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LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY

The 2000/01 Draft Budget of the Department of Justice and Community Safety and Related Agencies

The Legislative Assembly on 28 June 2000 authorised the publication of this report with the following insertion:-

The Assembly notes that certain comments in the dissenting report of Mr Hargreaves, if used in the Assembly would constitute a breach of the Standing Orders of the Assembly and would be required to be withdrawn on the basis that they were offensive or imputed improper motives to Members of the Assembly.

**Report No. 9 of the
Standing Committee on Justice
and Community Safety**

March 2000

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 matter under the responsibility of the portfolio minister.

Legislative Assembly for the ACT, *Minutes of Proceedings*, No.2, 28 April 1998, p 15.

Terms of reference

That:

- (1) the draft 2000-01 Budget for each appropriation unit be referred to the relevant General Purpose Standing Committee, to consider the expenditure proposals, revenue estimates and the capital works program for each portfolio and make recommendations that maintain or improve the operating result;
- (2) the draft total Territory financial position be referred to the Standing Committee on Finance and Public Administration (incorporating the Public Accounts Committee);
- (3) the relevant draft budget documents be provided by the Treasurer to the President Member of each Standing Committee by 17 January 2000;
- (4) the Committees report by 28 March 2000;
- (5) if the Assembly is not sitting when the Committees complete their inquiries, the Committee may send their reports to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, circulation and publication;
- (6) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Legislative Assembly for the ACT, *Minutes of Proceedings*, No.73, 9 December 1999, pp677-8.

Committee Membership

Mr Paul Osborne MLA (Chair)

Mr John Hargreaves MLA (Deputy Chair)

Mr Harold Hird MLA

Mr Trevor Kaine MLA

Secretary: Ms Fiona Clapin

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SUMMARY OF RECOMMENDATIONS

Future draft budget process

Recommendation 1

The committee recommends that, subject to the outcome of an Assembly review, the ACT Government continue to involve standing committees in the draft budget process in future years.

Transparency and Consultation

Recommendation 2

The committee recommends that the ACT Government improve the user-friendliness and transparency of the Budget Papers by:

(i) explicitly acknowledging the needs of all users of the Budget Papers (for example Members of the Legislative Assembly, representatives of community organisations and general members of the public as well as the Executive and public servants); and

(ii) consulting with these users on their information needs (including on performance measures), reporting on the consultation in the Budget Papers and making changes to the Budget Papers to reflect these information needs.

Beat police

Recommendation 3

The committee recommends that the ACT Government allocate additional funds in the 2000/01 budget and future budgets for the establishment of a beat police program.

Police equipment

Recommendation 4

The committee recommends that the ACT Government consider providing additional funding to the 2000/01 AFP budget for the purchase of police search and rescue vehicles and diving equipment.

Police firearms range

Recommendation 5

The committee recommends that the ACT Government expand the terms of reference of the feasibility study for a joint training facility to include an AFP assessment of firearms training requirements.

Recruitment of Firefighters

Recommendation 6

The committee recommends the Government fast track the recruitment of additional firefighters.

Early Intervention and Crime Prevention

Recommendation 7

The committee recommends that the ACT Government provide substantial increases in funding for support programs for disadvantaged families as a means of responding to the ‘causes of crime’.

Youth Justice

Recommendation 8

The committee recommends that the ACT Government:

- (i) allocate additional funds for youth justice rehabilitation programs: and**
- (ii) facilitate greater involvement in Quamby by volunteer community groups.**

Recommendation 9

The committee recommends that the ACT Government:

- (i) consult with ACT Magistrates and youth sector representatives on the adequacy of current alternative sentencing options for young offenders;**
- (ii) provide adequate funding for alternative sentencing options for young offenders.**

Recommendation 10

The committee recommends that the ACT Government provide additional funding to reimburse community organisations which provide assistance with Interview Friends.

Recommendation 11

The committee recommends that the ACT Government evaluate the effectiveness of the post-release program for young people at Quamby to ensure it contributes to reduced recidivism rates and has adequate links to supported housing, support workers, counselling, training and income support.

Youth Planning

Recommendation 12

The committee recommends that the ACT Government initiate a cross-portfolio data collection on youth issues as part of a whole-of- Government youth strategy with one agency to have responsibility for the collection, maintenance and analysis of data on youth.

Corrective services

Recommendation 13

The committee recommends that the ACT Government develop a corrective services strategic plan which:

- (i) encompasses policy and planning, implementation and monitoring and evaluation;**
- (ii) covers crime prevention strategies and the causes of crime (including recognition of the need to provide adequate Government assistance to disadvantaged children);**
- (iii) recognises the importance of non-custodial community-based sentencing options; and**
- (iv) facilitates ‘continuity of care’ through planning and coordination of pre- and post-prison services.**

Care Consumer Credit Legal Service

Recommendation 14

The committee recommends that in recognition of the need for a consumer credit legal service for low income earners, the ACT Government provide additional funding in the 2000/01 budget and future budgets for the Care Consumer Credit Legal Service.

Restorative justice

Recommendation 15

The committee recommends that the ACT Government pursue programs which promote restorative justice and in particular support the Victims of Crime Coordinator's suggestions from within the current budget.

Private sponsorships

Recommendation 16

The committee recommends that the ACT Government actively pursue more partnership and sponsorship arrangements with private companies for crime prevention.

Possible revenue sources

Recommendation 17

The committee recommends that the ACT Government increase the criminal injuries levy from \$30 to \$50.

1. BACKGROUND

Genesis of inquiry

1.1.This inquiry had its origins in the 1998 Pettit report into self-governance which recommended that the Legislative Assembly should be more involved in the development of the budget. The 1999 report of the Select Committee on Governance supported this concept.

1.2.The concept was implemented on 9 December 1999, when the Assembly adopted a draft budget process where each standing committee is required to 'to consider the expenditure proposals, revenue estimates and the capital works program for each portfolio and make recommendations that maintain or improve the operating result'.

Conduct of inquiry

1.3.An advertisement was placed in local newspapers inviting submissions to the draft budget.¹ The committee also directly invited organisations and individuals thought to have an interest in justice and community safety budget issues to make a submission.

1.4.Two public hearings (10 February 2000 and 25 February 2000) were held with the Minister for Justice and Community Safety and his officials and one private briefing with officials only (15 March 2000). The committee also heard from the public in public hearings (21 and 28 February 2000). See Appendix A for details.

1.5.The committee sought detailed information from the Government to assist in developing its spending priorities. It wrote to the Minister for Justice and Community Safety seeking further information on a range of issues including AFP pistols, recruitment for firefighters, enterprise bargaining, cost of leasing the prison, community-based sentencing and youth justice. (See Appendix E) It also sought a written Government response to all public submissions. (See Appendix C)

1.6.While this has been time-consuming for officials, the committee believed it was necessary if it was to be able to make judgements about which areas

¹ Ads in *The Canberra Times* (15 January 2000) and *The Chronicle* (11 January 2000). Closing date for submissions was 14 February 2000

need additional funding. It also brings information into the public arena which would otherwise not be there with most of the information collected included in this report's appendices.

Structure of report

1.7. This report is structured as follows:

- Summary of Funding Priorities and Summary of Recommendations
- Chapter 1—an introductory chapter
- Chapter 2—the draft budget process including transparency issues
- Chapter 3—analysis of the relative merits of claims made in public submissions and funding recommendations
- Appendix A—details of submissions and hearings
- Appendix B—a summary of each submission
- Appendix C—Government responses to issues raised in submissions
- Appendix D—a breakdown of budget details for all Justice and Community Safety cost centres at a level more detailed than that provided in the budget
- Appendix E—questions asked by the committee and Government responses
- Appendix F—Submission from Barnardos
- Appendix G—Government Costing for Beat Police Proposal

Community input

1.8. Ten submissions were received for this inquiry.

1.9. The short time frame presented difficulties for some organisations. Community organisations usually prefer at least 6-8 week consultation periods so they have enough time to consult with their members. Although the Government promoted the view that committees had 10 weeks to obtain community input and consider the budget, the timeframe only allowed

potential submitters one month if the committee was to have enough time to organise public hearings, seek Government responses, develop its views and finalise its report.

1.10. Some community agencies complained that they had difficulty accessing the draft budget documentation.² Community agencies also reported difficulties accessing details on program expenditure for their areas of interest.³

Funding sources

1.11. The committee has made recommendations covering both the quality of information in the budget papers and the funding priorities.

1.12. The committee had difficulty finding revenue sources to fund its priorities within the current budget and wrote to the Minister for Justice and Community Safety seeking additional funding, in light of the Treasurer's announcement of an extra \$16.8million being provided by the Commonwealth Grants Commission.⁴ The committee did not receive a written response to this letter.

