



ACT

Government

Justice and Community Safety

Open Access release outcome decision – Partial access granted

Document Category: Ministerial Briefs

Title of document: Attorney General – Quarter 2 2018 briefs

Description of the information: Question Time and Estimates Hearing Briefs provided to the Attorney General between 1 April and 30 June 2018.

The original record of this document contained information the release of which would be contrary to the public interest. This information has been redacted from this publicly available version of the document for the reasons outlined below.

Grounds for decision to withhold disclosure

It was decided certain information contained in the document would not be disclosed as, on balance it would be contrary to the public interest test set out in section 17 of the FOI Act.

I have included below the relevant factors considered in making this decision.

2.1 Factors favouring disclosure in the public interest

(a) Disclosure of the information could reasonably be expected to do any of the following:

- (i) promote open discussion of public affairs and enhance the government's accountability;*
- (ii) contribute to positive and informed debate on important issues or matters of public interest;*
- (viii) reveal the reason for a government decision and any background or contextual information that informed the decision.*

I consider that the release of the ministerial briefs may be expected to help inform ongoing discussions and debate on matters of continued public importance. The disclosure of this information also helps to promote government accountability and transparency.

2.2 Factors favouring non-disclosure in the public interest

(a) Disclosure of the information could reasonably be expected to do any of the following:

- (ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004;*
- (xi) prejudice trade secrets, business affairs or research of an agency or person;*
- (xii) prejudice an agency's ability to obtain confidential information.*

On balance, I consider the ministerial briefs to be in the public interest to release, with minor redactions. This includes details that may identify members of the public or other aspects of their personal information, where this would reasonably be expected to prejudice their right to privacy under the *Human Rights Act 2004*.

Redactions have also been made to the names of organisations participating in a government review where release would prejudice the business affairs of an agency. Similarly, the details

Open Access Decision – Quarter 2 2018 – Attorney General

of organisations participating in ACT budget community consultation processes has been redacted where their information may have been provided with a reasonable expectation of confidentiality.

Review rights

My decision to withhold open access information is a reviewable decision as identified in Schedule 3 of the FOI Act. You can seek an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on the Justice and Community Safety Directorate website, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision, you may write to the ACT Ombudsman at:

The ACT Ombudsman
Attention: ACT Strategy and FOI Section
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

Further assistance

If you have any queries regarding this Open Access release, please contact JACSFOI@act.gov.au or phone (02) 6207 2167.

Authorised by



Naveen Wijemanne
Information Officer
7 July 2023



ACT
Government

Justice and Community Safety

OPEN ACCESS Q2 2018 SCHEDULE PORTFOLIO: ATTORNEY-GENERAL

No.	Folio	Description	Date	Status	Reason for non-release or deferral
Sitting Weeks 10-12 April 2018					
1	1-2	Question Time and Oversight Brief Index 10-12 April 2018	April	Full release	
2	3-4	Fyshwick Rave	April	Full release	
3	5-9	Greyhound Funding and Transition to end industry	April	Full release	
4	10-17	Bail Laws	April	Partial release	Schedule 2 2.2(a)(ii)
5	18-21	DPP Resourcing	April	Full release	
6	22-25	Magistrate's and Coroner's Court Resourcing	April	Full release	
7	26-28	Child Abuse Royal Commission	April	Full release	
8	29-30	Redress	April	Full release	
9	31-36	Gaming Machine Harm Reduction Measures	April	Full release	
10	37-38	First responders to Bonner Incident	April	Full release	
11	39-43	Whole of Government response to Family Safety	April	Full release	
12	44-46	Family Violence Policy	April	Full release	
13	47-48	Moss Implementation – Coroner's Court	April	Full release	
14	49-54	Residential Tenancies	April	Full release	
15	55-56	The Bar association comments on the judicial appointment process	April	Full release	
16	57-59	Fraud Incident at the Former Public Trustee for the ACT	April	Full release	
17	60-62	Outlaw Motorcycle Gang Laws	April	Full release	
18	63-64	JACS Staff Survey	April	Full release	
19	65	Judicial Appointments	April	Full release	
20	66	Crimes (Consent) Amendment Bill 2018	April	Full release	
21	67	Greyhounds	April	Full release	
22	68	Outlaw Motorcycle Laws	April	Full release	
23	69	DPP Resourcing	April	Full release	
24	70-71	National Counter Terrorism	April	Full release	

No.	Folio	Description	Date	Status	Reason for non-release or deferral
25	72-73	Gaming Machine Harm Reduction Measures	April	Full release	
26	74-75	Child Abuse Royal Commission	April	Full release	
27	76	Drug and Alcohol Court	April	Full release	
28	77	Canberra Casino Redevelopment	April	Full release	
29	78	Liquor Reforms	April	Full release	
30	79	Community Club Grants	April	Full release	
31	80	Community Legal Centres	April	Full release	
32	81	Commonwealth Funding (DV Women's safety)	April	Full release	
33	82	Moss Report	April	Full release	
34	83	ACT Policing Crime Statistics	April	Full release	
35	84	Eastman Update	April	Full release	
36	85-86	New Court Facilities	April	Full release	
Sitting Week 8-10 May 2018					
37	87-88	Question Time and Oversight Brief Index 8-10 May 2018	May	Full release	
38	89-91	Casino Announcement	May	Full release	
39	92-98	Greyhound Funding and Transition to end industry	May	Full release	
40	99-104	Gaming Machine Harm Reduction Measures	May	Full release	
41	105-112	Bail Laws	May	Partial release	Schedule 2 2.2(a)(ii)
42	113-116	DPP Resourcing	May	Full release	
43	117-120	Resourcing of Magistrates and Coroners Court	May	Full release	
44	121-122	Coroner's Court Reform	May	Full release	
45	123-124	Judicial Appointment Process	May	Full release	
46	125-127	Child Abuse Royal Commission	May	Full release	
47	128-129	Redress	May	Full release	
48	130-134	Whole of Government response to Family Safety	May	Full release	
49	135-137	Family Violence Policy	May	Full release	
50	138-143	Residential Tenancies	May	Full release	
51	144-145	Criminal Gangs &	May	Full release	
52	146-148	Outlaw Motorcycle Gangs	May	Full release	

No.	Folio	Description	Date	Status	Reason for non-release or deferral
53	149-150	Rave type events	May	Full release	
54	151-152	JACS Staff Survey	May	Full release	
55	153-154	Costing of Questions on Notice	May	Full release	
56	155	Crimes (Consent) Amendment Bill 2018	May	Full release	
57	156-157	National Counter Terrorism	May	Full release	
58	158	Drug and Alcohol Court	May	Full release	
59	159	Liquor Reforms	May	Full release	
60	160	Community Club Grants	May	Full release	
61	161	Auditor-General report on community Contributions	May	Full release	
62	162	Community Legal Centres	May	Full release	
63	163	Commonwealth Funding (DV Women's safety)	May	Full release	
64	164	Moss Review	May	Full release	
65	165	ACT Policing Crime Statistics	May	Full release	
66	166	Eastman Update	May	Full release	
67	167-168	New Court Facilities	May	Full release	
Sitting Week 5 – 7 June 2018					
68	169-170	Question Time and Oversight Brief Index 5-7 June 2018	June	Full release	
69	171-175	Casino Announcement	June	Full release	
70	176-186	Greyhound Funding and Transition to end industry	June	Partial release	Schedule 2 2.2(a)(ii)
71	187-193	Gaming Machine Harm Reduction Measures	June	Full release	
72	194-200	Bail Laws	June	Partial release	Schedule 2 2.2(a)(ii)
73	201-204	DPP Resourcing	June	Full release	
74	205-208	Resourcing of Magistrates and Coroner's Court	June	Full release	
75	209-210	Coroner's Court Reform	June	Full release	
76	211-212	Judicial appointment process	June	Full release	
77	213-215	Child Abuse Royal Commission	June	Full release	
78	216-217	Redress	June	Full release	
79	218-224	Residential Tenancies	June	Full release	
80	225-226	Criminal Gangs	June	Full release	

No.	Folio	Description	Date	Status	Reason for non-release or deferral
81	227-229	OMCG - Taskforce Nemesis	June	Full release	
82	230-231	Costing of Questions on Notice	June	Full release	
83	232-236	Whole of Government response to Family Safety	June	Full release	
84	237-240	Family Violence Policy	June	Full release	
85	241	Crimes (Consent) Amendment Bill 2018	June	Full release	
86	242-243	National Counter Terrorism	June	Full release	
87	244	Drug and Alcohol Court	June	Full release	
88	245	Liquor Reforms	June	Full release	
89	246	Community Club Grants	June	Full release	
90	247	Community Legal Centres	June	Full release	
91	248	Commonwealth Funding (DV Women's safety)	June	Full release	
92	249	Moss Review	June	Full release	
93	250	ACT Policing Crime Statistics	June	Full release	
94	251	Eastman Update	June	Full release	
95	252-253	New Court Facilities	June	Full release	
Estimates Hearings June 2018					
96	254-257	Estimates Committee Hearings Index 26 June 2018	June	Full release	
97	258-260	2018-19 Budget Summary (including summary of JACS Initiatives)	June	Full release	
98	261-262	ACT Budget Media Release	June	Full release	
99	263-265	ACT Budget Community Consultations	June	Partial release	Schedule 2 2.2(a)(xii)
100	266-265	Indexation Parameters	June	Full release	
101	269-270	2018-19 Fees and Charges	June	Full release	
102	271-279	Staffing Breakdown (incl. classification breakdown)	June	Full release	
103	280-281	Workforce Issues	June	Full release	
104	282-283	Staff survey	June	Full release	
105	284-285	Freedom of Information	June	Full release	
106	286-288	More support for families and inclusion – Retrial of Mr David Eastman	June	Full release	
107	289-290	More support for families and inclusion - Drug and Alcohol Court	June	Full release	

No.	Folio	Description	Date	Status	Reason for non-release or deferral
108	291-292	More support for families and inclusion – Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse	June	Full release	
109	293-294	More support for families and inclusion – Canberra as a Restorative City	June	Full release	
110	295-296	More support for families and inclusion – Additional Magistrate	June	Full release	
111	297-298	More support for families and inclusion – Improving ACT Coronial Services	June	Full release	
112	299	More support for families and inclusion – Preventing and responding to elder abuse	June	Full release	
113	300	More support for families and inclusion – ACT Civil and Administrative Tribunal Accommodation – early planning	June	Full release	
114	301	More support for families and inclusion – Expanding CBR Night Crew	June	Full release	
115	302-303	More support for families and inclusion – More resources for the DPP	June	Full release	
116	304-305	Better Government – New Jury Management System	June	Full release	
117	306-307	Fairer revenue – Penalty unit adjustment	June	Full release	
118	308	Disability Justice Strategy (CSD Budget Initiative)	June	Full release	
119	309-310	National Facial Biometric Matching Service	June	Full release	
120	311-312	2017-18 2nd Appropriation – Better Support When it Matters – Director of Public Prosecutions – Additional Resources to Confiscate Criminal Assets	June	Full release	
121	313-315	2017-18 2nd Appropriation – Better Support When it Matters – Criminal Law Reform	June	Full release	
122	316-317	2017-18 2nd Appropriation – Better Support When it Matters – Redress for Survivors of Child Sexual Abuse in Institutions	June	Full release	
123	318-319	2017-18 2nd Appropriation – Better Support When it Matters – Drug and Alcohol Court	June	Full release	
124	320	2017-18 2nd Appropriation – Better Support When it Matters – Stronger Resourcing for the Government Solicitor’s Office	June	Full release	
125	321-322	2017-18 2nd Appropriation – Fairer Revenue – Restructure of ACAT Fees	June	Full release	
126	323-324	2017-18 2nd Appropriation – Fairer Revenue – Simplified Fees for Civil Proceedings in the Supreme Court	June	Full release	
127	325-326	2017-18 2nd Appropriation – Retiring Judge’s Entitlements	June	Full release	
128	327-334	Output Class 1.1: Legislation, Policy and Programs	June	Full release	
129	335-337	Output Class 1.2 Legal Services to Government	June	Full release	
130	338-339	Output Class 1.3 Legislative Drafting and Publishing Services	June	Full release	

No.	Folio	Description	Date	Status	Reason for non-release or deferral
131	340-342	Output Class 1.4 Public Prosecutions	June	Full release	
132	343-353	Output Class 3.0 Courts and Tribunal, Judicial and Access to Justice	June	Full release	
133	354-358	Financial Summary Output Class 1	June	Full release	
134	359-360	Financial Summary Output Class 1.1	June	Full release	
135	361-362	Financial Summary Output Class 1.2	June	Full release	
136	363	Financial Summary Output Class 1.3	June	Full release	
137	364-365	Financial Summary Output Class 1.4	June	Full release	
138	366-369	Financial Summary Output 3.0	June	Full release	
139	370-371	FMA Section 16B Rollovers (2016-17 to 2017-18)	June	Full release	
140	372-373	2018-19 Budget Rollovers (2017-18 to 2018-19)	June	Full release	
141	374-377	Greyhounds	June	Full release	
142	378-379	Residential Tenancies Act 1997 Commercial Guarantees	June	Partial release	Schedule 2 2.2(a)(xi)
143	380-388	Strategic and Accountability Indicators - PTG	June	Full release	
144	389-392	Public Trustee and Guardian for the ACT Financial Report - PTG	June	Full release	
145	393-395	Legal Aid ACT Service Levels - LAC	June	Full release	
146	396-397	Legal Aid ACT Financial Outcomes - LAC	June	Full release	
147	398-399	Legal Aid ACT 2018-19 Budget Initiatives - LAC	June	Full release	
148	400-404	Casino Announcement	June	Full release	
149	405-415	Greyhound Funding and Transition to End Industry	June	Partial release	Schedule 2 2.2(a)(ii)
150	416-422	Bail Laws	June	Partial release	Schedule 2 2.2(a)(ii)
151	423-428	DPP Resourcing	June	Full release	
152	429-433	Resourcing of Magistrates and Coroner's Court	June	Full release	
153	434-435	Coroner's Court Reform	June	Full release	
154	436-437	Judicial appointment process	June	Full release	
155	438-440	Child Abuse Royal Commission	June	Full release	
156	441-442	Redress	June	Full release	
157	443-449	Residential Tenancies	June	Full release	
158	450-451	Criminal Gangs	June	Full release	
159	452-454	OMCG - Taskforce Nemesis	June	Full release	

No.	Folio	Description	Date	Status	Reason for non-release or deferral
160	456-457	Costing of Questions on Notice	June	Full release	
161	458-461	Whole of Government response to Family Safety	June	Full release	
162	462-465	Family Violence Policy	June	Full release	

ATTORNEY-GENERAL
QUESTION TIME and OVERSIGHT BRIEF INDEX
10-12 April 2018

Question Time Briefs (updated for each Assembly Sitting Period)	
1.	Fyshwick Rave
2.	Greyhound Funding and Transition to end Industry
3.	Bail Laws – add declaration under 9.C mention at the ceremonial sitting
4.	DPP Resourcing
5.	Magistrates and Coroners Court Resourcing
6.	Child Abuse Royal Commission
7.	Redress
8.	Gaming Machine Harm Reduction Measures
9.	First responders to Bonner Incident
10.	Whole of Government response to Family Safety
11.	Family Violence Policy
12.	Moss Implementation – Coroner’s Court
13.	Residential Tenancies
14.	The Bar association comments on the judicial appointment process
15.	Fraud Incident at the Former Public Trustee for the ACT
16.	Outlaw Motor Cycle Gang’s
16.1	JACS Staff Survey

Oversight Brief (updated weekly)	
	<p><i>Hot Issues</i></p> <ol style="list-style-type: none">17. Judicial Appointments18. Crimes (Consent) Amendment Bill 201819. Greyhounds20. Outlaw Motorcycle Laws21. DPP Resourcing22. National Counter Terrorism23. Gaming Machine Harm Reduction Measures24. Child Abuse Royal Commission25. Drug and Alcohol Court26. Canberra Casino Redevelopment <p><i>Ongoing Issues</i></p> <ol style="list-style-type: none">27. Liquor Reforms28. Community Club Grants29. Community Legal Centres30. Commonwealth Funding (DV Women's safety)31. Moss Report32. ACT Policing Crime Statistics33. Eastman Update34. New Court Facilities

Portfolio: Attorney-General**ISSUE: RAVE TYPE EVENTS****Talking points:**

- The ACT has a range of criminal offences which deal with the manufacture, trafficking, cultivation, sale or supply and possession of controlled drugs and prohibited substances.
- For example, section 164 of the *Drugs of Dependence Act 1989* makes it an offence for a person to sell or supply, participate in the sale or supply or possess for the purpose of the sale or supply a drug of dependence. The maximum penalty is five years imprisonment and/or 500 penalty units.
- The offences apply whether they occur in public or in private places. There are no “rave specific” drug or other offences, although a range of offence provisions could be relevant to activities which occur at raves.
- In terms of the use of drugs, the ACT Government’s guiding principle is harm minimisation. The Government is always looking to explore ways that the legal system can minimise the harm to society resulting from drug use.
- An example of this approach is the current work to establish a Drug and Alcohol Court in the ACT which will provide a treatment focus for people whose crimes are the result of drug use and addiction.

Key Information

- The *Canberra Times* reported on 18 March 2018 that a ‘rave’ had taken place in Fyshwick where “at least four people were treated for suspected drug overdoses”.

Background Information

- There is no criminal law which deals specifically with the use of drugs at events such as raves.

Cleared as complete and accurate: 04/04/2018
Cleared by: Deputy Executive Director Ext: 76244
Information Officer name: Tamsyn Harvey
Contact Officer name: Anita Axell Ext: 54104
Lead Directorate: Justice and Community Safety

- While the testing of pills at festivals has been explored, with the work being led by ACT Health, this approach would not be appropriate for events such as raves which are typically privately arranged via social media without the prior involvement of the authorities.

Cleared as complete and accurate: 04/04/2018
Cleared by: Deputy Executive Director Ext: 76244
Information Officer name: Tamsyn Harvey
Contact Officer name: Anita Axell Ext: 54104
Lead Directorate: Justice and Community
Safety

Portfolio: Attorney-General**ISSUE: TRANSITION TO END GREYHOUND RACING****Talking points:**

- This new year marks the next phase in the transition to end greyhound racing in the ACT.
- The passage of legislation in November 2017 saw the ACT Government fulfil our commitment to cease funding the industry and transition to the end of the greyhound industry. Racing and trialling of greyhounds will be prohibited from 30 April 2018.
- The Government took these steps in response to the documented and acknowledged animal welfare failures in NSW. We know that greyhounds raced in Canberra are almost all from NSW and we want to prevent these kinds of abuses occurring in the ACT.
- Free counselling is also available to anyone impacted by the end of greyhound racing in the ACT, whether or not they are pursuing a transition support package.
- This can be accessed by contacting Woden Community Service, who have been engaged to provide dedicated support, case management, information and counselling services for those affected by greyhound industry transition and those wishing to consider support package options. The dedicated number for this service is (02) 6181 2895.
- While some industry lobbyists have publicly stated that they do not intend to engage with the transition process, we strongly encourage individual members of the industry to consider their own futures and engage with the Taskforce while the opportunity is available.
- For more information about the transition, eligibility and the types of support available, people can call (02) 6207 7525 or visit www.act.gov.au/greyhoundtaskforce. Conversations with the Taskforce about transition support options are treated confidentially.

Cleared as complete and accurate: 03/04/2018
Cleared by: Director Ext: 70522
Information Officer name: Karen Greenland
Contact Officer name: Belinda Barnard Ext: 77525
Lead Directorate: Chief Minister, Treasury and
Economic Development

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- After 30 April 2018, it will still be lawful to breed, train and own racing greyhounds in the Territory, subject to a range of measures that will better protect greyhounds who will continue to race interstate.
- The new legal framework will give us a better line of sight on the entire lifetime of greyhounds here in the ACT. For example, registering new litters within seven days will mean every young greyhound is accounted for, whether or not it is later registered as a racing dog.
- More regular registration renewals; new licencing requirements on owners, trainers and breeders; and a mandatory Code of Practice for people who have day-to-day control of greyhounds registered for racing, will all improve our oversight of these practices in the ACT.
- The mandatory Code of Practice for the Keeping of Racing Greyhounds will be made under the *Animal Welfare Act 1992*. This will be the standard against which licence and registration applications and renewals will be assessed. It is currently being developed in consultation with the Animal Welfare Advisory Committee, the RSPCA, greyhound welfare organisations and industry participants, including interstate racing authorities.
- An ongoing review of greyhound breeding and training practices over the next two years will also help the Government assess whether any further intervention is warranted.
- The ACT Supreme Court decided on 23 February 2018 that the ACT Planning and Land Authority (ACTPLA) should not be required to process the Canberra Greyhound Racing Club's application for a renewal of its lease over the greyhound racetrack premises at Symonston. The current lease runs until 2027.
- The Court found that ACTPLA should not be ordered to make a decision because greyhound racing will be unlawful from 30 April 2018 and the Club's existing lease will not expire until 2027. Given this, the Court found that an order for the grant of a new lease at this time would be futile and that the existing lease provides the Club with all the certainty and protection that it needs to conduct its affairs until the ban commences.

