

**The 1999-00 Annual and Financial Reports  
of the Department of Justice and  
Community Safety and Related Agencies**

**Report Number 12**

Standing Committee on Justice and Community Safety

February 2001



## **Committee membership**

Paul Osborne MLA (Chair)

John Hargreaves MLA (Deputy Chair)

Harold Hird MLA

Trevor Kaine MLA

Secretary: Fiona Clapin

## **Resolution of appointment**

That—

The following general purpose standing committees be established to inquire into and report on matters referred by the Assembly or, matters that are considered by the committee to be of concern to the community...

...a Standing Committee on Justice and Community Safety to examine matters related to administration of justice, legal policy and services, registrar and regulatory services, electoral services, consumer affairs, corrective, emergency and police services and fair trading and any other related matter .

ACT Legislative Assembly Hansard/Minutes.

## **Terms of reference**

That the annual and financial reports for the financial year 1999-00 be referred to the relevant committee for inquiry and report by the first sitting day in February 2001. ( 7 September 2000)



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# **SUMMARY OF RECOMENDATIONS**

## **Recommendation 1**

**The committee recommends that:**

**(i) the Government consider revising the performance target for random breath testing in the Purchase Agreement so it is more outcome focused rather than activity-based; and**

**(ii) future annual reports include numbers of random breath tests conducted each month by type of road.**

## **Recommendation 2**

**The committee recommends that future AFP annual reports list the criteria by which appeals to the Chief Police Officer requesting the dismissal of traffic offences are assessed.**

## **Recommendation 3**

**The committee recommends that the AFP ensure appropriate resources are allocated for analysis of accident severity data.**

## **Recommendation 4**

**The committee recommends that the 2000-01 AFP annual report include data relating to every performance measure in the AFP Purchase Agreement.**

## **Recommendation 5**

**The committee recommends that annual reports relating to the Department of Justice and Community Safety and related agencies should include details of what was achieved in relation to each goal and target specified in the Budget Papers for that financial year.**

## **Recommendation 6**

**The committee recommends that the 2000-01 annual report of the Department of Justice and Community Safety include considerably more information on the Victims Services Scheme including:**

- **number of clients per year by number of sessions, and type of contact (telephone or face to face, massage or social work etc); and**
- **number of sessions with private practitioners.**

## **Recommendation 7**

**The committee recommends that the 2000-01 annual report of the Department of Justice and Community Safety include data on the Victims Services Scheme for 1999-00 financial year in addition to 2000-01 data.**

## **Recommendation 8**

**The committee recommends that the ACT Government consider changing the eligibility criteria for assistance under the Victims Services Scheme to include those ACT residents affected by crimes which occurred outside the ACT.**

## **Recommendation 9**

**The committee recommends that the Quamby gymnasium project be fast-tracked with funds allocated in the 2000-01 budget to ensure construction begins as soon as possible.**

### **Recommendation 10**

**The committee recommends that the ACT Government provide a cost estimate for construction of an ACT prison/remand centre.**

### **Recommendation 11**

**The committee recommends that the Government conduct probity checks on all current consultants employed on the prison project and on any future consultants, prior to their engagement.**

### **Recommendation 12**

**The committee recommends that the ACT Government allocate appropriate resources to implement suggestions made by Children's Magistrate Madden.**

### **Recommendation 13**

**The committee recommends that the Government provide the Standing Committee on Justice and Community Safety with a copy of the report which reviewed the Periodic Detention Centre.**

### **Recommendation 14**

**The committee recommends that the Government provide the committee with information on the unmet need for drug rehabilitation programs in the ACT.**

### **Recommendation 15**

**The committee recommends that the Government provide the committee with a copy of the MOU with the Privacy Commissioner.**

### **Recommendation 16**

**The committee recommends that all justice internet sites include up to date annual reports, ownership agreements, purchase agreements and progress reports against purchase agreements.**

### **Recommendation 17**

**The committee recommends that the ACT Government provide positive incentives to encourage the production of high-quality reports by establishing a competition which assesses all ACT Government annual reports and rewards departments and agencies responsible for producing the best reports.**

# 1. Introduction

1.1. On 7 September 2000 the Legislative Assembly referred annual and financial reports for 1999-00 to relevant committees for inquiry and report.

