

REPORT ON ANNUAL AND FINANCIAL REPORTS 2017-2018

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

M A R C H 2 0 1 9

REPORT 5

THE COMMITTEE

COMMITTEE MEMBERSHIP

Mrs Giulia Jones MLA	Chair from 14 December 2016 to 22 March 2018 and from 2 November 2018. Member from 13 December 2016 to 22 March 2018. Re-appointed as member, 1 November 2018. [On 21 March 2018 the Assembly discharged Mrs Giulia Jones MLA from the Committee and appointed Ms Nicole Lawder MLA in her place (for the period 22 March 2018 to 17 September 2018)] ¹
Ms Elizabeth Lee MLA	Chair from 22 March 2018 to 1 November 2018 Member from 13 December 2016 to 1 November 2018.
Ms Bec Cody MLA	Deputy Chair from 14 December 2016 Member from 13 December 2016
Ms Nicole Lawder MLA	Member from 22 March 2018 (for the period 22 March 2018 to 17 September 2018)
Mr Chris Steel MLA	Member from 13 December 2016 to 23 August 2018
Mr Michael Pettersson MLA	Member from 23 August 2018

SECRETARIAT

Mr Andrew Snedden	Acting Secretary [from 10 April 2018]
Ms Jindriska Coufalova	Research Assistant
Ms Lydia Chung	Administrative Assistance

¹ ACT Legislative Assembly, *Minutes of Proceedings*, No. 51, 21 March 2018, pp. 738; *Hansard*, 21 March 2018, p. 839.

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RESOLUTION OF APPOINTMENT

The Legislative Assembly for the ACT appointed the Standing Committee on Justice and Community Safety on 13 December 2016.

Specifically the resolution of 13 December 2016 establishing the Standing Committees of the 9th Assembly, as it relates to the Justice and Community Safety Committee states:

That:

(1) The following general purpose standing committees be established and each committee inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community:

(d) a Standing Committee on Justice and Community Safety to perform a legislative scrutiny role and examine matters related to community and individual rights, consumer rights, courts, police and emergency services, corrections including a prison, administrative law, civil liberties and human rights, censorship, company law, law and order, criminal law, consumer affairs and regulatory services;

(4) Each general purpose committee shall consist of the following number of members, composed as follows:

(d) the Standing Committee on Justice and Community Safety:

- (i) two members to be nominated by the Opposition;
- (ii) two members to be nominated by the Government; and
- (iii) the Chair shall be an Opposition member;

(6) Each committee shall have power to consider and make use of the evidence and records of the relevant standing committee during the previous Assembly.

(7) Each committee be provided with necessary staff, facilities and resources.

(8) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.²

² ACT Legislative Assembly, *Minutes of Proceedings*, No. 2, 13 December 2016, pp. 13–16.

On 20 September 2018, paragraph (4) of this resolution was omitted and the following paragraph substituted:

(4) Each general purpose committee shall consist of the following number of members, composed as follows:

(d) the Standing Committee on Justice and Community Safety:

- (i) one member to be nominated by the Opposition;
- (ii) two members to be nominated by the Government; and
- (iii) the Chair shall be the Opposition member.³

TERMS OF REFERENCE

Inquire into the 2017–18 annual and financial reports of government directorates and agencies as listed at paragraph 1.2 according to the Schedule determined by the ACT Legislative Assembly.⁴

³ ACT Legislative Assembly, *Minutes of Proceedings*, No. 73, 20 September 2018, p. 1028.

⁴ ACT Legislative Assembly, *Minutes of Proceedings*, No. 37, 26 October 2017, pp. 489–498.

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RECOMMENDATIONS

RECOMMENDATION 1

- 4.7 The Committee recommends that the ACT Government ensure that all victims of sexual assault are made aware of any support available from the Victims of Crime Financial Assistance Scheme.

RECOMMENDATION 2

- 4.8 The Committee recommends that any new administrative procedures applying to payments under the Victims of Crime Financial Assistance Scheme be concise and, sufficient staffing resources are provided to efficiently administer the scheme.

RECOMMENDATION 3

- 4.12 The Committee recommends that the ACT Government finalise the proposed ACT Charter of Victims' Rights as soon as possible, and that the details of the Charter scheme and its proposed implementation be provided in the next JACS Directorate annual report.

RECOMMENDATION 4

- 4.14 The Committee recommends that, utilising appropriate legal and policing expertise gained from other jurisdictions, the ACT Government review laws in other jurisdictions directed at outlaw motor cycle gangs' (OMCG) activities and that this review be directed to limit illegal OMCG activity in the ACT.

RECOMMENDATION 5

- 5.10 The Committee recommends that the ACT Government ensure that current administrative arrangements provide that the office of ACT Director of Public Prosecutions (DPP):
- be independent of the JACS Directorate; and,
 - be enabled to deal directly with the Attorney-General and government on the question of funding requirements and all future expenditure.

RECOMMENDATION 6

- 5.12 The Committee recommends that a comparison be undertaken with regard to sentencing patterns by judicial officers in the ACT comparing the pattern of sentencing for the period of 2 years prior to, and for the period since, the opening of the Alexander Maconochie Centre.

RECOMMENDATION 7

- 5.13 The Committee recommends that, the ACT Government investigate how 'Prosecutor Associates' and paralegals can be appointed and be enabled to carry out an appropriate level of prosecution work in ACT courts.

RECOMMENDATION 8

- 5.20 The Committee recommends that, as part of delivery of legal aid support in the ACT, the government consider increased funding of early intervention programs in all areas of family law jurisdiction, as appropriate.

RECOMMENDATION 9

- 5.22 The Committee recommends that Legal Aid ACT administration report on the implementation of the current planned upgrade of IT systems for Legal Aid ACT.

RECOMMENDATION 10

- 5.30 The Committee recommends that the Public Trustee, take all necessary steps to locate and advise persons to whom money is owed from the trust funds administered by the Public Trustee to ensure that these moneys are made available.

RECOMMENDATION 11

- 5.34 The Committee recommends that a program be implemented to encourage more people to deposit their Wills with the Public Trustee to allow Wills to be made available to the Courts by electronic means and to avoid loss or destruction of Wills.

RECOMMENDATION 12

- 5.36 The Committee recommends that the Public Trustee be empowered and resourced to hold Power of Attorney documents electronically pending the establishment of a national register for this purpose.

RECOMMENDATION 13

- 5.38 The Committee recommends that funding sought by the Public Trustee for two extra guardians be provided and that, in light of the increase in demand for guardianship services resulting from the development and implementation of the National Disability Insurance Scheme (NDIS), this service be provided as soon as possible.

RECOMMENDATION 14

- 5.44 The Committee recommends that the cottage accommodation designed for women be expanded to ensure all women inmates at the Alexander Maconochie Centre (AMC) are housed to meet their specific needs.

RECOMMENDATION 15

- 5.10 The Committee recommends that the planned ACT Integrated Case Management System (ICMS) be fully introduced and implemented by the end of 2019.
- 5.11 The Committee also recommends that the JACS directorate ensure that planned electronic delivery and service of documents, briefs of evidence (including police briefs and defence briefs) is implemented so as to ensure these documents are provided to the ACT Courts as proposed.

RECOMMENDATION 16

- 5.8 The Committee recommends that, in light of the increase in the number of inmates in The Alexander Maconochie Centre (AMC) current and planned infrastructure be identified and a long-term plan for the next 10 to 20 years be developed.

RECOMMENDATION 17

- 5.9 The Committee recommends that, as a matter of urgency, accommodation for convicted inmates and remand inmates at AMC be separated.

RECOMMENDATION 18

- 5.13 The Committee recommends that the visitor centre at the Alexander Maconochie Centre be expanded to allow a greater number of visits to be scheduled.

RECOMMENDATION 19

- 7.14 The Committee recommends that visits to the Alexander Maconochie Centre be planned and programmed to allow visits on Mondays and

RECOMMENDATION 20

- 5.19 The Committee recommends that the ACT Government and Corrective services administration review the timeframes for the current program of repairs and maintenance at the Alexander Maconochie Centre.

RECOMMENDATION 21

- 5.7 The Committee recommends that the introduction and rollout of Reclink services to high density housing sites be continued to increase the good results evidenced at the Committee's hearings.

RECOMMENDATION 22

- 10.7 The Committee recommends that the ACT Government examine and assess the current ability of ACT Emergency Services to monitor and fine tune the Bushfire Operational Plan (BOP) so as to achieve the highest possible level of planned burns and that options be assessed to increase the number and area of BOP burns to be undertaken on any given day, if and when conditions are deemed and considered appropriate.

RECOMMENDATION 23

- 10.11 That immediate consideration be given to providing an additional ambulance to the current ambulance service provided in Gungahlin.

RECOMMENDATION 24

- 10.12 That a fire station and emergency services station be planned and constructed for the Molonglo area as soon as possible.

RECOMMENDATION 25

- 10.20 The Committee recommends that the agreement between the ACT and the AFP ensure that a high level of focus is directed to the mental health of the members of the AFP, and welfare be measured and compared in each annual report of the AFP

RECOMMENDATION 26

- 10.23 The Committee recommends that programs for the protection of women in the ACT ensure women are enabled to feel safer when out at night.

RECOMMENDATION 27

- 11.5 The Committee recommends that steps be taken to remove the requirement for 24 hours' notice for visits by the Official Visitor for Disability Services Visitor having regard to the requirements applicable to other ACT Official Visitors.

RECOMMENDATION 28

- 11.6 The Committee recommends that steps be taken to review the current requirement for the Official Visitor for Disability Services to obtain consent to view records in residences visited by the Official Visitor.

RECOMMENDATION 29

- 11.7 The Committee recommends that a mechanism be developed which will enable the Official Visitor for Disability Services to work with organisations providing disability support so the Official Visitor for Disability Services can make sure personnel found to be unsuitable for work in disability support services do not take up repeat employment in disability support.
- 11.8 The Committee also recommends that the Official Visitor for Disability Services be empowered to follow up cases of personnel unsuitable for work in disability support services without breaching the privacy of the individuals involved.

1 INTRODUCTION

- 1.1 On 25 October 2018, the 2017–18 annual and financial reports of all government agencies were referred to the relevant standing committees of the ACT Legislative Assembly.^{P2F⁵}
- 1.2 The annual and financial reports for 2017–18, or parts thereof, referred to the Standing Committee on Justice and Community Safety (the Committee) were:
 - ACT Electoral Commission;
 - ACT Gambling and Racing Commission;
 - ACT Human Rights Commission;
 - ACT Policing;
 - Chief Minister, Treasury and Economic Development Directorate—parts thereof, relating to the Attorney-General’s portfolio:
 - Racing and gaming policy;
 - Chief Minister, Treasury and Economic Development Directorate—parts thereof, relating to the portfolio of the Minister for Justice, Consumer Affairs and Road Safety:
 - Access Canberra—Commissioner for Fair Trading;
 - Director of Public Prosecutions;
 - Justice and Community Safety Directorate [relating to the portfolios of: Attorney General; Corrections; Justice, Consumer Affairs and Road Safety; and Police and Emergency Services];
 - ACT Legal Aid Commission (referred to in this report as Legal Aid ACT); and
 - Public Trustee and Guardian.

CONDUCT OF INQUIRY

- 1.3 The Committee held public hearings on 7 and 14 November 2018. At these hearings the Committee heard from Ministers, accompanying directorate and agency officers, and members of governing boards. Witnesses who appeared before the Committee are listed at **Appendix A**.
- 1.4 The Committee met on 5 and 12 March 2019 to discuss the Chair’s draft report which was adopted on 12 March 2019.

⁵ ACT Legislative Assembly, *Minutes of Proceedings*, No. 76, 25 October 2018, pp. 1065–1077.

QUESTIONS TAKEN ON NOTICE AND ON NOTICE

- 1.5 At the Committee's public hearings, forty questions were taken on notice. Nineteen questions on notice (some with multiple parts) were submitted by members following the hearings. The following table summarises these questions by portfolio.

Table 1.1—Summary of questions⁶ by portfolio

Portfolio	Questions taken on notice	Questions on notice
ACT Electoral Commission	1	-
Attorney General	8	-
Corrections	5	3
Justice, Consumer Affairs and Road Safety	5	1
Police and Emergency Services	11	9
Regulatory Services	1	1
Statutory Office holders ⁷ (Attorney General portfolio)	6	3
Statutory Office holders ⁸ (Justice, Consumer Affairs and Road Safety portfolio)	-	2
Disability	1	-
Environment and Heritage	2	-
Total	40	19

- 1.6 The Committee thanks directorates and agencies for providing responses to its questions either as taken on notice at public hearings or post hearings as questions on notice. This information assisted the Committee in its understanding of the many issues it considered during the inquiry.

⁶ Questions taken on notice at public hearings and questions on notice forwarded for response post hearings.

⁷ DPP, Legal Aid ACT, Public Trustee and Guardian

⁸ Human Rights Commission, Victims of Crime Commission, Public Advocate of the ACT

- 1.7 The Committee sought clarification on a number of issues at public hearings, some of which are expanded on in the following chapters.
- 1.8 Full transcripts of public hearings are available on the Legislative Assembly website at:
<http://www.hansard.act.gov.au/hansard/2017/comms/default.htm#justice>

SUMMARY OF 2016–17 RECOMMENDATIONS

- 1.9 In its report considering referred 2016–17 annual reports, the Committee made 30 recommendations. In its response the Government agreed in principle with eight⁹ recommendations; agreed with eleven¹⁰ P10FP recommendations; and noted eleven¹¹P11FP recommendations.

COMMITTEE COMMENT

- 1.10 The Committee considers that a requirement to report after a reasonable period of time on the implementation of agreed recommendations is an important transparency mechanism that contributes to accountability.

ACKNOWLEDGEMENTS

- 1.11 The Committee thanks relevant ACT Government Ministers and their accompanying directorate and agency officers, statutory officers and members of governing boards, who assisted the Committee during the course of its inquiry by appearing before it to give evidence and/or providing additional information.

⁹ Recommendations 5,6,8,9,10,13,17, and 19.

¹⁰ Recommendation 1,2,3,4,7,16,20,21,22,23, and 24.

