance Regulatory Strategy, Access Canberra

APPENDIX B – QUESTIONS TAKEN ON NOTICE/ QUESTIONS ON NOTICE

Questions taken on Notice (Hearing 1) 15 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
nil					

Questions taken on Notice (Hearing 2) 18 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
1	18.10.21	Cain	Electoral Commission	Terms of reference for organisational review of Electoral Commission	25.10.21
2	18.10.21	Cain	Special Minister of State	Reports of IT breaches by Electoral Commission	26.10.21
3	18.10.21	Cain	Integrity Commission	Statistics on investigations	29.11.21

Questions taken on Notice (Hearing 3) 19 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
4	19.10.21	Hanson	Human Rights Commission	Open letter calling for establishment of COVID Select Committee	20.10.21
5	19.10.21	Paterson	Human Rights Commission	Mental health notifications	8.11.21

Questions taken on Notice (Hearing 4) 26 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
6	26.10.21	Paterson	Legal Aid	Data on services relating to elder abuse	3.11.21
7	26.10.21	Hanson	Legal Aid	Surge in demand for migrant and refugee legal services	3.11.21

Questions taken on Notice (Hearing 5) 27 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
8	27.10.21	Hanson	Corrections	Insurance premiums following recent riots at AMC	8.11.21
9	27.10.21	Braddock	Corrections	Transitional Release Program	9.11.21
10	27.10.21	Kikkert	Corrections	Justice Housing Program availability for people participating in Drug and Alcohol Court	8.11.21
11	27.10.21	Hanson	Corrections	Decrease of 66 FTE in employment levels across JACS Directorate	8.11.21
12	27.10.21	Kikkert	Corrections	Reintegration Centre	8.11.21
13	27.10.21	Paterson	Corrections	Caring for Country program	8.11.21
14	27.10.21	Clay	Corrections	Needle exchange program	8.11.21
15	27.10.21	Hanson	Policing	Diversion data breakdown	8.11.21
16	27.10.21	Paterson	Policing	Sexual assault data	8.11.21
17	27.10.21	Clay	Policing	Domestic violence data	8.11.21

Questions taken on Notice (Hearing 6) 28 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
18	28.10.21	Hanson	Attorney-General	Bail data	9.11.21
20	28.10.21	Clay	Attorney-General	Circle sentencing outcomes and cost-benefit analysis	5.11.21
21	28.10.21	Hanson	Attorney-General	Court clearance rates following COVID lockdown	8.11.21
22	28.10.21	Hanson	Attorney-General	Cannabis offence data before and after <i>Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019</i>	8.11.21
23	28.10.21	Cain	Attorney-General	Sentence Administration Board protocols	10.11.21
24	28.10.21	Hanson	Attorney-General	Number of policy staff in JACSD	8.11.21

Questions on Notice (Hearing 1) 15 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
nil					

Questions on Notice (Hearing 2) 18 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
1	18.10.21	Clay	Electoral Commission	Capital injection	

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
2	18.10.21	Cain	Electoral Commission	Terms of reference for the organisational review of Elections ACT	
3	18.10.21	Clay	Special Minister of State	FOI funding	3.11.21
4	18.10.21	Clay	Public Trustee and Guardian	Managers appointed by ACAT	29.10.21
5	18.10.21	Cain	Public Trustee and Guardian	ACT Wills Register	29.10.21
6	18.10.21	Cain	Integrity Commissioner	Strategic partners and legal advice	28.10.21
7	18.10.21	Cain	Solicitor-General for the Territory	ACT Solicitor-General	

Questions on Notice (Hearing 3) 19 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
nil					

Questions on Notice (Hearing 4) 26 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
10	26.10.21	Pettersson	Legal Aid	Legal Aid - Staff retention strategy	