1.13. On 15 March 2000 the Minister for Justice and Community Safety advised the Chair that additional funding of \$1.5million may be available above the draft budget total. The committee requested written confirmation of this information and this was provided on 22 March 2000.⁵ This letter explained that savings of about \$500,000 would accrue in the AFP budget following changes in the treatment of embedded wholesale sales tax following the introduction of the GST. According to the Minister, 'the effect of the GST on policing services is a cash-flow issue, generating an increase in the price, but a resulting input credit received.' It also referred to potential savings of \$1million if the ACT ceases payment of subsidies on all low alcohol products. However the committee notes that if the Government chooses one of the other options in relation to low alcohol products, the opportunity for \$1million to be available disappears.

1.14. The committee's funding recommendations assume an additional \$1.5million does become available above the operating result in the draft

² eg Youth Coalition of the ACT, Submission, cover page

³ eg ACTCOSS, Submission, Victims of Crime Coordinator, Submission and United Firefighters Union, Submission

⁴ Correspondence from Mr Paul Osborne MLA to Mr Gary Humphries MLA, 13 March 2000. This figure was later revised upward to \$21.3million in Gary Humphries MLA Media release of 17 March 2000

⁵ Correspondence from Mr Gary Humphries MLA to Mr Paul Osborne MLA, 22 March 2000

budget papers. The recommendations are therefore consistent with the requirement in the terms of reference that recommendations should 'maintain or improve the operating result'.

1.15. The additional funds enabled the committee to make funding recommendations. Without these funds it would have been very difficult because no evidence was provided identifying funding sources and the committee was of the view that there is very little excess in the Department of Justice and Community Safety portfolio.

Acknowledgments

1.16. The committee thanks all those community representatives who participated in this inquiry. It also appreciates the time taken by officials to compile answers to questions and responses to submissions and thanks them for their assistance.

2. THE DRAFT BUDGET PROCESS AND TRANSPARENCY

Comments on the process

2.1. This is an innovative process which has produced challenges for all involved.

2.2. The format of the current draft budget process has particular advantages and limitations.

2.3. One major **advantage** has been the opportunity to confront budget decision-makers with expert community opinion on unmet need and on the impacts of budget decisions. The committee sent all submissions to the Minister for Justice and Community Safety seeking a written Government response to the issues raised. The Government response was useful for facilitating analysis of the merits of community suggestions. It also made officials justify their funding/budget priorities in the face of expert community opinion and gave the Government information they may not previously have had.⁶

2.4. Another major advantage has been the opportunity for Assembly members to have more influence on the budget because of the early release of budget information.

2.5. A further advantage has been a change in the mindset of both members and community representatives to think of projects in terms of relative priorities and to think about where the money is coming from. This particular process has also facilitated a discourse about the budget and has been especially useful as an information-building process.

2.6. Some of the **limitations** with this particular process have been the short time frame, lack of detail in the budget papers, the difficulty in dealing with cross-portfolio issues, and the reticence of community organisations to suggest which areas should receive funding cuts.

2.7. There was some sentiment within the committee that it is not the role of a Legislative Assembly standing committee to make budgetary decisions and that the process attempts to shift responsibility for the budget from the

⁶ It is acknowledged that the Government responded in writing to public submissions under the previous process but this occurred at a much later stage.

Executive to the committees. Others in the committee felt that this is a process worth continuing with and expanding on.

2.8. However the committee acknowledges that in the past community organisations have had no opportunity to provide input at this stage of the budget's preparation. On balance, despite some minor problems, it appears to have been a valuable exercise. The value of this exercise needs to be properly evaluated by the Assembly to determine if it should continue.

Recommendation 1

2.9. The committee recommends that, subject to the outcome of an Assembly review, the ACT Government continue to involve standing committees in the draft budget process in future years.

Transparency and community input

2.10. One of the interesting aspects of this inquiry is the way the contents and presentation of the draft budget were evaluated by community organisations. In previous budget processes, those responsible for producing the Budget have not had to face such public critiques from this sector about the information and layout of the Budget.

2.11. Community organisations criticised the lack of detail provided in the budget for program areas.⁷ Community representatives want to see the details of which programs and which services have funding because that is what they are interested in.

2.12. Committee members also found the necessary detail lacking and requested additional from the Government which has been included in Appendix D.

2.13. In essence, the inclusion of more detailed breakdowns (ie by sub-output) would satisfy many of the complainants.

2.14. The committee recognises that the Government is unlikely to change the format of the Budget Papers for the 2000/01 financial year to take account of these issues. However it is suggested that for future years the Government survey its readers and introduce measures so the Budget Papers reflect the information needs of its readers.

⁷ eg ACTCOSS, Submission, Victims of Crime Coordinator, Submission

Performance measures

2.15. Evidence was received concerning the lack of appropriate performance measures for some outputs, particularly youth justice. For example ACTCOSS stated it was 'seriously concerned by the lack of clarity regarding Youth Justice Service's quality standards in the Draft Budget Papers'. The committee shared this concern and pursued this issue in the inquiry.

2.16. The Government provided a detailed response to these complaints which encouraged the committee to believe that the Government will attempt to include additional performance measures in future budget documents.⁸

2.17. The committee considers the Government should consider the views of community-based organisations such as ACTCOSS when developing performance measures for the Budget and other performance documentation.

Recommendation 2

2.18. The committee recommends that the ACT Government improve the user-friendliness and transparency of the Budget Papers by:

(i) explicitly acknowledging the needs of all users of the Budget Papers (for example Members of the Legislative Assembly, representatives of community organisations and general members of the public as well as the Executive and public servants); and

(ii) consulting with these users on their information needs (including on performance measures), reporting on the consultation in the Budget Papers and making changes to the Budget Papers to reflect these information needs.

GST

2.19. Evidence was received from ACTCOSS that their ability to comment on the draft budget was limited by the fact the GST has not been taken into

⁸ Correspondence from Mr Gary Humphries MLA to Mr Paul Osborne MLA, *Response to Public Submissions*, 14 March 2000 and Correspondence from Mr Gary Humphries MLA to Mr Paul Osborne MLA, *Response to Public Submissions*, 14 March 2000

account for internal or external government purchasing contracts or grants.⁹ The Youth Coalition of the ACT also highlighted the lack of certainty in the community sector about the impact of the GST on grants.¹⁰

2.20. The committee also noted that the implications of the possible gains from the implementation of the GST were not known or transmitted to the committee. This made an objective evaluation of the draft budget extremely difficult.

⁹ ACTCOSS, Submission p1

¹⁰ Youth Coalition of the ACT, Transcript, 10 February 2000, pp10-11.

3.FUNDING PRIORITIES

Beat police

3.1.Evidence was presented to the committee of an assessment of the need for a beat police program.¹¹

3.2.Based on the Country Town Policing Trial, the proposal provides for 9 police to be each designated a zone of up to two suburbs to patrol. In this proposal, each police officer would have an office within that zone and be the first point of contact for police matters in that community.

3.3.In its response, the Government acknowledged the value of the concept and supports increasing the visible presence of police in the suburbs. The Government advised it would, in consultation with the AFP, explore how the benefits of the program can best be achieved.¹²

3.4.The committee is of the view that establishing a beat police program could provide the ACT substantial benefits such as increasing police visibility, making residents feel safer and combating the increase in home burglaries.

3.5.At the committee's request, the Government provided costing details for the establishment of a beat police program.¹³ The cost in the first year using existing staff would be approximately \$1.547million (including set-up costs) and in future years \$1.279million. If new staff were recruited instead of using established staff, the cost in the first year could only be limited to \$1.5million if the program began mid-financial year.¹⁴ It is noted that one member felt the Government's costings were 'dodgy'.

3.6.In the committee's view, implementation of such a proposal could not be achieved within the limits of the current police budget and would require additional funds to top up the police budget.

3.7.The committee believes the concept of beat policing has merit and is favourably disposed towards its introduction. The committee will explore the details of the scheme in the context of its inquiry into ACT policing. The

¹¹ Mr Dave Rugendyke MLA, Submission

¹² Correspondence from Mr Gary Humphries MLA to Mr Paul Osborne MLA, *Response to Public Submissions*, 14 March 2000

¹³ Correspondence from Gary Humphries MLA to Paul Osborne MLA 22 March 2000 (see Appendix G)

¹⁴ *ibid*

committee also suggests that the Government refer the proposal to the AFP who should be asked to advise the Government and the committee how they would implement the proposal.

Recommendation 3

3.8.The committee recommends that the ACT Government allocate additional funds in the 2000/01 budget and future budgets for the establishment of a beat police program.