¹¹ Recommendation 11, 12,14,15,18, 25, 26, 27, 28, 29, and 30.

2 PURPOSE AND INTENT OF ANNUAL REPORTS

- 2.1 Accountability of the Executive to the Legislative Assembly and to the public is a key principle of responsible government. For this to be achieved executive agencies must be fully committed both to accountability and to disclosure of information in a straightforward way that is meaningful and easily understandable.
- 2.2 The provision of meaningful operational and financial information by government to parliament and the public is a fundamental component of the accountability process.
- 2.3 Annual reports are the principal and most authoritative way in which directors-general and chairpersons account to the Legislative Assembly and other stakeholders, including the public, for the ways in which they have discharged their statutory and other responsibilities and utilised public funds over the preceding 12 months.
- 2.4 As key accountability documents, annual reports are:
 - one of the main ways for agencies to account for their performance, through Ministers, to the Legislative Assembly and the wider community;
 - a key part of the historical record of government and public administration decisions, actions and outcomes;
 - a source of information and reference about the performance of agencies and service providers; and
 - a key reference document for internal management.

REPORTING FRAMEWORK

- 2.5 Annual and financial reports are prepared by all reporting entities in accordance with the:
 - Annual Reports (Government Agencies) Act 2004;
 - the relevant Annual Report Direction; and
 - Financial Management Act 1996.

ANNUAL REPORTS (GOVERNMENT AGENCIES) ACT 2004

- 2.6 The *Annual Reports (Government Agencies) Act 2004* (the AR Act) sets the framework for annual reporting across the ACT public sector. This framework identifies which public bodies

provide annual reports and outlines the time frame for provision of reports to the Legislative Assembly.P17F¹²

ANNUAL REPORT DIRECTIONS

- 2.7 The Annual Report Directions (Directions) are issued under sections 7, 8 and 16 of the AR Act. The Direction issued for the 2017–18 reporting period states that it applies:

...to all administrative units and those government agencies identified as public sector bodies or Territory-owned Corporations (TOCs). The reporting requirements specified within the Directions apply to annual reports for the 2017-2018 and 2018-2019 financial years with the reporting period being 1 July to 30 June (unless specified differently for particular public sector bodies).18F¹³

- 2.8 The ACT Auditor-General's Office:

...checks financial statements included in annual reports (and information accompanying financial statements) for consistency with previously audited financial statements. This includes checking the consistency of statements of performance with those statements previously reviewed (where a statement of performance is required by legislation).19F¹⁴

FINANCIAL MANAGEMENT ACT 1996

- 2.9 The *Financial Management Act 1996* (FM Act) provides for the financial management of the Government and the scrutiny of that management by the Legislative Assembly, and specifies financial reporting requirements for the Government.P20F¹⁵
- 2.10 Directorates and public authorities with financial reporting obligations under the FM Act are required to include audited financial and performance statements in their annual reports.P21F^{16P}

¹² *Annual Reports (Government Agencies) Act 2004*, ss. 13–15.

¹³ *Annual Reports (Government Agencies) Notice 2017—Notifiable instrument NI2017–280*, p. 6.

¹⁴ *Annual Reports (Government Agencies) Notice 2017—Notifiable instrument NI2017–280*, p. 12.

¹⁵ *Financial Management Act 1996*.

¹⁶ *Financial Management Act 1996; Annual Reports (Government Agencies) Notice 2017—Notifiable instrument NI2017–280*, p. 12.

3 ACT ELECTORAL COMMISSION

- 3.1 The Committee heard from the Electoral Commissioner on Wednesday 14 November 2018 to discuss the ACT Electoral Commission's (the Commission) 2017–18 annual report. A range of matters were discussed including: redistribution of electoral boundaries process and potential new name changes for electorates, members of the redistribution committee, preparation for the increased rate of electronical and early voting in 2020 and security issues with online voting, privacy concerns on using electronic voting systems for visually impaired people, register of political parties and the audit process taken before the registration is cancelled, forensics around property developers making donations in ACT, application of the 100 metre rule.

QUESTIONS

- 3.2 One question was taken on notice at the hearing. The Question related to the review process taken to assure membership of political parties.

REDISTRIBUTION PROCESS

- 3.3 The Committee heard an explanation on the redistribution process relating to 2020 elections which has started as the public consultation as well as information campaign just before the hearings. The Electoral Commissioner stated:

It is important, as part of the information campaign, that the public are aware of what is going on and, of course, members. The process, as contained in the legislation, requires that the redistribution process is initiated as soon as practicable at a point in time two years prior to the next election—therefore, 20 October this year.¹⁷

- 3.4 A part of the redistribution process is writing to the Australian Bureau of Statistics (ABS). The first step is to get enrolment data by setting the date (31 August), and send it to the ABS asking to forward population projection to 17 October 2020. The ABS works together with the ACT demographer. After commencing of the redistribution and public consultation period, data sets provided by the ABS should be available on the website.¹⁸

ELECTRONIC VOTING AND PRIVACY ISSUES

- 3.5 Regarding to 2020 elections, the Commissioner explained:

¹⁷ Mr Cantwell, *Transcript of Evidence*, 14 November 2018, p 159.

¹⁸ Mr Spencer, *Transcript of Evidence*, 14 November 2018, pp 160-161.

As part of our planning for October 2020 and in anticipation of an increased appetite in the ACT community to vote early and vote electronically, we have incorporated that into our planning. The first thing is to ensure our ICT systems are as reliable, useful and trustworthy as they need to be. Clearly that is all part of our key mission—to ensure that the systems have full integrity and are reliable and responsive.¹⁹

- 3.6 Further, the Committee heard the evidence about upgrading eVACS (electronic voting system) and improving the internal electoral management system ensuring:

[w]e are on the path to be election-ready by October 2019. The plan is to ensure we have everything in place to do a number of rehearsals and ensure that the capacities are there to meet an anticipated increased voter demand to vote electronically.²⁰

- 3.7 When asked, the officials provided details on outcomes related to 2016 election when visually impaired people didn't feel that their voting was private as it should be. The issue was discussed within the Select Committee on 2016 ACT Election and Electoral Act and also raised with the ACT Electoral Commission disability advisory committee which will review the placement of voting terminals for the blind and vision impaired in terms of privacy before the 2020 election.²¹

REGISTER OF POLITICAL PARTIES

- 3.8 The officials explained to the Committee the process how the Commission audits membership of political parties.
- 3.9 The Question taken on Notice No 46 explained the process taken prior 2016 elections to determine membership of all registered political parties, in pursuant of the section 97A of the ACT Electoral Act 1992 which requests a list of the names and addresses of at least 100 members of the party who are electors. The response noted that 'two registered political parties were deregistered in 2015, both were deregistered at the request of the party prior to the audit process commencing.'²²

¹⁹ Mr Cantwell, *Transcript of Evidence*, 14 November 2018, p 162.

²⁰ Mr Cantwell, *Transcript of Evidence*, 14 November 2018, p 162.

²¹ Mr Spencer, *Transcript of Evidence*, 14 November 2018, p 163.

²² Answer to QToN 46.

4 STATUTORY OFFICERS: JUSTICE PORTFOLIO

- 4.1 The Committee heard from the statutory officers and related agencies that fall within the Justice, Consumer Affairs and Road Safety portfolio on 14 November 2018 to discuss their 2017–18 annual reports. The annual reports considered were the Human Rights Commission (incorporating the Public Advocate of the ACT and the Victims of Crime Commission).

QUESTIONS

- 4.2 Two questions on notice were submitted by members following the hearings. The Question coverage included staff working at the ACT Human Rights Commission.

HUMAN RIGHTS COMMISSION

- 4.3 Matters considered during the hearings included: review on current laws to balance the human rights and safety of the broader community against the human rights of outlaw motorcycle gangs,²³ minimisation of the effects on issues found by the banking royal commission,²⁴ the financial assistance scheme,²⁵ volunteer training,²⁶ a victims' charter of rights,²⁷ and court delay issues.²⁸

FINANCIAL ASSISTANCE SCHEME

- 4.4 The Committee heard evidence that the scheme is more accessible to a broader range of victims providing increasing numbers of applications:

When the scheme first commenced, from 1 July 2016, for the first year the new scheme and the old court-based scheme were working side by side and across both those. In that first 12 months there were a total of 101 applications made. Since 1 July 2017 all applications have come through the new scheme and in that 12-month period we saw a significant increase to 392 applications, which is a 116 per cent increase in the total number of applications that were received across both schemes in that first year.²⁹

²³*Transcript of evidence*, 14 November 2018, p 46.

²⁴*Transcript of evidence*, 14 November 2018, pp 46-47.

²⁵*Transcript of evidence*, 14 November 2018, pp 47-48.

²⁶*Transcript of evidence*, 14 November 2018, pp 48-49.

²⁷*Transcript of evidence*, 14 November 2018, p 49.

²⁸*Transcript of evidence*, 14 November 2018, pp 49-50.

²⁹Ms Yates, *Transcript of evidence*, 14 November 2018, p 47.

- 4.5 It was explained to the Committee that it is an administrative scheme which allows applicants to lodge their application directly and not to go through a court-based process stating

[t]he other key element relates to the fact that the scheme is administered using a case management model. In fact, our team are assisting people to find the best possible evidence to support their applications, rather than an adversarial approach where, say, the Government Solicitor is putting the burden on the applicant to go in search of that application. What that means in particular is that people are better placed to make applications without legal assistance. Whilst they have the right to seek legal advice—and we encourage them to do so if they wish—it is much more accessible from that perspective.³⁰

- 4.6 The Committee further noted that the fund in the current scheme is sufficient and that the Commission ‘updates on projected costs on a monthly basis to JACS and at present there is a budget bid in to ensure that that scheme is covered into the future.’³¹

Recommendation 1

- 4.7 **The Committee recommends that the ACT Government ensure that all victims of sexual assault are made aware of any support available from the Victims of Crime Financial Assistance Scheme.**

Recommendation 2

- 4.8 **The Committee recommends that any new administrative procedures applying to payments under the Victims of Crime Financial Assistance Scheme be concise and, sufficient staffing resources are provided to efficiently administer the scheme.**

VICTIMS’ CHARTER OF RIGHTS

- 4.9 The Committee heard the update on victims’ charter of rights in terms of consultation and interaction with Government. Ms Yates noted that her predecessor, Mr John Hinchey, prepared a comprehensive report prior the public consultation which engaged more than 1,000 contacts during the process. Due to a high level of feedback, ‘JACS is trying to work their way through all the feedback that they received’.³²

³⁰ Ms Yates, *Transcript of evidence*, 14 November 2018, p 47.

³¹ Ms Yates, *Transcript of evidence*, 14 November 2018, p 47.

³² Ms Yates, *Transcript of evidence*, 14 November 2018, p 49.

4.10 Ms Yates further explained

They have come back to me with key themes that are coming out of the consultations, which are those, I guess, that we discussed the year before in terms of information flow, consistent support for victims throughout the system, and victims having timely advice regarding court outcomes, which is an ongoing issue.

The question about how the charter might be structured from a legislative perspective is still open. We think it is really important that it fit well with the existing Human Rights Act. We are talking about rights in the territory. We need to have a coherent discussion about that, which is not about having a charter of rights over here and a Human Rights Act over here that are not clearly linked. We need to make sure whatever happens is coherent.³³

- 4.11 After being asked about the court delays, Ms Yates agreed that it remains a concern. Ms Yates highlighted that ‘with the implementation of the royal commission recommendations those special measures will be able to be used by a broader range of victims’³⁴ further noting that the delays can contribute to ongoing trauma for victims.

Recommendation 3

- 4.12 **The Committee recommends that the ACT Government finalise the proposed ACT Charter of Victims’ Rights as soon as possible, and that the details of the Charter scheme and its proposed implementation be provided in the next JACS Directorate annual report.**

REVIEW ON CURRENT LAWS TO BALANCE THE HUMAN RIGHTS AND SAFETY OF THE BROADER COMMUNITY AGAINST THE HUMAN RIGHTS OF OUTLAW MOTORCYCLE GANGS

- 4.13 In response to questions regarding anti-consorting laws, the Commissioner provided her opinion on a possible review of human rights legislation in regard to motorcycle gangs explaining:

[a] review might be warranted of the current situation in the ACT and how those laws are being exercised in other jurisdictions, to compare what is happening and see whether new legislation looking at anti-fortification, proposed laws about unexplained wealth, is sufficient. I would be in favour of looking at whether more could be done.³⁵

³³ Ms Yates, *Transcript of evidence*, 14 November 2018, p 49.

³⁴ Ms Yates, *Transcript of evidence*, 14 November 2018, p 49.

³⁵ Dr Watchirs, *Transcript of evidence*, 14 November 2018, p 46.

Recommendation 4

4.14 The Committee recommends that, utilising appropriate legal and policing expertise gained from other jurisdictions, the ACT Government review laws in other jurisdictions directed at outlaw motor cycle gangs' (OMCG) activities and that this review be directed to limit illegal OMCG activity in the ACT.

5 STATUTORY OFFICERS: ATTORNEY GENERAL PORTFOLIO

- 5.1 The Committee heard from the statutory officers and related agencies that fall within the Attorney General's portfolio on 7 and 14 November 2018 to discuss their respective 2017–18 annual reports.
- 5.2 The annual reports considered were: the Director of Public Prosecutions; Legal Aid ACT; the Public Trustee and Guardian, and the Inspector of Correctional Services.

QUESTIONS

- 5.3 Two questions were taken on notice during the hearings of 7 November 2018, four questions at the hearing(s) of 14 November 2018. Three questions on notice were submitted following the hearings. The Question coverage included: assistance numbers for sexual assaults provided by Legal Aid ACT, additional resources to Legal Aid ACT, staffing for Legal Aid ACT and the Office of the Director of Public Prosecution, investment policies using by the Public Trustee and Guardian, Yellow Edge and Mercer reviews, membership of the Review Officers Board, Legal Aid ACT grant assistance program, and sexual assaults services.