1.2. The following reports were examined by the Standing Committee on Justice and Community Safety:

- Department of Justice and Community Safety, volumes 1 and 2;
- ACT Ombudsman;
- Australian Federal Police;
- ACT Legal Aid Commission;
- Community Advocate;
- ACT Human Rights Office;
- Victims of Crime (Financial Assistance) Act 1983;
- Public Trustee;
- Director of Public Prosecutions;
- ACT Electoral Commission.

1.3. In addition, the committee examined comments made in the annual report of the Federal Privacy Commissioner<sup>1</sup> concerning the ACT Government.

1.4. Public hearings were held on Monday 13 November and Tuesday 14 November. During the hearings committee members questioned the relevant Minister<sup>2</sup> and officials on aspects of some of the reports.

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<sup>1</sup> Federal Privacy Commissioner, the Operation of the Privacy Act Annual Report 1 July 1999-30 June 2000.

<sup>2</sup> As the public hearings occurred soon after a ministerial reshuffle, both Bill Stefaniak MLA and Gary Humphries MLA answered questions.

1.5. The opportunity to question officials is particularly useful as it gave committee members a chance to discover details not available in other forums or publications.

1.6. When examining the reports, the committee looked for transparency of information, user-friendliness and adherence to the *Chief Minister's Annual Reports Directions for 1999-2000*. The committee appreciated the candour of those who reported problems and failures and suggested solutions to rectify these problems. (eg Victims of Crime Co-ordinator, Director of Public Prosecutions, Official Visitor, Community Advocate)

1.7. Each internet site was checked to ensure the 1999-00 annual report was available. The committee also checked the reports for evidence of implementation of the recommendations made in its report on 1998-99 reports.

1.8. In addition to making recommendations relating to the quality of information provided in reports, the committee has made recommendations aimed at improving departmental and agency performance.

1.9. In the interests of transparency, the answers to selected questions asked on notice are included in the Appendix of this report.

## 2. The 1999-2000 annual and financial reports

### The Australian Federal Police

2.1. The committee was pleased to see the quality of the AFP report had improved from the previous year. The report is easy to read and contains useful information. Much of the data presented includes comparative data for at least one other year thus making it possible to ascertain variations.

### Random breath tests

2.2. The number of random breath tests conducted in 1999/00 fell from 103,936 in 1998-99 to 79,599 in 1999-00.<sup>3</sup>

2.3. The report suggests that the fall in random breath tests was attributable to a diversion of police resources to major property crime investigations and special events.<sup>4</sup>

2.4. The committee has some concern about the drop in random breath testing. It is important that ACT drivers see and preferably experience random breath tests so they are deterred from drink driving.

2.5. The number of random breath tests conducted during 2000-2001 will need to increase significantly if the AFP is to meet its performance target of 105,000 tests per annum.<sup>5</sup>

2.6. Recently *The Canberra Times* reported that 'in order to meet RBT quotas police go out in peak traffic en masse to get numbers for numbers sake.'<sup>6</sup> According to *The Canberra Times* the AFPA is seeking to remove or modify provision in the purchasing agreement.<sup>7</sup> The committee

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<sup>3</sup> Department of Justice and Community Safety, Annual Report 1999-00, p47.

<sup>4</sup> *ibid*

<sup>5</sup> The new *Purchase Agreement between the ACT Minister for Justice and Community Safety and the Chief Police Officer for the ACT for the Provision of Policing Services to the ACT* includes a target of 105,000 random breath tests to be conducted per year.

<sup>6</sup> *The Canberra Times*, Sunday 4 February 2001, p1.

<sup>7</sup> *ibid*

recognises that the performance target of 105,000 may need to be refined so it encourages the outcome of fewer people drink driving rather than just measuring activity.