Police equipment

3.9. The Australian Federal Police Association highlighted the need for specific funding for equipment for Police Search and Rescue and the Police Diving Team. The AFPA noted that the Search and rescue and Diving Teams are using some 'very old and dilapidated' equipment and vehicles. According to the AFPA the team obtains 'minimal and usually only emergency funding for replacement of equipment which has failed and is essential for the maintenance of particular roles. This funding comes from monies diverted from normal operational Police budgets, which, as we have seen in recent times, are stretched to the limit.'¹⁵

3.10.The AFPA further advised that this makes it virtually impossible to plan an equipment replacement program to ensure all equipment is up to standard, is maintained properly and is operating efficiently and effectively.¹⁶

3.11.The AFPA suggested that additional funding of about \$80,000 annually. For the first few years it would be used to replace antiquated and essential equipment and thereafter used to maintain an equipment replacement program.

3.12.The AFPA also sought replacement of the Command vehicle presently used by Search and Rescue and replacement of the Diving Teams Truck, both of which were purchased in the early 1980s. Both these trucks run on leaded fuel which will make the trucks obsolete soon when production ceases of leaded fuel. The AFPA proposes combining the functionality of the two Search and Rescue vehicles into one four-wheel drive truck, with a purpose built Communications/Command module on the back. The leasing cost of the

¹⁵ AFPA Submission, p2.

¹⁶ *ibid*

new truck for Search and Rescue and the new truck for the Diving team would be about \$2100 per month each.

3.13.The Government advised that funds are unavailable for this but that 'the AFP would be asked to examine the need for this investment and its priority relative to other needs'.¹⁷

Recommendation 4

3.14.The committee recommends that the ACT Government consider providing additional funding to the 2000/01 AFP budget for the purchase of police search and rescue vehicles and diving equipment.

3.15.The AFPA also drew the committee's attention to problems for police accessing firearms training. Recently 155 AFP members had their firearms confiscated because they could not access training. The addition of new recruits is likely to create additional demand for firearms training. The AFPA have suggested a new firearms range be built at the Woden JESC.¹⁸

3.16.The Government advised it would cost about \$1.5million to build such a facility and annual operating costs would also be incurred. Furthermore, there is no provision in the current funding for Woden JESC for an indoor range and the site may not be large enough.

3.17.The Government advised that the draft budget does include provision for a feasibility study for a joint training facility and this could be expanded to include an AFP assessment of firearm training requirements.

3.18.The committee supports the inclusion of firearms training requirements in the feasibility study.

Recommendation 5

3.19.The committee recommends that the ACT Government expand the terms of reference of the feasibility study for a joint training facility to include an AFP assessment of firearms training requirements.

¹⁷ Correspondence from Mr Gary Humphries MLA to Mr Paul Osborne MLA, *Response to Public Submissions*, 14 March 2000

¹⁸ AFPA Submission

Recruitment of Firefighters

3.20. The United Firefighters Union (UFU) sought an additional \$200,000 for training and recruitment of firefighters.

3.21. The Government indicated it acknowledges the need to recruit firefighters and plans to recruit approximately 12 additional firefighters from within the existing budget.¹⁹

3.22. The Government advised it does not support the UFU's proposal and does not support 'traditional' recruitment approaches. The Government 'sees substantial benefits in breaking the nexus with the traditional "training college" approach and is actively examining alternate recruitment approaches through enterprise bargaining negotiations.'²⁰

Recommendation 6

3.23. The committee recommends the Government fast track the recruitment of additional firefighters.

Crime prevention and early intervention

3.24. The committee believes that more funds should be directed to combat the 'causes of crime'. This view received support from the Youth Coalition of the ACT and ACTCOSS.²¹

3.25. Recent reports from the Australian Institute of Criminology and the Commonwealth Attorney-General also provide evidence of the social and

¹⁹ Correspondence from Mr Gary Humphries MLA to Mr Paul Osborne MLA, *Response to Public Submissions*, 14 March 2000

²⁰ *ibid*

²¹ ACTCOSS, Submission and Youth Coalition of the ACT, Submission

financial benefits of crime prevention policies targeted at children and young people.²²

3.26.The Australian Institute of Criminology report identified the social and financial benefits of programs such as a pre-school enrichment program for children in poverty (\$7 of general social benefits for every dollar spent and (\$2 saved on future criminal justice/victim costs) and a pre-natal/early infancy projects.²³ The report also identified a saving in criminal justice/victim costs of \$11 for every \$1 spent on a family intervention program which 'aims to change the maladaptive behaviour of high-risk youth and families by reducing personal, societal and economic hardship'.²⁴

3.27.The Youth Coalition supported the need for programs teaching parenting skills in disadvantaged Canberra families.²⁵

3.28.Barnardos provided evidence to the Standing Committee on Education and Community Service's draft budget inquiry which supported the need for more funds for early intervention programs for disadvantaged families. It gave specific information on the unmet need in Canberra for a range of early intervention programs. The submission is at Appendix F.

3.29.It is acknowledged that responsibility for these types of programs rests with the Department of Education and Community Services, and this inquiry is confined to the Justice and Community Safety budget. However the committee is of the strong view that the ACT Government should devote more funding to early intervention as a 'crime prevention' strategy. Funds invested when children at risk are very young will result in long term savings for criminal justice budgets. The committee does not specify exactly which program should receive funding as this decision should be made by experts.

Recommendation 7

3.30.The committee recommends that the ACT Government provide substantial increases in funding for support programs for disadvantaged families as a means of responding to the 'causes of crime'.

²² Australian Institute of Criminology, Chisholm John (Feb 2000) *Benefit-Cost Analysis and Crime Prevention*, Trends and Issues No. 147 and National Anti-Crime Strategy, *Pathways to Prevention: Developmental and Early Intervention Approaches to Crime in Australia* (March 1999)

²³ Australian Institute of Criminology, Chisholm John (Feb 2000) *Benefit-Cost Analysis and Crime Prevention*, Trends and Issues No. 147

²⁴ *ibid*

²⁵ Transcript, p4

Youth justice

3.31. Following this theme, the committee also supports the provision of additional funds for rehabilitation programs for young offenders in Quamby. If juvenile offenders at risk of becoming adult offenders can be steered away from this course it will result in cost savings for future adult corrections budgets.

3.32. Again, the Australian Institute of Criminology report provides evidence of the benefits of investing in these programs.²⁶

3.33. It is noted that the draft budget provides a significant increase in funding for Quamby for 'safety initiatives'. This funding is welcomed but does not mean more money is not needed for rehabilitation programs.

3.34. The rehabilitation needs of young offenders should be evaluated and additional funds targeted to rehabilitation programs/activities aimed at reducing the recidivism rate. The Government advised of a two-week program for young offenders (four two-hourly sessions) which addresses relationships, communication, conflict resolution, stress, risk taking, decision making and problem solving.²⁷ This is the type of program needed to assist in the rehabilitation of young offenders but it would probably be more effective if it received more funding and could continue for longer periods of time.

3.35. The committee supports additional funds being targeted to young offender rehabilitation. A small part of this additional funding could be designated to support the involvement of community volunteer groups participating in activities with young offenders. Such community partnerships already exist but need to be strengthened and extended to more groups.

²⁶ Australian Institute of Criminology, Chisholm John (Feb 2000) *Benefit-Cost Analysis and Crime Prevention*, Trends and Issues No. 147

²⁷ Correspondence from Mr Gary Humphries MLA to Mr Paul Osborne MLA, *Response to Public Submissions*, 14 March 2000

Recommendation 8

The committee recommends that the ACT Government:

(i) allocate additional funds for youth justice rehabilitation programs: and

(ii) facilitate greater involvement in Quamby by volunteer community groups.

3.36. Similarly, the Government should ensure there are suitable alternative sentencing options available for magistrates sentencing young people. The Youth Coalition highlighted the need for more alternative sentencing options for young people.²⁸

3.37. In response to this issue, the Government advised they are currently undertaking an audit of Youth Justice offender profile and services and programs being delivered to young people.²⁹

3.38. The committee believes there is scope for a greater range of alternative sentencing options for youth and would like to receive advice from ACT Magistrates on this matter.

Recommendation 9

The committee recommends that the ACT Government:

(i) consult with ACT Magistrates and youth sector representatives on the adequacy of current alternative sentencing options for young offenders;

(ii) provide adequate funding for alternative sentencing options for young offenders.