DIRECTOR OF PUBLIC PROSECUTIONS

- 5.4 The Director of Public Prosecutions (DPP) appeared before the Committee on 7 November 2018.
- 5.5 Matters considered during the hearings included: strategic objective and challenges for DPP,³⁶ a new finance model for DPP,³⁷ numbers of recent prosecutions in relation to bosses stealing from workers and vice versa,³⁸ what is required to achieve the right of appearance for paralegals in plea and mention lists in summary courts,³⁹ recruitment of staff,⁴⁰ technological change relating to move to fully electronic briefs of evidence,⁴¹ the witness assistance

³⁶ *Transcript of evidence*, 7 November 2018, pp 37-38.

³⁷ *Transcript of evidence*, 7 November 2018, pp 38-39.

³⁸ *Transcript of evidence*, 7 November 2018, p 39.

³⁹ *Transcript of evidence*, 7 November 2018, pp 39-40.

⁴⁰ *Transcript of evidence*, 7 November 2018, pp 40-41.

⁴¹ *Transcript of evidence*, 7 November 2018, p 42.

service,⁴² establishment of a discrete confiscations of criminal assets unit in the Office,⁴³ and sentencing patterns.⁴⁴

OPENING STATEMENT

- 5.6 The Director of Public Prosecutions told the Committee:

I am coming to the end of my appointment as Director of Public Prosecutions. I want to place on record what a great privilege it has been serving the community of Canberra in that very important role. I particularly commend the efforts of my staff, who work every day to promote the rule of law and justice in the ACT.⁴⁵

- 5.7 Mr Hanson MLA noted that:

I have been on this committee for longer than I would like to think. Thanks for everything you have done as well. You have been a fearless advocate for the DPP; you have been honest, probably to your own personal detriment on occasion. That has been useful for me, to be frank, but that is an aside. You have been a very forceful advocate for the DPP and for justice generally in the ACT, so congratulations.⁴⁶

NEW FINANCIAL MODEL FOR DPP

- 5.8 The DPP told the Committee that they are not able to fully participate in conversations regarding to funding further explaining

We have been having an ongoing conversation with government about getting fiscal independence for the DPP. The DPP sits, frankly, very uneasily under the rubric of the justice and community safety portfolio. There is no synergy between the Office of the DPP and that directorate simply because the DPP is independent of the executive government and we are not in existence to serve the interests of the government, as the directorate is. That has been an issue for us.⁴⁷

- 5.9 The DPP provided his opinion on the question relating to the funding of the office of the DPP , and the status of the DPP noting:

The model I would propose is simply that the DPP, as is the case at the moment, is directly reportable to the Attorney-General. That is all regulated under the DPP Act; all that needs to be done is for fiscal responsibility to be shifted to the Office of the

⁴² *Transcript of evidence*, 7 November 2018, pp 42-43.

⁴³ *Transcript of evidence*, 7 November 2018, p 43.

⁴⁴ *Transcript of evidence*, 7 November 2018, pp 43-44.

⁴⁵ Mr Jon White SC, *Transcript of evidence*, 7 November 2018, p 37.

⁴⁶ Mr Hanson MLA, *Transcript of evidence*, 7 November 2018, p 37.

⁴⁷ Mr Jon White SC, *Transcript of evidence*, 7 November 2018, pp 37-38.

Director of Public Prosecutions, along with the responsibility for staff, which already resides in the office.⁴⁸

Recommendation 5

5.10 The Committee recommends that the ACT Government ensure that current administrative arrangements provide that the office of ACT Director of Public Prosecutions (DPP):

- be independent of the JACS Directorate; and,
- be enabled to deal directly with the Attorney-General and government on the question of funding requirements and all future expenditure.

SENTENCING PATTERNS

5.11 When asked why the ACT has got a bigger population compared with the one before the new jail, the Director agreed with Mr Hanson MLA opinion that the office ‘bringing forward more successful prosecutions or is it because judges and magistrates seem more inclined to give custodial sentences’⁴⁹ further noting:

I think it is three things. It is the two things you mentioned, together with an increase in population. We have certainly prosecuted matters that probably used to go unprosecuted or were not prosecuted to the same extent. One example of that is sexual offences. The number of persons in prison for sexual offences has increased from about seven per cent in 2009 to 12 per cent in 2017. In other words, the proportion of prisoners in jail who are there because of sexual offending has increased from seven per cent to 12 per cent. We have also prosecuted vigorously family violence matters. While not every perpetrator by any means goes to jail, the number of people going to jail for those offences has increased.⁵⁰

So basically the two matters that you put forward both contribute. But also the fact is that we have increased our population in the territory. We cannot pretend that we are not going to increase the number of people in prison as we increase our population. And as Canberra becomes a more and more cosmopolitan city it also takes on some undesirable characteristics, such as the presence of organised crime, which is present to a greater extent than it has been in the past. And that also puts a real pressure on the prison population.⁵¹

⁴⁸ Mr Jon White SC, *Transcript of evidence*, 7 November 2018, p 38.

⁴⁹ Mr Hanson MLA, *Transcript of evidence*, 7 November 2018, p 43.

⁵⁰ Mr Jon White SC, *Transcript of evidence*, 7 November 2018, p 43.

⁵¹ Mr Jon White SC, *Transcript of evidence*, 7 November 2018, p 44.

Recommendation 6

- 5.12 The Committee recommends that a comparison be undertaken with regard to sentencing patterns by judicial officers in the ACT comparing the pattern of sentencing for the period of 2 years prior to, and for the period since, the opening of the Alexander Maconochie Centre.

Recommendation 7

- 5.13 The Committee recommends that, the ACT Government investigate how ‘Prosecutor Associates’ and paralegals can be appointed and be enabled to carry out an appropriate level of prosecution work in ACT courts.

LEGAL AID ACT

5.14 The Chief Executive of Legal Aid ACT appeared before the Committee on 14 November 2018.

5.15 Matters considered during the hearings included: Matters considered during the hearings included: funding to provide access to justice,⁵² increasing demand on services and early interventions,⁵³ legal education,⁵⁴ and IT systems upgrade.⁵⁵

INCREASING DEMAND ON SERVICES AND EARLY INTERVENTIONS

5.16 The Committee heard the evidence that a limited public funding can have further implications to provide access to justice as there is a growth in demand for a variety of reasons:

One is that the more visible we are, the more people are recognising that they need assistance. We have seen that particularly in relation to family violence. The whole trend for the past few years has been to acknowledge and recognise this as a scourge in the community. The result of the publication of that has been that more people have contacted us, and we have seen an increase in that regard. We have developed a range of services like the Law Handbook, which is now electronic and online. There are nearly 40 chapters there. People are being advised of their work. Also, we are doing a lot more community legal education.⁵⁶

5.17 The early intervention can be considered as one of the outcomes of that educational process relying also on partnering with hospitals and working with community legal centres. It is

⁵² *Transcript of evidence*, 14 November 2018, pp 51-52.

⁵³ *Transcript of evidence*, 14 November 2018, pp 53-54.

⁵⁴ *Transcript of evidence*, 14 November 2018, p 54.

⁵⁵ *Transcript of evidence*, 14 November 2018, p 54.

⁵⁶ Dr Boersing, *Transcript of evidence*, 14 November 2018, p 54.

important to be sure that everyone is getting the message about services available to communities.

5.18 Due to limited funding, ACTLA has to prioritise certain cases over others

Triage is exactly the right word. Across Australia, governments are specifically funding commissions to build their triage work up. We are seeing that around duty work in the Family Court, duty work in the Magistrates Court and early intervention in family dispute resolution.

More of our work is around that kind of assistance, which is directly linked to what the government, whether it is territory or commonwealth, is asking to have delivered for particular pockets of people: veterans and so forth.⁵⁷

COMMITTEE COMMENT

5.19 The Committee is of the view that the current activities of the Legal Aid ACT warrant continued budgetary support, and its funding should reflect its important functions.

Recommendation 8

5.20 **The Committee recommends that, as part of delivery of legal aid support in the ACT, the government consider increased funding of early intervention programs in all areas of family law jurisdiction, as appropriate.**

IT SYSTEMS UPGRADE

5.21 The ACTLA provided details on IT systems update which has been needed urgently

We have put forward a proposal to government for the budget review. It has not been considered in that context yet. We have sought funding to cover the IT upgrade. We are also looking at other options as to what we can do. But we are not in a timing position to find out about the budget funding yet.⁵⁸

Recommendation 9

5.22 **The Committee recommends that Legal Aid ACT administration report on the implementation of the current planned upgrade of IT systems for Legal Aid ACT.**

⁵⁷ Dr Boersing, *Transcript of evidence*, 14 November 2018, p 53.

⁵⁸ Mr Monger, *Transcript of evidence*, 14 November 2018, p 54.

PUBLIC TRUSTEE AND GUARDIAN

- 5.23 The Public Trustee and Guardian appeared before the Committee on 14 November 2018.
- 5.24 Matters considered during the hearings included: unclaimed money and how to address this issue,⁵⁹ ethical investment model,⁶⁰ a central territory will bank,⁶¹ implementation the requirements of the Public Trustee and Guardian Act 1995 and the enterprise agreement,⁶² enduring power of attorney,⁶³ and reporting on elder abuse.⁶⁴

UNCLAIMED MONEY

- 5.25 When asked, the Public Trustee and Guardian (PTG) explained issues about unclaimed money within its annual report stating

The amount reported as \$50 million is not the amount of money that is held by the Public Trustee and Guardian. I think that would include amounts of money that are held by treasury in a different unclaimed money scheme. With unclaimed money, for example, in relation to residential rental bonds, whilst we manage the residential rental bonds trust account we do not manage the claims for unclaimed money.⁶⁵

- 5.26 In term of the unclaimed money trust managed by the PTG, the Committee heard that ‘the funding is sourced from liquidators, agents, legal practitioners, certain cooperative societies and deposits with and securities by companies. It may include some bank deposits. In fact, the bank deposits have been the largest in the last several years.’⁶⁶
- 5.27 In regard to efforts made to identify who has a claim on that money, the PTG clarified that people can claim through its website using an IT system, through an agent or in person noting:
- ...by and large the bigger claims of money come online. Surprisingly, most of the money claimed is not from ACT people. It is from people outside the ACT. There are very few in the ACT. I do not know why.⁶⁷

⁵⁹ *Transcript of evidence*, 14 November 2018, pp 56-57.

⁶⁰ *Transcript of evidence*, 14 November 2018, pp 57-59.

⁶¹ *Transcript of evidence*, 14 November 2018, pp 59-60.

⁶² *Transcript of evidence*, 14 November 2018, pp 60-61.

⁶³ *Transcript of evidence*, 14 November 2018, pp 62-63.

⁶⁴ *Transcript of evidence*, 14 November 2018, p 63.

⁶⁵ Mr Taylor, *Transcript of evidence*, 14 November 2018, p 56.

⁶⁶ Mr Taylor, *Transcript of evidence*, 14 November 2018, p 56.

⁶⁷ Mr Taylor, *Transcript of evidence*, 14 November 2018, p 57.

- 5.28 To answer a supplementary question about how someone would know to make a claim, the PTG further explained that the bulk of people coming to them do so in relation to bank moneys or using tools developed by the industry and called money finders.⁶⁸
- 5.29 The Committee also heard that the Public Trustee and Guardian uses an ethical investment model for money held in trust, using an assets market consultant (PricewaterhouseCoopers) or through an ACT treasury contract further explaining:

We source a fund manager, Vanguard at the moment, and we are able to access the lower rate that Vanguard charges treasury. Ordinarily we would not be able to access that rate. It is about four basis points, compared to about 45 on the market. But because we lump our account with treasury we can access the lower rate and pass that on to clients.

We reviewed our investment strategy in the last 12 or 18 months and we finished, in the last six months, implementing that strategy, which now has taken the total number of common funds, aside from the cash common fund, down to three, which are effectively bundles in a McDonald's kind of combo. There will be about seven behind the scenes but bundled down to three common funds. ⁶⁹

Recommendation 10

- 5.30 **The Committee recommends that the Public Trustee, take all necessary steps to locate and advise persons to whom money is owed from the trust funds administered by the Public Trustee to ensure that these moneys are made available.**

CENTRAL ACT WILLS BANK

- 5.31 To explain why the Public Trustee and Guardian proposed as a new initiative a central territory Wills bank, Mr Taylor advised:

.. it is an idea that has been implemented by a number of other states. We think that in a small place like the ACT there are issues around small practitioners going out of business and not knowing what to do with their wills. At the present moment, there is a provision in legislation for the Supreme Court to take those wills. It is not really done on an organised basis. Essentially, we already had a will bank of our own. We are the only organisation in the ACT that can evidence the will from an electronic record before court. It is a small step to extend that to the private sector to allow everybody to deposit their wills with us. It makes it easier for executors and others looking for copies of wills.⁷⁰

⁶⁸ *Transcript of evidence*, 14 November 2018, p 57.

⁶⁹ Mr Taylor, *Transcript of evidence*, 14 November 2018, p 57.

⁷⁰ Mr Taylor, *Transcript of evidence*, 14 November 2018, p 59.

- 5.32 Further, the PTG stated that they would design a fee to deposit a Will due to IT developments on its website which will allow that to happen.⁷¹
- 5.33 The PTG also confirmed they are ‘aware of small local legal firms going out of business and their Wills not getting passed on to the Supreme Court’ further explaining that it is quite common for ‘a Will never to be found, even though the Will may exist’.⁷²

Recommendation 11

- 5.34 **The Committee recommends that a program be implemented to encourage more people to deposit their Wills with the Public Trustee to allow Wills to be made available to the Courts by electronic means and to avoid loss or destruction of Wills.**

ENDURING POWER OF ATTORNEY

- 5.35 When asked if people can lodge an enduring power of attorney with the Public Trustee and Guardian, Mr Taylor explained:

This is a gap that has been identified by the federal government and by all states and territories that have undertaken guardianship reviews. There is no national register of enduring powers of attorney. There are state and territory registers but they only hold powers of attorney where people want to deal with property. You only need to register when you are dealing with property.

So the federal government has engaged the Australian Guardianship and Administration Council, of which I am a director, and we have been tasked with advising the federal government on the establishment of a national register. The idea is that it would be a 24/7 accessible register largely, I guess, for professionals: medical, finance and all those kind of things. It is not necessarily going to be a general power of attorney register, an enduring power of attorney register.