2.7. Having a target of 105,000 tests to be conducted each year probably does lead to more mass testing on major roads rather than targeted testing of smaller numbers of people on minor roads. The Government could consider refining this RBT target by reducing the total number of tests but including a component for the number of tests conducted on minor suburban roads.

2.8. It would be useful if future annual reports included more detail on random breath testing. For example a breakdown showing the proportion of random breath tests conducted on major arterial roads compared with those conducted on minor suburban streets would be of interest. Information on the number of tests conducted each month would also be useful. It is important that random breath tests are not just concentrated in certain times of the year, such as Christmas, but currently the annual report does not provide enough information to test this.

2.9. While the committee supports improved accountability of the AFP, it rejects the need for individual police officers to be required to meet targets for traffic infringement notices, as was recently reported in *The Canberra Times*.<sup>8</sup> The committee is currently conducting an inquiry into ACT Policing and will consider the appropriateness of AFP performance targets as part of this inquiry.

2.10. The committee recognises that targets form part of quantitative performance measures, but would like to see qualitative measures relating to the effect of the quantitative measures.

## **Recommendation 1**

### **2.11. The committee recommends that:**

**(i) the Government consider revising the performance target for random breath testing in the Purchase Agreement so it is more outcome focused rather than activity-based; and**

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<sup>8</sup> *ibid*

**(ii) future annual reports include numbers of random breath tests conducted each month by type of road.**

## Traffic offence appeals

2.12. The AFP annual report states that 4,868 representations to the Chief Police Officer were considered during 1999-00.<sup>9</sup> Of these, 1,049 were withdrawn and 363 proceeded by summons. The committee requested details of the criteria for assessing appeals. This information is contained in the Appendix.

2.13. The committee considers it would be useful to include the assessment criteria for appeals in future annual reports.

## Recommendation 2

**2.14. The committee recommends that future AFP annual reports list the criteria by which appeals to the Chief Police Officer requesting the dismissal of traffic offences are assessed.**

## Traffic injury data

2.15. While the AFP report generally provided a good standard of statistical information, one shortfall was the lack of useful information on traffic accident injuries. The annual report does not include 1998-99 data on the number of injuries, number of injuries per 10,000 registrations or the number of injuries per 100,000 population due to a computer problem that occurred in the collection of data for 1998-99.

2.16. During the public hearing police officials confirmed that accident injury data (especially rated by severity of injury) is important for monitoring the impact of speed cameras.<sup>10</sup> Officials also advised analysis of accident severity data requires a research capability they have not previously had but are now currently developing.

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<sup>9</sup> This substantial increase over 1998-99 (3,362) was due to the impact of speed camera operations within the ACT.

<sup>10</sup> Uncorrected Proof Transcript, Monday 13 November 2000, p19-20.

### **Recommendation 3**

**2.17. The committee recommends that the AFP ensure appropriate resources are allocated for analysis of accident severity data.**

#### **Crime trends**

2.18. The AFP annual report highlights the increase in burglary and property-related offences over the past few years and notes the direct link between property theft and the drug trade.<sup>11</sup>

#### **General comments**

2.19. Overall the quality of the AFP report was good. The report met the requirements of the *Chief Minister's Annual Report Directions for 1999-2000*. It was easy to read and contained useful information.

2.20. The committee anticipates seeing an even greater improvement once the Purchase Agreement between the AFP and the ACT Government is implemented. It is expected that the 2000-01 AFP annual report will include data indicating achievement against specified performance measures, in addition to comparative data showing trends over 2-3 years.

2.21. The 1999-00 AFP annual report was included on the AFP internet site as was the Purchase Agreement as it is included in the annual report.

### **Recommendation 4**

**2.22. The committee recommends that the 2000-01 AFP annual report include data relating to every performance measure in the AFP Purchase Agreement.**

## **ACT Department of Justice and Community Safety Annual Reports volumes 1 and 2**

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<sup>11</sup> AFP Annual Report 1999-00, p33.