²⁸ Youth Coalition of the ACT, Submission

²⁹ Correspondence from Mr Gary Humphries MLA to Mr Paul Osborne MLA, *Response to Public Submissions*, 14 March 2000

3.39.Evidence was also received of the need for additional funding to support community organisations where youth workers provide assistance under the Interview Friends Program.³⁰ In 1998/99, it is estimated that Interview Friends attended approximately 21 interviews.³¹ The committee understands that while it is a volunteer program, many of the volunteers are employed in community agencies and the agencies, 'already quite drained of resources' lose their service while they are attending police interviews, which may last for more than 3 hours.³² It is suggested that \$5,000 be set aside so youth workers can receive reimbursement for their organisations for time spent with Interview Friends call-outs.

Recommendation 10

3.40.The committee recommends that the ACT Government provide additional funding to reimburse community organisations which provide assistance with Interview Friends.

3.41.The Youth Coalition also called for improvements in Quamby's post-release program. ³³

3.42.The Government provided detailed advice on this program which was useful for the committee. ³⁴ However it is suggested that more work be done in this area to ensure it is as successful as it should be. Continuity of care is critical to reducing recidivism and investment of resources into this area will reap results in terms of positive social and financial outcomes.

Recommendation 11

3.43.The committee recommends that the ACT Government evaluate the effectiveness of the post-release program for young people at Quamby to ensure it contributes to reduced recidivism rates and has adequate links to supported housing, support workers, counselling training and income support.

³⁰ Transcript, 21 February 2000, p10

³¹ Office of the Community Advocate Annual Report 1998/99, p104

³² Ms Browning, Transcript, 21 February 2000, p10

³³ Youth Coalition of the ACT, Submission

³⁴ Correspondence from Mr Gary Humphries MLA to Mr Paul Osborne MLA, *Response to Public Submissions*, 14 March 2000

3.44. One member of the committee disagrees with the Government's decision to move Quamby from the Education and Community Services portfolio to the Department of Justice and Community Safety. This is because of concerns that the emphasis will shift away from education and rehabilitation to punishment and confinement.

Youth planning

3.45. ACTCOSS and the Youth Coalition sought more planning and whole-of-government coordination for youth policies. Specifically, the Youth Coalition have asked that one agency be responsible for the collection, maintenance and analysis of data on youth trends and use of current services.³⁵ This would ensure that youth services are able to effectively plan to meet the present issues of concern and future demands for services.³⁶

3.46. The committee supports this call because youth issues do span most government departments and agencies and such cross-portfolio planning will assist effective targeting of funding for youth services and programs.

Recommendation 12

3.47. The committee recommends that the ACT Government initiate a cross-portfolio data collection on youth issues as part of a whole-of-Government youth strategy with one agency to have responsibility for the collection, maintenance and analysis of data on youth.

Corrective services

3.48. ACTCOSS argued strongly for a corrective services framework/strategic plan as they had in their earlier submission to our prison inquiry. The committee supported this call in our report *The Proposed ACT Prison: Philosophy and Principles* and continues to support it. Although the report was released 6 months ago, the Government response is yet to be received. The Government response to the ACTCOSS submission to this inquiry,

³⁵ Youth Coalition of the ACT, Submission, p12

³⁶ *ibid*

however, does not give the impression of Government support for a corrective services strategic plan.³⁷ The Government's response instead indicates an obsession with the prison, at the expense of a recognition of the importance of coordination, crime prevention and community-based sentencing options.

3.49.A recent paper by the Queensland Criminal Justice Commission provides strong evidence of the usefulness of detailed planning and of the importance of State/Territory Treasuries being involved in criminal justice policy planning.³⁸

3.50.This is the type of activity which could be included in a broad corrections strategic plan. A corrective services strategic plan which recognises the importance of promoting cost-effective sentencing options is an important tool in ensuring scarce justice and correctional dollars are effectively targeted.

3.51.In this regard, the committee supports the introduction of home detention as a cost-effective sentencing option. This could produce annual savings of \$1.2million.³⁹

3.52.However effective targeting of scarce correctional dollars should not lead to policies such as excluding women from the proposed ACT prison. There is some concern within the committee about recent comments by the Minister for Justice and Community Safety that the new prison may not necessarily include women.⁴⁰ It is noted that the Government submission to the committee's prison inquiry did not indicate this was an option. This committee recommended that the ACT prison facility accommodate women in addition to men, primarily on the grounds that women prisoners are more likely to achieve positive rehabilitation outcomes if they are housed close to their families, children and support systems. In the long term, reduced recidivism rates for women prisoners will lead to savings in the ACT's corrections budget.

3.53.There is another corrections issue which relates to planning for future corrections budgets. The committee notes that, to its knowledge, the ACT Government has not begun talks with NSW about prisoner classification trading.

³⁷ Correspondence from Mr Gary Humphries MLA to Mr Paul Osborne MLA, *Response to Public Submissions*, 14 March 2000

³⁸ Lynch Mark (Criminal Justice Commission) *Prisoner Numbers in Queensland: An examination of population trends in Queensland's correctional institutions*, February 2000

³⁹ This estimation is based on the assumption that 25 prisoners would be sentenced to home detention. The current cost of keeping a prisoner in a NSW prison is \$160 per day. The cost for NSW to fully implement an electronic surveillance system is about \$30 per day, including staffing and administrative costs.

⁴⁰ Transcript, 25 February 2000, p28

Recommendation 13

3.54. The committee recommends that the ACT Government develop a corrective services strategic plan which:

- (i) encompasses policy and planning, implementation and monitoring and evaluation;**
- (ii) covers crime prevention strategies and the causes of crime (including recognition of the need to provide adequate Government assistance to disadvantaged children);**
- (iii) recognises the importance of non-custodial community-based sentencing options; and**
- (iv) facilitates 'continuity of care' through planning and coordination of pre- and post-prison services.**

3.55. ACTCOSS sought an allocation of specific funding to the Prison Community Panel for research and consultation.⁴¹ In response to ACTCOSS's submission, the Government claimed resources for this panel can be found in the prison budget. The committee assumes the Government will make funds available for the Panel.

Legal Aid Funding

3.56. Evidence was received from ACT Community Legal Centres and Care regarding the allocation of legal aid expenditure. ACT Community Legal Centres argued the ACT Government does not contribute enough to community legal centre funding.

⁴¹ ACTCOSS, Submission

3.57. The committee sought information from the Government on the sources of legal aid expenditure and was provided with the following:

Sources of legal aid funding⁴²

	Commonwealth		Territory		Law Society
	\$m	%	\$m	%	
95/96	2.695	48%	2.547	52%	0.37
96/97	2.713	56%	1.687	44%	0.425
97/98	3.12	64%	1.763	36%	0.425
98/99	3.006	63%	1.795	37%	0.425
99/00	3.006	63%	1.764	37%	0.432
00/01	3.039	60%	2.058	40%	0.4

3.58. The committee sought information from the Government on the funding of community legal services in other jurisdictions but this was unavailable. Nevertheless, the committee understands that other jurisdictions have diversity in legal aid service providers.

3.59. In response to ACT Community Legal Centres, the Government explained that the Legal Aid Commission had been funded as the single service provider of legal aid by all previous ACT governments.⁴³ The Commission is an independent body subject to statutory guidelines and auditing procedures. The Government believes that additional funding for community legal centres is a Commonwealth responsibility.⁴⁴

3.60. The Legal Aid Commission advised the committee that all applicants to the Commission are means tested, and that all who meet the means test and the statutory merits test for legal aid in Territory matters receive legal aid.⁴⁵

⁴² Correspondence from Mr Gary Humphries MLA to Paul Osborne MLA, *Response to Questions*, 10 March 2000

⁴³ See Appendix C

⁴⁴ *ibid*

⁴⁵ *ibid*

The committee notes that community legal centres do not strictly apply means and merit testing of applicants, and that some centres do not apply either.

3.61. In the ACT, as in other jurisdictions, all prisoners have access to legal aid provided by Legal Aid Commissions.

3.62. The committee accepts that there will always be a level of unmet need for legal aid as the cost of legal services is expensive even for middle to high income earners. The committee is looking forward to examining this matter in more detail in a later inquiry.

Care Consumer Credit Legal Service

3.63. Care sought funding to continue its consumer credit legal service for low-income people. The service was previously funded by penalties imposed on credit providers for breaches of consumer legislation but in developing the 1996 Credit Codes the civil penalty regime was weakened and funding is now unavailable from this source. The service will have to close in June 2000 if additional funding is not found.

3.64. The service provided detailed evidence supporting its case for funding.⁴⁶ The Government provided evidence challenging the need for the service.⁴⁷

3.65. It is difficult for this committee to judge the relative merits of each side of the argument. It does appear, though, that the service meets an important need for low-income consumers and that it will be forced to close because a funding source has dried up rather than because of any real inadequacies in the service. The committee recognises the specialisation and expertise of the service and would like to see it continue.

