

2013

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

**GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
REPORT NO 1**

REPORT ON ANNUAL AND FINANCIAL REPORTS 2011-2012

**Presented by
Ms Katy Gallagher MLA
Chief Minister**

Government Response

Standing Committee on Justice and Community Safety Report No 1 – Report on Annual and Financial Reports 2011-2012

Introduction

The Annual Reports of All ACT Government agencies are referred to the Standing Committees of the ACT Legislative Assembly for examination and report.

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

- ACT Electoral Commission;
- ACT Human Rights Commission;
- ACT Policing;
- Director of Public Prosecutions;
- Justice and Community Safety Directorate;
- Legal Aid Commission (ACT);
- Public Advocate of the ACT;
- Public Trustee for the ACT; and
- ACT Ombudsman;
- Victims of Crime Support Program.

The Committee made 3 recommendations.

Response to Committee Recommendations

Recommendation 1

7.15 The Committee recommends that the ACT Government consider arranging matters so that independent statutory authorities with primarily responsibility for rights in the ACT would be grouped together in one secretariat or administrative unit.

Government Response

Noted.

In May 2013, the Attorney-General wrote to and subsequently met with a number of Statutory Office Holders with responsibility for rights protection in the ACT. The Statutory office holders are working with the Justice and Community Safety Directorate exploring options for efficient delivery of services to the community to strengthen the delivery of services within the current fiscal constraints.

Recommendation 2

7.24 The Committee recommends that the ACT Government endorse the Director of Public Prosecutions recommendations regarding the pre-trial exchange of materials and witnesses lists between prosecution and defence.

Government Response

Noted.

The management of pre-trial criminal proceedings is the responsibility of the Supreme Court. In the context of the implementation of the Docket System by the Supreme Court, the Court has made practice directions and rules about process after a matter is docketed. The proposal for further statutory supplementation of pre-trial criminal proceedings is being considered.

Recommendation 3

7.25 The Committee recommends that the ACT Government take immediate steps to address the ongoing concerns raised by witnesses about a backlog, to ensure timely outcomes from the justice system in the ACT.

Government Response

Noted.

On 6 June 2013, the Attorney-General introduced the Crimes (Sentencing) Amendment Bill 2013 to allow the court to impose a reduced sentence where an offender has facilitated the administration of justice by cooperating to ensure that the trial is focused as efficiently as possible on the real issues in dispute.

The *Courts Legislation Amendment Act 2011*, included amendments to ensure that less serious matters are heard in the Magistrates Court.

Under the Magistrates Court Act, Magistrates are able to hear civil claims valued up to \$250,000 (increased from \$50,000). The Act also allows an offence punishable by imprisonment for longer than 2 years but not longer than 5 years to be summarily dealt with in the Magistrates Court, if the DPP consents.

The courts have the power to refer matters inappropriately before one court to a more appropriate court.

The *Bail Amendment Act 2011* ensured that bail applications could be efficiently pursued in the Magistrates Court.

Judge-alone trial reforms removed the option of electing for a judge-alone trial in all offences involving the death of a person and all sexual offences, including child pornography and bestiality. These reforms have reduced delays in finalising matters as jury decisions are made at the conclusion of a case and not reserved.

On 13 August 2012, the Supreme Court adopted a docket system which assists the court to take control of cases to make the best use of the time and resources of the Court.

The Supreme Court and Magistrate Court registries were combined into a single registry in July/August 2011 following recommendations by the Auditor-General.

The Government allocated \$9.5 million in the 2012-13 Budget for developing a new courts and tribunal ICT case management system. The 2012-13 Budget also allocated \$2.2 million over 4 years for introducing an ACT sentencing database.

Legislation for establishing an Industrial Court was presented to the Legislative Assembly on 8 August 2013.

A judicial complaints handling mechanism for the ACT is currently being developed.