2.23. The quality of the information in the report has improved compared with the previous year.

## **Reporting directly on achievement against stated goals and targets**

2.24. The *Chief Minister's Annual Report Directions for 1999-2000* states that 'annual reports are the principal way in which agencies account for management performance through Ministers to the Legislative Assembly and the community.'<sup>12</sup>

2.25. Annual reports should provide sufficient information so that it is possible to check whether previously stated goals have been successfully achieved. While the annual reports are structured to report achievements against objectives at the sub-departmental level the committee has identified a lack of linkage between stated goals (in Budget Papers) and annual reports at the whole-of-department level.

2.26. The committee questioned officials during the public hearings on what the department actually did to implement their objective of 'improving efficiency in the justice system by legislative and procedural review'.<sup>13</sup> The Minister provided a comprehensive written answer to this question and this is included in the Appendix. While the department was able to provide details of how the goals were achieved upon request, the question was asked because the information was not contained in the annual report in the first instance.

2.27. Future annual reports should therefore contain information which directly explains what departments and agencies have done to meet goals and objectives specified in the Budget Papers for the corresponding year.

## **Recommendation 5**

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<sup>12</sup> *Chief Minister's Annual Report Directions for 1999-2000*, p5.

<sup>13</sup> Budget Paper No. 4 1999-00, p 201.

**2.28. The committee recommends that annual reports relating to the Department of Justice and Community Safety and related agencies should include details of what was achieved in relation to each goal and target specified in the Budget Papers for that financial year.**

## Victims Services Scheme

2.29. The interim Victims Services Scheme was established soon after the passage of legislation which abolished direct financial compensation for most categories of victims of crime.<sup>14</sup>

2.30. There was concern within the committee over the limited information made available on the operation of the interim Victims Services Scheme.<sup>15</sup> This was a key objective in the 1999/00 Budget Papers but received only a limited mention in the annual report.

2.31. While the Standing Committee on Justice and Community Safety receives monthly reports on the number of clients accessing the scheme, the reports provide very little useful information for monitoring the success of the scheme. The committee was expecting to find significantly more information on the effectiveness of the scheme in the annual report but it was not forthcoming.

2.32. The committee and other members asked a number of questions concerning the operation of the scheme and the answers to these questions can be found in the Appendix.

2.33. The committee ascertained through a question on notice that the scheme had 179 registered clients for the period from 24 December 1999 to 15 November 2000. In the same period it had 1364 telephone calls including 685 related to registered clients.<sup>16</sup> The annual report should have included this information.

2.34. It is interesting to compare the number of registered clients (179) for the Victims Services Scheme in one year with the number of

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<sup>14</sup> The VSS was established in December 1999

<sup>15</sup> There were two sentences on the VSS on p21 of ACT Department of Justice and Community Safety Annual Report volume 1

<sup>16</sup> Response to Question on Notice, from Gary Humphries to Paul Osborne, dated 4 December 2001.

individuals who received financial compensation under the previous system in 1998-99 (539) and 1997-98 (374).<sup>17</sup>

2.35. The committee sought information on how many individuals accessed each category of service (eg face to face counselling, physiotherapy, massage, acupuncture etc) in 1999-2000. The Government responded that 'the number of clients accessing each of the above cannot be provided as this data is not collected at present-some clients may avail themselves of more than one of the above services described.'<sup>18</sup> The committee believes there is a major problem with the data collection for this service if this key data on number of clients accessing each category of service is not being collected. This information is needed to indicate the pattern of demand and for future evaluation of the service.

2.36. The recommendation below makes some suggestions for the type of information which could usefully be included in future annual reports. However the department should not be limited by these. The committee expects to see future annual reporting on the scheme reflect a much greater commitment to the principles of accountability and transparency.