Recommendation 14

The committee recommends that in recognition of the need for a consumer credit legal service for low income earners, the ACT Government provide additional funding in the 2000/01 budget and future budgets for the Care Consumer Credit Legal Service.

⁴⁶ Care Inc, Submission and Transcript 25 February 2000, p 49-50

⁴⁷ See Appendix C

Victims of Crime

3.66.The Victims of Crime Coordinator(VOCC) made a number of recommendations to the committee.⁴⁸ Most of these issues have been addressed by Government in its response to the submissions. (See Appendix C for details)

3.67.One issue which requires a further response from Government concerns diversionary conferencing. The VOCC pointed out that the positive results of the RISE diversionary conferencing programs for ACT juveniles should be built on with funding for the implementation of a comprehensive restorative justice program. The VOCC indicated this program need not be costly. The committee supports implementation of restorative justice proposals as a general policy and urges the Government to support the VOCC's suggestion. This should be possible within the current budget for the Department of Justice and Community Safety.

Recommendation 15

3.68.The committee recommends that the ACT Government pursue programs which promote restorative justice and in particular support the Victims of Crime Coordinator's suggestions from within the current budget.

Private sector sponsorship

3.69.The ACT Regional Manager of the NRMA met with the committee at its invitation. From this meeting the committee learnt the NRMA is interested in funding crime prevention programs for which there is an benefit for the NRMA, in terms of reductions in property crime and therefore reductions in insurance claims.

3.70.The committee sees potential for the Government to be more involved in partnership and sponsorship arrangements with private companies, especially insurance companies. Possibilities could include projects which deter young offenders from stealing cars by giving them the opportunity to fix cars and

⁴⁸ Victims of Crime Coordinator, Submission

learn mechanics skills.⁴⁹ Such arrangements should not be seen as replacing Government responsibilities for funding in any sense, but could be seen as providing opportunities for innovative projects which would not otherwise have begun.

Recommendation 16

3.71. The committee recommends that the ACT Government actively pursue more partnership and sponsorship arrangements with private companies for crime prevention.

Possible revenue sources

3.72. A difficult part of this inquiry has been finding funding sources from within the current departmental budget and within the draft budget as a whole. The Department of Justice and Community Safety, perhaps more than other departments, has very few revenue options. As has been stated earlier, no evidence was provided to the committee of areas which should receive funding cuts.

3.73. The committee can only suggest that small amounts of additional revenue may be raised by increasing the criminal injuries levy and increasing the rate of collection from perpetrators of crime.

3.74. The Government advised that in 1998/99 \$75,012 was raised from the criminal injuries levy.⁵⁰ This equates to about 2500 people paying \$30 each. If this was increased to \$50 an additional \$50,000 could be raised.

3.75. The committee has previously encouraged the Government to collect more from perpetrators of crime. The arguments for this appear in Report Number 8, *The 1999/00 Annual and Financial reports of the Department of Justice and Community Safety* (February 2000) for which a Government response is not yet available.

⁴⁹ This was one option which was raised during the meeting with Mr McKenzie.

⁵⁰ Correspondence from Gary Humphries MLA to Paul Osborne MLA, 22 March 2000

Recommendation 17

The committee recommends that the ACT Government increase the criminal injuries levy from \$30 to \$50.

Paul Osborne MLA

Chair

24 March 2000

Appendix A: Submissions and Hearings

Submissions

1. Mr Dave Rugendyke
2. ACTCOSS
3. Council on the Ageing (ACT)
4. Youth Coalition of the Act Inc.
5. United Firefighters Union
6. ACT Community Legal Centres
7. Care Inc Financial Counselling and Consumer Credit Legal Service
8. Australian Federal Police Association (AFPA)
9. Victims of Crime Coordinator
10. United Firefighters Union-supplementary

Public Hearings

THURSDAY 10 FEBRUARY 2000

Mr Gary Humphries MLA, Minister for Justice and Community Safety

Mr Tim Keady, CEO, Department of Justice and Community Safety

Mr Brian Lenihan, Department of Justice and Community Safety

MONDAY 21 FEBRUARY 2000

Ms Melanie Earl and Ms Kerry Browning (Youth Coalition of the ACT)

Mr Russell Shephard and Mr Conrad Barr (United Firefighters Union)

Mr Dave Rugendyke MLA

Mr Daniel Stubbs and Ms Jacqui Bear (ACTCOSS)

Ms Liz O'Brien (ACT Community Legal Centres)

Ms Judy Power (Care Inc)

FRIDAY 25 FEBRUARY 2000

Mr Gary Humphries MLA, Minister for Justice and Community Safety

Mr Tim Keady, CEO, Department of Justice and Community Safety

Mr Brian Lenihan, Department of Justice and Community Safety

MONDAY 28 FEBRUARY

Mr Wayne Sievers, ACT Branch Secretary, AFPA

MONDAY 6 MARCH

Mr Mark McKenzie, ACT Manager, NRMA

Private Briefing

WEDNESDAY 15 MARCH

Mr Tim Keady, CEO, Department of Justice and Community Safety

Mr Brian Lenihan, Department of Justice and Community Safety

Mr Ron Shaw, Department of Justice and Community Safety

APPENDIX B: SUMMARY OF PUBLIC SUBMISSIONS

Mr Dave Rugendyke MLA

Mr Rugendyke MLA proposes the AFP implement a Beat Police program (based on Country Town policing) to enhance police presence in the community. He suggests that nine police should be designated a zone of up to two suburbs to patrol with three police placed in each of the three electorates. Each police officer would be provided with a motorcycle and an office within the zone where they would be the first point of contact for all police matters in that community. He proposes Beat Police be stationed for an 18 month period in each zone. Beat police officers would spend time in schools and shops and generally be accessible to the community.

Mr Rugendyke's submission included a copy of the Evaluation of the Country Town Policing trial which he was involved with when working as an ACT police officer. The Evaluation showed that community satisfaction with, and perceptions of, ACT police services was higher in the areas subject to the trial. It also showed visibility of police activities was higher in the trial suburbs and fear of crime while walking was lower in the trial suburbs. The crime intelligence gathered by Country Town Constables was beneficial to task force operations. Mr Rugendyke envisages that the Beat Police program would be able to play a similar role in helping combat the explosion of home burglaries and theft in the ACT.

Mr Rugendyke envisages a role for the NRMA in the implementation of his proposal.

Mr Rugendyke also supports: the introduction of mounted police, especially for special events; reintroducing bicycle patrols; making it compulsory for all police stations to be manned 24 hours a day, including Gungahlin; and seconding operational police to placements in the Attorney-General's office.

ACTCOSS

ACTCOSS' ability to comment on the draft budget has been limited by:

- The fact that GST has not been taken into account for internal or external government purchasing contracts and grants
- The limitations of being restricted to providing comments on single portfolios when issues affecting the community and the community sector range across portfolios

- The continued lack of transparency and lack of detail in the papers which makes it difficult to determine the impacts of new initiatives and the real changes in expenditure patterns

ACTCOSS calls for the ACT Government to allocate resources for the development of a Corrective Services Framework with the following components:

- Policy and Planning;
- Development and Implementation; and
- Monitoring and Evaluation.

ACTCOSS believes such a framework will provide a transparent outline for the community, and the development of a framework will provide opportunities for community participation and consultation about future directions. In ACTCOSS' view, the implementation plan should outline time lines for the development of the prison and advise the opportunities for input into the development and planning processes.

ACTCOSS welcomes the announcement that the Community Panel is being formed but notes the Community Panel will require adequate resources for research and consultation processes.

ACTCOSS supports the proposed legislation to ensure public access to the prison contract but is concerned that there has been no funding allocated for regulatory oversight or contract management for the ACT Prison beyond 2001/02. ACTCOSS argues that strong accountability to the community will require an adequate resource allocation.

ACTCOSS believes it is imperative that the Black Deaths in Custody Report recommendations are implemented in the development of the Prison the ACT and supports the development of an Indigenous Inmate Management Plan.

ACTCOSS raised concerns about the lack of clarity regarding Youth Justice Service's quality standards in the Draft Budget Papers. ACTCOSS suggests the Government clarify the process for developing and implementing service standards for high quality youth justice services, allocate expenditure for this process in the Final Budget and ensure ongoing evaluation of the Quamby Youth Centre. To enable this, services standards must be developed in consultation with all stakeholders in order that they are realistic, high quality and cost effective.

While supportive of the initiative to provide safer and more secure custodial programs ACTCOSS is concerned at the lack of information in the Budget papers regarding the means by which this will occur across the two detention centres in the ACT and the adequacy of the funding allocated. It is extremely difficult to comment on this given the limited amount of information available in the Draft Budget Papers.