Certainly we do not have a register of powers of attorney; we only have a register of those where the Public Trustee and Guardian is appointed. We would have a number of powers of attorney in our will bank. Generally people make a will and a power of attorney at the same time. We do not register those unless the situation arises where we are required to deal with their property, which may happen or may never happen.⁷³

⁷¹ Mr Taylor, *Transcript of evidence*, 14 November 2018, p 60.

⁷² Mr Taylor, *Transcript of evidence*, 14 November 2018, p 60.

⁷³ Mr Taylor, *Transcript of evidence*, 14 November 2018, p 62.

Recommendation 12

- 5.36 **The Committee recommends that the Public Trustee be empowered and resourced to hold Power of Attorney documents electronically pending the establishment of a national register for this purpose.**

NATIONAL DISABILITY INSURANCE SCHEME

- 5.37 As the last part of the hearings, the Public Trustee and Guardian noted that the PTG office ‘made a budget bid for two extra guardians’ due to the demand created by the NDIS which ‘has been so significant that we just cannot keep up with everyday guardianship’.⁷⁴

Recommendation 13

- 5.38 **The Committee recommends that funding sought by the Public Trustee for two extra guardians be provided and that, in light of the increase in demand for guardianship services resulting from the development and implementation of the National Disability Insurance Scheme (NDIS), this service be provided as soon as possible.**

INSPECTOR OF CORRECTIONAL SERVICES

- 5.39 The Inspector of Correctional Services appeared before the Committee on 14 November 2018.
- 5.40 The matters considered during the hearings included: prison populations and lag of infrastructure,⁷⁵ review of critical incidents and critical incident plans,⁷⁶ the role of the inspectorate and the memorandum of understanding with ACT Corrective Services,⁷⁷ separation of remandees,⁷⁸ women in the AMC,⁷⁹ and AMC visitor centre scheduling and programs for children during visiting.⁸⁰

⁷⁴ Mr Taylor, *Transcript of evidence*, 14 November 2018, p 64.

⁷⁵ *Transcript of evidence*, 14 November 2018, pp 65-66.

⁷⁶ *Transcript of evidence*, 14 November 2018, pp 67-68.

⁷⁷ *Transcript of evidence*, 14 November 2018, pp 68-69.

⁷⁸ *Transcript of evidence*, 14 November 2018, pp 69-70.

⁷⁹ *Transcript of evidence*, 14 November 2018, pp 70-71.

⁸⁰ *Transcript of evidence*, 14 November 2018, pp 71-72.

WOMEN IN THE AMC

- 5.41 The Committee stated that ‘the women in the AMC have now been housed in a single-cell accommodation unit rather than the cottages that were designed for them’⁸¹ asking the Inspector about his opinion on it:

Personally, I am not happy about it. The reason for saying that is that when the AMC was designed—the design brief was mentioned back in 2005, when that was published—there was quite a lot of effort put into designing the accommodation specifically for the needs of women. That translated into the cottage accommodation, which was to accommodate women of all security classifications. It had at least one remand cottage in there as well. It was designed recognising the specific differences with women.⁸²

- 5.42 The Committee further heard that women ‘were moved to what was called the special care centre, SCC’⁸³ – to a new unit specifically designed for males, ‘as evidenced by the very large exercise equipment out on the concrete pad, which I can tell you the women do not use.’⁸⁴

- 5.43 Furthermore, the Inspector said that women:

have been disadvantaged in that they have been put into a high security male block rather than the minimum security cottage accommodation, which has now been taken over by males.⁸⁵

Recommendation 14

- 5.44 **The Committee recommends that the cottage accommodation designed for women be expanded to ensure all women inmates at the Alexander Maconochie Centre (AMC) are housed to meet their specific needs.**

⁸¹ Mrs Jones MLA, *Transcript of evidence*, 14 November 2018, p 70.

⁸² Mr McAllister, *Transcript of evidence*, 14 November 2018, p 70.

⁸³ Mr McAllister, *Transcript of evidence*, 14 November 2018, p 70.

⁸⁴ Mr McAllister, *Transcript of evidence*, 14 November 2018, p 70.

⁸⁵ Mr McAllister, *Transcript of evidence*, 14 November 2018, p 71.

6 ATTORNEY GENERAL'S PORTFOLIO

- 6.1 The Committee heard from the Attorney General on 7 November 2018 in relation to 2017–18 annual reports, or parts thereof, of the Justice and Community Safety Directorate and the Chief Minister, Treasury and Economic Development Directorate (as it relates to the Attorney General's portfolio).
- 6.2 Matters discussed included the: national redress scheme,⁸⁶ reportable conduct scheme,⁸⁷ justice and complainants system,⁸⁸ progress on the alcohol and drug court,⁸⁹ disability justice strategy,⁹⁰ difference in revenue saved,⁹¹ victim compensation,⁹² appointment of an additional magistrate to support efficient operation of the justice system,⁹³ Bevington workflow review,⁹⁴ new services available in the updated court facilities,⁹⁵ case management system,⁹⁶ details on the strategic indicator 2 related to crime-related community safety,⁹⁷ deadlines for completion of the new court facilities,⁹⁸ timeliness standard set in an international framework,⁹⁹ recruitment process for a director of Public Prosecutions,¹⁰⁰ savings measures,¹⁰¹ legislative response to outlaw motorcycle gang issues,¹⁰² board appointments and staff diversity,¹⁰³ data and trends in detainee population.¹⁰⁴
- 6.3 Discussion relating to the Attorney-General's responsibilities relating to racing and gaming policy is set out in Chapter 9—covering the regulatory services portfolio.

QUESTIONS

- 6.4 Eight questions relating to the Attorney General's portfolio were taken on notice at the hearing(s) of 7 November 2018. The Question coverage included the: Safer Communities

⁸⁶ *Transcript of evidence*, 7 November 2018, pp 10-12, 18-19.

⁸⁷ *Transcript of evidence*, 7 November 2018, p 12.

⁸⁸ *Transcript of evidence*, 7 November 2018, pp 12-13.

⁸⁹ *Transcript of evidence*, 7 November 2018, p 13.

⁹⁰ *Transcript of evidence*, 7 November 2018, pp 14-15.

⁹¹ *Transcript of evidence*, 7 November 2018, pp 16-17.

⁹² *Transcript of evidence*, 7 November 2018, pp 17-19.

⁹³ *Transcript of evidence*, 7 November 2018, pp 19-20.

⁹⁴ *Transcript of evidence*, 7 November 2018, p 20.

⁹⁵ *Transcript of evidence*, 7 November 2018, pp 20-22.

⁹⁶ *Transcript of evidence*, 7 November 2018, pp 21-23, 33.

⁹⁷ *Transcript of evidence*, 7 November 2018, pp 23-24.

⁹⁸ *Transcript of evidence*, 7 November 2018, pp 24-25.

⁹⁹ *Transcript of evidence*, 7 November 2018, p 26.

¹⁰⁰ *Transcript of evidence*, 7 November 2018, pp 26-27.

¹⁰¹ *Transcript of evidence*, 7 November 2018, pp 27-29.

¹⁰² *Transcript of evidence*, 7 November 2018, pp 29-30.

¹⁰³ *Transcript of evidence*, 7 November 2018, pp 30-32.

¹⁰⁴ *Transcript of evidence*, 7 November 2018, pp 32-36.

program - percentage breakdown, crime trends and comparison with other jurisdictions, serious and organised crime, national redress scheme, disability justice strategy, and sentencing patterns.

DATA AND TRENDS IN DETAINEE POPULATION

- 6.5 Questions were asked relating to reasons why the number of prisoners has increased significantly - the ACT prisoner population having doubled since the AMC was opened. Officials explained that some work on data analysing has been done recently; particularly in relation to work conducted by Ms Lorana Bartels from the University of Canberra and her work on sentencing data analysis in terms of trends in the detainee population. The Committee further heard that a new case management system (ICMS) will collect and provide relevant data, once fully implemented, instead of using manual processes to examine data from the sentencing database as it is at present.¹⁰⁵
- 6.6 The answer to a Question taken on Notice provides details on sentencing data and also included details on data available within the sentencing database:

Statistics from the Australian Bureau of Statistics indicate that there has been an increase in custodial sentences imposed in the ACT in the last four years, from 17% of all matters finalised in 2013-2014, to 21% of matters finalised in 2016-2017. In addition to the available ABS data, the introduction of the ACT Sentencing Database in 2013 has allowed for some further information to be collected on sentencing in the ACT. The dataset records statistical information from 2012 onwards and contains limited information from the ACT Magistrates' Court. In addition, the Alexander Maconochie Centre opened in late 2008 and statistics from prior to that opening are not readily available.¹⁰⁶

- 6.7 More detailed questions on data analysis were asked by Mr Hanson MLA who noted:
- It is interesting to me that there is a bunch of these statistics and each of them perhaps tells a bit of a story but a body of work that ties it together to try to draw a picture of why that is, to understand that better, does not seem to be apparent. Maybe that is an observation rather than a question.¹⁰⁷

¹⁰⁵ Ms Playford, *Transcript of evidence*, 7 November 2018, p 32.

¹⁰⁶ *Question taken on Notice No 5*, [p 1].

¹⁰⁷ Mr Hanson MLA, *Transcript of evidence*, 7 November 2018, p 35.

CASE MANAGEMENT SYSTEM

- 6.8 Based on the 2017-18 Annual report, the case management system (ICMS) was due to be released in a staged uptake from 2018. The Committee heard that the ICMS has not been rolled out yet and its deadline has been extended to early 2019:

It has been delayed now. It has been pushed into early next year. That has really been the complexity of getting the system—the third stage has all the interfaces with the justice agencies and ACT Policing, and the bank for payment of fees. We ran into a whole lot of technical issues about how that interface works in the ACT environment. One of the critical ones was the interface with ACT Policing, which is outside the act.gov network.¹⁰⁸

- 6.9 When asked about direct impact due to delays in the courts, the Committee was told that: ‘it has no direct impact other than the frustration of not having the system when we would have liked it’.¹⁰⁹ When further questioned, the Committee was told that other impacts included matters relevant to understanding what offences are committed on bail as a critical component of the justice system.¹¹⁰

Recommendation 15

- 5.10 **The Committee recommends that the planned ACT Integrated Case Management System (ICMS) be fully introduced and implemented by the end of 2019.**
- 5.11 **The Committee also recommends that the JACS directorate ensure that planned electronic delivery and service of documents, briefs of evidence (including police briefs and defence briefs) is implemented so as to ensure these documents are provided to the ACT Courts as proposed.**

UPDATE ON THE NEW COURT BUILDING

- 6.12 The Committee sought further information on the progress of the court redevelopment. Stage 1 has been completed and court operations commenced at 15 October 2018 including six of the new courts, the jury facilities and new chambers along with the main entry foyer.
- 6.13 In relation to questions relating to penalties for completion delays due to an issue with fitting external panels, the Committee was told that:

¹⁰⁸ Mr Kellow, *Transcript of evidence*, 7 November 2018, p 22.

¹⁰⁹ Mr Kellow, *Transcript of evidence*, 7 November 2018, p 22.

¹¹⁰ Mr Kellow, *Transcript of evidence*, 7 November 2018, pp 22-23.

There were obviously substantial penalties not levied by the government. We simply do not start paying for the facility until we can use it. But we took the decision at the end of September-early October that the absence of those panels did not prevent us from occupying and using the facility and it was in our best interest to go forward and do that.¹¹¹

¹¹¹ Mr Essau, *Transcript of evidence*, 7 November 2018, p 25.

7 CORRECTIONS PORTFOLIO

- 7.1 The Committee heard from the Minister for Corrections on 14 November 2018 to discuss the 2017–18 annual reports, or parts thereof, of the Justice and Community Safety Directorate (as it relates to the Corrections’ portfolio) and the annexed report of the Sentence Administration Board.
- 7.2 Matters discussed included the: possible relationships between staff and inmates – standards and best practice across Australia,¹¹² women as employees to help reduce recidivism of women leaving prison,¹¹³ detainee training and work outcomes,¹¹⁴ detainee education,¹¹⁵ visits and the visitor centre,¹¹⁶ detainee population and infrastructure,¹¹⁷ National Corrections Day 2018,¹¹⁸ AMC repairs and maintenance timeframes,¹¹⁹ public information sessions as part of AMC recruitment,¹²⁰ and legislative changes to intensive corrections orders.¹²¹

QUESTIONS

- 7.3 Five questions relating to the Correction’s portfolio were taken on notice at the hearing on 14 November 2018. Three further questions on notice were submitted by members following the hearing. The Question coverage included: custodial officer recruitment information sessions, success rate of parole, terms of reference of the review actioned by Dr Lorana Bartels, ministerial boards appointments, membership of the Sentence Administration Board and training provided to members, reducing recidivism, AMC contraband, and inappropriate relationships between correction staff and inmates.

¹¹² *Transcript of evidence*, 14 November 2018, pp 95-97.

¹¹³ *Transcript of evidence*, 14 November 2018, p 97.

¹¹⁴ *Transcript of evidence*, 14 November 2018, pp 98-103.

¹¹⁵ *Transcript of evidence*, 14 November 2018, pp 104-106.

¹¹⁶ *Transcript of evidence*, 14 November 2018, pp 106-107.

¹¹⁷ *Transcript of evidence*, 14 November 2018, pp 107-109.

¹¹⁸ *Transcript of evidence*, 14 November 2018, pp 109-110.

¹¹⁹ *Transcript of evidence*, 14 November 2018, pp 110-111.

¹²⁰ *Transcript of evidence*, 14 November 2018, pp 110-112.

¹²¹ *Transcript of evidence*, 14 November 2018, pp 113-114.