## **Recommendation 6**

**2.37. The committee recommends that the 2000-01 annual report of the Department of Justice and Community Safety include considerably more information on the Victims Services Scheme including:**

- **number of clients per year by number of sessions, and type of contact (telephone or face to face, massage, physiotherapy or social work etc); and**
- **number of sessions with private practitioners.**

2.38. The committee was informed that tenders have been invited to run the permanent VSS which is expected to be operational by 1 January

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<sup>17</sup> *ACT Criminal Injuries Compensation Act 1983 Annual report 1998-99*, p16.

<sup>18</sup> Response to Question on Notice, from Gary Humphries to Paul Osborne, dated 5 December 2001.

2001.<sup>19</sup> The committee still expects the Department of Justice and Community Safety to provide detailed information on the scheme in its next annual report as it is the purchaser of the service and accountable for its performance.

2.39. While the 1999-00 annual report did not contain the necessary information on the operation of the Victims Services Scheme, 1999-00 data should be included in the 2000-01 annual report to facilitate trend monitoring.

## **Recommendation 7**

**2.40. The committee recommends that the 2000-01 annual report of the Department of Justice and Community Safety include data on the Victims Services Scheme for 1999-00 financial year in addition to 2000-01 data.**

2.41. It is noted that of 1364 callers, 13 victims of crime were deemed ineligible because they were affected by crimes which had occurred interstate.<sup>20</sup> This seems to be a harsh policy for such victims. Some of these victims may have moved to the ACT in an effort to escape the location where they suffered from a crime. Others may have been victims of crime in their childhood, in another part of the country, but may have lived in the ACT for a long time as adults.

2.42. When this committee received evidence from the director of the equivalent Victorian scheme, it heard that in Victoria, all victims of crime are eligible for counselling (and in some cases financial) assistance, irrespective of where the crime had occurred.

2.43. Because such a small number are involved and because the Victims Services Scheme was significantly under budget last year it is suggested the Government consider allowing all current ACT residents who are victims of crime to access the scheme, regardless of where the crime has occurred.<sup>21</sup>

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<sup>19</sup> Response to Question on Notice, from Gary Humphries to Paul Osborne, dated 4 December 2001.

<sup>20</sup> *ibid*

<sup>21</sup> In response to a question on notice, the Government advised that the Victims Services Scheme cost \$111,200 between December 1999 (when it opened) and June 2000. This compares with the budget

## **Recommendation 8**

**2.44. The committee recommends that the ACT Government consider changing the eligibility criteria for assistance under the Victims Services Scheme to include those ACT residents affected by crimes which occurred outside the ACT.**

### **Quamby gymnasium**

2.45. During the public hearing, the committee explored the Government's plans for financing the establishment of a gymnasium at Quamby and was advised a feasibility study had been proposed.<sup>22</sup> The gymnasium complex was part of the original design of Quamby. It was deferred in 1993 and funding has not been forthcoming since.

2.46. The need for this gymnasium has been identified by a number of experts over the years<sup>23</sup>, including the previous Official Visitor.

2.47. When the committee visited Quamby last year it also identified the need for a gymnasium and improved sporting facilities.

2.48. Sport and physical activity provide wonderful opportunities for young people to develop healthy living habits and new interests. The committee is of the strong view that the Quamby gymnasium project should be fast-tracked.

## **Recommendation 9**

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allocation of \$1.135 million in the 1999/00 budget. In the 2000/01 budget \$1.143million was allocated for the Victims Services Scheme.

<sup>22</sup> Uncorrected Proof Transcript 14 November 2001, p41.

<sup>23</sup> A Youth Justice Services paper *A Discussion Paper on Operational Safety and Security in Quamby Youth Detention Centre* (March 2000) stated 'the lack of gymnasium and associated building space, as originally planned, has emerged as an impediment to the efficient functioning of the centre.'