ACTCOSS recommends the Budget Papers clarify the expenditure for these initiatives across the two detention centres. ACTCOSS want to see where the initiatives sit in a coordinated plan for correctional services in the ACT and seeks strong quality outcomes for this initiative.

ACTCOSS seeks adequate resourcing to address youth justice issues including alternative sentencing options and crime prevention activities.

ACTCOSS believes that in relation to the transfer of Quamby from education to Justice and Community Safety, the Government should clarify how the role of rehabilitation and training services in the Youth Justice Area will be maintained including community sector services.

ACTCOSS also raised concerns about funding cuts at the Commonwealth level to Legal Aid Services that have impacted on the ability of ACT residents to access legal services. ACTCOSS recommends that the ACT Government clarify the existing funding arrangement and provide additional ACT funds to address the unmet need for Legal Aid services for Territory matters.

ACTCOSS recommends that the ACT Government allocate funding for the evaluation of the new Victims of Crime legislation and the new counselling service.

ACTCOSS recommends that the ACT Government allocates resources to progress Native Title in a way that adequately addresses the rights and entitlements of Aboriginal and Torres Strait Islander communities in the ACT.

ACTCOSS recommends the ACT Government fully fund the CSO element of the Public Trustees service delivery and ensure that identified need is met.

ACTCOSS recommends significant resources be allocated to undertaking a fully independent Cross-Government Review of consumer protection mechanisms which would make detailed recommendations to Government about a more holistic, consistent and well-resourced system of consumer protection and service regulation.

Council on the Ageing (ACT)

The Council welcomes the additional funding of \$0.370m over three years for the Office of the Public Trustee as the office is utilised by many older people in the community.

The Council sees adequate level of policing as an essential component of any community infrastructure. The Council is concerned about the apparent loss of positions by the more mature members of the AFP and cautions the AFP to ensure there is a balanced workforce and no discrimination on the basis of age. The Council believes that older officers must be given opportunities to

compete fairly and have opportunities for training and reskilling. Older people in the community feel older officers better understand their needs.

Youth Coalition of the Act Inc.

The Youth Coalition questioned the access to the draft budget process because many people found it difficult to get hold of the Draft Budget Papers. The Coalition found the restriction on maintaining the bottom line divisive and further alienates the community as it is a form of competition-based consultation. The Youth Coalition strongly advocates a cross portfolio approach to youth issues as the issues of young people rarely lie within one portfolio.

The Youth Coalition seeks more Government coordination of youth services and a cross-portfolio approach which provides an overarching policy direction for youth services. The Coalition suggests that one agency should take on cross-portfolio responsibility for the collection, maintenance and analysis of data on youth, to ensure that youth services can effectively plan to meet the present issues of concern and future demands for services. This should include a central database which describes all services for young people, description of service capacity and how it can be accessed.

The Youth Coalition also identifies the need for early intervention and use of a case management model which allows continuity of care as people from one service to another. The Coalition seeks stronger links to family support networks. There is a need for support and intervention for families and young children who are not coping. If families are given effective support mechanisms this would assist in preventing 'at risk' circumstances from developing into long term problems that have social and financial impacts.

The Youth Coalition state they are not in a position to provide suggestions for revenue for all their recommendations as the research required is beyond the capacity of their organisation.

In their view, the budget process should be as inclusive and transparent as possible and that the community is aware of the process and how they can be involved.

The Youth Coalition supports the development of more innovative and creative responses in their dealings with young people. In their view sentencing options also have greater room for flexibility and innovative responses which allow recognition of the causes of such behaviour by young people.

The Youth Coalition was particularly concerned with the decision made to move Youth Justice services from Department of Education and Community

Services to the Department of Justice and Community Safety. This decision was most disappointing due to the lack of consultation that occurred.

The Youth Coalition highlighted the lack of appropriate legal services available to young people in the ACT and noted concerns are often raised with the Youth Coalition about the lack of access to information on legal rights and responsibilities in regards to young people under 18 years of age.

A recent survey of young offenders in NSW identified that crimes involving violence stemmed directly from violence experienced in the family home. This has increased the debate among youth justice, legal and community workers toward looking at more treatment and rehabilitation models rather than punitive measures only.

The Youth Coalition is highly concerned by the identified gap in post release options available to young people who leave Quamby. Links to secure and supported housing, support workers, counselling, training and income will be strengthened by identifying this as a specific target group for support to ensure their reintegration into the community. The Youth Coalition recommends that a Post Release Program for young people exiting Quamby is developed ensuring adequate housing, support and training is provided with a view to encouraging rehabilitation and integration back into the community.

The Youth Coalition recommends that adequate resourcing and support for alternative sentencing options be allocated in the 2000/2001 budget process.

The Youth Coalition recommends that adequate resources be allocated to encourage crime prevention activities in an effort to reduce the numbers of young people in custody, particularly young people from an Aboriginal and Torres Strait Islander background. The Youth Coalition also recommends that adequate support, referral and treatment services be allocated to assist young people to address the social issues which may be the cause of their behaviour.

The Youth Coalition suggests that the Youth Justice Community Unit and Quamby receive ongoing evaluation to ensure the needs of young people are being met.

The Youth Coalition recommends that the development of innovative models of best practice for use in Police practice and service delivery be given priority in the 2000/2001 budget process.

The Youth Coalition recommends that a coordinated holistic response to young people and their behavioural issues from both Quamby staff and the other community services organisations is adopted.

United Firefighters Union (UFU)

First submission

The UFU raised concerns about recruitment, particularly the lack of specific allocation for recruitment in the budget. According to the UFU no allocation has ever been included in base level funding for the Brigade and it has been granted from Treasury on an as required basis. The UFU seeks a specific allocation of funds built into it for the purpose of ongoing recruitment.

The UFU states the Government has acknowledged they are 27 firefighters short and they are insisting that funding for recruitment must come from within existing budgets.

The UFU states that both the ACT Ambulance Service and the Australian Federal Police and fire brigades in other jurisdictions are funded for appropriate recruitment.

The UFU identified a problem with transparency in the Budget. They point out that Budget Papers show an allocation for various categories in the Emergency Services Bureau but does not identify separate amounts for the Fire Brigade and Ambulance service. The UFU claim that the ESB Global budget makes robbing Peter to pay Paul very easy for ESB management and makes effective planning and management difficult for agency managers.

Second submission

The UFU commends the Assembly for having the vision to implement a consultative budgetary process. It was valuable for the union to have their views heard and points raised directed to the Government and senior executives in subsequent public hearings.

The UFU found it strange that most questions relating to the Fire Brigade were answered by the Executive Director ESB or the CEO, Department of Justice and Community Safety and not the Fire Commissioner.

The number of 27 staff short comes from a 1995 document, signed by ESB management, which to the knowledge of the UFU, has not been rescinded.

To provide an agreed level of service a minimum of 45 firefighters are rostered on duty at any one time and spread around 9 fire stations in Canberra and the Communications Centre in Curtin. Four shifts are required to maintain crewing level 24 hours a day, therefore a minimum of 180 staff required.

With leave entitlements and training taken into account an additional 90 staff are needed to maintain operational strength, without undue reliance on overtime. The optimal staffing level for the Fire Brigade is therefore 270 or

295 if the administrative staff are included. Presently the Fire Brigade has a total staffing level of 270, with 4 members under workers compensation. Approximately 240 staff out of 270 are keeping fire stations open. This equates to a relief ration of 0.3.

With the average age of a brigade employee being 41, many are entitled to long service leave but access to long service leave is limited with some denied leave.

If no staff ever became sick again the relief ration would only decline from 0.5 to 0.43.

Training is another component of the relief ratio. Several areas of specialist skills are in short supply with the increased departures from the Brigade of highly skilled and experienced staff. This affects the operational efficiency and reduces the standard of protection the community receives.

The UFU notes the disparity between the two agencies with the ACT Ambulance Service fully staffed with a relief ratio in excess of 0.5.

Based on present trends, the average amount of overtime worked by firefighters during 1999/00 will be approximately 120 hours with some officers likely to work double this figure. When the longer hours of a firefighter are combined with the average overtime worked, firefighters are at work on duty for 250 hours per year more than a public servant. Given the stressful nature of firefighters work such a significantly greater time at work has potentially serious consequences.

The comment by the Fire Commissioner that the Brigade will need to recruit 15 personnel a year to maintain present numbers was the most accurate comment of the whole Government response.

It is unrealistic that recruiting at the level required can be done within the existing budget. Measures being discussed as part of enterprise bargaining negotiations may streamline some elements of the recruit training process but will not eliminate the need for a formal training college. There is still a need for additional funding.