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- The Government welcomes the Court’s decision. The judgement also gives ACTPLA useful guidance in relation to the decision making process for issuing Crown Leases in the ACT. I understand that ACTPLA are now closely considering the judgement and the Court’s guidance to review its processes around issuing leases.
- The Canberra Greyhound Racing Club has also commenced proceedings in the Federal Court to challenge various matters to do with the end of greyhound racing in the ACT. As this matter is still before the Court, it is inappropriate to make any further comment.

Key Information

- Those exiting the industry have until 30 June 2018 to apply for transition support, and the Government has extended the roll-out of the available funding for an extra three months to 30 September 2018.
- To assist with the transition to end the greyhound racing industry in the ACT, an independent consultant, Ms Mary Durkin, was engaged to provide an analysis of options to support the transition. The Government agreed with Ms Durkin’s recommendations.
- According to the Durkin Report, 94 per cent of the greyhounds that raced in the ACT in 2016 were based in NSW.
- The Durkin Report also indicates that there are currently 70 Canberra residents who are active participants (i.e. owners, breeders and trainers) in greyhound racing in the ACT. Approximately 52 racing greyhounds are both owned by ACT residents and based here.

Background Information – may not be suitable for public disclosure

- Parliamentary Agreement Commitment 13.1 is to end Government funding for greyhound racing at the expiry of the current Memorandum of Understanding and take active steps to transition to end the operation of greyhound racing in the ACT.
- The 2016-17 Budget Review stated that:
“The Government will cease grant funding for the greyhound industry in the ACT, effective from the expiry of the current Memorandum of Understanding on 30 June 2017. The grant funding of \$1.033 million in 2017-18 will be redirected to a transition program to assist workers to re-skill, as well as rehome and care for the greyhounds”.

Cleared as complete and accurate:	03/04/2018	
Cleared by:	Director	Ext: 70522
Information Officer name:	Karen Greenland	
Contact Officer name:	Belinda Barnard	Ext: 77525
Lead Directorate:	Chief Minister, Treasury and Economic Development	

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Durkin Report

- Over 50 per cent (ten of eighteen) of the Durkin Report recommendations have been completed to date. They largely relate to the introduction of legislation to end greyhound racing and the scope of transition support to be made available. A further five recommendations (finalising the regulatory framework) are due for completion by 30 April 2018 and the remaining three (relating to the provision of transition support) are due to be finalised by 30 September 2018.

NSW position on greyhound racing

- Greyhound racing will continue in NSW. The NSW Government will spend \$41 million over the next five years to implement the recommendations of its Greyhound Industry Reform Panel. Of this, \$11 million is allocated towards the establishment of the integrity commission with the remainder to improve animal welfare standards. The NSW reforms are being phased in over 18 months, with the Greyhound Welfare Integrity Commission expected to commence operation mid-2018. A statutory review of the new legislation will take place after three years.
- This followed an earlier inquiry by the Honourable Michael McHugh AC QC into the greyhound industry in NSW which exposed wide-spread live baiting practices and animal cruelty. A subsequent ban of greyhound racing announced by the NSW Government, which was to take effect from 1 July 2017, was reversed on 11 October 2016.

Canberra Greyhound Racing Club's (CGRC) position

- The CGRC has filed two legal challenges against the ACT Government to date.
- On 23 February 2018, the ACT Supreme Court handed down its decision in a matter brought by the Canberra Greyhound Racing Club (CGRC) against the ACT Planning and Land Authority (ACTPLA) regarding the lease over the greyhound track at Symonston. The Court found that ACTPLA should have made a decision in regard to CGRC's application for a renewal of its current lease (due to expire in 2027) and that it was unreasonable to delay making a decision because of the possibility of legislative change that would ban greyhound racing. However, the Court found that ACTPLA should not now be ordered to make a decision regarding the lease because legislation has now been passed that will ban racing from 30 April 2018. The Court found that to require ACTPLA to act with regard to the lease renewal would be futile given the impending ban on the industry, and that their existing lease, which expires in 2027, provides CGRC all the certainty and protection that it needs to conduct its affairs until the ban commences.
- On 2 November 2017, the CGRC also filed an application in the Federal Court seeking damages in relation to an alleged breach of the CGRC lease; a declaration that laws relating to ACTTAB and the control of race field information are invalid; a declaration that the instruments made under those laws are also or alternatively invalid; and a declaration that the *Domestic Animals (Racing Greyhounds) Amendment Act 2017* is invalid. The matter is next before the Federal Court in March 2018 and a decision is not expected for some time.

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Lead Directorate: Chief Minister, Treasury and Economic Development

Taskforce engagement with stakeholders

- CGRC has publicly claimed that the Taskforce has not been active in seeking to engage industry participants in transition. The Taskforce Chair wrote to the CGRC on 5 September (and received a response on 18 September) and on 5 December 2017.
- Email update newsletters were sent to people registered with the Taskforce on 12 September, 2 November and 8 December 2017, and the same newsletters were uploaded to the Taskforce website. The Taskforce held a community information session on 19 September 2017, with nine attendees from animal welfare, greyhound re-homing organisations and individuals 'interested in the industry'.
- The Taskforce met the Australian Workers' Union on 13 September, 9 October and 23 October 2017 and 24 January 2018. The AWU provided the details of four members who have consented to contact from the Taskforce to commence discussions about transition support. To date, the Taskforce has spoken directly to four employees and had face to face meetings with two. Further meetings are planned with employees, contractors/service providers and trainers/breeders represented by AWU.
- The AWU met the staff of the Woden Community Service Greyhound Industry Transition Program on 5 March 2018 and have agreed to encourage CGRC employees to make contact to discuss transition support options.
- The Taskforce presented at a meeting of the Animal Welfare Advisory Committee on 6 February 2018. The Taskforce has also met separately with RSPCA Australia, RSPCA ACT, ACT Greyhound Support Network, Canberra Region Greyhound Connections, Australian Veterinary Association and Mary Durkin.

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Information Officer name: Karen Greenland
Contact Officer name: Belinda Barnard Ext: 77525
Lead Directorate: Chief Minister, Treasury and
Economic Development

Portfolio: Attorney-General**ISSUE: BAIL LAWS****Talking points:**

- The Government is committed to ensuring that the Territory's bail laws operate effectively and appropriately within the criminal justice framework.
- Bail is a long established practice in the criminal law which allows, in appropriate cases, accused people to remain in the community until their charges can be determined by a court of law.
- The purpose of the *Bail Act 1992* (Bail Act) as a whole includes ensuring that accused persons turn up for trial, to manage the risks that might arise while an accused person is on bail and protecting both the community and the administration of justice, and to protect the liberty of persons presumed to be innocent, including recognizing an accused person's human rights under the *Human Rights Act 2004*. It is intended to balance a variety of competing rights, interests and expectations.
- The Bail Act requires decision makers to consider the likelihood of the person appearing in court in relation to the offence, the likelihood of the person committing further offences while on bail, harassing or endangering the safety or welfare of members of the public, interfering with evidence and witnesses or otherwise obstructing the course of justice, and the interests of the person.
- All bail decisions in the Territory must be made by a police officer, magistrate or judge. There are restrictions on the powers of police officers to grant bail in certain circumstances (for example, section 9F of the Bail Act prescribes limitations on police officers granting bail for persons accused of family violence offences).
- Remanding people in custody should be used as a last resort in carefully confined circumstances, with a focus on reasonable and proportionate risk management to ensure that the right people are on remand.

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Safety

It is untenable from a practical point of view, and undesirable from a principled viewpoint, to simply remand more and more people. There is always a risk that an alleged offender will reoffend, but this risk is controlled by our bail laws, including presumptions and conditions of bail, and the role of ACT Policing in ensuring that offenders comply with their bail conditions.

- The presumption against bail for family violence and serious criminal offences is a legal mechanism signposting to an authorised police officer that the protection and welfare of the community is to be one of the paramount considerations in relation to a bail decision.

Key Information

Release on bail of alleged family violence offenders (recent [media](#))

- The Bail Act has a presumption against any grant of bail by ACT Policing (ACTP) for family violence offences.
- Courts are required to consider a range of factors, including the likelihood that an accused person will harass or endanger the safety or welfare of anyone in making a decision about bail
- This Government has worked to ensure that the specific needs of people experiencing family violence are part of our bail laws, and it is committed to ensuring our laws remain up to date and effective to maintain community safety.

Release on bail of alleged outlaw motorcycle gang members (OMCG) (recent [media](#))

- The Bail Act provides for a presumption of bail, unless a person is accused of committing a serious offence (such as manslaughter, sexual assault, threatening to kill, stalking).
- The presumption means that bail should be granted unless there are sufficient reasons for it being refused.
- Remanding people in custody should be used as a last resort in carefully confined circumstances, with a focus on reasonable and proportionate risk management.

Presumption against bail – terrorism

- At the June 2017 Council of Australian Governments (COAG) meeting, all state and territory first ministers agreed to ensure there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity.

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- This commitment is being progressed through the Australia-New Zealand Counter Terrorism Committee (ANZCTC).

Offences committed while on bail

- Short of remanding every alleged offender in custody, there is always a risk that an alleged offender will reoffend. This risk is limited by our bail laws including presumptions about bail and the conditions of bail imposed by the court, and the role ACTP plays in ensuring that offenders comply with those conditions.
- While we do not have statistical evidence about the number of instances where a person offends on bail, the Government is satisfied on the basis of available information that the mechanisms currently in place are satisfactory.
- The resources required to manually gather and collate information on the number of instances where offences are committed while on bail are prohibitive. The estimate for gathering this information over a three year period is approximately 6,800 hours.
- There will be increased capacity to draw out data about issues relating to bail once the Integrated Court Management System is implemented for the criminal jurisdiction in 2018. Care will need to be taken to understand this data in the context of the circumstances of individual cases, and how this information compares with the experience in other jurisdictions.

Bail review power

- The *Crimes (Serious and Organised Crime) Legislation Amendment Act 2016* introduced an own-motion bail review power for the Director of Public Prosecutions (DPP) to seek review of a decision of a court to grant bail if DPP considers that exceptional circumstances exist and it is in the public interest to make the application.
- The review power is contained in section 44 of the Bail Act and commenced operation on 1 May 2017. It was the intention of the legislature that this power is to be exercised sparingly and only in circumstances where there is likely to be a safety risk to the community if the person is released on bail.
- Since 1 May 2017, the DPP has only given oral notice of a proposed application twice and on both occasions the DPP ultimately did not proceed to make an application to the Supreme Court. The accused persons were held in custody for periods of less than two hours by ACT Corrective Services (ACTCS) prior to being released on bail.
- Under this new power, the DPP is required to give immediate oral notice of a proposed application to seek review of the decision of a magistrate in relation to bail and has two hours to make the application to the Supreme Court and provide written notice to the accused. The bail decision is stayed for up to 48 hours unless the DPP does not proceed with the review application, or the Supreme Court determines the application earlier.

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Non-sitting days for the court, including public holidays, are included in calculating the time allowed for the review.

- The review power is only available to the DPP for certain serious offences and family violence offences.
- The Government is currently considering appropriate amendments to section 44 due to some issues being identified by stakeholders requiring amendment. These are focused on ensuring that a person's liberty is not adversely affected for extended periods of time and clarifying aspects of the operation of section 44 to support efficient operational arrangements.
- The new bail review power will be reviewed after two years of operation in May 2019.

Bail Support Service

- The ACT government started a trial Bail Support Program at the end of 2017 as part of the ACT's Justice Reinvestment Strategy.
- This program will contribute to the Government's commitment set out in the Parliamentary Agreement to reduce recidivism by 25 per cent by 2025.
- The Bail Support Program is designed to reduce the number of Aboriginal and Torres Strait Islander people on remand, and the time spent on remand while maintaining public safety.
- The trial supports Aboriginal and Torres Strait Islander people who, in the absence of bail support, would be ineligible for bail.

Victorian review of bail

On 23 January 2017, the Victorian Government announced a review of bail laws following the Bourke Street incident. Advice was provided in two reports by the Honourable Paul Coghlan QC on how Victoria's bail system could be reformed to best manage risk and to maximise community safety.

On 8 May 2017 the Victorian Government announced reforms to the Victorian bail system as a result of the review. The first tranche of reforms are due to commence operation on 1 July 2018, with the second set of amendments still to be debated in the upper house of the Victorian Parliament. The reforms include (but are not limited to):

- requiring judicial officers to place greater weight on community safety when making bail decisions
- expanding the range of offences where an accused is required to demonstrate exceptional circumstances to include aggravated home invasion and aggravated carjacking

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- creating a presumption against bail for a number of offences including rape, kidnapping, armed robbery, culpable driving causing death, dangerous or negligent driving while pursued by police and persistent contravention of a family violence intervention order
- requiring an accused to demonstrate exceptional circumstances to be released on bail for serious indictable offences committed while on bail, summons or parole.

The Victorian Government also committed to introducing further reforms in late 2017.

Victoria's bail justice system is unique to Victoria. A bail justice is a Justice of the Peace who volunteers to hear after-hour bail applications. All bail decisions in the ACT must be made by a police officer, Magistrate or Judge. The ACT Government is currently not considering the introduction of bail justices in the Territory. Bail justices received some scrutiny from the community following the Bourke Street incident, although Mr Coghlan QC stated that their role was 'largely uncontroversial' as they only consider bail in a very small number of cases and mostly refuse bail.

Incarceration rates of Aboriginal and Torres Strait Islander offenders

The Australian Law Reform Commission (ALRC) report, *Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (ALRC Report 133)*, was tabled in Parliament on 28 March 2018. The Report contains 35 recommendations designed to reduce the disproportionate rate of incarceration of Aboriginal and Torres Strait Islander peoples and improve community safety.

The media has reported on this report in recent times, and has previously reported on recommendations made by a specialist Indigenous legal service submitted to the national inquiry to require courts to consider an accused person's Aboriginality when deciding to release them on bail and on how to sentence them.

One of the recommendations is that all states and territories should amend bail laws which are disadvantaging Indigenous people, including a requirement that a person's Aboriginality to be considered during bail and sentencing decisions. The Government is currently considering the report's recommendations and will respond in due course.

Statement of incompatibility: section 9B of the Bail Act and comments made at the ceremonial sitting to mark the retirement of her Honour Justice Penfold

At the ceremonial sitting to mark her Honour Justice Penfold's retirement on 23 March 2018, the President of the Bar Association Ken Archer spoke of some of her Honour's key judgments, including the decision of *In the matter of an application for bail by Islam* [2010] ACTSC 147 (*Islam*).

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In *Islam*, her Honour made a declaration that section 9C of the Bail Act was not consistent with section 18(5) of the *Human Rights Act 2004* (which provides that ‘Anyone who is awaiting trial must not be detained in custody as a general rule’). Section 9C of the Bail Act creates a presumption against bail being granted in cases where a person is charged with murder (including ancillary offences) and specified serious drug offences. It requires that the court find that special or exceptional circumstances exist before considering whether bail should be granted. Section 9C was developed following the ACT Law Reform Commission’s Report on Bail (2001) and additional stakeholder consultation by the government.

At the ceremonial sitting, Mr Archer referred to the decision in the process of commenting on the “relative toothless-ness of the declaration of incompatibility process”.

On 28 June 2011 the Government tabled an interim response to the declaration of incompatibility. At the time of the interim response being tabled, the Government had commenced an appeal against the decision in *Islam* in the ACT Court of Appeal. The appeal was adjourned pending the decision of the High Court of Australia in the case of *Momcilovic* as it dealt with similar interpretation issues under the *Victorian Charter of Human Rights and Responsibility Act 2006*. As a result, the then Attorney-General undertook to provide a final Government response six months after the proceedings in *Islam* were resolved.

Upon receipt of the *Momcilovic* judgment, the Attorney-General withdrew the appeal in *Islam*. The Government tabled the final government response in the Legislative Assembly on 1 May 2012. In this response, the Government restated its commitment to bail laws that properly balance the presumption of innocence on the one hand and the right of the community to be safe and for justice to be done on the other. The final response also proposed options for minor and important amendments to the Bail Act. In tabling the final government response, the Government requested community views on the options proposed. Due to the diverse views received during consultation on the final Government response to the 2010 declaration of incompatibility in *Islam*, the ACT Government elected not to pursue any of the three options originally proposed.

Background Information – may not be suitable for public disclosure

Release on bail of alleged family violence offenders

Sch 2 s 2.2 (a)(ii)

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Release on bail of alleged OMCG members

Sch 2 s 2.2 (a)(ii)

COAGs meeting presumption against bail – terrorism

At the COAG meeting in Hobart on 9 June 2017, leaders focused on ensuring the safety of all Australians which led to an agreement to introduce a presumption that neither bail or parole should be granted where a person has demonstrated support for, or has links to, terrorist activity.

At the Special Counter-Terrorism COAG on 5 October 2017, leaders agreed that legislation implementing the June decision would be underpinned by nationally consistent bail and parole principles, ensuring presumptions against bail and parole applied in agreed circumstances.

Previous ACT Bail reviews***Inquiry into Sentencing, 2015***

In 2015, the Standing Committee on Justice and Community Safety published an Inquiry into Sentencing.

Recommendation 43 recommended the ACT Government conduct a review of arrangements for bail in the ACT, and introduce in the Legislative Assembly legislative amendments to the Bail Act which, if passed, would introduce a focus on risk management, with reasonable and proportionate bail conditions.

The Government noted this recommendation citing work occurring nationally and within the Justice Reform Strategy.

National review of bail laws, 2015-2016

In 2015, the COAG tasked the former Law, Crime and Community Safety Council with implementing a number of recommendations from the 2015 Joint Commonwealth-NSW Review into the Martin Place Siege.

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On 31 August 2016, the Working Group for this work concluded that, while each jurisdiction faces unique challenges and absolute uniformity is not sought, common issues to consider are that:

- consistency between jurisdictions is desirable in relation to terrorism
- the appropriateness of bail provisions that apply to children should be continually assessed
- powers of arrest for breach of interstate bail conditions are sufficient and a uniform approach is not required
- jurisdictions should continue to investigate alternatives to remand.

The Working Group's conclusions have not been released publicly.

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Portfolio: Attorney-General**ISSUE: DPP RESOURCING****Talking points:**

- In the 2017-18 budget, the Government provided additional funding to increase the capacity of the Office of the Director of Public Prosecutions (DPP) to better support prosecutions in the Territory.
- The Government also provided four full time additional staff to support the work of the Confiscation of Criminal Assets scheme as part of the 2107/18 mid-year budget review.
- That funding will assist the DPP to keep pace with demand and respond to the needs of the court, police, other investigative agencies and the criminal justice sector more broadly.
- It also provided funding in the 2017-18 financial year for costs associated with the retrial of Mr David Eastman and other related proceedings. Funding is provided for an additional three positions in the DPP, external counsel costs, witness expenses and other administrative costs.
- Mr Eastman's re-trial is now scheduled to commence on 12 June 2018 (jury empanelment commencing on 4 June 2018) with final pre-trial hearings on 30 April 2018 and 29 May 2018. It is expected to run for four – six months.
- The DPP is undertaking significant preparation for the pre-trial and trial.

DPP Strategic Review:

- Early last year, I agreed to undertake a review of the DPP to assess its capacity to deliver services on behalf of the ACT Government and broader community into the future.
- The review has recently been finalised, and is currently under consideration by Government.
- The Government will continue to work closely with the DPP to consider its future funding model in light of the recommendations of the review, and the funding of the justice system more broadly.

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Key Information2017-18 Budget:

- Recurrent: (\$3.028 million over four years):
 - three additional resources and other operational costs relating to retrial of Mr David Eastman and related proceedings (\$2.257 million) in 2017-18 only
 - one Prosecutor Grade 4 over four years (\$0.771 million).
- Full-time equivalent (FTE):
 - one Prosecutor Grade 1 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 3 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 4 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 4 over four years.

DPP Review:

- The Nous Group delivered its report on the DPP Strategic Review on 9 August 2017.
- The Report notes the DPP efficiently performs a wider range of functions relative to its equivalents in other jurisdictions. Nous believes growing pressures, both in culture and practice, will likely threaten the DPP's capacity to meet its workload in the near future.
- Noting demand projections, the Report makes five broad recommendations:
 - provide increased funding to the DPP immediately and in the mid to long-term
 - apply a unified resourcing justice strategy to the ACT justice system as a whole
 - directly appropriate funding to the DPP, rather than via the Justice and Community Safety Directorate appropriation
 - allow paralegals to appear in simple applications in the Magistrates Court
 - develop a more efficient platform to share information between courts, law enforcement, corrective services and the DPP.

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Background Information

DPP Strategic Review

- Nous Group noted in its report that cultural pressures include growing numbers of complex and time-consuming cases (i.e. sexual assaults, appeals, confiscation of asset referrals), introduction of new pre-trial evidence and procedures and changing community expectations (i.e. employing special approaches for vulnerable witnesses).
- Structural pressures include the recent introduction of a fifth ACT Supreme Court Judge, additional financial staff for organised crime investigations by the Australian Federal Police and expansion of the Supreme Court by early 2018, which will reduce trial listing periods to five weeks (down from an average of nine weeks) and provide two additional courtrooms for jury trials.
- On 16 October 2017, the DPP published its 2016-17 annual report. The Director's overview broadly outlined the Review's findings, including the cultural and structural pressures facing the ODPP. The DPP called for additional senior prosecutors to meet the trends of increasing workload on complex criminal matters. The DPP also emphasised his concern that the new Supreme Court facility will significantly increase the number of jury trials, and that the ODPP will be unable to meet this growth without a corresponding increase in funding.
- *The Canberra Times* reported on the DPP's comments in the annual report on 17 October 2017.