**2.49. The committee recommends that the Quamby gymnasium project be fast-tracked with funds allocated in the 2000-01 budget to ensure construction begins as soon as possible.**

## Cost of building a new prison

2.50. There was some discussion in the public hearings about the likely cost of building the prison. The Minister<sup>24</sup> claimed that he had never indicated a cost estimate for the prison 'in a formal way' and that 'the government has never put on the table a firm estimate of what it considers the prison to be going to cost'.<sup>25</sup> However, it is noted that the Government submission to the Standing Committee on Justice and Community Safety's inquiry into the establishment of an ACT prison did estimate the cost of the prison as \$30-\$35 million.<sup>26</sup>

2.51. The Minister is now saying he will not set out a timeframe or deadlines and will not specify a cost for the prison project.<sup>27</sup> The committee has some sympathy with his goal of wanting to get it right rather than being forced to stick with rigid deadlines but his refusal to provide a cost estimate is problematic. The prison project is similar to the Bruce Stadium project, in scale, cost and complexity. The ACT community can expect the Government to provide cost estimates for projects of this size.

2.52. The Chief Minister has recently stated the ACT will fast-track the building of the remand centre but declined to confirm that the non-remand part of the prison will go ahead. At the very least, the Government should be able to provide a costing for the construction of the remand centre.

## Recommendation 10

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<sup>24</sup> Gary Humphries MLA

<sup>25</sup> Uncorrected Proof Transcript, 14 November 2000, p58.

<sup>26</sup> Government submission to Standing Committee on Justice and Community Safety inquiry into the establishment of an ACT prison (May 1999), p3.

<sup>27</sup> Uncorrected Proof Transcript, 14 November 2000, p.

**2.53. The committee recommends that the ACT Government provide a cost estimate for construction of an ACT prison/remand centre.**

### Probity check on prison consultant

2.54. During the public hearings committee members questioned officials about whether probity checks had been conducted on a consultant employed to work on prison issues. This is an issue because many prison experts have links with private prisons and it is important that these be transparent and checks are done to avoid conflict of interest situations occurring.

2.55. The Minister advised in his written response that the consultant, Professor David Biles, was engaged in May 1998 without a tender process. The consultant signed a contract which had a clause declaring no conflict of interest. He had disclosed ‘during the course of his engagement...his associations with companies involved in designing, building and/or operating correctional facilities in Australia’ and in May 2000 signed a confidentiality agreement.

2.56. The committee considers that a full probity check should have been done on this consultant before he was hired. The committee urges the Government to be mindful of potential conflict of interest problems when implementing the prison project because many prison experts have links with private prisons.

### **Recommendation 11**

**2.57. The committee recommends that the Government conduct probity checks on all current consultants employed on the prison project and on any future consultants, prior to their engagement.**

### Children’s Court

2.58. The committee was pleased with the improvement in level of information provided on the Children’s Court.

2.59. The committee would, again, like to highlight matters raised by the Children’s Court Magistrate Shane Madden in his recent paper, *An*

*Overview of the New Children's Legislation in the ACT.*<sup>28</sup> The committee notes that the magistrate has expressed concern at the lack of a residential drug/alcohol detoxification venue for young people under the age of 18 years. He identifies the need for a bed capacity for up to 20 persons. He also points out the need for the establishment of a farm similar to those run in the Southern Highlands of NSW which could provide training and educational needs of those young people not coping with conventional education for those at risk in the late teenage years. He also expressed concern that the Government has not established adequate protocols to implement the interstate transfer of community based orders. He also questions whether the ACT has adequate diversionary procedures for gravely troubled children aged 12 to 14 years.

2.60. In its 1998 inquiry into the need for a children's magistrate, the committee envisaged that one of the key functions of a designated children's magistrate would be to provide expert advocacy on the needs of children involved in the criminal justice system. The Children's Magistrate is taking this responsibility seriously and the committee urges the Government to respond positively to his recommendations.

## **Recommendation 12**

**2.61. The committee recommends that the ACT Government allocate appropriate resources to implement suggestions made by Children's Magistrate Madden.**

## **Official Visitor**

2.62. In his report, the Official Visitor to Belconnen Remand Centre identified the need for an additional welfare officer and/or a drug and alcohol officer. The committee wrote to the Government seeking their response to this and was advised:

The lack of drug and alcohol services at the Belconnen Remand centre is a high priority for ACT Corrective Services and one that is currently being addressed.