Questions on Notice (Hearing 5) 27 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
8	27.10.21	Kikkert	Corrections	Quarantine Measures for Detainees	
9	27.10.21	Kikkert	Inspector of Correctional Services	Healthy Prison Review and thematic reviews	8.11.21
11	27.10.21	Milligan	Police and Emergency Services	Output class 4.1 Accountability indicators	
12	27.10.21	Milligan	Police and Emergency Services	Output class 4.1 Fire and emergency Services Levy	
13	27.10.21	Milligan	Police and Emergency Services	Output class 4.1 Master Plan	9.11.21
14	27.10.21	Milligan	Police and Emergency Services	Output class 4.1 Strategic Indicators for FES	
15	27.10.21	Milligan	Police and Emergency Services	Output class 4.1 Vehicle replacement program	
16	27.10.21	Clay	Corrections	Corrections Gender Impact Analysis	9.11.21
17	27.10.21	Clay	Police and Emergency Services	Police Gender Impact Analysis	9.11.21
18	27.10.21	Clay	Police and Emergency Services	Emergency Services Gender Impact	9.11.21

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
19	27.10.21	Pettersson	Corrections	AMC staff safety equipment, policy, and procedures	9.11.21
20	27.10.21	Kikkert	Attorney-General	Accessibility Improvements	
21	27.10.21	Kikkert	Corrections	Additional Classroom at the AMC	
22	27.10.21	Kikkert	Corrections	AMC Employment Specialist Team	
23	27.10.21	Kikkert	Corrections	AMC evacuation gate safety and security enhancement	
24	27.10.21	Kikkert	Corrections	Better Resourcing at the AMC	
25	27.10.21	Kikkert	Corrections	Buy-ups	
26	27.10.21	Kikkert	Corrections	Contraband detection and intelligence solution	
27	27.10.21	Kikkert	Corrections	CORIS Updates	
28	27.10.21	Kikkert	Corrections	CTU Vehicles and NSW Loaner	
29	27.10.21	Kikkert	Corrections	Design of Alexander Maconochie Reintegration Centre	
30	27.10.21	Kikkert	Corrections	Detainee Industries and Activities Enforcement	
31	27.10.21	Kikkert	Police and Emergency Services	Emergency Services Aranda Station	
32	27.10.21	Kikkert	Corrections	Essential Services at the AMC	

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
33	27.10.21	Kikkert	Police and Emergency Services	Safety at Police, Emergency Services, and Corrections Facilities	9.11.21
34	27.10.21	Kikkert	Corrections	Infrastructure and Wellbeing at AMC	9.11.21
35	27.10.21	Kikkert	Corrections	Families, inclusion, and safe alternatives to remand	
36	27.10.21	Kikkert	Corrections	New Education Contract	
37	27.10.21	Kikkert	Police and Emergency Services	New Stations ACT Ambulance Service, ACT Fire & Rescue	9.11.21
39	27.10.21	Kikkert	Corrections	Programs at the AMC	9.11.21
40	27.10.21	Kikkert	Police and Emergency Services	Remediating West Belconnen Fire & Rescue Site	
41	27.10.21	Kikkert	Police and Emergency Services	Vehicle Replacement Program	
42	27.10.21	Kikkert	Inspector of Correctional Services	Important Recommendations	8.11.21
32	27.10.21	Kikkert	Inspector of Correctional Services	Nelson Mandela Rules and ACT Standards	8.11.21

Questions on Notice (Hearing 6) 28 October 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
44	28.10.21	Kikkert	Attorney-General	Commencing Operations of the Drug and Alcohol Court	
45	28.10.21	Kikkert	Attorney-General	Drug and Alcohol Court - more support	
46	28.10.21	Clay	Attorney-General	Gender Impact Analysis	
47	28.10.21	Kikkert	Attorney-General	More resources for the Director of Public Prosecutions	10.11.21
48	28.10.21	Kikkert	Attorney-General	More support for families and inclusion - Drug and Alcohol Court	
49	28.10.21	Kikkert	Police and Emergency Services	Screwdriver Ready Minor Capital Works	
50	28.10.21	Pettersson	Attorney-General	Union Encouragement Policy in Courts	
51	28.10.21	Cain	Attorney-General	Public Prosecutions	
52	28.10.21	Cain	Consumer Affairs	Competitive neutrality	