Previous budget increases:

- In the 2016-17 ACT Budget, the DPP received funding of \$1.363 million over four years through the Safer Families funding package to strengthen criminal justice responses to alleged perpetrators of family violence (three FTE in 2016-17 and 2017-18, 2.5 ongoing).
- The 2016-17 Budget provided \$2.325 million for a specific team in the DPP (3 FTE) to represent the office to progress the retrial of Mr David Eastman for the murder of Mr Colin Winchester and other related proceedings. This funding follows previous years' supplementation to the DPP totalling \$1.7 million from 2012-13 to 2015-16 for the Eastman matter.
- In the 2014-15 Budget, the Government provided \$1.158 million over four years to establish a Work Safety Prosecutions Unit supported by 2 FTE, as well as \$0.027 million in one-off capital funding for fit-out and fixtures to accommodate the new unit

WorkSafe Prosecutions

- The Industrial Court Magistrate, Chief Magistrate Lorraine Walker, criticised the prosecutions of several work safety matters. On 6 December 2016 and 14 July 2017, *The Canberra Times* reported comments made by the Chief Magistrate that were strongly critical of the DPP handling of workplace health and safety matters. She also expressed concern that resources in the DPP are generally not being provided for industrial court matters.

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QUESTION TIME BRIEF

- On 8 November 2017, during annual report hearings the DPP answered a question about what could be done to increase the chances of success in industrial prosecutions. The DPP noted the question was difficult to answer concisely. He explained that industrial deaths are difficult to investigate and require a criminal standard of investigation from a very early stage. He also noted the need for ‘unimpeachably high quality’ expert reports.
- The DPP suggested that deaths on Canberra construction work sites be treated as criminal investigations. *The Canberra Times* reported on the DPP’s comments on the same day.

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Portfolio: Attorney-General

ISSUE: RESOURCING OF MAGISTRATES AND CORONER'S COURTS

Talking points:

- The Government is continuing to examine the resourcing of the Magistrates Court as part of the 2018-19 Budget process. Resourcing decisions about the court are made in the context of its overall workload and the justice system as a whole.
- Two special magistrates were appointed in 2017-18 in addition to the seven full time Magistrates, one of those appointments was supported by the Chief Magistrate on the basis of their ability to assist with coronial matters.
- The two special magistrates will be reappointed to the end of the year. (being considered at Cabinet on 9 April)
- I particularly want to thank the Magistrates, court staff and supporting prosecution and legal aid practitioners for their patience and professionalism in providing the Canberra community with outstanding service.
- I acknowledge it has been a challenging year with the Court redevelopment, registry process overhaul and implementation of the Integrated Case Management System.
- I acknowledge that these important initiatives have placed additional pressure on the work of Court staff and practitioners.
- I am confident that these initiatives will deliver support for the Bench and staff to undertake their vital work while increasing the efficiency of the Court as a whole.
- The sustained investment by the ACT Government in this transformational work demonstrates our commitment to deliver an accessible, fair and efficient justice system.

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- The Government is committed to working with the Chief Magistrate, Chief Justice and Courts and Tribunal administration staff to leverage efficient block and over-listing practices.
- We are working together to fine-tune the jurisdiction of each court so that they are appropriately targeted and focused on efficient and fair resolution of cases.
- It is important to recognise that decisions about organisation of the Magistrates and Coroner's Court, and how many resources are provided for coronial hearings are ultimately a matter for the Chief Magistrate.
- The Government is conscious of the benefits that could come from building specialist coronial expertise among the Magistrates who all hold an active coronial case load.
- Benefits would include increased public awareness of the role and public significance of the coronial jurisdiction and improved co-ordination and collaboration across government in resolving inquiries and inquests and implementing recommendations.
- I am pleased that a number of procedural and policy changes across the Magistrates and Coroner's jurisdiction have seen efficiency improvements.
- For example, in the coroner's jurisdiction more post-mortems are being conducted by CT-scan external examination, more matters are being finalised in-chambers without hearing, delegation of fire inquiry work to the Deputy Coroner continues to be efficient, and the Legal Manager is routinely providing in-house Counsel Assisting services where appropriate, rather than briefing external Counsel.
- The *Courts and Other Justice Legislation Amendment Act 2018*, which was passed in the Assembly in the March sittings, will support non-invasive finalisation of cases by making processes for conduct of ancillary examinations, establishing coronial investigation scenes and provision of medical records more flexible.

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- That Act also makes changes to streamline jury processes and enforcement of ACT Civil and Administrative Tribunal orders in the Magistrates Court.

Key Information

- The criminal jurisdiction of the Magistrates Court has struggled to meet demand with a 15 per cent increase in lodgements leading to a 23 percent increase in pending matters and 15 per cent increase in cases pending for more than 12 months (excluding failure to vote charges resulting from the 2016 ACT election).
- There was a very slight increase in coronial cases lodged to 299 from 292 in 2015/16, but the Government's suite of legislative reforms in 2014 continues to mean this is much lower than the more than 1100 cases lodged in 2013/14 and 2012/13.
- The workload of the Coroner's Court can fluctuate depending on the circumstances of particular cases. For example the Court received two uncommon notices relating to deaths in the Jervis Bay and Australian Antarctic Territories that it will deal with by agreement with the Commonwealth Government.
- Just as workload can fluctuate, some complex or sensitive cases take longer to hear and resolve. In 2016-17 the median number of days to finalise a case was 94, up from 75, which exceeded the target of 85 days. This was in part due to a number of long and complex coronial matters being finalised.

Background Information

- A business case for 2018-19 has been prepared seeking funding for the appointment of an 8th Magistrate.
- The Chief Coroner considers that the appointment of an additional full-time Magistrate would go some way towards providing her with the flexibility to use judicial resources for coronial matters as appropriate.
- Having an additional Coroner would improve efficiency and timeliness, coordination and oversight of those matters, and would contribute to the development of specific coronial expertise.
- The Justice and Community Safety Directorate recently met with family representatives in relation to a number of complex cases where the timeliness of the Coronial process, transparency of case progress and communication with families could have been better.
- After hearing the experiences of these family members you asked the Justice and Community Safety Directorate to explore options to improve the support provided to the operations of the Coroner's Court, in particular, to better focus on and meet the needs of families affected by a death subject to an inquiry.

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QUESTION TIME BRIEF

- There are a range of supports and networks across government for those affected by the sudden and unexpected death of a loved one, including the ACT Coronial Counselling Service which is available to bereaved families, friends and community members. The service is provided by ACT Health and Relationships Australia and is designed to provide free support and counselling to anyone affected by a death being investigated by the ACT Coroners Court.

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Portfolio: Attorney-General

ISSUE: Child Abuse Royal Commission

Talking points:

- The ACT Government acknowledges the nature and impact of the abuse suffered by victims of child sexual abuse. Many survivors of child sexual abuse suffer long lasting and severe injuries that can affect them for the rest of their lives.
- The Royal Commission has recommended a significant number of reforms to criminal justice legislation and practice.
- The ACT Government is committed to ensuring criminal law and processes in the ACT are fair for survivors of sexual abuse, witnesses involved in the court process, and those accused of offences.
- A number of the measures recommended by the Royal Commission have been in place in the ACT for some time – for example measures to support vulnerable witnesses to give evidence in a way which does not re-traumatise them.
- Amendments to ACT grooming and maintaining a sexual relationship with a child offences, as well as sentencing reforms for child sex offenders, in response to the Royal Commission’s recommendations, were introduced in the Legislative Assembly late last year (2017) and passed in February this year (2018).
- On 22 March 2018, we opened a consultation process to seek stakeholder views on further reforms to respond to the Royal Commission’s recommendations for criminal law reform.
- The major reforms the government is considering, and seeking feedback on concern new legislation for failing to report offences, failing to protect at-risk children, the way victims and witnesses provide their evidence, and changes to trial and sentencing procedures for child sexual abuse offences.

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- A *Canberra Times* report on 4 March 2018, asserted that the recent advertising of positions to work on implementing recommendations of the Royal Commission on Institutional Child Sexual Abuse (the Royal Commission) meant that the ACT Government was not ready to respond to the Royal Commission's recommendations. This claim is entirely baseless.
- The ACT Government is committed to protecting children from child abuse and providing a fairer response to victims and is responding swiftly to the Royal Commission's recommendations.
- The Government will be responding to the totality of the Royal Commission's report by the end of June this year.

Key Information

Criminal justice reforms

- A consultation process in relation to criminal justice reforms arising from the Royal Commission was opened on 22 March, and closes on 27 April 2018. The consultation process is supported by a series of factsheets and information available on the ACT Government's YourSay website and the Justice and Community Safety Directorate website.
- The Justice and Community Safety Directorate will be consulting directly with a range of key stakeholders in the justice system and more broadly to inform the Government's approach to legislative reform in this space.
- Legislation will be progressed in 2018 to further the reforms currently being consulted on.
- NSW announced on 3 April 2018 that it will be progressing significant criminal justice reforms to implement the Royal Commission's recommendations. It expects to legislate for these *later in 2018*.

Resourcing

- Officials within the Justice and Community Safety Directorate, the Chief Minister, Treasury and Economic Development Directorate and elsewhere within ACT Government have been supporting the Government in responding to the Royal Commission's findings and recommendations for the last several months. This has included the development of the criminal law reforms, the development of materials to support a consultation process for further reforms, as well as undertaking work on the ACT's participation in a redress scheme.

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- The positions which were recently advertised reflect, in part, staff movements and the Government's commitment to ensure that it is well placed to proceed with further reforms once it has consulted with stakeholders and the community. Recruitment is close to finalised and it is expected successful applicants will be in these roles shortly.

Background Information – may not be suitable for public disclosure

Funding, as outlined below was provided in the 2017-18 Budget Review to support the Government to act promptly to respond to recommendations to support improved protection for children from sexual abuse, and reforms to the criminal justice system that support child victims of sexual abuse.

Royal Commission Implementation (JACS E02a)

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	181366	0	0	0	547

This funding is for two FTE for 18 months to progress the criminal justice system reforms. These positions were advertised in February 2018. To date JACS has been managing the work to progress these reforms within existing resources.

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Lead Directorate: Justice and Community Safety

Portfolio: Attorney-General**ISSUE: COMMONWEALTH REDRESS SCHEME FOR SURVIVORS OF INSTITUTIONAL SEXUAL ABUSE****Talking points:**

- The ACT Government acknowledges that the nature and impact of the abuse suffered by victims of child sex sexual abuse. Many survivors of child sexual abuse suffer long lasting and severe injuries that can affect them for the rest of their lives.
- The ACT, New South Wales and Victoria have announced they will be opting into the Redress scheme.
- The Commonwealth led Redress scheme will commence on 1 July 2018.
- Eligible survivors will be able to access; counselling, a direct personal response, and payment of up to \$150,000.
- The *National Redress Scheme for Institutional Child Sexual Abuse Bill* (the National Bill) is currently being reviewed.
- Survivors will be able to access legal and community support services to assist through the redress application process.
- The Commonwealth has established a dedicated telephone helpline and website to provide information for survivors and their families about the Scheme.
- The ACT Government is working closely with the Commonwealth and other jurisdictions to continue progressing the Redress scheme in a manner that ensures that it meets the needs of survivors.

Key Information

- The Redress Scheme will commence 1 July 2018.
- The Redress Scheme will include psychological counselling, a direct personal response and payments for up to \$150,000.
- New South Wales, Victoria and the ACT have opted into the Redress scheme.

Cleared as complete and accurate: 03/04/2018
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Background Information

In August 2016, the ACT Government passed amendments to remove limitation periods for civil actions on child sex sexual abuse in an institutional context. The removal of these limitation periods acknowledges that it may take survivors of child sex abuse years to disclose their experience of abuse as a child, or commence civil litigation proceedings.

A business case has been developed by JACS Legislation Policy and Programs, to fund the administrative and operational requirements of Redress. It is currently being considered by Treasury.

Meetings have taken place between the jurisdictions that have opted in and the Commonwealth, to progress the operational aspects of the scheme.

The Commonwealth has recalculated the fixed cost of Redress payments which was \$76,100. The average payment of Redress is now estimated at \$76,350.

Outstanding issues relating to the implementation of the redress scheme include: eligibility of survivors where they are currently incarcerated or in custody, eligibility of survivors with criminal convictions and eligibility of children under the Scheme. You are being briefed separately on these issues.

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Portfolio: Attorney-General**ISSUE: GAMING MACHINE HARM REDUCTION MEASURES****Talking points:**

- The Government is continually looking for ways to reduce the harm that gaming machine use causes some Canberrans. The Government is exploring a broad range of options and working to ensure that the Territory's gaming regulations continue to offer meaningful and effective harm minimisation.
- In 2017, the Government implemented a number of additional harm minimisation measures, including the introduction of legislation that restricts EFTPOS cash withdrawals in clubs to \$200 per transaction, with all stages of the transaction requiring human interaction with a trained staff member.
- During the second half of 2017, I engaged directly with a wide range of stakeholders in a series of roundtables to explore how harm reduction measures may be effectively developed in the Territory. Stakeholders spoken with included representatives of clubs, workers in clubs, and individuals with lived experience of gambling harm, community organisations, academic experts and regulators.
- The group discussed how to develop a better evidence base to minimise the potential of gambling harm, as well as a broad range of options that could be explored to improve harm minimisation, including the sharing of best practice between venues, improved staff training and self-exclusion procedures.
- Building on what I have learnt through this engagement, I will continue to explore a broad range of options and work to ensure that the Territory's gaming regulations continue to offer meaningful and effective harm minimisation.

Reduction of gaming machines in the ACT to 4,000 by 1 July 2020

- The Parliamentary Agreement includes a commitment to reduce the number of gaming machine authorisations in the ACT to 4,000 by 1 July 2020.

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- Based on current numbers, it is expected that approximately 984 authorisations will be subject to compulsory surrender.
- Canberrans were encouraged to have their say on the ACT Government's YourSay website on options to achieve this maximum limit.
- The Government has held a number of meetings with club representatives on the most appropriate model and timeframes to achieve this reduction, and is currently considering the pathway to reach 4,000 authorisations.
- The ACT Government has engaged Mr Neville Stevens AO, as an independent expert, to analyse potential options to support club industry diversification. Mr Stevens' engagement was announced 3 April 2018.
- His analysis will inform Government decision-making about supporting clubs to diversify their revenue streams as the number of gaming machine authorisations in the ACT reduces to 4,000 by 2020.
- Mr Stevens will engage with the club industry and report to Government by 31 May 2018 on options to incentivise clubs to surrender authorisations and support clubs in reducing their reliance on gaming machine revenue, while improving the services, facilities and benefits clubs provide to the community.

Community contributions

- The Parliamentary Agreement includes a commitment to review the current community contribution scheme, with a view to maximising the direct benefit to the community from the scheme. Appendix 2.6c of the Parliamentary Agreement also includes a commitment to establish an independent charitable fund to distribute nominated community funds to charitable and community causes levied on venues operating electronic gaming machines in the ACT.
- The review of the existing community contributions scheme will commence in 2018, and will include engagement with the industry and the community on the current scheme and any proposed changes and improvements.

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- As part of the review, the Government will consider relevant reports and models for these types of schemes which operate in other jurisdictions, to identify any opportunities to maximise the benefits to the community from the scheme. The review will also consider issues such as the appropriate distribution of community contributions for the purpose of gambling harm reduction and other community purposes, as well as the transparency of these arrangements.

Investigation by the Gambling and Racing Commission into Patron Complaint

- The allegation is that the Raiders Belconnen Club failed to comply with the *Gambling and Racing Control (Code of Practice) Regulation 2002*, which is itself a breach of the *Gaming Machine Act 2004*.
- The Gambling and Racing Commission has taken disciplinary action against the Club, finding that the club did not record signs that a patron had a gambling problem, as required under the Code of Practice.
- The Club lodged an appeal against the decision to the ACT Civil and Administrative Tribunal that was referred for a mediation hearing. I have been advised that a resolution was not able to be reached and that the matter has been referred back to the Tribunal to be heard in June. As this matter is still ongoing, it would be improper to talk about the matter in detail at this time.
- The Government will continue to work with gaming machine licensees and the club sector to develop a range of strategies and measures to reduce harm caused by the playing of gaming machines. The Government's examination of gaming machine harm reduction measures will also consider the issues raised by the recent complaint.

Please Note: Access Canberra has provided a separate QTB on the status of this matter.

Mandatory Pre-commitment and Bet Limits

- The Government has committed to exploring harm reduction measures, including mandatory pre-commitment systems and bet limits for gaming machines. These policy options are being explored alongside a number of other harm reduction strategies as part of a program of continuous improvement to the territory's gaming regulations.

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The Government will continue to work to ensure we have a robust suite of harm reduction measures in place.

- Mandatory pre-commitment and betting limits for gaming machines would require changes to the software on each machine, or in some instances a substantial upgrade or new machine. Additionally, the creation of a Central Monitoring System (a database for all gaming machine usage in the ACT) would be required to register these pre-commitments so that it can be maintained across all licensees in the Territory.
- The *Casino (Electronic Gaming) Act 2017* was passed by the Assembly on 2 November 2017, and ensures the Territory has the most robust harm minimisation measures in the country, with respect to electronic gaming machines in the casino. The Act requires that any gaming machines the casino operates must be able to connect to an approved mandatory pre-commitment system.

The Act also includes a maximum bet limit of \$2 a spin, or lower amount set by regulation. Community and expert input was taken into account in setting this limit.

- Extensive community and industry consultation will be undertaken on any proposed reforms.

Problem Gambling Assistance Levy

- The Government has already delivered on its commitment to increase the Problem Gambling Assistance Levy from 0.6 per cent to 0.75 per cent of gross gaming revenue, which will provide an additional \$300,000 per year to help reduce harm from gambling. This commenced in July 2017.
- Examples of the sorts of programs funded through the Problem Gambling Assistance Levy include:
 - The ACT Gambling Counselling and Support Service
 - Development of and training for a self-exclusion register in the ACT
 - A longitudinal study of those who have received treatment for gambling harm

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- Online problem gambling counselling and support.

Key Information

Gambling Harm key statistics (as at 2014)

- The level of problem gambling in the ACT community, as measured by the widely used Problem Gambling Severity Index (PGSI), is 0.4 per cent (0.5 per cent in 2009) of the population (approximately 1,110 adults).
- This compares to 0.8 per cent in New South Wales, 0.5 per cent in Queensland, 0.6 per cent in South Australia and 1.0 per cent in Victoria.
- A further 1.1 per cent (3053 adults) in the ACT were found to be at moderate risk of gambling harm, 3.9 per cent (10,825 adults) low risk and 48.7 per cent (135,171 adults) displayed no signs of gambling harm, a further 124,901 adults were non-gamblers.
- 10 per cent (7.9 per cent in 2009) of gamblers had at least one symptom of gambling harm, with 2.9 per cent (2.9 per cent in 2009) being classified at moderate or high risk of gambling harm.
- 10 per cent (7.9 per cent in 2009) of gamblers had at least one symptom of problem gambling, with 2.9 per cent (2.9 per cent in 2009) being classified as moderate risk or problem gamblers.
- In 2014, 19.9 per cent of the ACT adult population gambled on gaming machines, down from 30.2 per cent in 2009.

Background Information

Parliamentary Agreement

Parliamentary Agreement Commitment 9 is to reduce harm from gaming in the ACT by the following measures:

- 9.1 Reduce the number of electronic gaming licenses in the ACT to 4000 by 1 July 2020
- 9.2 Explore further harm reduction measure, including mandatory pre-commitment systems and bet limits for electronic gaming machines
- 9.3 Increase the Problem Gambling Assistance Fund levy from 0.6 per cent of gross gaming machine revenue to 0.75 per cent, and direct additional funds into addressing problem gambling
- 9.4 Review the current community contribution scheme, with a view to maximising the direct benefit to the community from the scheme.

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Consultation on reducing gaming machine authorisations

On 29 June 2017, the Executive Director of Legislation, Policy and Programs, from the Justice and Community Safety Directorates (JACS), emailed club licensees about the Government's commitment to reducing the number of gaming machine authorisations in the ACT to 4,000 by 1 July 2020. Input was invited on views about the appropriate model and timeframes to achieve the target of 4,000 gaming machine authorisations. This was requested by 19 July 2017. The directorate received eight written submissions and met with several clubs; ACT Rugby Union Club, the Burns Club, Raiders Group, Eastlake Football Club and Ainslie Football Club, as well as Canberra Community Clubs.

Community feedback on the options paper *Implementing the Government Commitment to Reduce Gaming Machine Authorisations* opened on 17 August 2017 and closed on 18 September 2017. JACS received six written submissions from clubs and one from the Canberra Gambling Reform Alliance.

Your Office and JACS staff met with representatives of the club industry in December 2017 and January 2018 to discuss potential options for an incentive package for clubs. Meetings were held with Canberra Community Clubs (CCC), ClubsACT, Canberra Southern Cross Club Group, Magpies Sports Club Group and the Belconnen Labor Club Group.