ACT CORRECTIONS

DETAINEE POPULATION AND INFRASTRUCTURE

- 7.4 The Committee confirmed with officials that that the maximum number of detainees accommodated in the AMC was 507. Responding to a question on government current and future plans to increase the size of the facility, the Minister advised:

As you know, we commissioned a feasibility study to look at a range of infrastructure options. We have received that feasibility study now and we are currently reflecting on that. It would be fair to say that we are looking at a two-pronged strategy, in terms of physical infrastructure and also further investment in a justice reinvestment space, to seek to tackle recidivism along the lines we discussed earlier.¹²²

- 7.5 The Minister further explained that the ACT has experienced a substantial increase of the jailing rate since the ACM opened – 62 per 100,000 to about 160 per 100,000 population - a similar trend to other jurisdictions:

I have reflected here before, this is an issue right across the country, and in some jurisdictions now they are triple bunking, which is certainly a place I do not want to get to.¹²³

- 7.6 The Chair of the Committee noted that '[t]he Inspector of Correctional Services was here earlier today and he was quite open about the fact that he considers that double bunking in rooms that are not designed for it may not be appropriate.'¹²⁴

- 7.7 The Committee further inquired about a 10- or 20-year plan if the numbers continue to increase:

If you track back through the modelling that has been provided to government, the original AMC build was perceived to last for much longer than it did. Based on the best modelling that was provided to government, the ministers of the day will have taken the best decision they could.

Similarly, in the expansion that has occurred in my time as the minister, we got more modelling done. We arrived at a decision regarding how much to spend and how much capacity. The capacity that we built was modelled to last for longer than it has. We need to reflect on that modelling process.¹²⁵

¹²² Mr Rattenbury, *Transcript of evidence*, 14 November 2018, p 107.

¹²³ Mr Rattenbury, *Transcript of evidence*, 14 November 2018, p 108.

¹²⁴ Mrs Jones, *Transcript of evidence*, 14 November 2018, p 107.

¹²⁵ Mr Rattenbury, *Transcript of evidence*, 14 November 2018, pp 108-109.

Recommendation 16

- 5.8 **The Committee recommends that, in light of the increase in the number of inmates in The Alexander Maconochie Centre (AMC) current and planned infrastructure be identified and a long-term plan for the next 10 to 20 years be developed.**

Recommendation 17

- 5.9 **The Committee recommends that, as a matter of urgency, accommodation for convicted inmates and remand inmates at AMC be separated.**

VISITS AND VISITOR CENTRE

- 7.10 The Committee heard evidence regarding the number of visits allowed per week for each detainee which is currently one, but the number can be extended where possible. To answer the question regarding the current arrangement for days that are open for visits, the official said '[i]t is open for domestic visits, family visits, on five days: Wednesday through to Sunday. For professional visits, it is open Monday to Friday.'¹²⁶

- 7.11 The Committee further inquired about days and received more detail:

Mondays traditionally never have visits at the AMC. In relation to Tuesdays, some years ago the decision was made to stop family visits on a Tuesday to allow for more staff training; we close the prison down. At that point in time, it was felt that the Wednesday to Sunday capacity was being used adequately. We are currently going through a roster review, given the growth of the prison, which means that we have had, over time, increased resources and increased demand on our visits. We will be looking to implement seven days a week visits.¹²⁷

- 7.12 It was further explained that: '[a]s with everything at the AMC, the prison was built for a much smaller capacity than it is at now; obviously the more space we have, the more options it gives us. If we increase our visit capacity, it may not necessarily be that we need to increase the size of the visits room.'¹²⁸

¹²⁶ Mr Peach, *Transcript of evidence*, 14 November 2018, p 106.

¹²⁷ Mr Peach, *Transcript of evidence*, 14 November 2018, p 106.

¹²⁸ Mr Peach, *Transcript of evidence*, 14 November 2018, p 106.

Recommendation 18

- 5.13 The Committee recommends that the visitor centre at the Alexander Maconochie Centre be expanded to allow a greater number of visits to be scheduled.

Recommendation 19

- 7.14 The Committee recommends that visits to the Alexander Maconochie Centre be planned and programmed to allow visits on Mondays and Tuesdays.

AMC REPAIRS AND MAINTENANCE TIMEFRAME

- 7.15 Answering the question about timeliness of repairs and maintenance, the Committee was advised that all issues brought to staff attention are assessed within four hours, and that any further work depends on that review,(giving the example of a smashed window that could take up to six weeks to be repaired):

With general issues that are raised, there is a three-day intent to repair. Minor repairs, such as a dripping tap, potentially would be programmed for 15 days. The problem, of course, is that we do not have that capacity to class things as minor repairs anymore. If we have a dripping tap in a cell, we cannot just move somebody from one cell to another, because we are at capacity. Everything becomes a lot more urgent than it would be when we have spare capacity. That is part of the problem we have experienced.

- 7.16 The Committee heard that, to increase the ability of AMC maintenance teams consisting currently of one plumber-gasfitter, an electrician, a carpenter and one generalist tradesperson, the AMC is recruiting another tradesperson and utilises a number of contractors.¹²⁹

- 7.17 The Committee also heard that around nine per cent of AMC repairs are due to vandalism:

If I could give an example, we project that around nine per cent of our repairs are actually due to vandalism. But those repairs are not the normal fixing of a dripping tap; it could be that somebody has smashed a sink off the wall or something similar. That takes up 58 per cent of our time for repairs, so our repair allocation time is significant from those events.¹³⁰

- 7.18 The Committee inquired about an incident reported by the media where a detainee did not have flowing drinking water in a cell for six months. In response the Director of Corrective Services advised:

¹²⁹ Mr Peach, *Transcript of evidence*, 14 November 2018, p 110.

¹³⁰ Mr Peach, *Transcript of evidence*, 14 November 2018, p 111.

Mr Peach: No. We have nothing to confirm that that is fact. We have done our own reviews of that and we cannot confirm that he was without water for six months. We did take a range of strategies; there were two instances I recall where he had reported not having water. They were both addressed. There was also some suggestion that the tap that was in the cell had been tampered with. We do not necessarily agree with the six-month point. What we can say is that when these things are brought to our attention, we address them.

MR PETTERSSON: You mentioned before that there are currently problems with moving detainees, in that you are currently full. Was there an offer to move this detainee to a different cell?

Mr Peach: There was on this occasion; absolutely. That was as it was reported. He was offered to move cells at the time, and at the time that it was brought to our attention he opted not to move cells.

MR PETTERSSON: Why was there an offer to move this detainee if you could not confirm if there was a problem with water?

Mr Peach: At the time he reported it, at the time that that incident came up, there was. What I am saying is that there was not any evidence to suggest it was for the six-month period. When we took the tap apart and investigated it, it was clear that some obstructions had been put in that tap.¹³¹

Recommendation 20

- 5.19 The Committee recommends that the ACT Government and Corrective services administration review the timeframes for the current program of repairs and maintenance at the Alexander Maconochie Centre.

SENTENCE ADMINISTRATION BOARD

- 7.20 The Sentence Administration Board (SAB) is established under section 171 of the *Crimes (Sentence Administration) Act 2005* (the CSA Act) which provides the framework for board operations and the legislative power for the Board to make decisions. Further, the Act provides for legislative functions to be implemented in a manner that upholds human rights.
- 7.21 As to the functions of the Board—the CSA Act requires the Board to supervise critical aspects of periodic detention, parole and release on licence including breaches and the amendment of conditions.

¹³¹ Transcript of evidence, 14 November 2018, p 111.

- 7.22 The CSA Act provides for a uniformity of approach to inquiries and hearings, irrespective of whether they relate to periodic detention, parole or release on licence. Further, the Act details consequences for any offender who fails to meet their obligations.
- 7.23 In considering the work of the Board—the legislation provides the framework for two areas of work: (i) supervisory—supervisory functions cover the Board’s responsibilities in relation to parole, periodic detention and release on licence; and (ii) advisory—advisory functions allow the Minister to seek advice from the Board concerning individuals or young offenders. The Chair of the Board appeared before the Committee on 14 November 2018.
- 7.24 Matters considered during the hearings included: procedures and training implemented after the decision regarding the ZS v Sentence Administration Board case,¹³² risk rating systems used in the ACT,¹³³ community-based sentence transfer from other jurisdictions,¹³⁴ and ACT Corrective Services data rollout.¹³⁵

¹³² *Transcript of evidence*, 14 November 2018, pp 115-117.

¹³³ *Transcript of evidence*, 14 November 2018, pp 118-119.

¹³⁴ *Transcript of evidence*, 14 November 2018, pp 119-120.

¹³⁵ *Transcript of evidence*, 14 November 2018, pp 120-121.

8 JUSTICE, CONSUMER AFFAIRS AND ROAD SAFETY PORTFOLIO

- 8.1 The Committee heard from the Minister for Justice, Consumer Affairs and Road Safety on 14 November 2018 to discuss the 2017–18 annual reports, or parts thereof, of the Justice and Community Safety Directorate and Chief Minister, Treasury and Economic Development Directorate (as they relate to the Justice, Consumer Affairs and Road Safety portfolio).
- 8.2 Matters discussed included: justice reinvestment initiatives by expanding high density housing community and safety program,¹³⁶ the phase 3 (sexually violent offences) of the restorative justice program,¹³⁷ recidivism rates based on phase 1 (juveniles) of the restorative justice process,¹³⁸ changes to gift cards,¹³⁹ charter of rights for victims of crimes,¹⁴⁰ prostitution laws in the ACT,¹⁴¹ motorbike lane filtering trial,¹⁴² changes to P-plate legislation,¹⁴³ and safety measures for electric motorbikes.¹⁴⁴

QUESTIONS

- 8.3 Five questions relating to the Justice, Consumer Affairs and Road Safety portfolio were taken on notice at the hearing(s) of 14 November 2018. One question on notice was submitted by a member following the hearing(s). The Question coverage included: fatalities related to high powered motor vehicle, gift cards, the charter of rights for victims of crimes, motorbike lane filtering trial, Sex Worker Act, and power to weight ratios for cars.

JUSTICE PORTFOLIO COMPONENT

- 8.4 The Committee discussed with the Minister for Justice, Consumer Affairs and Road Safety and officials a number of matters concerning the Justice portfolio. This included: justice reinvestment by expanding high density housing community and safety program, the phase 3 (sexually violent offences) of the restorative justice program, and recidivism rates based on phase 1 (juveniles) of the restorative justice process.

¹³⁶ *Transcript of evidence*, 14 November 2018, pp 76-78.

¹³⁷ *Transcript of evidence*, 14 November 2018, pp 78-81, 83-84.

¹³⁸ *Transcript of evidence*, 14 November 2018, pp 81-82.

¹³⁹ *Transcript of evidence*, 14 November 2018, pp 83-84.

¹⁴⁰ *Transcript of evidence*, 14 November 2018, pp 84-87.

¹⁴¹ *Transcript of evidence*, 14 November 2018, pp 87-90.

¹⁴² *Transcript of evidence*, 14 November 2018, pp 90-91.

¹⁴³ *Transcript of evidence*, 14 November 2018, p 91.

¹⁴⁴ *Transcript of evidence*, 14 November 2018, pp 91-92.

HIGH DENSITY HOUSING COMMUNITY AND SECURITY PROGRAM

- 8.5 The Committee sought details on the High Density Housing Safety and Security Program as a collaborative program between JACS, ACT Housing, ACT Health, ACT Policing and Reclink Australia Incorporated to address crime and anti-social behaviour in high-density housing complexes on Ainslie Avenue, started in 2008, and which was expanded to Illawarra Court in Belconnen in 2018:

Illawarra Court is using the same service facilitation model as the Ainslie Avenue site and the Reclink model of using both structured and unstructured programs, working with residents and helping to understand what their service needs are and how to set up the site. It needs to be done in the same way as the Ainslie Avenue program has been developed. It is working with the residents at those communities, firstly building their trust, building the rapport, and then working out the kinds of activities that are going to best build community engagement and work on reducing antisocial behaviour and any crime issues that are there. Reclink is working with us to build the high density housing community program there.¹⁴⁵

- 8.6 The Committee heard that the rollout in Belconnen is an early stage ‘trying to understand the profile of residents that are there, to make sure we are tailoring the program to their needs.’¹⁴⁶

Recommendation 21

- 5.7 **The Committee recommends that the introduction and rollout of Reclink services to high density housing sites be continued to increase the good results evidenced at the Committee’s hearings.**

RESTORATIVE JUSTICE PROGRAM – PHASE 3

- 8.8 The Committee noted three phases of the current restorative justice program, (phase 1 focused on juveniles, phase 2 on adults, less serious offences, and phase 3 on adults, serious offences:

Mr Rattenbury: It is more of the latter. Pretty much every offence is capable of being sent to restorative justice now. Phase 1 was juveniles. Phase 2 is adults, less serious offences. And now phase 3 is—

THE CHAIR: Adult, serious.

MR HANSON: So that basically is—

¹⁴⁵ Dr Inkpen, *Transcript of evidence*, 14 November 2018, p 77.

¹⁴⁶ Dr Inkpen, *Transcript of evidence*, 14 November 2018, p 78.

Mr Rattenbury: Except for murder, of course.

Ms Lutz: No, murder is in.

Mr Rattenbury: Murder is in as well?

Ms Lutz: Absolutely.¹⁴⁷

- 8.9 Phase 3 of the restorative justice program focuses on sexually violent offences. The Minister explained that it is a sensitive and difficult area noting '[i]t will not be suitable for all victims or for every case, and that is very clear both in the government's policy direction and in the way the team operates.'¹⁴⁸ The Committee was also advised that entering phase 3 'we can now accept referrals for family violence and sexual offences.'¹⁴⁹
- 8.10 During the preparation of phase 3, the team undertook extensive training including a discussion with Queensland specialists focused on juvenile sexual offending:

Queensland trainers came down to spend an equal amount of time giving us an understanding of how they respond to juvenile sexual offending—quite often intrafamilial matters. Their model and the Project Restore model have in common extra supports and extra commitments, especially by the people who have done the harm, to accept support, whether that is at an educational level or at a more therapeutic level, to really address their offending behaviour.¹⁵⁰

CONSUMER AFFAIRS PORTFOLIO COMPONENT

- 8.11 Changes to gift cards arrangements in the ACT were discussed.

CHANGES TO GIFT CARDS

- 8.12 Updating the Committee about changes to gift cards, it was explained:

Recently consumer affairs ministers met and agreed to a reform under the Australian Consumer Law. This was based on a number of concerns that consumers were not realising the value of gift cards around the country and there was considerable inconsistency in approaches by retailers. After some consultation with industry and a regulatory impact statement that was produced by the commonwealth, it was agreed that nationally the Australian Consumer Law would be amended and there would be expiry dates of three years mandated for gift cards across the country. The other thing

¹⁴⁷ *Transcript of evidence*, 14 November 2018, pp 82-83.