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<sup>28</sup> The committee raised this issues in its recent report, Committee Visit to Western Australia, South Australia and the Northern territory.

\$20,000 of the Supervised Injecting Place funds have been recently redirected for the purpose of providing drug and alcohol education programs at the BRC.

Further funds are being sought in the current budget round for the BRC to fund alcohol and drug case management/counsellor positions and to introduce alcohol and drug group education sessions.<sup>29</sup>

2.63. The committee strongly supports the allocation of appropriate funding to provide drug and alcohol services at the Belconnen Remand Centre.

2.64. The Official Visitor also noted that the Government is undertaking a review of the Periodic Detention Centre in response to issues he raised in his 1998-99 report.

### **Recommendation 13**

**2.65. The committee recommends that the Government provide the Standing Committee on Justice and Community Safety with a copy of the report which reviewed the Periodic Detention Centre.**

## **Community Advocate**

2.66. The committee welcomes yet another excellent annual report from the Community Advocate. It is very informative with a good mixture of qualitative and quantitative information.

## **ACT Electoral Commission**

2.67. This annual report is of a good standard. It is easy to read and includes all the information required under the Chief Minister's Annual report directions for 1999-2000.

## **Victims of Crime (Financial Assistance) Act 1983**

2.68. This report contains very useful information including summaries of all cases where applications were made for financial compensation by victims of crime. It also responds to recommendations made by this

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<sup>29</sup> Government response to question on notice, 5 December 2000.

committee last year seeking tabulated data on various categories of payments.

## **Legal Aid Commission ACT**

2.69. This report is well-presented and includes good graphic representation of data. Much of the data covers three years which is useful for trend monitoring.

2.70. It is a matter of continuing concern that Commonwealth funding for 1999-00 was still at 1995-96 levels. The committee shares the Commission's concern about the impact of large cases on the funds available to legal aid in the Territory.

## **ACT Ombudsman**

2.71. This report is also of a high standard. It includes case studies to illustrate issues, a good standard of quantitative data and interesting text.

2.72. The committee noted a slight reduction in complaints about ACT agencies from the previous year. There was a significant drop in complaints about ACT Road User Services and ACT Corrective Services while complaints about Planning and Land Management increased.

2.73. The Ombudsman comments that the building of an ACT prison will require the development of an adequate administrative review process for inmates, particularly to safeguard detainees' rights and adequate complaint processes to deal with individual grievances. He says 'this may require action from the ACT Government to clarify and co-ordinate the current roles of the Official Visitor, Community Advocate and ACT Ombudsman in relation to protection of the rights of a wide range of detainees.'<sup>30</sup>

2.74. The committee will be monitoring Government activity in this respect.

## **Director of Public Prosecutions**

2.75. This is an excellent annual report. It contains a good deal of detailed data but is still easy to read. As usual the Director of Public

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<sup>30</sup> ACT Ombudsman, Annual report 1999-00, pp3-4.

Prosecutions used the opportunity to make frank and forthright comments highlighting service and policy gaps.

2.76. The DPP highlighted ‘a significant shortage of rehabilitative options for mandatory and voluntary drug abusers and this hampers the effectiveness of the increasingly creative approaches that courts and correctional agencies are taking to these issues.’ He also highlighted the gap in facilities for young people with mental problems.

2.77. The committee sought a response from the Government to the DPP’s comments and this is attached in Appendix 2. The Government response did not answer the question of whether the Government had measured the unmet need in this area. The committee is of the belief that the Government needs to take action to address these gaps.

#### **Recommendation 14**

**2.78. The committee recommends that the Government provide the committee with information on the unmet need for drug rehabilitation programs in the ACT.**

### **ACT Human Rights Office**

2.79. This report is also well presented and includes very good trend data and interesting case studies to illustrate issues.