Club Industry Diversification Support Analysis

The Government has agreed to Terms of Reference for the analysis to be undertaken by Mr Neville Stevens AO as an independent expert to provide a Club Industry Diversification Support Analysis by 31 May 2018.

The expert analysis will bring together the range of views expressed by clubs and provide independent recommendations to Government about supporting clubs in reducing their reliance on gaming machine revenue while strengthening and expanding the services and facilities they offer to the community.

There may be an expectation from clubs that the Government will compensate for the surrender of gaming machines. The intention of this analysis is to take a holistic look at the implications of a reduction of gaming machine authorisations on licensed clubs, recognising that some clubs are much more financially viable than others.

Community Contributions

Clubs make a significant contribution to the community through the community contributions scheme. The scheme provides that eight per cent of net gaming machine revenue generated from gaming machines is returned to the community for a range of stated purposes. In 2016-17 community contributions from clubs amounted to 12.6 per cent of net gaming machine revenue, or \$11.93 million. This compares to last year's level of contributions of \$11,652,179, being 12.4 per cent of net gaming machine revenue.

Contributions are made to support community sports and recreational programs, reduce with the effects of gambling harm, develop community infrastructure and support not-for-profit groups and charities.

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Portfolio: Police & Emergency Services

Attorney-General

ISSUE: FIRST RESPONDERS TO THE BONNER INCIDENT**Talking points:**

- While our thoughts and prayers are with the three individuals who lost their lives, and their family and friends, there are some matters that have arisen from this incident, particularly in relation to communications.
- The ESA Commissioner has clarified these matters in a message published on the ESA website.
- It should be noted that in line with incident management protocols, the ACT Emergency Services Agency's standard approach is not to provide any public comment in relation to an incident once it is clear that fatalities are involved.
- Further public comment immediately becomes a matter for ACT policing and the Coroner noting the sensitivities involved.
- As this matter is before the Coroner, it is inappropriate to comment further on this matter.

Background Information – ESA Commissioner's Message

- I refer to the tragic house fire event at Bonner on Monday morning, which has attracted significant media coverage over the past few days. Following some feedback I need to clarify ACT Fire & Rescue (ACTF&R) procedures and how the ESA updates messages to the public.

Firefighters are often called upon to respond to a complex variety of hazards and emergencies, and outcomes such as the one at Bonner can have a significant impact. I would like to thank all ACTF&R staff for the work they do, and I am particularly thankful to those who responded to the Bonner house fire. Feedback from ACT Policing also praises the work of our firefighters at the incident.

While our thoughts and prayers are with the three individuals who lost their lives, and their family and friends, there are some matters that have arisen from this incident, particularly in relation to our communications, that need to be clarified.

ESA works hard to ensure we provide accurate and up-to-date information as emergency events unfold, this is to ensure the community is well informed.

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The information that is provided on our public website in the Bonner house fire incident is accurate at the time as reported by Senior Fire Officers on-scene. This information is based on what firefighters call a primary search, which they undertake on arrival at a fire. The purpose of a primary search is to rescue to the best of our ability, anyone that could be inside the building.

A secondary search is then conducted once the fire is contained. Tragically, in this case, firefighters discovered the bodies of three people during this search. ESA also provided information that this search was underway.

In line with incident management protocols, our standard approach is to not provide any public comment in relation to an incident once it is clear that fatalities are involved. This is out of respect for the deceased and their loved ones.

I take this opportunity to once again recognise and thank all of our firefighters, paramedics and emergency service personnel for their professionalism, and their continued efforts to care for and protect the Canberra community.

Dominic Lane
ESA Commissioner

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Prevention of Domestic & Family Violence

ISSUE: Whole of Government Response to Family Safety (incl. progress on commitments)

Talking points:

Graham Dillon court case (death of Bradyn Dillon)

- The recent court proceedings are a reminder of this tragic event. I know some people have again experienced trauma as a result of the reports and none of us can imagine the pain being felt by Bradyn's family.
- The circumstances of Bradyn's death are incredibly tragic and the ACT Government has worked to do everything possible across government and community services to ensure it cannot happen again.
- While it is not appropriate to comment on the specifics of the case, I will unequivocally say that preventing domestic and family violence, including sexual assault, is, and continues to be, a high priority for the ACT Government.

Key Information

ACT Government Response

- \$23.5m in funding was included in the 2017-18 ACT Budget. This amount built on the 2016-17 Safer Families Budget package to provide a cohesive, whole of government response to family violence.
- A comprehensive report was included in Appendix J of Budget Paper 3 for the 2017-18 financial year and can be accessed online at <https://apps.treasury.act.gov.au/budget/budget-2017-2018/budget-papers>
- The Office of the Coordinator-General is leading the work on key whole of government commitments, including:
 - the co-design of the Family Safety Hub;
 - the development of a consistent approach to frontline worker training;
 - improving information sharing; and
 - building risk assessment capability.

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Family Safety Hub co-design process

- The proposal for a Family Safety Hub for the ACT was a signature initiative under the ACT Government Response to Family Violence.
- The co-design principles are:
 - Be directly informed by the experiences of people affected by domestic and family violence and the frontline staff working to support them.
 - Give priority to groups of people who are most vulnerable to domestic and family violence and those who are hardest to reach with existing services.
 - Focus on improving the early intervention, pre crisis and non-justice responses to domestic and family violence.
 - Explore how existing services and government investment can be better integrated to meet the needs of people affected by domestic and family violence.
 - Recognise that those affected by domestic and family violence will seek help through services they trust, and those trusted services need to be central to an integrated response.
- The co-design process will begin with an in depth understanding of the direct user experience for the following vulnerable groups: Aboriginal and Torres Strait Islander women and families, Culturally and Linguistically Diverse women, women with disability, LGBTIQ people and adult male children with lived experience of family violence.

Front-line training

- Family and domestic violence training for frontline workers was identified as a gap in the three ACT family violence reports with \$770,000 allocated to fund the provision of training to frontline workers.
- The Coordinator-General for Family Safety is leading work across directorates to design a common approach for training of frontline workers that is sufficiently flexible to meet the diverse needs across Government.

Information sharing

- On 8 September 2016, the then Attorney-General Simon Corbell released an issues paper on Information Sharing to Improve the Response to Family Violence in the ACT. The issues paper outlines the current information sharing arrangements in the ACT, and explores the privacy issues facing the family violence sector.
- The Coordinator-General for Family Safety led an extensive community consultation process until 16 December 2016, including hosting four information sessions.
- A clear message from the consultations is that a change in culture and practice in is at least as important as improving the legislative framework.

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- The outcome from the consultations will inform future work across Directorates.

Risk assessment capability

- The Safer Families package funded \$50,000 in 2016-17 to support the development of a common risk assessment capability.
- Work on the development of the risk assessment tool has primarily focused on researching Australian and International best practice. Research indicates that one tool is unlikely to meet the diverse needs of families in the ACT.
- Core risk assessment capability will be developed and incorporated through the co-design of the Family Safety Hub.

Child and Youth Protection – Reviewable Decisions

- The Government committed to undertaking a review of what decisions made by Child and Youth Protection Services (CYPS) should be subject to either internal or external merits review (Government response commitment 5.5).
- A working group has been established with members from the Justice and Community Safety Directorate and the Community Services Directorate. The group first met in December 2016.
- The working group is chaired by the Executive Director of Legislation, Policy and Programs and includes the Coordinator-General for Family Safety in the Justice and Community Safety Directorate.
- The working group is exploring decisions made by CYPS under the *Children and Young People Act 2008* to identify those that could most appropriately be reviewed, while recognising the need for prompt resolution of disputes around care and protection matters to protect the interests of children and young people.
- The working group is also looking at other possible reforms and supports around decisions made by CYPS.

Commitments generally

- The Government has made great progress on other key commitments:
 - Rolled out funding to front-line services including the Domestic Violence Crisis Service, Canberra Rape Crisis Centre, Beryl Women’s Refuge, Doris Women’s Service, The Tara Costigan Foundation, ACT Policing, Director of Public Prosecutions, Legal Aid, and the Courts.
 - Started delivering increased funding to key domestic violence services to enable greater access to translating and interpreting services.
 - The Room4Change program was launched in April this year and is an innovative residential behaviour change program for men who use or are at risk of using violence.
 - The Safer Families grants program was launched in late 2016 which provides

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practical financial assistance to women leaving violence to allow them space to establish a private rental tenancy.

- The ACT Public Service Family Violence Toolkit was launched in August 2016 and is designed to provide awareness-raising and support materials for employees, managers and human resources practitioners to support employees who are experiencing domestic or family violence.

Background Information – may not be suitable for public disclosure

On 7 June 2016 the ACT Government announced the Safer Families package as part of the ACT Budget to provide a cohesive, whole of government response to family violence. The package includes the full time position of Coordinator General for Family Safety, to be supported by a small team.

On 28 June 2016 the Government released a response to the three family violence reports:

- Report of the Inquiry: Review into the system level responses to family violence in the ACT by Mr Laurie Glanfield AM (Glanfield Inquiry);
- Findings and Recommendations from the Review of Domestic and Family Violence Deaths in the ACT by the Domestic Violence Prevention Council (Death Review); and
- The ACT Domestic Violence Service System Final Gap Analysis Report (Gap Analysis).

The reports were publicly released by the ACT Government in May 2016. Since the tabling of the reports in May 2016, the ACT Government released the comprehensive ACT Government Response to the Family Violence Report (Government Response).

The intention from the commitments in the Government Response is that the Office of the Coordinator-General for Family Safety will drive cultural change and lead reform in partnership with government agencies, non-government services and the Canberra community. The Coordinator-General's core functions, supported by an EA and team of two permanent officers, include:

- primary support for the Minister for the Prevention of Domestic and Family Violence including extensive stakeholder engagement;
- coordinating annual whole of government budget bids on family violence matters and developing methodologies for reporting on family violence expenditure;
- providing strategic policy advice to the government on an ongoing basis to continually refine the whole of government response to family violence;
- raising awareness about family violence in ACT communities, particularly the non-physical dimensions of family violence, including through communications campaigns, events, partnerships, sponsorships, research and stakeholder forums;
- managing legislative change, developing an information sharing awareness campaign and driving an information-sharing culture across directorates and service providers;
- working with Directors-General and mainstream service providers to promote cultural change and more effective and collaborative responses to domestic and family violence;
- working with directorates and service providers to shift current contractual arrangements to an outcomes focus and ensure future contracts include outcomes not outputs as performance indicators;
- working with community and government partners, including members of the Aboriginal and Torres Strait Islander community to ensure that services provided are culturally

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- appropriate;
- leading development of a capability framework and training strategy for frontline workers, including managing procurement of a training package and roll-out across ACT Government;
 - working with the private sector and the professions to encourage investment in training for frontline staff;
 - developing an outcomes framework to measure the impact of the reform agenda over time;
 - developing performance measures for Director-General performance agreements;
 - representing the ACT Government at the national level, including cross-jurisdictional forums established under the National Plan to Reduce Violence Against Women and Their Children 2010-2022, Our WaTCh and ANROWS;
 - monitoring implementation of, and reporting on, the 38 Safer Families Package commitments;
 - establishing a data framework, coordinating data collection and sharing across Directorates, and developing new data sources as required to inform future policy and measure performance;
 - drive a shift in approach across Government the community from a crisis-driven response to early intervention and prevention;
 - facilitate a codesign process for access and referral to services for children and young people affected by family violence; and
 - membership of the Child and Youth Protection Quality Assurance and Improvement Committee to provide arms length quality assurance and ensure compliance by statutory services.

Context

- The *ACT Government Response to Family Violence* report was released in June 2016. Commitments focus on supporting a whole of Government approach to domestic and family violence. This work is being overseen by the Coordinator-General for Family Safety.

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Portfolio: Attorney-General

ISSUE: FAMILY VIOLENCE POLICY

Talking points:

- Family violence is a serious issue that the Government remains absolutely committed to addressing. All Canberrans have the right to feel safe, and to be safe.
- The experience of domestic and family violence causes enduring damage to individuals and to society as a whole.
- The financial cost of family violence in our community is measured in the billions of dollars.
- The ACT Government views acts of family violence as intolerable and is actively working to make changes to protect the safety of all members of our community.

What is the Government doing to prevent family violence?

- Domestic and family violence is a difficult and complex problem which has no simple solutions.
- To prevent domestic and family violence we need to change the way Australians think and act in their homes. This means the whole community needs to be engaged in the job of changing attitudes and social norms.
- It was in recognition of this complexity that the ACT Government refocused its efforts to combat domestic and family violence in 2016. The commitment was to a comprehensive and long term reform agenda. The Safer Families package was the largest action to address family violence in Canberra's history.
- The investment in Safer Families is continuing. In the 2017-18 Budget the commitment has grown to \$23.5 million over four years.

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- The reform program involves a new model for integration across Government, the community sector and the community. The work is being led by the first full-time Coordinator-General for Family Safety, who commenced in October 2016.

Death Review

- The Government has committed to introducing a family violence death review scheme for the ACT.
- This commitment was in response to the first and only ACT Death Review in 2016, which analysed 14 family violence deaths in the ACT between 2000 and 2012.
- A death review scheme will analyse information relating to family violence deaths in the ACT and make recommendations for system wide improvements to services to prevent similar deaths occurring in the future.
- Death reviews will help to improve family violence responses by examining the ways in which our systems and services performed when they were most challenged.
- The Justice and Community Safety Directorate (JACS) is consulting with key stakeholders to ensure establishment of a death review scheme that is consistent with best practice principles and appropriate for the ACT context.

Key Information

Death Review

- The ACT Death Review, published in May 2016, provided 28 recommendations for action, including the recommendation that the ACT establish a legislative scheme to enable future family violence death reviews.
- In June 2016, the Government published the ACT Government Response to Family Violence, which included a commitment to 'legislate for the Attorney-General to order a future family violence death review and provide powers for those undertaking such a review'.

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- An ACT death review model will require funding. Costing for a death review model is yet to be determined. Legislation, Policy and Programs (LPP) will prepare a detailed costing for the 2019-20 budget process.
- LPP is currently developing a death review model through consultation with key family violence stakeholders.
- All jurisdictions, except Tasmania, the Northern Territory and the ACT, have a family violence death review function.

Background Information – may not be suitable for public disclosureFamily Violence Policy

- On 6 June 2016, the ACT Government announced the Safer Families package which included \$21.42 million in funding and highlighted four key priority actions for the ACT Government, including:
 - appointing the first, full-time Coordinator-General for Family Safety to lead change and provide accountability across the service system;
 - implementing a collaborative and integrated approach to services through a dedicated Family Safety Hub;
 - authorising information sharing and collaborative practices via a new legislative framework; and
 - developing a skilled and educated workforce, especially frontline staff, to respond to the needs of adults and children experiencing family violence.

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Portfolio: Attorney-General

ISSUE: OPERATION OF THE CORONERS COURT REFORMS

Talking points:

- The ACT Government is working to develop a safer environment for detainees, and is paying particular attention to the needs of Aboriginal and Torres Strait Islander detainees.
- The Government is also examining options for supporting the operation of the Coroner's court through administrative and legislative reforms.
- As part of this consideration, the Government is working with families to make sure that any reforms to coronial processes support the needs of people affected by a death.
- In October 2017, I met with families of three young men whose deaths have been subject of extensively delayed coronial inquests.
- This group of family representatives has been advocating for reforms to the coronial process including changes to address lengthy delays throughout all stages of the coronial inquest, and to improve communications with family members about the progress of inquests, Government responses and actions taken to address recommendations.
- After hearing the experiences of these family members I have asked the Justice and Community Safety Directorate to explore options to improve the support provided to the operations of the Coroner's Court, in particular, to better focus on and meet the needs of families affected by a death subject to an inquiry.
- Officers from the Justice and Community Safety Directorate met with the families to discuss potential legislative reforms on 21 March 2018.
- I anticipate that reforms, including legislative amendments, will be announced later this year, to address the issues identified by these family representatives, so that family members affected by coronial process in the future, will have more timely and considerate closure.

Cleared as complete and accurate: 07/03/2018
Cleared by: Executive Director Ext: 70522
Information Officer name: Tamsyn Harvey
Contact Officer name: Alex Jorgensen Ext: 70534
Lead Directorate: Justice and Community Safety

Background Information – may not be suitable for public disclosure

- The Chief Coroner considers that the appointment of an additional full-time magistrate would go some way towards providing her with the flexibility to use judicial resources for coronial matters as appropriate.
- A business case for 2018-19 has been prepared seeking funding for the appointment of an 8th magistrate.

Cleared as complete and accurate: 07/03/2018
Cleared by: Executive Director Ext: 70522
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Lead Directorate: Justice and Community
Safety

Portfolio: Attorney-General**ISSUE: RESIDENTIAL TENANCIES****Talking points:**Victorian reforms - Keeping pets in rental properties

- The ACT Government is actively considering the residential tenancies reforms announced by the Victorian Government in October 2017, referred to as the ‘making rent fair’ package.
- I am aware the Victorian Government has announced plans to amend the Victorian Residential Tenancies Act to make it easier for tenants to keep pets in rental properties.
- I understand that tenants in Victoria will be given the right to keep pets if they obtain the landlord’s written consent, and that landlords will not be able to unreasonably refuse. I look forward to seeing this legislation when it is introduced.
- In the ACT, it is up to individual landlords to decide whether a tenant may have pets in a rental property. The standard residential tenancy terms do not refer to keeping pets in rental properties. However, on 29 April 2009 the ACT Civil and Administrative Tribunal (ACAT) issued a Practice Direction stating that due to the right of exclusive possession, tenants have an implied right to keep pets unless otherwise stated in the lease. Landlords need to put in a specific clause to prohibit pets, or restrict the type and number of pets.

Victorian reforms – other proposals

- The Victorian Government proposes to cap bonds at one month’s rent where the rent is twice the current median weekly rent.
 - In the ACT, the Residential Tenancies Act already provides that a landlord may only require or accept a maximum bond of four weeks’ rent in all circumstances.

Cleared as complete and accurate: 04/04/2018
Cleared by: Director Ext: 53504
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Lead Directorate: Justice and Community Safety

- The Victorian Government has announced proposed changes to the bond release process, including a 14 day automatic bond release process if there is no dispute.
 - In the ACT, amendments were made to the bond release process in 2016 following the review of the *Residential Tenancies Act 1997*. These amendments gave landlords and tenants a better opportunity to negotiate any claim on the bond by the landlord, particularly when operating in combination with the new requirement for an end of tenancy condition report.
- The ACT amendments modified the mechanism for releasing the bond money to allow an early opportunity to resolve any dispute before an application is made for release of the bond. There is a positive obligation on the landlord to give the tenant an application for payment of the bond money out of the trust account within three working days after the termination of the residential tenancy. If the landlord wishes to make a deduction from the bond, the landlord must include in the form the reason for the deduction.
- The ACT Government is monitoring developments in other Australian jurisdictions, including Victoria. While Victorian residential tenancy law does not currently expressly prohibit rental bidding, the Victorian Government has stated it will introduce legislative amendments to restrict the practice.
- Other reforms proposed by the Victorian Government include abolishing ‘no specified reason’ notices to vacate, making it easier for tenants to make minor modifications to a property and creating a landlord and real estate agent blacklist. The Justice and Community Safety Directorate (JACS) will consider these reforms as part of the second tranche of the review of the Residential Tenancies Act.

Occupancy Agreements

- Occupancy agreements cover a wide variety of different living arrangements for either short or long term accommodation, including boarding houses, student accommodation and residential home parks.

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Cleared by:	Director	Ext: 53504
Information Officer name:	Tamsyn Harvey	
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Lead Directorate:	Justice and Community Safety	

- The review of the Residential Tenancies Act found that issues with occupancy agreements were complex and affect a diverse range of stakeholders.
- These issues included: a lack of awareness for parties to an occupancy agreement about their rights and responsibilities; collection of bonds which are not required to be lodged with the Office of Rental Bonds; termination of the occupancy and eviction from premises; application of occupancy agreements to community housing residents; and a grantor's rights of entry to occupied areas.
- Given the complexity, the review of the Residential Tenancies Act recommended the Government consider establishing a working group to consider the issues relating to occupancy agreements and develop recommendations. The working group would be asked to consider the development of standard occupancy terms, with particular emphasis on providing occupants with protections similar to those enjoyed by tenants as far as possible while retaining flexibility.
- On 19 July 2017, JACS hosted an occupancy agreements discussion forum with independent facilitator Design Managers Australia.
- During the forum, key stakeholders identified important issues relating to occupancy agreements. Forum attendees included grantors and occupants of different kinds of occupancy accommodation, advocacy groups and representatives of associations for students and occupants of residential parks. Based on the discussions in the forum JACS established working groups focussing on different types of occupancy accommodation.
- The following working groups will provide advice and help develop recommendations for Government:
 - a caravan park group that will look at short term solutions that can assist residents and also consider whether caravan parks should be regulated separately
 - a student group that will look at issues facing students in both on and off campus accommodation as long as the agreement could be characterised as an occupancy agreement and

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- a boarding house and crisis accommodation group that will look at whether a standard agreement term is needed, how to work with the ACT and Commonwealth obligations for the providers in this group, and whether further regulation is needed.
- The working groups last met in March 2018.