¹⁴⁸ Mr Rattenbury, *Transcript of evidence*, 14 November 2018, p 78.

¹⁴⁹ Ms Lutz, *Transcript of evidence*, 14 November 2018, p 80.

¹⁵⁰ Ms Lutz, *Transcript of evidence*, 14 November 2018, pp 79-80.

ministers considered as a very important requirement was that any post-purchase charges that were associated with gift cards would be removed.

What would happen is that if you had a gift card for a couple of hundred dollars and you only expended \$100 of it, then \$100 would sit on the gift card. Some retailers were actually applying administrative costs in relation to the holding of that \$100. Ministers considered that to be inequitable, and there was no real economic foundation for that to continue. That was a direct cost to consumers. So that was removed. The requirements will not come into effect nationally until November 2019. That is to allow industry to transition into that space.¹⁵¹

8.13 The Committee further inquired:

THE CHAIR: Is there any explanation as to how businesses are to account for three-year-long expenses? I presume point of sale will be accounted for in the year of sale, but if there are goods that are being sold using money that was received in a previous year, has any of that been covered in the discussions through COAG?

Mr Snowden: The regulations around it need to be finalised, in relation to those particular nuances.

THE CHAIR: From the perspective of a business, you could understand why people might have put a 12-month limit on it originally, but now that there is a change—

Mr Snowden: Where you were going—and correct me if I am wrong—is where you have high-value gift cards and people are making very minor transactions along the way.

THE CHAIR: Also, even if the transaction is two years later but the business has accounted for the finance—

Mr Snowden: In the first year.

THE CHAIR: in the first year and then has to account for the giving of the goods in the third year. I am curious as to whether there has been any decision made about that. Not that you know of?

Mr Snowden: No decision has been made.¹⁵²

ROAD SAFETY PORTFOLIO COMPONENT

8.14 The Committee discussed with the Minister for Justice, Consumer Affairs and Road Safety and officials a number of matters concerning road safety and transport regulation. Matters

¹⁵¹ Mr Snowden, *Transcript of Evidence*, 14 November 2018, p 83.

¹⁵² *Transcript of Evidence*, 14 November 2018, p 84.

discussed included: motorbike lane filtering trial, changes to P-plate legislation, and safety measures for electric motorbikes.

MOTORCYCLE LANE FILTERING TRIAL

- 8.15 The Committee asked about results of the motorbike lane filtering trial which lasted for 24 months, the Minister responded that it has been well received by motorists:

They see it as essentially a safety issue. It means you can get forward into what is loosely called the start box. You are in front of the vehicles rather than behind them. Obviously motorbikes get away quicker at the lights and it just clears them out of the traffic. That is the key policy rationale for doing it in the first place.¹⁵³

- 8.16 The Minister further stated '[w]e formalised the permanent introduction of that rule a couple of weeks ago—three or four weeks.'¹⁵⁴

SAFETY MEASURES FOR ELECTRIC MOTORBIKES

- 8.17 The Committee about safety measures regarding electric bikes. The Minister explained:

The bike shop owners should only be selling those to a certain limit, and with many of the bikes that come out actually the electric meters cut out at 25 kilometres an hour, because it is supposed to be an assistance mode, not create a de facto motorbike. However, as you can well imagine, there are plenty of people capable of doing various things in their garage at home, and that is an issue for us.

In terms of safety equipment, you can do 70 kilometres an hour on a bicycle without a motor down the right hills. In the broad sense that issue exists irrespective of the electric motors. You are right, though, that it is an evolving area that we are going to need to monitor. Certainly the initial restriction of putting that control on them should deal with most cases, but there will be individuals who will illegally modify them.¹⁵⁵

CHANGES TO P-PLATE LEGISLATION

- 8.18 The Minister explained the process behind the P-plate changes:

We set off on that process to undertake a genuine community consultation. We took the nationally recommended standards and put them out there to the community to see what people thought. As you and others are well aware, the community was not

¹⁵³ Mr Rattenbury, *Transcript of Evidence*, 14 November 2018, p 90.

¹⁵⁴ Mr Rattenbury, *Transcript of Evidence*, 14 November 2018, p 90.

¹⁵⁵ Mr Rattenbury, *Transcript of Evidence*, 14 November 2018, p 92.

willing to accept some of those proposals that had been adopted as the national best practice.¹⁵⁶

8.19 The Committee heard details on the survey respondents; half of whom were young people from 16-24 years of age.

8.20 The Minister also noted issues about the survey:

[p]eople felt that perhaps there were not enough options on some of the questions. And there were a few places where the critique was that they would like to have had free text commentary and there was not free text commentary. Again, it is about trying to find that balance and giving a reasonably simple survey to people who feel they can take the time to do it.¹⁵⁷

8.21 The Committee further inquired about peer restrictions (between 11.00pm and 5.00am the P-plate driver will be able to carry one peer-aged passenger):

What we are trying to target there is essentially the problem of having a group of mates in the car, friends, who are using social media, who have been drinking, who are either distracting the driver or, in some extreme cases, encouraging them to do dangerous things: go faster and all those sorts of things which probably most of us experienced in our younger years when you have those peer pressure moments that might overcome your better judgement.¹⁵⁸

8.22 Answering the question about penalties or fines for breaking the late night restriction, the Minister explained that these have not been finalised but they should be similar to New South Wales - which includes financial penalty and three demerit points.¹⁵⁹

8.23 The Minister further stated:

Therefore, thinking about the measures we should put in place, we sought to prioritise the ones that had a more substantive impact. That is where things such as more driving training, mobile phone restrictions and peer passenger restrictions are seen to be much more effective.¹⁶⁰

¹⁵⁶ Mr Rattenbury, *Transcript of Evidence*, 14 November 2018, p 92.

¹⁵⁷ Mr Rattenbury, *Transcript of Evidence*, 14 November 2018, p 93.

¹⁵⁸ Mr Rattenbury, *Transcript of Evidence*, 14 November 2018, p 93.

¹⁵⁹ Mr Rattenbury, *Transcript of Evidence*, 14 November 2018, p 94.

¹⁶⁰ Mr Rattenbury, *Transcript of Evidence*, 14 November 2018, p 94.

9 REGULATORY SERVICES PORTFOLIO

- 9.1 The Committee heard from the Minister for Regulatory Services on 7 November 2018 to discuss the 2017–18 annual reports, or parts thereof, of the Justice and Community Safety Directorate and Chief Minister, Treasury and Economic Development Directorate (as they relate to the regulatory services portfolio) and the ACT Gambling and Racing Commission. Matters discussed included: Neville Stevens report on club sector¹⁶¹, community distribution scheme and small community organisations,¹⁶² clubs contribution to the community contribution scheme,¹⁶³ compliance with the greyhound racing ban,¹⁶⁴ topics discussed at the gambling harm reduction round tables,¹⁶⁵ gambling incident report data,¹⁶⁶ and in-venue support kits.¹⁶⁷

QUESTIONS

- 9.2 One question relating to the regulatory services portfolio was taken on notice at the hearing(s) of 7 November 2018. One question was submitted by a member after the hearings. The Question coverage included: club community contributions going to sporting activities, and ACT Gambling and Racing Commission staffing.

RACING AND GAMING REGULATION AND POLICY

- 9.3 Mr Gordon Ramsay MLA appeared on 7 November 2018 to discuss his responsibilities with regard to racing and gaming policy (as Attorney General) and racing and gaming regulation (as Minister for Regulatory Services).
- 9.4 Specifically, at the hearing the Committee considered the relevant parts of the Chief Minister, Treasury and Economic Development 2017–18 annual report relating to racing and gaming and the Gambling and Racing Commission 2017–18 annual report.

NEVILLE STEVENS REPORT

- 9.5 The Committee noted the Neville Stevens report and sought detail on Mr Stevens's appointment. The Committee was advised:

¹⁶¹ *Transcript of evidence*, 7 November 2018, pp 2-4.

¹⁶² *Transcript of evidence*, 7 November 2018, pp 4-5.

¹⁶³ *Transcript of evidence*, 7 November 2018, pp 5-6.

¹⁶⁴ *Transcript of evidence*, 7 November 2018, p 6.

¹⁶⁵ *Transcript of evidence*, 7 November 2018, pp 6-8.

¹⁶⁶ *Transcript of evidence*, 7 November 2018, pp 8-10.

¹⁶⁷ *Transcript of evidence*, 7 November 2018, pp 6, 9.

My recollection is that the government asked us and we talked with them about people who might have a good understanding of the ACT clubs sector and be suitable people, in terms of their background, to undertake a report. There were a number of people on the list. I recall that we approached a number of people about potential availability because we were wanting to do the report within a particular time frame. Mr Stevens was on that list. We went progressively through that list and Mr Stevens was available. We subsequently talked to him about the requirements and knowledge and he was then procured through a contract arrangement.¹⁶⁸

9.6 Answering the question about the involvement by the directorate or the commission, the Committee heard

Ms Playford: The directorate provided Neville Stevens with secretariat support, essentially—attended meetings, wrote notes, assisted him through that process.

MR PARTON: But this is the Neville Stevens report.

Ms Playford: Yes.

MR PARTON: It is not the commission or the directorate's report?

Ms Playford: No.

MR PARTON: It is the Stevens report?

Ms Playford: Yes, and it definitely was not the commission. It was the directorate who provided secretariat support to him in the work that he did.

MR PARTON: Can I get an understanding of why Mr Stevens has been re-engaged by the commission? My understanding in the first instance was that it was just going to be to provide a report. Did I misunderstand that?

Mr Ramsay: The original work was the production of the report. One of the key things was to ensure that the government received the advice. One of the core ways of operating for Mr Stevens was individual meetings with the clubs to listen very closely across the clubs sector.¹⁶⁹

9.7 The Minister continued:

What became clear as part of that was the knowledge, standing and reputation Mr Stevens developed with the clubs, with a strong sense of trust. Going through the process of what will be six significant transition times, but also helping the clubs work through what might be their best ways of moving into that transition time, the government formed the view that it would be helpful to have someone with that strong level of trust to continue to work with the clubs to help with their applications

¹⁶⁸ Ms Playford, *Transcript of evidence*, 7 November 2018, p 2.

¹⁶⁹ *Transcript of evidence*, 7 November 2018, p 3.

to government about the movement from 5,000 to 4,000 gaming machine authorisations.¹⁷⁰

9.8 Mr Parton MLA noted:

Minister, with respect, you and I must be speaking to different people—and it is actually well documented that we are speaking to different people—because that is not the feedback I am getting. The feedback I am getting is that, in the re-engagement, most of the questions being asked of Mr Stevens are being taken on notice. There is not a deep understanding and certainly that trust is not there. So I am surprised to have you sit here and say that.¹⁷¹

COMMUNITY DISTRIBUTION SCHEME AND SMALL COMMUNITY ORGANISATIONS

9.9 The Committee sought evidence relating to ‘[h]ow is the government going to ensure that small community organisations are not going to be disadvantaged by the community contribution scheme’¹⁷² In response, the Committee was told:

There are several tranches to the government’s approach to the gaming reforms that are currently on foot. One of them is the incentive package that is currently available for clubs to access in terms of their surrender of gaming machine authorisations. I can take the committee through those. Small and medium clubs will be eligible for \$12,000 of cash, and large clubs will have available to them offsets for land-related fees and charges at a rate of \$15,000 per authorisation. Small and medium clubs will have the ability to take up a higher rate of incentive. They will be able to access \$25,000 per authorisation in the offsets space.¹⁷³

9.10 The Minister further explained:

And one of the other things is that the small and medium clubs are exempted from the restrictions on the in-kind donations because of the close relationship that exists between the clubs and community groups. So there are a range of things, both in terms of the legislation that I introduced last week and in the previous reforms, that are seeking to ensure support for small and medium clubs, which are in many ways small organisations by definition.¹⁷⁴

¹⁷⁰ Mr Ramsay, *Transcript of evidence*, 7 November 2018, pp 3-4.

¹⁷¹ Mr Parton MLA, *Transcript of evidence*, 7 November 2018, p 4.

¹⁷² Ms Cody MLA, *Transcript of evidence*, 7 November 2018, p 4.

¹⁷³ Mr Ng, *Transcript of evidence*, 7 November 2018, p 4.

¹⁷⁴ Mr Ramsay, *Transcript of evidence*, 7 November 2018, p 5.

9.11 The discussion continued about the difference between the casino and the clubs in relation to the community contribution scheme:

MS CODY: With the community contribution scheme, for every dollar that goes into a poker machine, a percentage of that goes back to the community. For every dollar you spend at the casino, where does that money go?

Mr Snowden: The difference between the casino and the clubs is that the clubs model is based on community clubs; the casino is a private business model. The casino, of its own volition, makes a contribution to the community contribution scheme of \$50,000 per annum.

MS CODY: So you do not necessarily keep track of how much profit they make on their card games, their spinning wheels and—

Mr Snowden: It is reported. They are a public company, so that information is absolutely reported annually in their annual reports.

MS CODY: What about for every dollar you spend, say, on betting on a horse? We had the Melbourne Cup yesterday.

Mr Snowden: Tabcorp contributes to the community contribution scheme the same amount: \$50,000 per annum.¹⁷⁵

¹⁷⁵ Transcript of evidence, 7 November 2018, p 5.