The comment by the Executive Director ESB that the ACT Ambulance Service does not have funding built into its base to cover recruitment costs contradicts previous statements.

ACT Community Legal Centres

ACT Community Legal Centres includes the Welfare and Legal Rights and Legal Centre, the Womens' Legal Centre, the Environmental Defender's Office and Care Financial Counselling and Consumer Credit Legal Service.

This organisation questions the Attorney-General's failure to provide funding for the Care Financial Counselling and Consumer Credit Legal Service which was previously funded through interest administered by Fair Trading. It notes that in 1999, the legal service was informed that there was no money for their service due to a miscalculation of the interest which surfaced when the fund was reconciled. In their view it is appalling that an error in public service accounting should have led to this situation and that no steps should have been taken for future provision.

They question the lack of ACT Government funding for the Women's Legal Centre and the Environmental Defenders Office.

They note that the Attorney General has interfered in the Law Society 99/00 grants. The Women's Legal Centre funding decreased from a recommended grant of \$47,812 to \$8,144. The Environmental Defender's Office grant decreased from \$23,000 to zero. The grant for the Welfare Rights and Legal Service decreased from a recommended grant of \$95,824 to \$88,566. All these grants were notified to the centres on 20 July 1999 and all centres have budgeted for them. The Minister's decision was made 9 months after the funds were notified.

They note that community legal centres in the ACT provide a vital infrastructure for access to justice for disadvantaged members of our community and the Legal Aid report bears out how effective these services are.

They also ask if there will be provision of a Prisoners Legal Advice Service when the ACT has a prison.

Care Inc-Financial Counselling and Consumer Credit Legal Service

Care sought an allocation of \$84,597 from the forthcoming ACT Budget to retain a Consumer Credit Legal Service for low income people in the ACT. This provides for one full time solicitor, a part time secretary and a proportional share of organisational costs.

Care claims that without the service low income clients would not be able to obtain quality legal advice and representation irrespective of income. Care claims this is particularly important when low income earners endeavour to assert their legal rights against powerful corporations.

The Minister for Education and Community Services encouraged Care to pursue funding through the draft budget process.

Care claims there is no alternative provider if Care is not funded. ACT Legal Aid has categorically stated that it has neither the expertise nor the resources to provide consumer credit legal assistance. Welfare Rights and Legal Centre has also advised their inability to take over the work currently being done by Care.

Care has provided a Consumer Credit Legal Service since 1995. In the past funding has come from the Financial Counselling Trust Fund that holds penalties imposed on credit providers for breaching ACT Consumer Credit legislation. In developing the 1996 Credit Codes the civil penalty regime was weakened and it is now unlikely that the substantial sums which characterised previous litigation under the Credit Act will become available to the Trust in the future.

Funding for Care's Legal Service ran out on 30 October 1999 and the Government found bridging finance of \$40,000 to maintain the service until June 2000. The Treasurer encouraged Care to approach the Community Grants Program within the Education, Community Services and recreation portfolio.

Care provides evidence of significant community support for the retention of the service. Care's legal service is recognised nationally as being the local expert in this increasingly complex area of law and they argue that it has done much to lift the profile of the ACT in consumer protection.

All possible avenues for funding have been exhausted and Care will close in June 2000 without a Budget allocation, with casework access being closed well in advance of June.

Care provided detailed evidence to substantiate their case including a cost/benefit analysis.

Australian Federal Police Association (AFPA)

The AFPA notes the competing interests between ACT Region and the national commitments and the resultant competition for the use of training facilities. Recently some 155 AFPA members in the AFP region had their firearms confiscated due to expiration of firearms qualifications. This was due to the lack of time officers had to use firearms range at Weston due to both a refit of the 6 lane range and because of competition for range time with the AFP National members.

In the coming 12 months new officers are expected to be recruited which will lead to competition for range time and regional members will be unable to get sufficient range time to requalify on their firearms.

The AFPA recommends that the ACT Government build a 4 lane firearms range into the new JESC building at Woden.

The AFPA seeks a manpower allocation of 24 to man the JESC at Gungahlin.

The AFPA seeks funding for replacement of equipment for Police Search and Rescue and the Diving Teams from the Emergency Services levy of \$80,000 annually. The AFPA also seeks funding for the replacement of two search and rescue vehicles with one truck and the replacement of the Diving team's vehicle. The search and rescue vehicles were purchased in the early 1980s. Neither vehicle is 4wheel drive capable which limits the locations they can be operated from. The cost of the new search and rescue truck would be a lease cost of \$2100 per month, similar to the current lease cost. The cost of replacing the dive truck would again be about \$2100 per month. All the present vehicles are run on leaded fuel which will shortly be ceased in this country. The proposed vehicles will run on diesel fuel which will be cheaper after the introduction of the GST.

Victims of Crime Coordinator (VOCC)

The VOCC suggests all items related to victim assistance, liaison and coordination be put in the one output (Output 2.6) and separately itemised. This should include the Victims Services Scheme, the Victims of Crime Coordinator, allocations for administering the Victim Assistance Board and the Domestic Violence Prevention Council. Amounts allocated for the Witness Assistant and Crime Scene Clean-Up Fund could be listed in this output class or separately itemised under Public Prosecutions and the AFP. The current victims liaison activities of the AFP should be itemised separately in the AFP's annual report and expenditure. Both the AFP and the DPP should be requested to develop and report on output measures relating to their legislative obligations.

Without separately itemised output lines it will be difficult to monitor the protection and growth of victim assistance in future budgets.

The VOCC welcomes the allocation for services recommended in the Victim Support Working Party report *Victims Support in the ACT: Options for a Comprehensive Response*.

The VOCC is concerned about the Government's silence on other recommendations of the report, such as increased staffing for victim liaison

within the AFP to be increased by two to allow for one specialist officer per patrol area. Also the computerised police contact program needs a funding allocation. The VOCC recommends the AFP allocation be boosted to reflect these two recommendations.

The VOCC states the \$1.35m allocation may be insufficient especially if it has to accommodate evaluation in future years.

The VOCC has also sought Commonwealth funding for an Integrated Victims Database under the Crime Prevention Program and seeks an allocation of \$30-50million as a contingency against the Commonwealth declining to fund the Database.

The VOCC highlights the importance of restorative justice programs such as conferencing, mediation and reparation. The early results of the ACT's diversionary conferencing for juveniles have been encouraging. On measures such as satisfaction to victims and offenders, procedural fairness, compliance and recidivism, and indicators such as victim notifications, this experiment is outperforming the court system. The VOCC suggest the Justice and Community Safety portfolio be allocated an amount to pursue the implementation of a comprehensive restorative justice program. Such a program need not be expensive and could provide the option for Magistrates to recommend Victim-offender reparation.

APPENDIX C: GOVERNMENT RESPONSE TO PUBLIC SUBMISSIONS

3.76. In previous budgets, the Government has included a section with a summary of each public submission and the Government's response. The committee saw this a valuable part of the budget process, particularly as it promotes transparency.

3.77. The committee wrote to the Minister for Justice and Community Safety requesting a Government response to all submissions.⁵¹ These responses are reproduced in this section. See Appendix B for a detailed summary of submissions.

⁵¹ Correspondence from Mr Paul Osborne MLA to Mr Gary Humphries MLA, 29 February 2000.

APPENDIX D: ADDITIONAL BUDGET DETAILS

APPENDIX E: GOVERNMENT RESPONSE TO QUESTIONS

APPENDIX F: BARNARDOS SUBMISSION TO DRAFT BUDGET

APPENDIX G: GOVERNMENT COSTING OF BEAT POLICING

2000/2001 Draft Budget of the Department of Justice and Community Safety and Related Agencies

Report No 9 of the Standing Committee on Justice and Community Safety

Dissenting Report

John Hargreaves MLA

Mr Speaker, I wish to present, to the ACT Legislative Assembly, a dissenting report to certain recommendations contained in Report No 9 of the Assembly's Standing Committee on Justice and Community Safety, which deals with the draft budget, presented by the Government, on the Department of Justice and Community Safety and related agencies.

I shall address my report to the recommendations as presented.

Recommendation 1

It is quite reasonable that Standing Committees be involved in the contemplative stage of budget development. This enables the Assembly to scrutinise the direction the Government wishes to take in relation to its proposed programs for the following financial year.

It allows an involvement by interested parts of the community to be involved meaningfully in the consultative process and enables the community to inform non-Executive Members of the impacts of the draft budget on the services provided to our community either directly by Government or by support financing by Government to those service providers.

This process enables Members to be more fully informed when being asked to approve Government expenditure.

However, Standing Committees should not be regarded as “distribution agencies” for the executive arm of Government. Governments are elected on platforms, which include the provision of services and support financing. Opposition and cross-bench Members are not accountable to the community for the distribution of money to facilitate government programs.