Conditional termination and possession orders (CTPOs)

- The report on the review of the Residential Tenancies Act recommended that consideration be given to amending the CTPO provisions.
- CTPOs can be ordered by ACAT in situations where the tenant has failed to pay rent. Instead of making a termination and possession order to terminate the tenancy, ACAT may make a CTPO to give the tenant a further opportunity to address rental arrears. If the tenant fails to comply with the CTPO, the tenancy automatically terminates at a stated time after any rent becomes payable and is not paid.
- Automatic termination occurs even in circumstances where rent was paid late for reasons outside the control of the tenant, such as Centrelink processing delays.
- Automatic termination occurs even if the lessor does not want the tenancy to end.
- During the review, key stakeholders expressed concern about the automatic termination and its impact on vulnerable social housing tenants.
- The Government is working with key stakeholders to resolve this issue.

Commercial Guarantees

- The Residential Tenancies Act allows a lessor to accept a guarantee or indemnity instead of a bond
- This is a promise to pay the lessor for damages that occur during a tenancy. The guarantee or indemnity is only enforceable to the maximum amount a bond would have been.
- The Residential Tenancies Act was amended in 2017 to improve consumer protections for tenants and lessors who enter into a commercial guarantee or indemnity contract.

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- A Lessor can only accept a commercial guarantee if the standard guarantee contract is registered.
- The provider of commercial guarantee must apply to the Commissioner for Fair Trading for registration. The registration process will be prescribed by regulation. Preparation of this regulation is in progress.

Key Information

- The Victorian Government 'making rent fair' package includes making it easier for tenants to keep pets, abolishing 'no specified reason' notices to vacate, making it easier for tenants to make modifications to the property, capping bonds at a month's rent in circumstances where rent is twice the current median weekly rent and faster release of bonds. Amendments have not yet been made to the *Residential Tenancies Act 1997 (Vic)*.

Background Information

- The report on the review of the Residential Tenancies Act was tabled in the June 2016 Legislative Assembly sittings.
- The report included first and second tranche recommendations.
- The Residential Tenancies Legislation Amendment Act 2016 gave effect to the first tranche recommendations, including:
 - requirements for smoke alarms
 - changes to bond release provisions
 - mechanisms allowing a person experiencing personal or domestic violence to apply to ACAT for changes to their tenancy arrangements.
- Second tranche recommendations include giving further consideration to the following issues:
 - conditional termination and possession orders (CTPOs)
 - occupancy agreements
 - share house tenancies and subletting
 - early termination of a fixed term lease by a tenant who has accepted accommodation in social housing premises or aged care
 - reducing the maximum rent payable in advance to two weeks
 - ACAT issuing notices about additional inconsistent terms
 - tenant termination of a lease containing unlawful inconsistent terms

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- removing or modifying the requirement for a 'detriment to the lessor's interest in the premises' when terminating a lease on the grounds that a tenant has used the premises for illegal purposes
- minimum standards for reasonable security.

Cleared as complete and accurate: 04/04/2018
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Safety

Portfolio: Attorney-General**ISSUE: BAR ASSOCIATION COMMENTS ON JUDICIAL APPOINTMENTS PROCESS****Talking points:**

- I am aware that the Bar Association has called for greater consultation with the local legal profession in the making of judicial appointments.
- The ACT Government recognises the importance of, and adheres to, a transparent process for selecting judicial officers.
- The process and criteria for selecting a new judge are set out in the *Supreme Court (Resident Judges Appointment Requirements) Determination 2015 (No 1)* which is available online.
- The ACT's legislative framework ensures a transparent, merit-based selection process for judges. The Government advertises judicial positions publicly and evaluates applications according to clear selection criteria.
- The ACT Government recognises the importance of views of the local legal profession, and seeks nominations from the ACT Law Society and the ACT Bar Association each time a judicial selection process is conducted.
- Evaluation of applicants is conducted independently and the Government is required to choose appointments based on the published selection criteria.
- The Government values the input of the local profession and will continue to engage with them in the context of the statutory framework.

Key Information

- Selection processes and criteria for Judges, Magistrates and Special Magistrates, and Presidential Members of the ACT Civil and Administrative Tribunal are all set out online.

Cleared as complete and accurate: 29/03/2018
Cleared by: Executive Director Ext: 70522
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Lead Directorate: Justice and Community
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- Selection criteria for the judiciary include intellectual capacity, personal qualities, an ability to understand and deal fairly, efficiency and authority, communication, leadership and management skills.
- Before any appointment to the Supreme Court is recommended the Attorney-General must consult the current Chief Justice about possible appointees (other than for the Chief Justice).
- For temporary appointments or re-appointments there are more flexible provisions which support the continuity of services provided to the ACT community, but the experience, skills and qualifications of candidates are paramount considerations.

Cleared as complete and accurate: 29/03/2018
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Safety

Portfolio: Attorney-General**ISSUE: FRAUD INCIDENTS AT THE FORMER PUBLIC TRUSTEE FOR THE ACT**

The Public Trustee and Guardian (PTG) Annual Report 2016-17 identified continuing business process improvements aimed at mitigating fraud in light of criminal charges involving two former service providers and two former employees of the Public Trustee for the ACT.

Talking points:

- The Public Trustee and Guardian's Annual Report indicated that the office continues to take measures to prevent and detect fraud. The Public Trustee and Guardian is the statutory successor to the Public Trustee for the ACT.
- The incident of fraud at the Public Trustee in 2014 was identified by the Public Trustee as a result of risk management and audit/software systems put in place following consultation with KPMG Forensic. KPMG completed a Controls Review in 2016 and was re engaged in May 2017 to review PTG's implementation of the recommendations contained in that review. The review was completed on 24 May 2017.
- The Government considered that the 2014 incident has been appropriately dealt with (noting that charges have been laid against four people in relation to the incidents (two former service providers and two former staff) and that there are sufficient safeguards in place to be able to protect the interests of people under management orders and under Enduring Powers of Attorney.
- By the end of 2017, all four persons had pleaded guilty and three had been sentenced. The first of the two former Public Trustee employees to be sentenced, is now making reparation payments into the Confiscation of Criminal Assets Trust to the Public Trustee and Guardian.
- An appeal against the severity of his sentence by second former staff member of the Public Trustee, was refused by the Court. He was due to appear before the court for sentencing on 13 December 2017.

Cleared as complete and accurate: 28/02/2018
Cleared by: Andrew Taylor Ext: 79800
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ACT Policing then advised that, on application by his solicitors, that hearing had been vacated and that sentencing was re-listed on the next available 2018 hearing date of 15 March 2018. The real estate belonging to this person has been restrained under the Confiscation of Criminal Assets Act 2003.

- At the sentencing hearing on 15 March 2018, the matter was again adjourned until 26 March 2018 to allow the defendant to attend a detox facility in Sydney commencing 16 March 2018. Should the defendant not attend the detox facility as directed, he would be required to attend detox in custody. It was apparent in the hearing that the defendant would most likely receive a custodial sentence at the 26 March hearing.

Background Information

- Between March 2010 and September 2013, two tradesmen accepted money from two employees of the Public Trustee for maintenance work on properties belonging to the Public Trustee's clients that they did not do. Some of the money was allegedly split with the two employees.
- The tradesmen pleaded guilty and were sentenced in 2016 and 2017. All of the four persons have now pleaded guilty, three have been sentenced and the fourth is awaiting sentencing.
- The sentencing hearing for the fourth person has been re-listed for 16 March 2018.
- The 2016-17 PTG Annual Report notes in this regard:
- PTG revised its Risk Register during the reported year. PTG re-engaged KPMG in May 2017 to consider two specific elements focussed at mitigating potential fraud risk within the PTG.
 - Reviewing the business process improvements implemented since the issuing of the KPMG Forensic report in relation to control issues surrounding the suspected fraud involving two former Public Trustee and Guardian Trust Officers.
 - The process for the reimbursement of expenses for services provided to protected persons by third parties who were not nominated service providers on the PTG's vendor master file. These concerns are associated with claims for reimbursements made against funds held in trust by the PTG on behalf of persons who are unable to manage their own affairs. The specific aspect of this process requiring review is where a claimant advises that they have expended money in relation to the person under PTG's supervision and are seeking to be reimbursed.

Cleared as complete and accurate: 28/02/2018
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- PTG has established a mail-out of client statements through an external service provider.
 - PTG has also established a Service Provider Code of Conduct for external service providers. The Code is published to PTG's website and must be completed and declared by all service providers prior to engagement by PTG.
 - PTG tabled a copy of the second KPMG report to the Annual Reports hearing on 8 November 2017.
 - PTG has also established a Service Provider Code of Conduct for external service providers. The Code is published to PTG's website and must be completed and declared by all service providers prior to engagement by PTG.
- PTG tabled a copy of the second KPMG report to the Annual Reports hearing on 8 November 2017.

Cleared as complete and accurate: 28/02/2018
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Portfolio: Attorney-General**ISSUE: OUTLAW MOTORCYCLE GANG LAWS**

Outlaw Motorcycle Gangs (OMCGs) are involved in criminal activities across Australia such as drug production and trafficking, vehicle rebirthing, firearms offences, money laundering, extortion and serious assaults.

TALKING POINTS

- The ACT Government is strongly committed to responding to the criminal activities of OMCGs.
- ACT Policing has established an OMCG Taskforce – Taskforce Nemesis – to focus on operational and investigative responses to OMCG activity.
- The Taskforce is supported by a suite of criminal laws developed by the ACT Government over a number of years, and continued to investment to ensure that ACT Policing has the resources it needs to combat criminal gangs in the ACT.

Consorting Laws

- Consorting laws make it an offence to associate with a person after being issued with a warning to refrain from associating with that person.
- Consorting laws were repealed in the 1980s.
- While a number of jurisdictions have recently adopted or modernised their consorting laws, the ACT has not reintroduced consorting laws due to concerns about how these laws conflict with underlying principles of the criminal law and human rights under the *Human Rights Act 2004*.
- The ACT Government will continue to keep consorting laws under consideration.

Fortification removal laws

- Fortifications are structures designed to stop or hinder uninvited entry to premises.
- The *Crimes (Fortification Removal) Amendment Bill 2017* commenced in March 2018.

Cleared as complete and accurate: 09/04/2018
Cleared by: Deputy Director General
Information Officer name: Tamsyn Harvey
Contact Officer name: Megan Bobos
Lead Directorate: Justice and Community Safety

- The Bill provides the Chief Police Officer with the power to apply to the Magistrates Court for an order that the occupier of the premises remove fortifications on the premises. The Bill also prohibits the establishment of fortifications on certain premises.
- These laws will help make the ACT a hostile environment for criminal gangs to prevent the establishment of fortified premises such as OMCG club houses.

Crime scene powers and drive-by shootings

- The *Crimes (Police Powers and Firearms Offence) Amendment Act 2017* commenced on 8 December 2017.
- The Act introduced statutory crime scene powers to allow police officers to preserve evidence in a timely manner at crime scenes in both public and private places while taking the least restrictive approach to limiting a person's right to privacy.
- The Act also created a new offence of 'drive by shooting' which deals with people shooting at a building, including a home, whether from a car or otherwise. The offence is punishable by a maximum of 10 years imprisonment.
- These new laws have already been used by ACT Policing to support its work to combat criminal groups in the ACT.

Background

ACT Policing has identified three OMCGs that operate in the ACT (the Rebels, the Nomads and the Comancheros).

The ACT Government remains strongly committed to embracing practical legislative measures to address serious and organized crime in order to keep Canberra a safe and secure community.

Private Members Bill – Crimes (Criminal Organisation Control) Bill 2017

- On 1 November 2017 the Shadow Attorney-General, Mr Jeremy Hanson MLA CSC, introduced the Bill in the Legislative Assembly. The Bill proposed the introduction of criminal organisation laws in the ACT. The Bill was debated in the same month but was not supported by the ACT Government.
- The Bill was based on NSW criminal organisation laws, however was less restrictive of human rights.

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- To make a control order, the Bill required the court to be satisfied that it would be reasonably necessary to restrict, or impose conditions on the activities of a person in order to end, prevent or reduce a serious threat to public safety and order.
- There are significant human rights implications associated with criminal organisation laws and to date the ACT has not supported their introduction.

Cleared as complete and accurate: 09/04/2018
Cleared by: Deputy Director General
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Portfolio: Attorney-General

Justice, Consumer Affairs and Road Safety

ISSUE: JACS STAFF SURVEY

The Canberra Times published a news article “Justice Directorate staff are concerned about bullying and harassment” on Monday 9 April 2018 at 2:57 pm.

Talking points:

- The 2017 Justice and Community Safety (JACS) Staff Survey results provide valuable information on what works well in JACS and identifies opportunities for improvement.
- The survey is one tool that assists the Directorate in understanding the broad culture of the organisation and makes an assessment of the level of staff engagement.
- It is important to note that while there is room for improvement, Directorate’s results reflect that JACS is average when compared to other large public sector organisations.
- The results are also reflective of the diverse nature of the functions and services it delivers. For example the functions undertaken by Corrections and Emergency Services by their very nature are high risk and staff operate in high pressure environments, which can have an impact on organisational culture.
- JACS is committed to improving its workplace culture and has a Workforce Strategy 2017-2019 to help achieve this. The survey results are used by the Directorate and Business Heads to inform other work that is being delivered across the Directorate as part of its Workforce Strategy.
- It should be noted that responses related to favouritism, harassment and bullying have statistically improved over time, with nearly 10 per cent more employees reporting that they felt free from bullying and harassment in the last survey, compared with the 2015 data.

Cleared as complete and accurate: 09/04/2018
Cleared by: Executive Director Ext: 70500
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Lead Directorate: Justice and Community Safety

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If asked about survey results relating to the Emergency Services Agency or ACT Corrective Services

- These matters should be referred to the respective portfolio Minister.

Key Information

- The JACS Staff Survey was conducted during April and May 2017.
- JACS is committed to continuing the process of undertaking staff surveys, to understand what is happening and working on how to respond and improve the organisation as a whole. This is part of the whole of JACS workforce strategy.
- In support of this, business units are working with staff on the results of the survey and they have listened to the feedback.
- JACS will continue to progress actions to facilitate a more engaged, enabled and empowered workforce.

Background Information

- Question on Notice Number 832 and 833 (2017), Mrs Giulia Jones MLA sought detailed results from the JACS staff survey results, pertaining to Corrective Services and Emergency Services respectively. In the response dated 18 December 2017, Mrs Jones was advised that the detailed results from the JACS staff surveys, including those of the ESA are not made public for a number of reasons:
 - assurances made to staff about the confidentiality of their responses and the risk of undermining staff confidence and participation in future surveys (which is voluntary)
 - the commercial value and intellectual property of Best Practice Australia as the survey provider would be compromised
 - the nature of the reports which are designed as working documents by executives and managers within the organisation.
- Mrs Jones was also provided a copy of the JACS Workforce Strategy 2017-19.
- Another article in the Canberra Times on 9 April 2018 claims that the survey results suggest ACT Fire & Rescue has a “blame culture”. Staff are not engaged with changes across the Directorate and feel helpless to influence the future direction of the organisation. The Canberra Times article also claims of ACT Fire & Rescue, that there is a lack of trust of senior executives within the Directorate.
- Following the Canberra Times article, the ESA Commissioner, Mr Dominic Lane, has provided interviews to several media outlets (9 April 2018).

Cleared as complete and accurate: 09/04/2018
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Lead Directorate: Justice and Community
Safety

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HOT ISSUES	TALKING POINTS
<p>17. Judicial appointments Cleared by Tamsyn Harvey</p> <p>23 February 2018</p>	<ul style="list-style-type: none"> • The ACT Government recognises the importance of, and adheres to, a transparent process for selecting judicial officers. • The ACT’s legislative framework ensures a transparent, merit-based selection process for judges. • The judicial appointments process is transparent and de-politicised. The Government advertises judicial positions publicly and evaluates applications according to clear selection criteria. • The ACT Government recognises the importance of local views, and seeks nominations from the ACT Law Society and the ACT Bar Association each time a judicial selection process is conducted.

18. Crimes (Consent)**Amendment Bill**

Cleared by Karen Greenland

23 February 2018

- The ACT Government is committed to protecting people from sexual abuse and ensuring that those who commit sexual offences are appropriately held to account.
- A strong criminal justice response to sexual offending is important, not just for victims and survivors but also for the entire community.
- The ACT Government welcomes the opportunity to consider potential improvements to our criminal laws.
- We are strongly committed to addressing criminal law reforms raised by the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations.
- The definition of consent proposed by the Greens is a departure from the current common law position. Given the recommendations of the Royal Commission, it is important that reforms to fundamental concepts underpinning ACT sexual offences are carefully considered and not dealt with in isolation from broader sexual offence reforms.

19. [Greyhounds](#)

Cleared by Karen Greenland

29 January 2018

- On 28 November 2017, the ACT Legislative Assembly passed the Racing (Greyhounds) Amendment Bill 2017 and the Domestic Animals (Racing Greyhounds) Amendment Bill 2017 to expressly prohibit the racing and trialling of greyhounds and remove recognition of greyhound racing from the *Racing Act 1999* from 30 April 2018.
- Breeding, training and ownership of racing greyhounds will still be permitted in the Territory and will be monitored against a new mandatory Code of Practice, to be developed in consultation with industry and animal welfare experts.
- The Government has taken this step to ensure that the documented and acknowledged failures in NSW cannot happen in the ACT. We know that greyhounds raced in Canberra are almost all from elsewhere in the region.
- Those exiting the industry will have until 30 June 2018 to apply for transition support through the Greyhound Industry Transition Taskforce, and the Government has extended the roll-out of the available funding for an extra three months to 30 September 2018.
- The Taskforce has also made arrangements with Woden Community Service (WCS) to provide dedicated support, case management, information and counselling services to greyhound industry participants. Free counselling is also available to anyone impacted by the end of greyhound racing in the ACT, whether or not they are pursuing a transition support package. This counselling service is completely confidential and can be accessed by calling the Greyhound Transition Program at WCS on 6181 2895.
- The Canberra Greyhound Racing Club has commenced proceedings in the Supreme Court and the Federal Court to challenge various matters to do with the end of greyhound racing in the ACT. As these matters are before the Court, it is inappropriate to make any further comment.

20. Outlaw Motorcycle Laws

Cleared by Karen Greenland

15 January 2018

- While Canberra remains a very safe city to live in, we are not immune to the presence and activities of Outlaw Motorcycle Gangs (OMCGs), including those who travel from interstate.
- The Government passed the Crimes (Police Powers and Firearms Offence) Amendment Bill 2017 in November to assist police to target serious and organised crime. The Bill includes:
 - a new offence directly addressing drive-by shootings to ensure this behaviour is subject to an appropriate penalty; and
 - new crime scene powers.
- The Government also introduced fortification removal laws in November 2017.
- In August 2016, the ACT Government committed an additional \$6.4 million in Taskforce Nemesis funding over four years to employ eight additional staff.
- The ACT Government approach to OMCG activity has to date focused on strengthening traditional law enforcement responses to any threat posed to the community by OMCGs. This includes the application of bail and sentencing laws that allow courts to impose conditions, such as association and place restrictions on accused people and offenders to prevent further offending.
- The ACT Government continues to work with ACT Policing to ensure our police have the necessary tools at their disposal to effectively deal with serious and organised crime entities and, wherever possible, to confiscate their criminal assets and put offenders before the courts.

21. DPP Resourcing

Cleared by Tamsyn Harvey

1 February 2018

- The ACT Government will boost support for the ACT Office of the Director of Public Prosecutions (DPP) to enable the seizing of criminal assets to help tackle criminal gangs.
- The \$970,000 commitment over two years will enable the DPP to employ four additional staff – including three prosecutors – to specialise in seizing criminal assets. This will assist in depriving criminals and criminal organisations of the financial proceeds of crime.
- By allowing greater capacity to confiscate criminal assets that are identified through ACT Policing investigations, we are ensuring that offenders won't benefit financially from their criminal activities.
- It was also an initiative in the 2017-18 budget provided an ongoing increase in base funding for the DPP to maintain services and to keep pace with demand.
- This initiative also provided one-off funding in the 2017-18 financial year for costs associated with the retrial of Mr David Eastman and other related proceedings. Funding is provided for an additional three Full Time Equivalent positions in the DPP, external counsel costs, witness expenses and other administrative costs.
- Early last year, I agreed to undertake a review of the DPP to assess its capacity to deliver services on behalf of the ACT Government and broader community into the future.
- The review has been finalised and is currently under consideration by Government.
- The Government will continue to work closely with the DPP to consider its future funding model in light of the recommendations of the review and the funding of the justice system more broadly.

22. National Counter Terrorism

Cleared by Bren Burkevics

12 January 2018

- Australia faces national security challenges that continue to evolve, so we need to keep our legislation and capabilities under constant review to meet these emerging issues.
- The ACT Government is committed to ensuring the safety and security of our community and continues to work closely with ACT Policing and other law enforcement and intelligence agencies to combat terrorism, and to implement the special Counter Terrorism COAG agreements.
- The ACT continues to support community leaders and activities that help promote the vibrant, inclusive and culturally diverse nature of the ACT community while maintaining the rule of law and protecting human rights.