10 POLICE AND EMERGENCY SERVICES PORTFOLIO

- 10.1 The Committee heard from the Minister for Police and Emergency Services on 14 November 2018 to discuss the 2017–18 annual reports, or parts of the Justice and Community Safety Directorate (as it relates to the police and emergency services portfolio) and ACT Policing (and its subsidiary reports).
- 10.2 Matters discussed included: the long timeframe to inform the public and seek their assistance with crime investigations (delays relating to relevant footages or images to seek public assistance with investigations)¹⁷⁶ update on Taskforce Nemesis and outlaw motorcycle gang activities,¹⁷⁷ search warrants and controlled operation warrants,¹⁷⁸ illicit drug seizures made by ACT Policing,¹⁷⁹ FTEs for ACT Policing, especially relation sworn police officers,¹⁸⁰ a purchase agreement with the AFP,¹⁸¹ policing services model,¹⁸² welfare of police officers,¹⁸³ usage of conducted energy weapons (tasers),¹⁸⁴ public safety and safety of women,¹⁸⁵ details on Taskforce Titus,¹⁸⁶ hazard reduction burns,¹⁸⁷ bushfire survival plan and message texting,¹⁸⁸ ambulance service staff trainings,¹⁸⁹ bushfire aerial resources during current incidents¹⁹⁰ alternative care pathways provided in other jurisdictions,¹⁹¹ ambulance station locations across the ACT and minimum crewing levels for ambulance,¹⁹² and response time for fire service regarding to a recent Denman Prospect fire.¹⁹³

QUESTIONS

- 10.3 Eleven questions relating to the police and emergency services portfolio were taken on notice at the hearing(s) of 8 November 2017. Nine questions on notice (each with multiple parts)

¹⁷⁶ *Transcript of evidence*, 14 November 2018, pp 123-125.

¹⁷⁷ *Transcript of evidence*, 14 November 2018, pp 126-127, 129-132.

¹⁷⁸ *Transcript of evidence*, 14 November 2018, pp 128-129.

¹⁷⁹ *Transcript of evidence*, 14 November 2018, pp 131-132.

¹⁸⁰ *Transcript of evidence*, 14 November 2018, pp 133-136.

¹⁸¹ *Transcript of evidence*, 14 November 2018, pp 136-137.

¹⁸² *Transcript of evidence*, 14 November 2018, pp 137-138.

¹⁸³ *Transcript of evidence*, 14 November 2018, pp 138-140.

¹⁸⁴ *Transcript of evidence*, 14 November 2018, pp 140-141.

¹⁸⁵ *Transcript of evidence*, 14 November 2018, pp 141-142.

¹⁸⁶ *Transcript of evidence*, 14 November 2018, pp 142-144.

¹⁸⁷ *Transcript of evidence*, 14 November 2018, pp 144-146, 151-153.

¹⁸⁸ *Transcript of evidence*, 14 November 2018, pp 147-148.

¹⁸⁹ *Transcript of evidence*, 14 November 2018, pp 148-149.

¹⁹⁰ *Transcript of evidence*, 14 November 2018, pp 149-150.

¹⁹¹ *Transcript of evidence*, 14 November 2018, pp 153-155.

¹⁹² *Transcript of evidence*, 14 November 2018, pp 155-158.

¹⁹³ *Transcript of evidence*, 14 November 2018, pp 156-157.

were submitted by members following the hearing(s). The Question coverage included: OMCG incidents, helicopters assistance to Pierces Creek fire, Denman Prospect fire, ACTAS minimum crewing levels, data on prescribed burns, upgrade to Majura SES site, second Bronto (an aerial pumper) purchase and incidents involving the Bronto, SouthCare Helicopter Service, public appeals for information relating to a crime, KPIs in the ACT Policing media and engagement branch, overtime payments for ComCen staff, conducted electrical weapons (tasers), police raids, light rail incidents, assistance to victims of crimes, and the retrial of Mr David Eastman.

ACT EMERGENCY SERVICES

HAZARD REDUCTION BURNS

- 10.4 The Committee noted that a number of prescribed burns scheduled for the 2017–18 reporting period were not completed due to unsuitable weather. In effect this translated into 75.7 per cent of the area proposed was not burnt. This follows the 2016-17 year, when 93 per cent of the area identified for burns were not completed. The ESA Commissioner confirmed that the prescribed burns program was a ‘rolling program’ and ‘everything is just so weather and location dependent’.¹⁹⁴
- 10.5 The ESA Commissioner further explained that they worked with EPSDD colleagues on the formulation of the overall bushfire operational plan with a main focus on areas of greatest priority such as farms, community, urban infrastructure and other significant assets but they can’t control decision-making around burns:

We always work with EPSDD on those as priorities, but those broader landscape burns are very important in the reduction of the overall risk. I am certainly convinced—and the science shows—that they assist. It is just, as you know, very weather dependent.¹⁹⁵

- 10.6 After discussing the case of the Pierces Creek fire, the ESA Commissioner provided an overview of the benefits of the three-alert level system stating:

One of the benefits of the three-alert level system, interestingly, is that in a national space we are looking to go to an all hazards approach—whether it is a storm, whether it is a cyclone or whether it is a flood.¹⁹⁶

¹⁹⁴ Mr Lane, *Transcript of evidence*, 14 November 2018, p 145.

¹⁹⁵ Mr Lane, *Transcript of evidence*, 14 November 2018, p 145.

¹⁹⁶ Mr Lane, *Transcript of evidence*, 14 November 2018, p 146.

Recommendation 22

- 10.7 **The Committee recommends that the ACT Government examine and assess the current ability of ACT Emergency Services to monitor and fine tune the Bushfire Operational Plan (BOP) so as to achieve the highest possible level of planned burns and that options be assessed to increase the number and area of BOP burns to be undertaken on any given day, if and when conditions are deemed and considered appropriate.**

AMBULANCE STATION LOCATIONS ACROSS THE ACT

- 10.8 The Committee heard evidence that there are eight ambulance stations across the ACT including Dickson and Woden staffed with two crews across 24 hours and Belconnen and Greenway with two crews during afternoons and evenings only, further noting that numbers can rise and fall according to demand.
- 10.9 The Committee noted that ‘there is one area lacking extra resources, and that is Gungahlin’¹⁹⁷ which is similar in size to both Belconnen and Tuggeranong, both with extra services. The Committee also noted that Gungahlin area has some traffic issues causing delays for emergency vehicles. To answer that question, the Minister explained that ‘the closest vehicle to the incident would be dispatched, when available’¹⁹⁸. The ESA further stated:

I would accept that that is clearly going to have an impact on a response time if you are trying to get a car either in or out of Gungahlin. It may not necessarily be solved by putting another vehicle at Gungahlin because as soon as there is a job in Belconnen, if that is the closest vehicle, it will still respond to Belconnen. The idea of placing a vehicle in a particular area—it is not fixed to that area. We do not ring-fence vehicles.¹⁹⁹

- 10.10 In further discussion on that matter followed:

MR PETTERSSON: I understand that. If there is no rationale behind where they are located—what you are saying is that it does not matter what station they are located at—what is to stop you moving one of those ambulance crews to Gungahlin?

Mr Wren: We would. For example, if—

THE CHAIR: You mean permanently?

MR PETTERSSON: Yes.

Mr Wren: Yes. If the Gungahlin vehicle goes out—it is actually seeing a patient in Gungahlin and there is no availability, and we still have two crews at Belconnen who are not busy, which would not be common—then the deployment plan would say, “We

¹⁹⁷ Mr Pettersson MLA, *Transcript of evidence*, 14 November 2018, p 155.

¹⁹⁸ Mr Gentleman, *Transcript of evidence*, 14 November 2018, p 156.

¹⁹⁹ Mr Wren, *Transcript of evidence*, 14 November 2018, p 156.

have a gap here,” and we would move a vehicle back there. Resources move around constantly like pieces on a chessboard, but at times when we are busy then they are all moving.

THE CHAIR: But it may, in fact, in the future be a place to put an additional crew.

Mr Wren: I would hope so, yes.²⁰⁰

Recommendation 23

10.11 That immediate consideration be given to providing an additional ambulance to the current ambulance service provided in Gungahlin.

Recommendation 24

10.12 That a fire station and emergency services station be planned and constructed for the Molonglo area as soon as possible.

ACT POLICING

CPO OPENING STATEMENT

10.13 The Chair welcomed Assistant Commissioner Ray Johnson, new Chief Police Officer (CPO), who made a brief statement about his appointment:

I feel very privileged to have this opportunity to return to ACT Policing and protecting the ACT community. I look forward to building on the work of Justine Saunders, my predecessor.²⁰¹

10.14 Minister for Police and Emergency Services, Mr Gentleman, congratulated Assistant Commissioner Johnson on his appointment as CPO.

10.15 The Committee further heard a summary made by CPO on ACT Policing performance:

I am pleased to report ACT Policing performed strongly against the purchase agreement in the past financial year, with 17 of the 21 performance measures achieved and 13 of 17 indicators of effectiveness achieved. That said, we continually strive to improve where we can whilst also preparing for the future.²⁰²

²⁰⁰ *Transcript of evidence*, 14 November 2018, p 156.

²⁰¹ Asst Commissioner Johnson, *Transcript of evidence*, 14 November 2018, p 122.

²⁰² Asst Commissioner Johnson, *Transcript of evidence*, 14 November 2018, pp 122-123.

10.16 The CPO further advised the Committee about a service model review

In response to the increase in demand for policing services in an ever more complex operating environment, ACT Policing has continued to evolve and adapt. I want to ensure that ACT Policing continues to meet the challenges of today whilst preparing for the future.

To support this goal, ACT Policing's futures program has developed an enhanced service delivery model concept and long-term accommodation plan. This review of the service model will deliver a sustainable, efficient and effective police service to the community now and in the future. While this is a long-term project, a number of initiatives for the future program have already been delivered, including the new mobile communications platform for ACT police officers to improve the responsiveness and provide greater flexibility.²⁰³

POLICE OFFICERS' WELFARE

10.17 The Chief Police Officer acknowledged:

I know that our officers work hard and that they work above and beyond all the time for their community. The place I was going is the fact that trying to shape the way we do policing in the future is a conversation that we are having internally.²⁰⁴

I also intend to focus on the support for and leadership of our police and professional staff who step up to the challenge of policing every day. The health and wellbeing of ACT Policing staff is of the greatest interest to me, and I intend to work relentlessly with the AFP nationally to improve our response to the wellbeing and care of our staff so that they can continue to do their difficult job every day.²⁰⁵

10.18 The Minister further noted:

ACT Policing does recognise, of course, the stress factors of community policing. They have established an early intervention and support strategy for police members. There are three dedicated police officers performing welfare officer functions who provide support to members affected by stress of work or personal pressures and, where appropriate, refer members to further assistance as well. There is an ACT Policing welfare officer available 24/7 where welfare assistance is needed. In August 2018, AFP organisational health commenced a pilot wellbeing program with a number of ACT Policing teams as well as broader AFP teams that encourages members to seek early assistance. So we are trying to support them in that operational role.²⁰⁶

²⁰³ Asst Commissioner Johnson, *Transcript of evidence*, 14 November 2018, p 123.

²⁰⁴ Asst Commissioner Johnson, *Transcript of evidence*, 14 November 2018, p 138.

²⁰⁵ Asst Commissioner Johnson, *Transcript of evidence*, 14 November 2018, p 123.

²⁰⁶ Mr Gentleman, *Transcript of evidence*, 14 November 2018, p 138.

10.19 The CPO also admitted that ‘we have come a long way in the past couple of years in trying to remove the stigma from people talking about mental health’ as a positive trend in the right direction.²⁰⁷ ACT Policing further informed the Committee:

We have a very strong welfare officer network across the AFP and in ACT Policing, which sits with Commander Chew. He and I meet with the welfare officers on a monthly basis, as has been instigated, for briefings and discussion in relation to some of those issues that are coming through.

There is certainly acknowledgement that the members are working very hard. But from my own experience of talking to the members I would say that morale is quite good. They are working hard but they feel supported.²⁰⁸

Recommendation 25

10.20 The Committee recommends that the agreement between the ACT and the AFP ensure that a high level of focus is directed to the mental health of the members of the AFP, and welfare be measured and compared in each annual report of the AFP.

WOMEN SAFETY

10.21 Ms Cheyne MLA mentioned discussions with the Minister for Women and previous CPO during annual report hearings and last estimate about ANZPAA national surveys of community satisfaction asking about assurance that works on the issue about ANZPAA data and women safety more broadly will continue. The CPO agreed stating:

I have a personal commitment to work as hard as I can on the safety of women in our community and on combating family and domestic violence. ACT Policing, much more broadly, have the same commitment. I am sure somebody will have the detail, but I am aware that we have seen, in terms of the survey, some improvement in the sense of safety for women within the ACT, which I take as a really positive thing.²⁰⁹

10.22 The discussion continued:

THE CHAIR: If I understood correctly, the Minister said to one of the committees in annual reports on this topic that there is a federal policing statistic about women feeling safe after dark, which is collected nationally and then broken down by state.

Ms Playford: Yes.

MS CHEYNE: Yes, by ANZPAA.

²⁰⁷ Asst Commissioner Johnson, *Transcript of evidence*, 14 November 2018, p 139.

²⁰⁸ Cmrda Walters, *Transcript of evidence*, 14 November 2018, pp 139-140.

²⁰⁹ Asst Commissioner Johnson, *Transcript of evidence*, 14 November 2018, pp 141-142.

THE CHAIR: There is no minister in the ACT who has responsibility for it, but it still appears in annual reports and then we ask questions about it, so the Minister for Women feels like she is left answerable for a number that she does not collect. Nonetheless it reflects, obviously, how some women are feeling in the ACT.

MS CHEYNE: Yes, and just for everyone's reference, it is recommendation 104 from the estimates committee, which the government did agree to.²¹⁰

Recommendation 26

10.23 The Committee recommends that programs for the protection of women in the ACT ensure women are enabled to feel safer when out at night.

²¹⁰ Transcript of evidence, 14 November 2018, pp 141-143.

11 ACT OFFICIAL VISITOR SCHEME

11.1 The Committee heard from the Official Visitor for Disability Services on 14 November 2018.

11.2 Matters discussed included: the role of official visitors²¹¹ and systemic concerns noted within the annual report.²¹²

SYSTEMIC CONCERNs NOTED WITHIN THE ANNUAL REPORT

11.3 To answer question about the role, the official explained ‘we visit people who live in long-term residential accommodation and respite services’²¹³

In terms of the standard of care that is being provided to people in the community, it is generally very good; we have very few complaints. When we deal with complaints, we just deal with them on the ground and, hopefully, resolve them at the time. If they are more complex, we refer them to other authorities like the disability services commissioner or the Public Advocate. There is nothing major that we have of concern, but we noted in our annual report some areas of systemic concern.²¹⁴

11.4 Those concerns included:

- organisations are not required by legislation to update a number of residential places which should be visited by the human services registrar or department
- legislation requires us to provide 24 hours written notice prior a visit – that provision is only applied in the disability area
- official visitors do not have a right to view documents – they have to get consent to see records
- reporting of unsuitable people working with people with disabilities to the working with vulnerable people scheme is not mandatory

Recommendation 27

11.5 **The Committee recommends that steps be taken to remove the requirement for 24 hours' notice for visits by the Official Visitor for Disability Services Visitor having regard to the requirements applicable to other ACT Official Visitors.**

²¹¹ *Transcript of Evidence*, 14 November 2018, p 73.