It follows, therefore, that Standing Committees ought not be given a bucket of money by the Executive and encouraged to allocate funds to priorities of the Committee’s choosing. The Committees are not priority setting forums, they are merely a further advisory and recommendatory activity; an added opportunity for Government to fully appraise their own priorities and make the appropriate decisions.

In essence, Standing Committees are recommendatory, not decision-making forums. It is not acceptable to ask Standing Committees to become another “budget section” of a given department.

The offer of, initially \$1.5 million, then \$500,000 to the Standing Committee on Justice and Community Safety for distribution, merely attempted to shift the responsibility of distribution of funds to that Committee from the Executive. This is a concept which I reject.

Recommendation 2

I concur with this recommendation, as it will improve the consultative process which can only benefit the community.

Recommendation 3

This recommendation needs to be considered in the light of the inquiry into policing services for the ACT. Essentially, that inquiry is needed because there is some disquiet over the nature of policing services in the ACT.

Whilst agreeing with the overall philosophy of the Rugendyke proposal, that there be a beat police process, the nature of the proposal needs further investigation.

The proposal seeks to have one beat policeman for two suburbs in three regions. It is my understanding that Mr Rugendyke would like to see such a service provided to all the residential suburbs in Canberra. His first proposal would result in three policemen appointed, but the expanded program would see a further 50 police engaged, with the resultant on costs.

It is my view that the detail provided to the Committee by Mr Rugendyke and the Government in its costings, is insufficient to make a recommendation at

this time, notwithstanding the inconsistency inherent in the view that the proposal should proceed, prior to the conclusion of the inquiry.

The Government has costed the proposal at \$1.547 million initially and has forecast an ongoing cost of \$1.279 million. The Government has also costs a proposal for using recruited staff as opposed to existing staff, at \$1.571 million.

In these costings questions arise. It indicates that the fit out cost of 9 shops is \$468,918. But Mr Rugendyke asked for three shops. The figure is thus 66% out. This is \$312,612 in error. With something as simple as this and no other supporting data to substantiate the other figures, what faith can be had in the estimates?

The Government also proposes that the shops be moved every 18 months. I don't recall this being canvassed anywhere. Further, it would seem nonsensical to do it anyway. So the cost of \$1.279 million is again a suspect figure.

Recommendation 4

I concur with this recommendation. Where it can be identified that there is an inadequacy in provision of life saving equipment, the Government should address this as a matter of priority.

Recommendation 5

I concur with this recommendation. The lack of a firearms range can and will have an adverse effect on the quality of training our police have available. There has been a shift to Glock pistols and it is not acceptable that police cannot be trained in the use of this weapon because we don't have access to an appropriate firearms range.

Recommendation 6

It is acknowledged that the Government has given an undertaking to recruit further firefighters. However, I do not support the Government's approach to recruitment, but am prepared to wait to see the results of the enterprise bargaining consultations regarding this issue. I see the need, not for additional funding but the re-allocation of existing funds from the base funding for the service, to be applied to training for the fire brigade.

I wish the Assembly to note that well over twelve months ago, I asked for the breakdown in allocation of funds to the fire brigade, only to be told that it was not possible. I was aware, from my own previous experience that this data was available for extraction from ORACLE, but the Government still procrastinated. The information was provided to the Committee in this round of draft budget scrutiny. Why it was not possible long ago remains an eternal mystery.

Recommendation 7

I concur with this recommendation. However, it can be seen that the crime prevention programs centred on young people in the community, families and schools, are most successful when as part of the Family and Youth Services portfolio. This is a crime prevention mindset and not a corrections mindset. It is more appropriate that Quamby be part of the Family and Youth Services portfolio and not the Justice portfolio.

Recommendation 8

I concur with this recommendation. See comments in recommendation 7.

Recommendation 9

I concur with this recommendation.

Recommendation 10

I concur with this recommendation.

Recommendation 11

I concur with this recommendation. If the recidivism rate in mainstream prisons is at 60%, any activity designed to reduce this in Quamby should be supported.

Recommendation 12

I concur with this recommendation. This sort of information is vital if crime is to be prevented instead of cured. Information is vital in the determination of strategies, which must be brought into play to stop young people embracing criminal tendencies and practices.

Recommendation 13

I support the supporting text of the report and would only add that the exclusion of women in an ACT prison is discriminatory, short-sighted and totally unacceptable. Any expressed view that there be an exclusion of women from our prison system should be rejected out of hand.

Legal Aid Funding

It is with this part of the report I have the most difficulty, other than the principal of the Committee being a “distribution agency”.

An examination of the chart of sources of legal aid funding from 1995/96 to 2000/2001 reveals in general terms a return in 2000/2001 to 1995/96 levels of funding. It can be seen that the level of contribution from the Law Society has been the same over those years, at about \$400,000 per year.

There is proposed an increase overall of \$324,000 from 1999/2000 to 2000/2001.

I refer Members to Appendix B, dealing with ACT Community Legal Centres. In this appendix, it is stated that evidence was given to the Committee that the Attorney General used his powers of interference with the distribution of these funds to reduce funding of three agencies. Also that the Care Inc – Financial Counselling and Consumer Credit Legal Service, had received no funding. I will refer to this when addressing recommendation 13.

The legal services which had reductions were the Women's Legal Service, reduced from \$47,812 to \$8,144 (a drop of \$39,668), the Environmental Defenders Office from \$23,000 to zero and the Welfare Rights and Legal Service from \$95,824 to \$88,566 (a drop of \$7,258).

It mystifies me why, when the overall budget for legal aid services is increased by \$324,000, these services should suffer reductions or elimination. There has been no explanation given.

The Women's Legal Service provides support services to some of the most disadvantaged people in our society. These people are often in the most appalling state of distress and need women-specific assistance. We have a Women's Health Service, we have many women-specific services and we pride ourselves on being supportive to women when their domestic situation becomes critical.

The virtual elimination of funding for this service is appalling.

My recommendation to the Committee was for it to recommend to Government that the funding be restored.

Two members of the Committee rejected this recommendation and the third offered a compromise recommendation. That recommendation was to seek to have the Government think again on its position. This suggested recommendation, with which I was, in the interests of compromise, prepared to accept, was rejected by the other two members, and subsequently withdrawn.

It has not been outlined where the funding of \$69,926 (the total of the reductions) has been applied to assist those in need.

I suspect that these reductions reflect the personal commitment of the Attorney General and certain members of the Standing Committee to de-fund those activities because the activities have publicly disagreed with those Members' views on sensitive subjects. It is part of the "Do as you are told or we will de-fund you" method of Government so obvious in recent times.

This occurs quite often, as we all know, but it is unusual that this practice has the blessing of a Standing Committee. An approach I reject.

I urge the Assembly to indicate to the Government that these funds be restored to the Women's Legal Service, the Environment Defender's Office and the Welfare Rights and Legal Service.

Recommendation 14

I concur with this recommendation. It should be noted that this recommendation, while supported, is inconsistent with the Committee's stand on the Women's Legal Service.

Recommendation 15

I concur with this recommendation.

Recommendation 16

I concur with this recommendation.

Recommendation 17

I concur with this recommendation.

Summary

I wish to dissent from the acceptance of this Committee of the concept that it is an extension of the Executive, in its distribution of funds. It is not the role of an Assembly Standing Committee to be part of the Executive process. It is

the role of a Standing Committee to be part of the consultative process and the evaluative process, but not part of the decision making process.

It is acceptable for Standing Committees, given their history of collaboration on non party lines, to be part of the process in a transparent and open government process, but it removes the independence of the Members of that Committee if it is to be locked into supporting the Government programs.

A further issue is the restriction by Government that the considerations be limited to portfolio areas and restricted to the bottom-line. In order for recommendations to have any value, they need to be considered in the context of a “whole of Government” budget process. The restriction of considerations to a portfolio significantly reduces the effectiveness of Committee involvement.

It is also inconsistent for the Government to restrict the Committee to the bottom line, then informally offer an increase to be distributed by the Committee.

The absence of costed GST implications made considerations difficult. The costings given by the Government, if the costings on the Country Town policing model are an indicator, cannot be relied on anyway.

The reductions of funding for legal aid services with no indication on how those services would be replaced is appalling and should be reversed. The budget process should not be a vehicle for individual Members to pursue individual vendettas.

In general, I found the consultative process with interested community input valuable, but did not appreciate being part into the Executive process of Government. Governments are elected on programs and stand or fall on those programs. It is not the role of non-Executive members of the cross bench or the Opposition to prop up a shaky Government.

John Hargreaves MLA

26 March 2000