If asked about current terrorism threat level

- Australia's National Terrorism Threat level remains at **PROBABLE**.
- Credible intelligence, assessed by national security agencies indicates that individuals or groups have developed both the intent and capability to conduct a terrorist attack in Australia.
- We cannot eliminate entirely the risk of terrorism but we can mitigate it. We will continue to do so through the combined efforts of law enforcement, intelligence and security agencies at all levels of government.

If asked about Facial Biometric Matching Capability

- As a human rights jurisdiction, the ACT has established a bilateral schedule to the national agreement to ensure ACT participation in a way that is consistent with human rights and privacy laws, while supporting national security needs.
- Limitations placed on how ACT data can be used will not limit the ability of other jurisdictions to participate with one another in the capability.
- The ACT will continue to explore additional participation for ACT in the range of services offered by the capability, pending further privacy and human rights scrutiny.

(Continued)

National Counter Terrorism

Countering Violent Extremism

- Keeping Australians safe from home-grown terrorism is a complex and evolving field that requires ongoing attention.
- The ACT Government continues to work closely with all governments to identify and implement measures to prevent and protect communities against violent extremism, tackling the root of the problem.
- It is recognised that families, friends and community members are often in the best position to identify individuals who might be at risk of radicalisation towards violent extremism.
- Anyone who has any concerns about possible violent extremism can make an anonymous report to the National Security Hotline on 1800 123 400.
- If there is an immediate threat to life or an emergency response is required, people should call Triple Zero (000) immediately.

**23. Gaming Machine Harm
Reduction Measures**

Cleared by Karen Greenland

1 February 2018

Reducing gaming machine authorisations to 4,000

- Parliamentary Agreement is to reduce the number of electronic gaming machine ‘licenses’ (authorisations) in the ACT to 4,000 by 1 July 2020.
- We have been consulting with club licensees and meeting with clubs on the most appropriate model and timeframes to reduce the number of gaming machine authorisations in the ACT to 4,000 by 2020.
- The Government consulted with clubs in late June/early July seeking input on the appropriate model and timeframes to achieve this reduction. Eight written submissions were received from clubs, and officials met with a number of clubs.
- Canberrans were encouraged to have their say on the ACT Government’s YourSay website on options to achieve this maximum limit. Community feedback on the options paper *Implementing the Government Commitment to Reduce Gaming Machine Authorisations* opened on 17 August 2017 and closed on 18 September 2017. The directorate received six written submissions from clubs and one from the Canberra Gambling Reform Alliance.
- The Government has held further meetings with club representatives and is currently considering the pathway to reach 4,000 authorisations.

Casino legislation

- The *Casino (Electronic Gaming) Act 2017* was passed by the Assembly on 2 November 2017 and ensures the Territory has the most robust harm minimisation measures in the country with respect to electronic gaming machines in casinos.
- The Act requires that any gaming machines the casino operates must be able to connect to an approved mandatory pre-commitment system.
- The Act also includes a maximum bet limit of \$2 a spin, or lower amount set by regulation. Community and expert input was taken into account in setting this limit.
- The casino will be limited to a maximum of 200 gaming machines and 60 Fully Automated Table Game (FATG) terminals. It must acquire authorisations through the existing trading

<p>(Continued) Gaming Machine Harm Reduction Measures</p>	<p>scheme, but surrender one in three authorisations rather than the current one in four that applies to clubs. In addition, at least half the authorisations acquired must come from small or medium clubs.</p> <ul style="list-style-type: none">• No new authorisations will be issued to the casino – they will all come from within the existing Territory maximum number. The ACT Government remains committed to reducing the number of poker machines to 4,000 by 2020.• The Act will commence by default on 13 May 2018. If circumstances mean there is a pressing case to commence the legislation at an earlier point in time, the Government has the power to do so before May by written notice.
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24. Child Abuse Royal Commission

Cleared by Tamsyn Harvey

16 March 2018

- The ACT Government acknowledges the significant trauma that survivors of child sexual abuse suffer. The ACT Government is committed to protecting children from child abuse and providing a fairer response to victims.
- The ACT Government will issue a formal response to the Royal Commission Final Report before 15 June 2018. The report comprises 22 volumes, including some released previously, and a total of 409 recommendations. 103 of the new recommendations are within the power of state and territory governments like ours to act upon and we have already started assessing how we may implement them.
- We have already implemented a Reportable Conduct Scheme, which the Final Report recommends for all states and territories. It has been active since 1 July 2017 providing independent oversight, through the ACT Ombudsman, of the way Canberra's workplaces report, investigate and handle allegations of misconduct involving children.
- The ACT Government announced on 19 March 2018 it would opt in to the national Redress Scheme.
- The Redress Scheme will begin operating on 1 July. However, a dedicated telephone helpline and website is now available to provide information to survivors and their families about the Scheme.
- The ACT Government will continue to work with its Commonwealth, state and territory counterparts to ensure the Scheme meets the needs of survivors and is broadly accessible to all victims of institutional child sexual abuse.
- The ACT Government's position is that all survivors should be treated equally under the Scheme.
- A strong criminal justice response to child sexual abuse is also important, not just for victims and survivors but also for the entire community.
- The Royal Commission recommended a sweep of legislative and policy changes in the Criminal Justice Report (August 2017). Many of the areas of reform are relevant to sexual offending more broadly, and not just to child sexual abuse committed in an institutional context.

[\(continued\)](#)

[Child Abuse Royal Commission](#)

- The recommendations include reform to:
 - police and prosecution responses
 - evidence of complainants
 - sentences and appeals
 - grooming offences
 - persistent child abuse offences
 - new offences, including ‘failure to report’ and ‘failure to protect’.
- The Government has already responded directly to recommendations in the Royal Commission’s Criminal Justice report, by introducing legislation in the November 2017 sittings (CLAB 2017 No 2) criminalising ongoing sexual abuse, rather than just individual sexual acts; broadening grooming offences to criminalise any contact with a child that is intended to make a sexual offence more likely and extending grooming offences to the grooming of persons other than the child; and excluding good character from reducing a sentence for a child sex offender where that good character is what enabled them to gain access to the victim.
- In the coming weeks, the Government will also release a discussion paper which addresses the further Royal Commission recommendations for criminal justice system legislative reform and invite key stakeholders and the broader community to provide their views on these proposals.

25. Drug and Alcohol Court

Cleared by Karen Greenland

15 January 2018

- The Government is undertaking phase one, scoping and design work of a Drug and Alcohol Court (DAC) in collaboration with the justice, drug and alcohol service sectors.
- The effectiveness of DAC in achieving long-term behavioural change in offenders is supported by a substantial body of research. Results include reductions in re-offending (recidivism), reduced incarceration rates, and improved community safety outcomes.
- The problem-solving approach taken by drug courts involves key principles to achieve the best outcomes including: an integrated approach by all parts of the justice system, prompt access to treatment and related services and a high level of judicial intervention.
- The Supreme Court has developed proposals to Government in relation to the model, assisted by a working group of key stakeholders, chaired by Justice John Burns. These proposals are under consideration.

26. Canberra Casino**Redevelopment****Cleared by Karen Greenland****15 January 2018**

- Aquis Entertainment has proposed a \$307 million redevelopment of Casino Canberra, involving overhauling and up-scaling the casino, new high-end restaurants, bars, retail boutiques and entertainment options, and two new luxury hotels.
- The Government has not made any final decisions or committed to any aspect of the proposed development.
- Media reports that the development has been approved are not true. Several processes are being worked through in consultation with Aquis Entertainment.
- Until such time as a final decision is made the process remains commercial in confidence.
- The Government's progression of the *Casino (Electronic Gaming) Act 2017* is a separate legislative process to the Aquis proposal. The framework established by the Act will apply in relation to any proposal for the introduction of electronic gaming machines in the casino, as part of any casino redevelopment proposal.

ONGOING ISSUES	TALKING POINTS
<p>27. Liquor Reforms Updated by Michael Gallagher 2 March 2018 Cleared by Karen Greenland</p>	<ul style="list-style-type: none"> • The Government is committed to developing a regulatory regime that supports Canberra businesses, helps develop this community’s vibrant night life and does so while ensuring public safety. • Following extensive policy development and stakeholder consultation relating to liquor issues in 2015 and 2016, in 2017 the ACT Government made amendments to the <i>Liquor Act 2010</i> to cut unnecessary red tape and reduce alcohol-related harm. • On 8 January 2018 <i>The Canberra Times</i> reported that the Commissioner for Fair Trading is yet to impose any conditions on Canberra’s bars or nightclubs eight months after introduction of the new powers through the <i>Liquor Act 2010</i>. The article also stated that the controlled purchase operation powers were yet to be used. • These powers were intended to be available for use where a compliance issue is identified. As this has not been the case, the powers are yet to be drawn upon. • The Liquor Advisory Board serves to bring together stakeholders to advise the Attorney-General about matters relating to the operation and effectiveness of the <i>Liquor Act 2010</i> and support harm minimisation and community safety principles. The Board’s diversity will be enhanced with an additional member to represent the late night economy to be appointed in the first half of 2018. • The safety measures introduced by the <i>Liquor Amendment Act 2017</i> have been enhanced by additional funding of \$4.866 million included in the 2017-18 Budget most of which will cover six additional police officers for night-time patrols.

28. Community Club Grants

Cleared by Karen Greenland

15 January 2018

- The Government is implementing a range of measures to assist small and medium clubs, including to help them to diversify their income streams. These include, from 2017-18:
 - introducing a small and medium club gaming tax rebate to allow smaller clubs to keep 50 per cent of their gaming taxes on up to \$4 million of gross gaming machine revenue to re-invest into their organisation
 - the option to make quarterly (rather than monthly) gaming machine tax and Problem Gambling Assistance Fund (PGAF) payments
 - the availability of a \$10,000 community club grant for the purpose of diversification towards alternative income streams.
- In August the Legislative Assembly passed amendments to the *Gaming Machine Act 2004* which implemented the tax rebate and more flexible gaming tax payment arrangements. These changes apply in relation to gaming tax payable from 1 July 2017.
- Fourteen applications have been received by the Justice and Community Safety Directorate for the community club grant. The grant is available to help clubs diversify their business away from reliance on gaming machine revenue.
- Uses proposed for the grant have included: new, and refurbishments to, kitchens, function areas, and entertainment spaces such as dance floors; and consultancy fees for alternative land use applications.
- The Justice and Community Safety Directorate is in the process of entering into Deeds of Grants with eligible clubs.

29. Community Legal Centres (CLCs)

Cleared by Tamsyn Harvey

12 January 2018

Tenant's Union evaluation:

- The Tenants Union receives \$445,000 annually from ACT Government trust money.
- As a result of changes to Commonwealth reporting requirements under the NPA, the Government has undertaken a re-evaluation of our legal assistance sector.
- The ACT Government's priority is to ensure that all service delivery funding is routinely evaluated and supported by appropriate performance indicators in order to maximise frontline service delivery.
- The TU has not had an evaluation of its funding arrangements in some time. The Government is working with the TU Board to both evaluate the current arrangement and formulate a framework for future funding arrangements.
- This work is being undertaken by an independent evaluator and will ensure that appropriate and fair outcome-based measures are in place moving forward.

CLC funding generally:

- This initiative will assist the ACT legal assistance sector to continue to provide core services to the most vulnerable members of the community.
- This funding is provided in the context of the National Partnership Agreement on Legal Assistance Services 2015-20 (NPA), under which the Territory is responsible for managing Commonwealth funding to the Legal Aid Commission and Community Legal Centres (CLCs) and for facilitating service planning for the ACT legal assistance sector.
- Under the NPA, the Commonwealth reduced core funding to ACT CLCs by 25 per cent from 1 July 2017.

30. Commonwealth Funding –

DV/Women's Safety

Cleared by Tamsyn Harvey

12 January 2018

- I am pleased that the Commonwealth Government has invested in community legal services for family violence matters, including by funding the Women's Legal Centre and Legal Aid ACT to establish dedicated domestic violence legal services in the ACT.
- I also welcome the Commonwealth's Budget initiative to transform the family law system, which includes an additional \$39 million over three years under the National Partnership Agreement (NPA) on Legal Assistance Services for Community Legal Centres (CLCs) to deliver family law and family violence related services.
- Along with the ACT Government's own initiatives for supporting the ACT legal assistance sector, this additional commonwealth funding responds to the Productivity Commission's recommendation for governments to increase funding to legal assistance providers.

If asked about 2017 Commonwealth funding for domestic violence units

- On 16 October 2017, the Commonwealth announced \$3.4 million in funding to establish six new specialist domestic violence units.
- The ACT was not successful in securing funding for a second domestic violence unit in this round.

<p>31. Moss Report Cleared by Tamsyn Harvey 12 January 2018</p>	<ul style="list-style-type: none">• Mr Moss' Review was provided to the Minister for Corrections on 7 November 2016 and released to the public on 10 November 2016. The report notes that Mr Freeman spent considerable time on remand in the Alexander Maconochie Centre (AMC) before he was sentenced.• The Minister for Corrections Shane Rattenbury tabled the Government's response on 16 February 2017.• The inquest into Mr Freeman's death began on 27 February 2017, undertaken by Coroner Robert Cook. The inquest has heard that Mr Freeman died from aspiration pneumonia due to methadone toxicity.• The Coroner's Inquest has concluded, a decision is anticipated in April 2018.
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32. ACTP Crime Statistics

Cleared by Tamsyn Harvey

12 January 2018

- ACT Policing and other ACT Government agencies do excellent work on a daily basis to keep the Canberra community safe and our low crime rates are a testament to this.
- We know that Aboriginal and Torres Strait Islander people are over represented in the criminal justice system and we are committed to addressing this.
- We are investing in programs and partnering with community-based organisations to keep Aboriginal and Torres Strait Islander people out of the criminal justice system.
- The government is also committed to reducing recidivism by 25 per cent by 2025, under the Parliamentary Agreement.

33. Eastman Update

Cleared by Tamsyn Harvey

12 January 2018

- The retrial of Mr Eastman demonstrates that the ACT judicial system is functioning independently and appropriately. The system has upheld a defendant's right to a fair trial.
- The Government has shown absolute commitment to due process in support of the Inquiry and subsequent legal processes.
- Mr Eastman's retrial had been scheduled to commence on 12 February 2018. However, this trial date has now been vacated.
- The Supreme Court will finish hearing the remaining pre-trial issues initially identified by the parties, as well as some other outstanding issues that had not previously been identified, by the end of the year.
- The retrial will commence on 29 May 2018 and is expected to run for approximately six months.

If asked - What funding has been provided in the 2017-18 budget?

- In 2017-18, the total funding for the Eastman matter is \$7.360 million, including funding for the courts and Legal Aid.
- In addition, funding of \$2.257 million is also provided to the Office of the Director of Public Prosecutions (DPP).

34. New Courts Facilities

Cleared by Melissa Tierney

26 February 2018

- The New ACT Court Facilities is being delivered by a 25-year Public Private Partnership (PPP) and the Territory issued a Major Default Notice to Juris Partnership on the 3rd of November.
- Juris Partnership says that construction of the new facility will be delayed due to structural complexities with the pre-cast ordering and installation, restricted working hours from noise and vibration delays in excavation, and complications in finalising engineering solutions for linking to the existing Magistrates Court due to Building Code of Australia requirements.
- Phase one (new wing and refurbishment of Magistrates Court building) is expected to be complete mid-2018 with Phase two (refurbishment of heritage building) due around the end of 2018.
- Construction and timing risk rests with Juris Partnership. The Territory has entered into an agreement with fixed price for the design, construction, maintenance and operations of the facility for 25 years.
- The end date of this agreement is static. Payment by the Territory does not commence until the building has been completed and accepted by the Territory.
- The Notice issued to Juris as a result of delays is largely a technical contractual issue.
- However, the benefit of issuing the notice is that Juris is required to submit a remedy program which then becomes a commitment against which failure to deliver has the potential to trigger a Default Termination Event.

If Asked: What effect will the delay have on Court listings?

- The Supreme Court has been aware of the potential delay for some months and will take it into account when listing matters in 2018. The Court will have access to the same number of courtrooms (both jury and non-jury) in early 2018 as has been available in 2017.
- The impact of committing one of the jury courtrooms to the Eastman retrial from April 2018 may mean some jury trials will be held in the Queanbeyan courthouse.
- Presently the Supreme Court has started listing for the new jury court rooms from July.

- The project is continuing to monitor the program and assessing if there will be any impact to listings.

If Asked: What sort of penalties are in place for the builder being late in delivery?

- The delays to completion do not result in a negative financial outcome for the Territory. The contract runs for a 25-year period with a fixed start and finish date. The Territory only pays for the facility once it has been completed and accepted.
- For each month that completion is delayed there will be an avoided cost for the Territory equivalent to the Monthly Service Payment amount. For example, if completion was delayed by three months then the contract would run for 24 years and nine months rather than the contracted 25 years.

ATTORNEY-GENERAL
QUESTION TIME and OVERSIGHT BRIEF INDEX
8-10 May 2018

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12. New Court Facilities

Portfolio: Attorney-General**ISSUE: CASINO ANNOUNCEMENT****Talking points:**

- On 13 April 2018 the Head of Service Ms Kathy Leigh wrote to Aquis Entertainment Chairman, Mr Tony Fung, the current licensee of Casino Canberra.
- The correspondence advised Aquis Entertainment that the company has until 14 May 2018 to progress the unsolicited bid that was first announced in 2015.
- The Government has waited since mid-last year for key information from Aquis Entertainment about its financial capability to undertake the redevelopment. To date, that information has not been provided.
- The 13 April 2018 correspondence outlines that the Territory has been waiting since mid-2017 for key financial information to confirm the viability and capacity of Aquis Entertainment to undertake the proposed redevelopment. The correspondence advises that the Territory is unable to proceed with consideration of the proposal until it is provided with the requested information, and if the requested information is not received by 14 May 2018 the Territory will have no option but to assume Aquis Entertainment no longer wishes to proceed with the proposal.
- Aquis Entertainment's plans for the Casino are relevant to the Government's approach to reducing the number of gaming machine authorisations in the Territory to 4,000 by 2020.
- Should the unsolicited bid proceed and Aquis Entertainment obtains all necessary approvals, it could acquire up to 390 authorisations from existing gaming machine licensees, for a total of up to 200 casino gaming machines and 60 Fully Automated Table Game terminals (after 1-in-3 of the authorisations is forfeited to the Territory).
- Under the legislation, 50 per cent of the authorisations must be acquired from small or medium clubs/club groups, or hotels.

Cleared as complete and accurate: 23/04/2018
Cleared by: Executive Director Ext: 70522
Information Officer name: Tamsyn Harvey
Contact Officer name: Alex Ingham Ext: 70305
Lead Directorate: Justice and Community
Safety

- The Government has commissioned an independent expert, Mr Neville Stevens AO, to undertake the Club Industry Diversification Support Analysis. Once Mr Stevens' report is complete at the end of May 2018, the Government will be making final decisions about the pathway to reach 4,000 authorisations.
- It is important to the Government and to industry that we understand whether or not the Casino will be contributing to the reduction in gaming machine authorisations.
- There are considerable Government resources involved in looking at an unsolicited bid of this scale, including advice from a range of Directorates. It is time for this unsolicited bid proposal to either move forward, or come to an end.
- On 13 April 2018 I also announced the establishment of independent panels to make recommendations to me about casino ownership and the operation of casino gaming machines or Fully Automated Table Games.
- The independent panel advice will be in addition to the technical advice provided by the ACT Gambling and Racing Commission, and will provide transparency and stringent oversight of the Casino.
- The Government is ensuring the community benefits from any increased gambling products being introduced at the Casino. Any future application to operate gaming machines at the Casino would be contingent on a similar investment in the precinct.

Key Information

- In August 2015 Aquis Entertainment submitted a Stage 1 proposal to Government for the redevelopment of Canberra Casino and the surrounding precinct.
- In June 2017 Aquis was advised that the Government had given in-principle support for the proposal to progress to Stage 3 of the Investment Proposal Guidelines process, subject to the provision of certain information including financial information.

Cleared as complete and accurate: 23/04/2018
Cleared by: Executive Director Ext: 70522
Information Officer name: Tamsyn Harvey
Contact Officer name: Alex Ingham Ext: 70305
Lead Directorate: Justice and Community Safety

- The *Casino (Electronic Gaming) Act 2017* was passed on 2 November 2017 and will commence on its default commencement date of 13 May 2018. Under the Act, casino gaming machines are restricted to a maximum bet limit of \$2 and are subject to mandatory pre-commitment. All casino gaming machines and FATG terminals must be connected to a central monitoring system.

Background Information

- On Thursday 10 May 2018 pending approval, you are scheduled to introduce legislation providing for additional probity measures for the Casino, including establishing the Casino Advisory Panel (the Panel will be constituted as required for the matter being considered).
- Following the correspondence from the Head of Service of 13 June 2017, Government officials communicated with Aquis Entertainment in the form of a meeting between Deputy Director-General Enterprise Canberra Kareena Arthy and Aquis Entertainment Chief Executive Officer Jessica Mellor on 17 July 2017, and further letters from the Head of Service to Aquis Entertainment Chairman Tony Fung on 30 June 2017 and 16 January 2018.
- On 16 April 2018 Aquis provided the following statement to the ASX: 'Aquis lodged the detailed business case for the project in June 2016 and did not receive advice from the Government for some 17 months.' 17 months is the period from June 2016 to November 2017 (when the *Casino (Electronic Gaming) Act 2017* was passed). However, there had been communication with Aquis during this time as outlined above, and the legislation itself was tabled in the Assembly on 24 August 2017.