²¹² *Transcript of Evidence*, 14 November 2018, pp 73-74.

²¹³ Ms Durkin, *Transcript of Evidence*, 14 November 2018, p 74.

²¹⁴ Ms Durkin, *Transcript of Evidence*, 14 November 2018, p 73.

Recommendation 28

- 11.6 **The Committee recommends that steps be taken to review the current requirement for the Official Visitor for Disability Services to obtain consent to view records in residences visited by the Official Visitor.**

Recommendation 29

- 11.7 **The Committee recommends that a mechanism be developed which will enable the Official Visitor for Disability Services to work with organisations providing disability support so the Official Visitor for Disability Services can make sure personnel found to be unsuitable for work in disability support services do not take up repeat employment in disability support.**
- 11.8 **The Committee also recommends that the Official Visitor for Disability Services be empowered to follow up cases of personnel unsuitable for work in disability support services without breaching the privacy of the individuals involved.**

12 CONCLUSION

- 12.1 The Committee has made 29 recommendations in relation to its inquiry into 2017–18 Annual and Financial reports. The Committee would like to thank Ministers and accompanying directorate and agency staff, and members of governing boards, for their time and cooperation during the course of the inquiry process.

Mrs Giulia Jones MLA

Chair

21 March 2019

APPENDIX A - WITNESSES

7 NOVEMBER 2018

Mr Gordon Ramsay MLA—Attorney General and Minister for Regulatory Services

- Ms Alison Playford, Director-General, Justice and Community Safety Directorate (JACSD);
- Mr Richard Glenn, Deputy Executive Director, JACSD;
- Mr David Pryce, Deputy Director-General, Community Safety, JACSD;
- Ms Karen Greenland, Deputy Executive Director, Legislation, Policy and Programs, JACSD;
- Mr Daniel Ng, Acting Deputy Executive Director, Legislation, Policy and Programs, JACSD;
- Ms Kristin Leece, Acting Chief Solicitor, ACT Government Solicitor's Office, JACSD;
- Mr Philip Kellow, Principal Registrar, ACT Courts and Tribunal, JACSD;
- Mr Lloyd Esau, Director Major Projects, Infrastructure Finance, CMTEDD; and
- Mr David Snowden, Chief Executive Officer, Gambling and Racing Commission.

Office of the ACT Director of Public Prosecutions

- Mr Jon White SC—Director of Public Prosecutions

14 NOVEMBER 2018

ACT Electoral Commission

- Mr Damian Cantwell, Electoral Commissioner, ACT Electoral Commission; and
- Mr Rohan Spence, Deputy Electoral Commissioner, ACT Electoral Commission.

ACT Human Rights Commission

- Dr Helen Watchirs, Human Rights and Discrimination Commissioner, Human Rights Commission;
- Ms Karen Toohey, Discrimination, Disability, Health and Community Services Commissioner, Human Rights Commission; and
- Ms Heidi Yates, Victims of Crime Commissioner, Victim Support ACT, Human Rights Commission.

Legal Aid ACT

- Dr John Boersig, Chief Executive Officer, Legal Aid Commission; and
- Mr Brett Monger, Chief Finance Officer, Legal Aid Commission.

ACT Official Visitor Scheme

- Ms Mary Durkin, Official Visitor for Disability Services.

Public Trustee and Guardian

- Mr Andrew Taylor—Public Trustee and Guardian; and
- Ms Joanne Thompson—Director of Finance Unit.

Inspector of Correctional Services

- Mr Neil McAllister—Inspector of Correctional Services.

Sentence Administration Board of the Australian Capital Territory

- Ms Laura Beacroft, Chair, Sentence Administration Board of the Australian Capital Territory.

Mr Shane Rattenbury MLA—Minister for Justice, Consumer Affairs and Road Safety

- Ms Alison Playford, Director-General, JACSD;
- Mr David Pryce, Deputy Director-General Community Safety, JACSD;
- Mr Daniel Ng, Acting Deputy Executive Director, Legislation, Policy and Programs, JACSD;
- Ms Alison Lutz, Manager Restorative Justice Unit, Legislation, Policy and Programs, JACSD;
- Mr Andrew McIntosh, Director Justice Planning and Safety Programs, Legislation, Policy and Programs, JACSD;
- Dr Kim Hosking, Director, Road Safety and Transport Regulation, Legislation, Policy and Programs, JACSD;
- Dr Nova Inkpen, Acting Director, Justice Reinvestment Unit, Legislation, Policy and Programs, JACSD; and
- Mr David Snowden, Chief Operating Officer, Access Canberra, CMTEDD.

Mr Shane Rattenbury MLA—Minister for Corrections and Justice Health

- Mr Jon Peach, Executive Director, ACT Corrective Services, JACSD;
- Mr Mark Bartlett, Senior Manager, Offender Services & Corrections Programs, ACT Corrective Services, JACSD;

- Mr Ashan Ponniah, General Manager, Community Corrections and Release Planning, ACT Corrective Services, JACSD; and
- Ms Therese Goodman, Director, Corporate Services, ACT Corrective Services, JACSD.

Mr Mick Gentleman MLA—Minister for Police and Emergency Services

- Mr Dominic Lane, Commissioner, ACT Emergency Services Agency, JACSD;
- Ms Alison Playford, Director-General, JACSD;
- Mr David Pryce, Deputy Director-General Community Safety, JACSD;
- Mr Howard Wren, Chief Officer, ACT Ambulance Service, ACT Emergency Services Agency, JACSD;
- Assistant Commissioner Ray Johnson, Chief Police Officer, ACT Policing; and
- Commander Mark Walters, Deputy Chief Police Officer, ACT Policing.

APPENDIX B – QUESTIONS TAKEN ON NOTICE/ QUESTIONS ON NOTICE

Questions taken on Notice 7 November 2018

No.	Asked by	Directorate/ Portfolio	Subject	Answer date
1	Mrs Jones MLA	Attorney-General	National Redress Scheme	No dated
2	Mrs Jones MLA	Minister for Disability	Disability Justice Strategy	No dated
3				
4	Mrs Jones MLA	Attorney-General	Modelling on decision for an 8 th magistrate.	19.12.2018
5	Mr Hanson MLA	Attorney-General	Change in sentencing patters since opening of AMC	No dated
6	Mr Hanson MLA	Minister for Corrections and Justice Health	Terms of References for the review actioned by Dr Bartels	No dated
7	Mr Hanson MLA	Attorney-General	Safer Communities – breakdown of incidence between DFV and other forms of violent offences	6.12.2018
8	Mr Hanson MLA	Attorney-General	ACT Crime Trends and other jurisdiction	27.11.2018

No.	Asked by	Directorate/ Portfolio	Subject	Answer date
9	Mr Hanson MLA	Attorney-General	Serious and organised crime legislation	No dated
10	Mr Hanson MLA	Attorney-General	Savings measures	No dated
11	Ms Cody MLA	Attorney-General	Ministerial Board appointments	No dated
12	Ms Cody MLA	Director of Public Prosecutions	Prosecutions for theft boss from employee /employee from boss.	13.11.2018
12a	Ms Cody MLA	Regulatory Services	Expenditure on Men's/Women's sport	22.11.2018

Questions taken on Notice 14 November 2018

No.	Asked by	Directorate/ Portfolio	Subject	Answer date
13	Ms Cody MLA	Legal Aids ACT	Breakdown of Legal Aid Grant Assistance	No dated
14	Ms Le Couteur MLA	Legal Aids ACT	Legal Aid - Assistance in sexual assault matters	No dated
15	Mrs Jones MLA	Public Trustee and Guardian	Investment policy	No dated
16	Mrs Jones MLA	Public Trustee and Guardian	PT & G – Review Officers Board	No dated
17	Mr Hanson MLA	Public Trustee and Guardian	Reviews – the Yellow Edge and Mercer	20.11.2018
18				

No.	Asked by	Directorate/ Portfolio	Subject	Answer date
19	Mr Pettersson MLA	Justice, Consumer Affairs and Road Safety	Gift cards	26.11.2018
20	Mr Hanson MLA	Justice, Consumer Affairs and Road Safety	Charter of Rights for Victims of Crimes	No dated
21	Ms Cody MLA	Justice, Consumer Affairs and Road Safety	Motorbike lane filtering trial	No dated
21a	Mrs Jones MLA	Justice, Consumer Affairs and Road Safety	The Sex Work Act	26.11.2018
22	Mr Pettersson MLA	Justice, Consumer Affairs and Road Safety	Crashes and HP vehicles	6.12.2018
23				
24	Mrs Jones MLA	Corrections	Public info sessions held since opening of AMC and how often are they conducted	30.11.2018
25				
26	Mrs Jones MLA	Corrections	Recovery of costs for plaintiff	11.12.2018
27	Mrs Jones MLA	Corrections	Board membership and training provided to members	25.11.2018
28	Mrs Jones MLA	Corrections	Success rate of parole (ACT SAB); interstate prison transfers to AMC	30.11.2018

No.	Asked by	Directorate/ Portfolio	Subject	Answer date
29	Mrs Jones MLA	Police and Emergency Services	Appeal for public info regarding a crime	No dated
30				
31	Mrs Jones MLA	Police and Emergency Services	Employees in Media and engagement branch	No dated
32				
33	Mrs Jones MLA	Police and Emergency Services	OMCG incidents in the ACT – outcomes	5.12.2018
34	Mr Pettersson MLA	Police and Emergency Services	Police raids - Nemesis	No dated
35	Mrs Jones MLA	Police and Emergency Services	OMCG Turf Wars	23.11.2018
36	Mrs Jones MLA	Police and Emergency Services	Tattoo parlours	No dated
37	Ms Cody MLA	Police and Emergency Services	Conducted electrical weapons	No dated
38				
39	Mrs Jones MLA	Environment and Heritage	Burning off program	No dated
40	Ms Cody MLA	Police and Emergency Services	Overtime for ComCen staff	No dated
41	Mr Pettersson MLA	Police and Emergency Services	Helicopters and Pierce's creek fire	No dated
42	Mrs Jones MLA	Police and Emergency Services	ACTF&R response to house fire	No dated

No.	Asked by	Directorate/ Portfolio	Subject	Answer date
43	Mrs Jones MLA	Police and Emergency Services	ACTAS Minimum crewing levels	No dated
44	Mrs Jones MLA	Environment and Heritage	Achieving optimum burning off	No dated
45				
46	Mr Pettersson MLA	ACT Electoral Commission	Notification of members – review or confirmation as member of a political party	20.11.2018

Questions on Notice

No.	Dated	Asked by	Directorate/ Portfolio	Subject	Answer date
1	21.11.2018	Le Couteur MLA	Police and Emergency Services	Upgrade to Majura SES site	No dated
2	21.11.2018	Ms Le Couteur MLA	Human Rights Commission – Victims of Crime Commissioner	Assistance to victims of crime	5.12.2018
3	21.11.2018	Ms Le Couteur MLA	Legal Aid ACT	Additional Resources for Legal Aid ACT	5.12.2018
4	20.11.2018	Mrs Jones MLA	Corrections	Reduce recidivism goals	11.12.2018
5	20.11.2018	Mrs Jones MLA	Police and Emergency Services	Bronto maintenance	5.12.2018

No.	Dated	Asked by	Directorate/ Portfolio	Subject	Answer date
6	20.11.2018	Mrs Jones MLA	Police and Emergency Services	Bronto - incidents	No dated
7	20.11.2018	Mrs Jones MLA	Police and Emergency Services	Lack of prescribed burning	
8	20.11.2018	Mrs Jones MLA	Police and Emergency Services	Procurement of second Bronto	5.12.2018
9	20.11.2018	Mrs Jones MLA	Police and Emergency Services	Responses to light rail incidents	11.12.2018
10					
11	20.11.2018	Mrs Jones MLA	Police and Emergency Services	Southcare helicopter services	No dated
12	20.11.2018	Mrs Jones MLA	Police and Emergency Services	JACSD Annual Report (p 373) - training	
13	20.11.2018	Mrs Jones MLA	Police and Emergency Services	Terminology 'Police' and 'Sworn Officers'	3.12.2018
14	20.11.2018	Mrs Jones MLA	Police and Emergency Services	Retrial of Mr David Eastman	5.12.2018
15	20.11.2018	Mrs Jones MLA	Corrections	Contraband	11.12.2018
16	20.11.2018	Mrs Jones MLA	Corrections	Inappropriate relationships between AMC staff and inmates	11.12.2018

No.	Dated	Asked by	Directorate/ Portfolio	Subject	Answer date
17	20.11.2018	Ms Cody MLA	ACT Human Right Commission	Staff working at ACT HRC	4.12.2018
18	20.11.2018	Ms Cody MLA	Legal Aid ACT	Staff in legal Aid ACT	5.12.2018
19	20.11.2018	Ms Cody MLA	Police and Emergency Services	Working arrangements and staff profile – ACT Policing	5.12.2018
20	20.11.2018	Ms Cody MLA	Police and Emergency Services	Emergency Services - staffing	
21	8.11.2018	Ms Cody MLA	Director of Public Prosecutions	DPP – hours and staffing profile	4.12.2018
22	8.11.2018	Ms Cody MLA	Regulatory Services	ACT G & Racing Commission – hours and staffing profile	5.12.2018
23		Ms Cody MLA	Justice, Consumer Affairs and Road Safety	Power to weight ratio – ACT cars	6.12.2018
23	8.11.2018 AGDLO (28 11)	Ms Cody MLA	Attorney-General	JACSD - staffing	