2.80. Unfortunately the 1999-00 annual report was not available on the internet site for this agency.

### **Public Trustee for the ACT**

2.81. This report is of a good standard. It includes good trend data and is informative about the work of the agency.

### **The Office of the Federal Privacy Commission**

2.82. While this is a federal body, it is responsible for overseeing privacy matters in the ACT, as well as across the Commonwealth. At the public hearing, the committee questioned officials from this organisation and ACT officials about the following comments which appeared in the Privacy Commission’s annual report:

The ACT requires each federal and ACT agency to maintain a description of the types of personal information it holds. Each agency is required to provide that description to the Office in June of each year. The Office is required to compile and publish these descriptions as the Personal Information Digest (PID).

No ACT government agency complied with its PID obligations in 1999-2000. No returns were received and the Office was unable to publish PID for the ACT. It also happened in 1998-99. It is a matter of concern that ACT agencies are ignoring these statutory obligations and are making it difficult for the Privacy Commissioner to comply with his obligations under the Privacy Act with regard to the ACT.

2.83. Officials admitted to a technical breach of their statutory obligations and explained they were in the process of finalising a Memorandum of Understanding with the Privacy Commissioner. Officials were hoping to develop a new way of publishing the privacy digest as it is currently only accessible through the Commonwealth Managers Toolbox which requires payment.<sup>31</sup>

2.84. The committee is concerned that the ACT Government has not complied with these statutory obligations for the past two years and urges the ACT Government to ensure such a breach does not occur again.

## **Recommendation 15**

**2.85. The committee recommends that the Government provide the committee with a copy of the MOU with the Privacy Commissioner.**

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<sup>31</sup> Uncorrected Proof Transcript, Monday 13 November 2000, pp47-50.

### **3. General comments**

#### **On-line access to performance documents**

3.1. The Chief Minister's Annual Report Directions for 1999-00 require departments and agencies to include 1999-00 annual reports on their internet sites. In the committee's last report on annual reports, it was recommended that the Department of Justice and Community Safety ensure all annual reports be included on relevant internet sites. It was also recommended that relevant performance documents also be included on the relevant sites.

3.2. A check of justice-related internet sites revealed that all justice agencies had included their 1999-00 annual report on the internet site, with the exception of the ACT Human Rights Office.

3.3. While this is an improvement on last year, the committee believes ACT Government internet sites should also include key performance documentation such as Ownership Agreements and Purchase Agreements.

#### **Recommendation 16**

**3.4. The committee recommends that all justice internet sites include up to date annual reports, ownership agreements, purchase agreements and progress reports against purchase agreements.**

#### **Reporting on consultative committees**

3.5. The Chief Minister's Annual Report Directions for 1999-2000 require that annual reports include information on consultative committees. This committee discovered through a question on notice that the Domestic Violence Prevention Council had only met twice during 1999-00. Information on number of meetings is not currently required to be included but, in the view of this committee, it should be.

#### **Annual report competition**

3.6. The committee is aware that those responsible for producing annual reports do not currently have any rewards to strive for apart from the negative incentive of escaping criticism for either not adhering to the Chief Minister's Annual Report Directions or not meeting the information needs of members of the Assembly.

3.7. It is suggested that the ACT Government initiate a competition for all ACT departmental and agency reports, which evaluates the reports on the adherence to guidelines, quality and transparency of information and how well the reports meet the information needs of MLAs and the general public. Appropriate rewards could be provided so that departments and agencies responsible for the reports receive public recognition for their efforts.

3.8. It is not envisaged that the establishment of such a competition would replace consideration of annual reports by Assembly committees. It is important that parliamentary representatives continue to have the opportunity to question Ministers and officials in a committee hearing setting.

### **Recommendation 17**

**3.9. The committee recommends that the ACT Government provide positive incentives to encourage the production of high-quality reports by establishing a competition which assesses all ACT Government annual reports and rewards departments and agencies responsible for producing the best reports.**

Paul Osborne MLA

Chair

8 February 2001

## **Appendix – Questions on Notice and Government Responses**