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Cleared by:	Executive Director	Ext: 70522
Information Officer name:	Tamsyn Harvey	
Contact Officer name:	Alex Ingham	Ext: 70305
Lead Directorate:	Justice and Community Safety	

Portfolio/s Regulatory Services
Transport & City Services

ISSUE: GREYHOUND RACING**Talking points:***Racing ban*

- As of 30 April, the ACT has become the first jurisdiction in Australia to prohibit the racing and trialling of greyhounds.
- This follows our earlier decision to cease providing funding to the industry, and the passage of legislation in the Assembly in November 2017.
- The ACT Government has taken these steps in response to the documented and acknowledged animal welfare failures in the greyhound racing industry in NSW.
- NSW owners and trainers represented a significant majority of participants in greyhound racing in the ACT. As the Durkin Report showed, it's impossible to divorce the NSW industry from racing in the ACT. We wanted to do what we could to prevent these kinds of abuses from coming across the border to ACT.

Collaborative approach to compliance

- The Transport Canberra and City Services (TCCS) Directorate, in collaboration with Access Canberra, is responsible for ensuring that any illegal conduct at the premises of the Canberra Greyhound Racing Club in Symonston is detected, investigated and appropriate action taken.
- Now that the ban has commenced, TCCS and Access Canberra are implementing a comprehensive approach to engage, educate and enforce the legislation and ensure that illegal activity does not take place.

Cleared as complete and accurate: 01/05/2018
Cleared by: Director X 50468
Contact Officer Name: Belinda Barnard X 77525
Stephen Alegria X 79833
Andrew Nowlan X 52534

Lead Directorate: Chief Minister, Treasury and
Economic Development

- A range of written information has been provided to industry participants, including key contacts for people who wish to seek further information on the detail of the ban and its implementation. Information on the racing ban and the ACT's new regulatory framework for racing greyhounds is also available at www.act.gov.au/greyhound.
- An information session was held at Canberra Greyhound Racing Club on 2 May 2018 with representatives from TCCS and Access Canberra present to explain the new legislation and answer questions about how participants are expected to conduct themselves as they pursue the legally permissible aspects of owning, breeding and training greyhounds.
- At the information session, participants were strongly encouraged to make contact with regulatory officers within TCCS to enable a case-specific approach to be taken and ensure that all industry participants are aware of and compliant with the requirements.
- This approach is already proving successful, with a number of participants making contact with TCCS in the days following this information session.

Breeding, training and registration

- While the ban on racing has commenced, it is still lawful for ACT residents to breed, train and own racing greyhounds here, subject to a range of measures designed to better protect ACT greyhounds who will continue to race interstate.
- More regular racing registration renewals, new licencing requirements on owners, trainers and breeders and a mandatory Code of Practice for people who have day-to-day control of greyhounds registered for racing, are now in place to improve our oversight of these practices in the ACT.
- The new legal framework for monitoring is designed to give us a better line of sight on the entire lifetime of greyhounds here in the ACT. For example, registering new litters within seven days now means that every young greyhound is to be accounted for, whether or not it is later registered as a racing dog.

Code of practice

Cleared as complete and accurate:	01/05/2018	
Cleared by:	Director	X 50468
Contact Officer Name:	Belinda Barnard	X 77525
	Stephen Alegria	X 79833
	Andrew Nowlan	X 52534

Lead Directorate: Chief Minister, Treasury and Economic Development

- The new mandatory *Code of Practice for the Keeping and Breeding of Racing Greyhounds* commenced on 30 April.
- Over a dozen stakeholders (including the Animal Welfare Advisory Committee, the RSPCA, the Canberra Greyhound Racing Club, the Australian Veterinary Association, greyhound welfare organisations and interstate racing authorities) provided feedback during consultation on the Code.
- All feedback was carefully considered in the Code's development. The ACT Government will continue to monitor the implementation of the Code, and the development of similar codes in other jurisdictions. Ongoing conversations with the industry will be part of this monitoring process.
- An ongoing review of greyhound breeding and training practices over the next two years will also help the Government assess whether any further intervention is warranted. This includes a review of the Code of Practice after twelve months of operation.

Participant and animal welfare

- This government's priority is the welfare of greyhounds, which are put at unacceptable risk through racing and the people who will be affected by the end of racing in the ACT.
- That's why the Government established the Greyhound Industry Transition Taskforce and why the Taskforce has engaged Woden Community Service which is so experienced in providing support to members of our community at a difficult times in their lives.
- The Government strongly encourages anyone affected by the end of greyhound racing in the ACT to contact either the Transition Taskforce or Woden Community Service to access this support.
- Free counselling is also available to anyone impacted by the end of greyhound racing in the ACT, whether or not they are pursuing a transition support package.

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Lead Directorate: Chief Minister, Treasury and
Economic Development

- This can be accessed by contacting Woden Community Service, who have been engaged to provide dedicated support, case management, information and counselling services for those affected by greyhound industry transition and those wishing to consider support package options. The dedicated phone number for this service is 6181 2895.
- While some industry lobbyists have publicly stated that they do not intend to engage with the transition process, we strongly encourage individual members of the industry to consider their own futures and engage with the Taskforce while the opportunity is available.
- Conversations with the Taskforce or with Woden Community Service are confidential.
- Mr Redmond, the CEO of Woden Community Service, is not a member of the ACT Government's Greyhound Industry Transition Taskforce. The Taskforce is made up of senior executives from across ACT Government.

Legal proceedings

- The Canberra Greyhound Racing Club has proceedings before the Supreme Court and the Federal Court to challenge various matters to do with the end of greyhound racing in the ACT. As these matters are still before the Court, it is inappropriate to make any further comment.

Key Information

- Those exiting the industry have until 30 June 2018 to apply for transition support, and the Government has extended the roll-out of the available funding for an extra three months to 30 September 2018.
- To assist with the transition to end the greyhound racing industry in the ACT, an independent consultant, Ms Mary Durkin, was engaged to provide an analysis of options to support the transition. The Government agreed with Ms Durkin's recommendations.
- According to the Durkin Report, 94% of the greyhounds that raced in the ACT in 2016 were based in NSW.
- The Durkin Report also indicated that at the time there were approximately 70 Canberra residents who were active participants (i.e. owners, breeders and

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Economic Development

trainers) in greyhound racing in the ACT. Approximately 52 racing greyhounds were both owned by ACT residents and based here.

- Significant penalties now apply for the conduct of racing and trialling, those penalties being a maximum monetary penalty of \$15,000 and/or maximum 1 year imprisonment.
- Further, the penalties for anyone involved with arranging, conducting or knowingly participating in illegal betting activities are significant and, similar to the penalties for racing and trialling, involve significant financial penalties and/or a period of imprisonment.
- Given the length of time involved in the transition to implement the ban on greyhound racing, trialling and betting, the ACT Government is proposing a strong regulatory response to any individual or association that is found to be knowingly engaging in conduct that constitutes an offence in this regard.
- In order to maximise inspection activity and ensure that all relevant agencies are represented, a joint agency initiative incorporating Access Canberra and the Transport Canberra and City Services Directorate has been established to provide for an appropriate coverage of inspection activity and ensure that any response to unlawful conduct is timely and dealt with by the appropriate agency.
- The specific provisions in the mandatory Code of Practice and the fee regime have been finalised and made public recently. The final version of the Code and fee instruments were notified on 30 April 2018. These are matters of great relevance and impact on industry participants and consistent with the Government's concern for people affected by the legislative changes, the focus of compliance activities in this regard will be on engaging and educating in the first instance. Nonetheless, in accordance with established regulatory approaches, wilful or recidivist non-compliance will be dealt with in a rigorous manner.

Background Information – may not be suitable for public disclosure

- Parliamentary Agreement Commitment 13.1 is to end Government funding for greyhound racing at the expiry of the current Memorandum of Understanding and take active steps to transition to end the operation of greyhound racing in the ACT.
- The 2016-17 Budget Review stated that:
“The Government will cease grant funding for the greyhound industry in the ACT, effective from the expiry of the current Memorandum of Understanding on 30 June 2017. The grant funding of \$1.033 million in 2017-18 will be redirected to a transition program to assist workers to re-skill, as well as rehome and care for the greyhounds”.

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Lead Directorate: Chief Minister, Treasury and
Economic Development

- The ban on racing has seen significant media interest and this is likely to continue. Inspection activity may also reach the spotlight dependent on the frequency of any news agencies attending the venue.
- The ACT is the only Australian jurisdiction to have implemented a ban on greyhound racing, which may lead to nation-wide interest.

Durkin Report

- To date, 16 of the 18 recommendations in the Durkin Report have been completed. They largely relate to the introduction of legislation to end greyhound racing, the scope of transition support to be made available and finalising the regulatory framework. Two recommendations, relating to the provision of transition support will be finalised by 30 September 2018.

NSW position on greyhound racing

- Greyhound racing will continue in NSW. The NSW Government will spend \$41 million over the next five years to implement the recommendations of its Greyhound Industry Reform Panel. Of this, \$11 million is allocated towards the establishment of the integrity commission with the remainder to improve animal welfare standards. The NSW reforms are being phased in over 18 months, with the Greyhound Welfare Integrity Commission expected to commence operation later in 2018. A statutory review of the new legislation will take place after three years.
- This followed an earlier inquiry by the Honourable Michael McHugh AC QC into the greyhound industry in NSW which exposed wide-spread live baiting practices and animal cruelty. A subsequent ban of greyhound racing announced by the NSW Government, which was to take effect from 1 July 2017, was reversed on 11 October 2016.

Canberra Greyhound Racing Club's (CGRC) position

- The CGRC has two legal challenges against the ACT Government on foot.
- On 23 February 2018, the ACT Supreme Court handed down its decision in a matter brought by the Canberra Greyhound Racing Club (CGRC) against the ACT Planning and Land Authority (ACTPLA) regarding the lease over the greyhound track at Symonston. The Court found that ACTPLA should have made a decision in regard to CGRC's application for a renewal of its current lease (due to expire in 2027) and that it was unreasonable to delay making a decision because of the possibility of legislative change that would ban greyhound racing. However, the Court found that ACTPLA should not now be ordered to make a decision regarding the leave because legislation has now been passed that will ban racing from 30 April 2018. The Court found that to require ACTPLA to act with regard to the lease renewal would be futile given the impending ban on the industry, and that their existing lease, which expires in 2027, provided CGRC all the certainty and protection that it needed to conduct its affairs until the ban commences.

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- The CGRC has filed an appeal in this matter, but a hearing date for the appeal has not yet been set. The CGRC were also successful in obtaining an award of costs against the ACT in this matter until 29 November 2018 (the date on which the laws banning greyhound racing were passed in the Assembly). From that date, each party is to bear their own costs.
- On 2 November 2017, the CGRC also filed an application in the Federal Court seeking damages in relation to an alleged breach of the CGRC lease; a declaration that laws relating to ACTTAB and the control of race field information are invalid; a declaration that the instruments made under those laws are also or alternatively invalid; and a declaration that the *Domestic Animals (Racing Greyhounds) Amendment Act 2017* is invalid. A date for hearing has not yet been set.

Recent media

- The CGRC have made public statements about the timeframe provided for comment on the draft mandatory code of practice. TCCS received written feedback on the draft code from the CGRC, the Animal Welfare Advisory Committee, RSPCA Australia, RSPCA ACT, ACT Greyhound Support Network, Canberra Region Greyhound Connections, Australian Veterinary Association, the ACT Veterinary Surgeons Board, Greyhound Racing NSW and the NSW Greyhound Welfare and Integrity Commission.
- Following a media release from the CGRC, the *Canberra Times* reported on 25 April 2018 that Chris Redmond, CEO of Woden Community Service, had mistakenly sent an email intended for a colleague to an industry participant who had approached the service to discuss support for rehoming greyhounds. The report stated that the industry participant was offended and upset by the tone of the email and the CGRC media release mistakenly identified Mr Redmond as a Taskforce official. Mr Redmond has publicly apologised for the incident.
- On 1 May 2018, the Australian Workers Union released a media release that was used as the basis for a news item by the Canberra Times on 2 May 2018, claiming incorrectly that aspects of training such as use of lures and starting boxes were unlawful. These claims were addressed in the TCCS/AC information session with industry participants on 1 May 2018. Further clarification will be provided to industry participants in the week beginning 7 May 2018 to ensure all participants are aware of what is required.

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Portfolio: Attorney-General**ISSUE: GAMING MACHINE HARM REDUCTION MEASURES****Talking points:**

- The Government is continually looking for ways to reduce the harm that gaming machine use causes some Canberrans. The Government is exploring a broad range of options and working to ensure that the Territory's gaming regulations continue to offer meaningful and effective harm minimisation.
- In 2017, the Government implemented a number of additional harm minimisation measures, including the introduction of legislation that restricts EFTPOS cash withdrawals in clubs to \$200 per transaction, with all stages of the transaction requiring human interaction with a trained staff member.
- During the second half of 2017, I engaged directly with a wide range of stakeholders in a series of roundtables to explore how harm reduction measures may be effectively developed in the Territory. Stakeholders spoken with included representatives of clubs, workers in clubs, and individuals with lived experience of gambling harm, community organisations, academic experts and regulators.
- The group discussed how to develop a better evidence base to minimise the potential of gambling harm, as well as a broad range of options that could be explored to improve harm minimisation, including the sharing of best practice between venues, improved staff training and self-exclusion procedures.
- Building on what I have learnt through this engagement, I will continue to explore a broad range of options and work to ensure that the Territory's gaming regulations continue to offer meaningful and effective harm minimisation.

Reduction of gaming machines in the ACT to 4,000 by 1 July 2020

- The Parliamentary Agreement includes a commitment to reduce the number of gaming machine authorisations in the ACT to 4,000 by 1 July 2020.

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- Based on current numbers, it is expected that approximately 984 authorisations will be subject to compulsory surrender.
- Canberrans were encouraged to have their say on the ACT Government's YourSay website on options to achieve this maximum limit.
- The Government has held a number of meetings with club representatives on the most appropriate model and timeframes to achieve this reduction, and is currently considering the pathway to reach 4,000 authorisations.
- The ACT Government has engaged Mr Neville Stevens AO, as an independent expert, to analyse potential options to support club industry diversification. Mr Stevens' engagement was announced 3 April 2018.
- His analysis will inform Government decision-making about supporting clubs to diversify their revenue streams as the number of gaming machine authorisations in the ACT reduces to 4,000 by 2020.
- Mr Stevens is engaging with the club industry and will report to Government by 31 May 2018 on options to incentivise clubs to surrender authorisations and support clubs in reducing their reliance on gaming machine revenue, while improving the services, facilities and benefits clubs provide to the community.

Community contributions

- The Parliamentary Agreement includes a commitment to review the current community contribution scheme, with a view to maximising the direct benefit to the community from the scheme. Appendix 2.6c of the Parliamentary Agreement also includes a commitment to establish an independent charitable fund to distribute nominated community funds to charitable and community causes levied on venues operating electronic gaming machines in the ACT.
- The review of the existing community contributions scheme will commence in 2018, and will include engagement with the industry and the community on the current scheme and any proposed changes and improvements.

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- As part of the review, the Government will consider relevant reports and models for these types of schemes which operate in other jurisdictions, to identify any opportunities to maximise the benefits to the community from the scheme. The review will also consider issues such as the appropriate distribution of community contributions for the purpose of gambling harm reduction and other community purposes, as well as the transparency of these arrangements.

Investigation by the Gambling and Racing Commission into Patron Complaint

- The allegation is that the Raiders Belconnen Club failed to comply with the *Gambling and Racing Control (Code of Practice) Regulation 2002*, which is itself a breach of the *Gaming Machine Act 2004*.
- The Gambling and Racing Commission has taken disciplinary action against the Club, finding that the club did not record signs that a patron had a gambling problem, as required under the Code of Practice.
- The Club lodged an appeal against the decision to the ACT Civil and Administrative Tribunal that was referred for a mediation hearing. I have been advised that a resolution was not able to be reached and that the matter has been referred back to the Tribunal to be heard in June. As this matter is still ongoing, it would be improper to talk about the matter in detail at this time.
- The Government will continue to work with gaming machine licensees and the club sector to develop a range of strategies and measures to reduce harm caused by the playing of gaming machines. The Government's examination of gaming machine harm reduction measures will also consider the issues raised by the recent complaint.

Please Note: Access Canberra has provided a separate QTB on the status of this matter.

Mandatory Pre-commitment and Bet Limits

- The Government has committed to exploring harm reduction measures, including mandatory pre-commitment systems and bet limits for gaming machines. These policy options are being explored alongside a number of other harm reduction strategies as part of a program of continuous improvement to the territory's gaming regulations.

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- The Government will continue to work to ensure we have a robust suite of harm reduction measures in place.
- Mandatory pre-commitment and betting limits for gaming machines would require changes to the software on each machine, or in some instances a substantial upgrade or new machine. Additionally, the creation of a Central Monitoring System (a database for all gaming machine usage in the ACT) would be required to register these pre-commitments so that it can be maintained across all licensees in the Territory.
- The *Casino (Electronic Gaming) Act 2017* was passed by the Assembly on 2 November 2017, and ensures the Territory has the most robust harm minimisation measures in the country, with respect to electronic gaming machines in the casino. The Act requires that any gaming machines the casino operates must be able to connect to an approved mandatory pre-commitment system.

The Act also includes a maximum bet limit of \$2 a spin, or lower amount set by regulation. Community and expert input was taken into account in setting this limit.

- Extensive community and industry consultation will be undertaken on any proposed reforms.

Problem Gambling Assistance Levy

- The Government has already delivered on its commitment to increase the Problem Gambling Assistance Levy from 0.6 per cent to 0.75 per cent of gross gaming revenue, which will provide an additional \$300,000 per year to help reduce harm from gambling. This commenced in July 2017.
- Examples of the sorts of programs funded through the Problem Gambling Assistance Levy include:
 - The ACT Gambling Counselling and Support Service
 - Development of and training for a self-exclusion register in the ACT
 - A longitudinal study of those who have received treatment for gambling harm
 - Online problem gambling counselling and support.

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Key Information

Gambling Harm key statistics (as at 2014)

- The level of problem gambling in the ACT community, as measured by the widely used Problem Gambling Severity Index (PGSI), is 0.4 per cent (0.5 per cent in 2009) of the population (approximately 1,110 adults).
- This compares to 0.8 per cent in New South Wales, 0.5 per cent in Queensland, 0.6 per cent in South Australia and 1.0 per cent in Victoria.
- A further 1.1 per cent (3053 adults) in the ACT were found to be at moderate risk of gambling harm, 3.9 per cent (10,825 adults) low risk and 48.7 per cent (135,171 adults) displayed no signs of gambling harm, a further 124,901 adults were non-gamblers.
- 10 per cent (7.9 per cent in 2009) of gamblers had at least one symptom of gambling harm, with 2.9 per cent (2.9 per cent in 2009) being classified at moderate or high risk of gambling harm.
- 10 per cent (7.9 per cent in 2009) of gamblers had at least one symptom of problem gambling, with 2.9 per cent (2.9 per cent in 2009) being classified as moderate risk or problem gamblers.
- In 2014, 19.9 per cent of the ACT adult population gambled on gaming machines, down from 30.2 per cent in 2009.

Background Information

Parliamentary Agreement

Parliamentary Agreement Commitment 9 is to reduce harm from gaming in the ACT by the following measures:

- 9.1 Reduce the number of electronic gaming licenses in the ACT to 4000 by 1 July 2020
- 9.2 Explore further harm reduction measure, including mandatory pre-commitment systems and bet limits for electronic gaming machines
- 9.3 Increase the Problem Gambling Assistance Fund levy from 0.6 per cent of gross gaming machine revenue to 0.75 per cent, and direct additional funds into addressing problem gambling
- 9.4 Review the current community contribution scheme, with a view to maximising the direct benefit to the community from the scheme.

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Consultation on reducing gaming machine authorisations

On 29 June 2017, the Executive Director of Legislation, Policy and Programs, from the Justice and Community Safety Directorates (JACS), emailed club licensees about the Government's commitment to reducing the number of gaming machine authorisations in the ACT to 4,000 by 1 July 2020. Input was invited on views about the appropriate model and timeframes to achieve the target of 4,000 gaming machine authorisations. This was requested by 19 July 2017. The directorate received eight written submissions and met with several clubs; ACT Rugby Union Club, the Burns Club, Raiders Group, Eastlake Football Club and Ainslie Football Club, as well as Canberra Community Clubs.

Community feedback on the options paper *Implementing the Government Commitment to Reduce Gaming Machine Authorisations* opened on 17 August 2017 and closed on 18 September 2017. JACS received six written submissions from clubs and one from the Canberra Gambling Reform Alliance.

Your Office and JACS staff met with representatives of the club industry in December 2017 and January 2018 to discuss potential options for an incentive package for clubs. Meetings were held with Canberra Community Clubs (CCC), ClubsACT, Canberra Southern Cross Club Group, Magpies Sports Club Group and the Belconnen Labor Club Group.

Club Industry Diversification Support Analysis

The Government has agreed to Terms of Reference for the analysis to be undertaken by Mr Neville Stevens AO as an independent expert to provide a Club Industry Diversification Support Analysis by 31 May 2018.

The expert analysis will bring together the range of views expressed by clubs and provide independent recommendations to Government about supporting clubs in reducing their reliance on gaming machine revenue while strengthening and expanding the services and facilities they offer to the community.

There may be an expectation from clubs that the Government will compensate for the surrender of gaming machines. The intention of this analysis is to take a holistic look at the implications of a reduction of gaming machine authorisations on licensed clubs, recognising that some clubs are much more financially viable than others.

Mr Stevens has so far met with Canberra Community Clubs, ClubsACT, United Voice and 13 club or club groups.

Community Contributions

Clubs make a significant contribution to the community through the community contributions scheme. The scheme provides that eight per cent of net gaming machine revenue generated from gaming machines is returned to the community for a range of stated purposes. In 2016-17 community contributions from clubs amounted to 12.6 per cent of net gaming machine revenue, or \$11.93 million. This compares to last year's level of contributions of \$11,652,179, being 12.4 per cent of net gaming machine revenue.

Contributions are made to support community sports and recreational programs, reduce with the effects of gambling harm, develop community infrastructure and support not-for-profit groups and charities.

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Portfolio: Attorney-General

ISSUE: BAIL LAWS

Talking points:

- The Government is committed to ensuring that the Territory's bail laws operate effectively and appropriately within the criminal justice framework.
- Bail is a long established practice in the criminal law which allows, in appropriate cases, accused people to remain in the community until their charges can be determined by a court of law.
- The purpose of the *Bail Act 1992* (Bail Act) as a whole includes ensuring that accused persons turn up for trial, to manage the risks that might arise while an accused person is on bail and protecting both the community and the administration of justice, and to protect the liberty of persons presumed to be innocent, including recognising an accused person's human rights under the *Human Rights Act 2004*. It is intended to balance a variety of competing rights, interests and expectations.
- The Bail Act requires decision makers to consider the likelihood of the person appearing in court in relation to the offence, the likelihood of the person committing further offences while on bail, harassing or endangering the safety or welfare of members of the public, interfering with evidence and witnesses or otherwise obstructing the course of justice, and the interests of the person.
- All bail decisions in the Territory must be made by a police officer, magistrate or judge. There are restrictions on the powers of police officers to grant bail in certain circumstances (for example, section 9F of the Bail Act prescribes limitations on police officers granting bail for persons accused of family violence offences).
- Remanding people in custody should be used as a last resort in carefully confined circumstances, with a focus on reasonable and proportionate risk management to ensure that the right people are on remand.

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It is untenable from a practical point of view, and undesirable from a principled viewpoint, to simply remand more and more people. There is always a risk that an alleged offender will reoffend, but this risk is controlled by our bail laws, including presumptions and conditions of bail, and the role of ACT Policing in ensuring that offenders comply with their bail conditions.

- The presumption against bail for family violence and serious criminal offences is a legal mechanism signposting to an authorised police officer that the protection and welfare of the community is to be one of the paramount considerations in relation to a bail decision.

Key Information

Release on bail of alleged family violence offenders (recent [media](#))

- The Bail Act has a presumption against any grant of bail by ACT Policing (ACTP) for family violence offences.
- Courts are required to consider a range of factors, including the likelihood that an accused person will harass or endanger the safety or welfare of anyone in making a decision about bail
- This Government has worked to ensure that the specific needs of people experiencing family violence are part of our bail laws, and it is committed to ensuring our laws remain up to date and effective to maintain community safety.

Release on bail of alleged outlaw motorcycle gang members (OMCG) (recent [media](#))

- The Bail Act provides for a presumption of bail, unless a person is accused of committing a serious offence (such as manslaughter, sexual assault, threatening to kill, stalking).
- The presumption means that bail should be granted unless there are sufficient reasons for it being refused.
- Remanding people in custody should be used as a last resort in carefully confined circumstances, with a focus on reasonable and proportionate risk management.

Presumption against bail – terrorism

- At the June 2017 Council of Australian Governments (COAG) meeting, all state and territory first ministers agreed to ensure there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity.

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- This commitment is being progressed through the Australia-New Zealand Counter Terrorism Committee (ANZCTC).

Offences committed while on bail

- Short of remanding every alleged offender in custody, there is always a risk that an alleged offender will reoffend. This risk is limited by our bail laws including presumptions about bail and the conditions of bail imposed by the court, and the role ACTP plays in ensuring that offenders comply with those conditions.
- While we do not have statistical evidence about the number of instances where a person offends on bail, the Government is satisfied on the basis of available information that the mechanisms currently in place are satisfactory.
- The resources required to manually gather and collate information on the number of instances where offences are committed while on bail are prohibitive. The estimate for gathering this information over a three year period is approximately 6,800 hours.
- There will be increased capacity to draw out data about issues relating to bail once the Integrated Court Management System is implemented for the criminal jurisdiction in 2018. Care will need to be taken to understand this data in the context of the circumstances of individual cases, and how this information compares with the experience in other jurisdictions.

Bail review power

- The *Crimes (Serious and Organised Crime) Legislation Amendment Act 2016* introduced an own-motion bail review power for the Director of Public Prosecutions (DPP) to seek review of a decision of a court to grant bail if DPP considers that exceptional circumstances exist and it is in the public interest to make the application.
- The review power is contained in section 44 of the Bail Act and commenced operation on 1 May 2017. It was the intention of the legislature that this power is to be exercised sparingly and only in circumstances where there is likely to be a safety risk to the community if the person is released on bail.
- Since 1 May 2017, the DPP has only given oral notice of a proposed application twice and on both occasions the DPP ultimately did not proceed to make an application to the Supreme Court. The accused persons were held in custody for periods of less than two hours by ACT Corrective Services (ACTCS) prior to being released on bail.
- Under this new power, the DPP is required to give immediate oral notice of a proposed application to seek review of the decision of a magistrate in relation to bail and has two hours to make the application to the Supreme Court and provide written notice to the accused. The bail decision is stayed for up to 48 hours unless the DPP does not proceed with the review application, or the Supreme Court determines the application earlier.

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Non-sitting days for the court, including public holidays, are included in calculating the time allowed for the review.

- The review power is only available to the DPP for certain serious offences and family violence offences.
- The Government is currently considering appropriate amendments to section 44 due to some issues being identified by stakeholders requiring amendment. These are focused on ensuring that a person's liberty is not adversely affected for extended periods of time and clarifying aspects of the operation of section 44 to support efficient operational arrangements.
- The new bail review power will be reviewed after two years of operation in May 2019.

Bail Support Service

- The ACT government started a trial Bail Support Program at the end of 2017 as part of the ACT's Justice Reinvestment Strategy.
- This program will contribute to the Government's commitment set out in the Parliamentary Agreement to reduce recidivism by 25 per cent by 2025.
- The Bail Support Program is designed to reduce the number of Aboriginal and Torres Strait Islander people on remand, and the time spent on remand while maintaining public safety.
- The trial supports Aboriginal and Torres Strait Islander people who, in the absence of bail support, would be ineligible for bail.

Victorian review of bail

On 23 January 2017, the Victorian Government announced a review of bail laws following the Bourke Street incident. Advice was provided in two reports by the Honourable Paul Coghlan QC on how Victoria's bail system could be reformed to best manage risk and to maximise community safety.

On 8 May 2017 the Victorian Government announced reforms to the Victorian bail system as a result of the review. The first tranche of reforms are due to commence operation on 1 July 2018, with the second set of amendments still to be debated in the upper house of the Victorian Parliament. The reforms include (but are not limited to):

- requiring judicial officers to place greater weight on community safety when making bail decisions
- expanding the range of offences where an accused is required to demonstrate exceptional circumstances to include aggravated home invasion and aggravated carjacking

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- creating a presumption against bail for a number of offences including rape, kidnapping, armed robbery, culpable driving causing death, dangerous or negligent driving while pursued by police and persistent contravention of a family violence intervention order
- requiring an accused to demonstrate exceptional circumstances to be released on bail for serious indictable offences committed while on bail, summons or parole.

The Victorian Government also committed to introducing further reforms in late 2017.

Victoria's bail justice system is unique to Victoria. A bail justice is a Justice of the Peace who volunteers to hear after-hour bail applications. All bail decisions in the ACT must be made by a police officer, Magistrate or Judge. The ACT Government is currently not considering the introduction of bail justices in the Territory. Bail justices received some scrutiny from the community following the Bourke Street incident, although Mr Coghlan QC stated that their role was 'largely uncontroversial' as they only consider bail in a very small number of cases and mostly refuse bail.

Incarceration rates of Aboriginal and Torres Strait Islander offenders

The Australian Law Reform Commission (ALRC) report, *Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (ALRC Report 133)*, was tabled in Parliament on 28 March 2018. The Report contains 35 recommendations designed to reduce the disproportionate rate of incarceration of Aboriginal and Torres Strait Islander peoples and improve community safety.

The media has reported on this report in recent times, and has previously reported on recommendations made by a specialist Indigenous legal service submitted to the national inquiry to require courts to consider an accused person's Aboriginality when deciding to release them on bail and on how to sentence them.

One of the recommendations is that all states and territories should amend bail laws which are disadvantaging Indigenous people, including a requirement that a person's Aboriginality to be considered during bail and sentencing decisions. The Government is currently considering the report's recommendations and will respond in due course.

Statement of incompatibility: section 9B of the Bail Act and comments made at the ceremonial sitting to mark the retirement of her Honour Justice Penfold

At the ceremonial sitting to mark her Honour Justice Penfold's retirement on 23 March 2018, the President of the Bar Association Ken Archer spoke of some of her Honour's key judgments, including the decision of *In the matter of an application for bail by Islam* [2010] ACTSC 147 (*Islam*).

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In *Islam*, her Honour made a declaration that section 9C of the Bail Act was not consistent with section 18(5) of the *Human Rights Act 2004* (which provides that ‘Anyone who is awaiting trial must not be detained in custody as a general rule’). Section 9C of the Bail Act creates a presumption against bail being granted in cases where a person is charged with murder (including ancillary offences) and specified serious drug offences. It requires that the court find that special or exceptional circumstances exist before considering whether bail should be granted. Section 9C was developed following the ACT Law Reform Commission’s Report on Bail (2001) and additional stakeholder consultation by the government.

At the ceremonial sitting, Mr Archer referred to the decision in the process of commenting on the “relative toothless-ness of the declaration of incompatibility process”.

On 28 June 2011 the Government tabled an interim response to the declaration of incompatibility. At the time of the interim response being tabled, the Government had commenced an appeal against the decision in *Islam* in the ACT Court of Appeal. The appeal was adjourned pending the decision of the High Court of Australia in the case of *Momcilovic* as it dealt with similar interpretation issues under the *Victorian Charter of Human Rights and Responsibility Act 2006*. As a result, the then Attorney-General undertook to provide a final Government response six months after the proceedings in *Islam* were resolved.

Upon receipt of the *Momcilovic* judgment, the Attorney-General withdrew the appeal in *Islam*. The Government tabled the final government response in the Legislative Assembly on 1 May 2012. In this response, the Government restated its commitment to bail laws that properly balance the presumption of innocence on the one hand and the right of the community to be safe and for justice to be done on the other. The final response also proposed options for minor and important amendments to the Bail Act. In tabling the final government response, the Government requested community views on the options proposed. Due to the diverse views received during consultation on the final Government response to the 2010 declaration of incompatibility in *Islam*, the ACT Government elected not to pursue any of the three options originally proposed.

Background Information – may not be suitable for public disclosure

Release on bail of alleged family violence offenders

Sch 2 s 2.2 (a)(ii)

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Release on bail of alleged OMCG members

Sch 2 s 2.2 (a)(ii)

COAGs meeting presumption against bail – terrorism

At the COAG meeting in Hobart on 9 June 2017, leaders focused on ensuring the safety of all Australians which led to an agreement to introduce a presumption that neither bail or parole should be granted where a person has demonstrated support for, or has links to, terrorist activity.

At the Special Counter-Terrorism COAG on 5 October 2017, leaders agreed that legislation implementing the June decision would be underpinned by nationally consistent bail and parole principles, ensuring presumptions against bail and parole applied in agreed circumstances.

Previous ACT Bail reviews

Inquiry into Sentencing, 2015

In 2015, the Standing Committee on Justice and Community Safety published an Inquiry into Sentencing.

Recommendation 43 recommended the ACT Government conduct a review of arrangements for bail in the ACT, and introduce in the Legislative Assembly legislative amendments to the Bail Act which, if passed, would introduce a focus on risk management, with reasonable and proportionate bail conditions.

The Government noted this recommendation citing work occurring nationally and within the Justice Reform Strategy.

National review of bail laws, 2015-2016

In 2015, the COAG tasked the former Law, Crime and Community Safety Council with implementing a number of recommendations from the 2015 Joint Commonwealth-NSW Review into the Martin Place Siege.

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On 31 August 2016, the Working Group for this work concluded that, while each jurisdiction faces unique challenges and absolute uniformity is not sought, common issues to consider are that:

- consistency between jurisdictions is desirable in relation to terrorism
- the appropriateness of bail provisions that apply to children should be continually assessed
- powers of arrest for breach of interstate bail conditions are sufficient and a uniform approach is not required
- jurisdictions should continue to investigate alternatives to remand.

The Working Group's conclusions have not been released publicly.

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Portfolio: Attorney-General**ISSUE: DPP RESOURCING****Talking points:**

- The Government has announced that the 2018-19 Budget will provide a \$3.1 million funding increase in for the ACT justice system to support the appointment of an eighth full time resident magistrate.
- As part of this initiative, the Director of Public Prosecutions will be provided with \$987,000 over four years for additional staff to support the increased capacity of the Magistrates Court.
- ACT Legal Aid will also receive an additional \$1.3 million over the four year period in recognition of the need to fund the justice system holistically.
- I am confident that the appointment of an eighth magistrate, funding for Legal Aid and DPP, re-appointment of special magistrates, and recent amendments to justice legislation across the statute book aimed at building efficiency will improve the efficiency of the justice system and the timeliness of proceedings in the Magistrates Court.

DPP Strategic Review:

- Early last year, I agreed to undertake a review of the DPP to assess its capacity to deliver services on behalf of the ACT Government and broader community into the future.
- The review has been finalised, and is currently under consideration by Government.
- The Government will continue to work closely with the DPP to consider its future funding model in light of the recommendations of the review, and the funding of the justice system more broadly.

Cleared as complete and accurate:	16/04/2018	
Cleared by:	Executive Director	Ext: 76244
Information Officer name:	Tamsyn Harvey	
Contact Officer name:	Alex Jorgensen	Ext: 70534
Lead Directorate:	Justice and Community Safety	

Key Information

- In the 2017-18 budget, the Government provided additional funding to increase the capacity of the Office of the Director of Public Prosecutions (DPP) to better support prosecutions in the Territory.
- The Government also provided four full time additional staff to support the work of the Confiscation of Criminal Assets scheme as part of the 2107/18 mid-year budget review.
- That funding will assist the DPP to keep pace with demand and respond to the needs of the court, police, other investigative agencies and the criminal justice sector more broadly.
- It also provided funding in the 2017-18 financial year for costs associated with the retrial of Mr David Eastman and other related proceedings. Funding is provided for an additional three positions in the DPP, external counsel costs, witness expenses and other administrative costs.
- Mr Eastman's re-trial is now scheduled to commence on 12 June 2018 (jury empanelment commencing on 4 June 2018) with final pre-trial hearings on 30 April 2018 and 29 May 2018. It is expected to run for four – six months.
- The DPP is undertaking significant preparation for the pre-trial and trial.

2017-18 Budget:

- Recurrent: (\$3.028 million over four years):
 - three additional resources and other operational costs relating to retrial of Mr David Eastman and related proceedings (\$2.257 million) in 2017-18 only
 - one Prosecutor Grade 4 over four years (\$0.771 million).
- Full-time equivalent (FTE):
 - one Prosecutor Grade 1 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 3 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 4 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 4 over four years.

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Lead Directorate:	Justice and Community Safety	

DPP Review:

- The Nous Group delivered its report on the DPP Strategic Review on 9 August 2017.
- The Report notes the DPP efficiently performs a wider range of functions relative to its equivalents in other jurisdictions. Nous believes growing pressures, both in culture and practice, will likely threaten the DPP's capacity to meet its workload in the near future.
- Noting demand projections, the Report makes five broad recommendations:
 - provide increased funding to the DPP immediately and in the mid to long-term
 - apply a unified resourcing justice strategy to the ACT justice system as a whole
 - directly appropriate funding to the DPP, rather than via the Justice and Community Safety Directorate appropriation
 - allow paralegals to appear in simple applications in the Magistrates Court
 - develop a more efficient platform to share information between courts, law enforcement, corrective services and the DPP.

Background Information

DPP Strategic Review

- Nous Group noted in its report that cultural pressures include growing numbers of complex and time-consuming cases (i.e. sexual assaults, appeals, confiscation of asset referrals), introduction of new pre-trial evidence and procedures and changing community expectations (i.e. employing special approaches for vulnerable witnesses).
- Structural pressures include the recent introduction of a fifth ACT Supreme Court Judge, additional financial staff for organised crime investigations by the Australian Federal Police and expansion of the Supreme Court by early 2018, which will reduce trial listing periods to five weeks (down from an average of nine weeks) and provide two additional courtrooms for jury trials.
- On 16 October 2017, the DPP published its 2016-17 annual report. The Director's overview broadly outlined the Review's findings, including the cultural and structural pressures facing the ODPP. The DPP called for additional senior prosecutors to meet the trends of increasing workload on complex criminal matters. The DPP also emphasised his concern that the new Supreme Court facility will significantly increase the number of jury trials, and that the ODPP will be unable to meet this growth without a corresponding increase in funding.
- *The Canberra Times* reported on the DPP's comments in the annual report on 17 October 2017.

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Lead Directorate:	Justice and Community Safety	

Previous budget increases:

- In the 2016-17 ACT Budget, the DPP received funding of \$1.363 million over four years through the Safer Families funding package to strengthen criminal justice responses to alleged perpetrators of family violence (three FTE in 2016-17 and 2017-18, 2.5 ongoing).
- The 2016-17 Budget provided \$2.325 million for a specific team in the DPP (3 FTE) to represent the office to progress the retrial of Mr David Eastman for the murder of Mr Colin Winchester and other related proceedings.

This funding follows previous years' supplementation to the DPP totalling \$1.7 million from 2012-13 to 2015-16 for the Eastman matter.

- In the 2014-15 Budget, the Government provided \$1.158 million over four years to establish a Work Safety Prosecutions Unit supported by 2 FTE, as well as \$0.027 million in one-off capital funding for fit-out and fixtures to accommodate the new unit

WorkSafe Prosecutions

- The Industrial Court Magistrate, Chief Magistrate Lorraine Walker, criticised the prosecutions of several work safety matters. On 6 December 2016 and 14 July 2017, *The Canberra Times* reported comments made by the Chief Magistrate that were strongly critical of the DPP handling of workplace health and safety matters. She also expressed concern that resources in the DPP are generally not being provided for industrial court matters.
- On 8 November 2017, during annual report hearings the DPP answered a question about what could be done to increase the chances of success in industrial prosecutions. The DPP noted the question was difficult to answer concisely. He explained that industrial deaths are difficult to investigate and require a criminal standard of investigation from a very early stage. He also noted the need for 'unimpeachably high quality' expert reports.
- The DPP suggested that deaths on Canberra construction work sites be treated as criminal investigations. *The Canberra Times* reported on the DPP's comments on the same day.

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Lead Directorate:	Justice and Community Safety	

Portfolio: Attorney-General**ISSUE: RESOURCING OF MAGISTRATES AND CORONER'S COURTS****Talking points:***Eighth Magistrate*

- On 9 April I announced that the 2018-19 budget will provide an additional \$3.1 million over four years in funding to support the appointment of an eighth full time resident Magistrate.
- In addition, Legal Aid will receive an additional \$1.3 million and the Director of Public Prosecutions will be provided with \$987,000 for additional staff to support the increased capacity of the Magistrates Court.
- An eighth Magistrate means our courts can build on their excellent work from recent years, and also provide the resources it needs to meet increasing demand for years to come.
- I am confident that the appointment of an additional Magistrate, additional funding for Legal Aid and the DPP and recent amendments to justice legislation across the statute book will improve the efficiency of the justice system and the timeliness of proceedings in the Magistrates Court.

If asked about the Chief Magistrates views

- I acknowledge the Chief Magistrate's view that further resources are needed for the Magistrates Court.
- As Attorney-General, I will continue to consider resourcing of the justice system as a whole, and to make sure that each component is working effectively to support an effective justice system in the ACT.

Special Magistrates

- The Government has also re-appointed two Special Magistrates to continue sitting within the Court as required until the end of 2018, working at a little over half an FTE each.

Cleared as complete and accurate: 18/04/2018
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Lead Directorate: Justice and Community Safety

- Special Magistrates provide the Court with flexibility and adaptability in its listing practices and allow it to cope with unexpected absences.
- I congratulate Magistrates Margaret Hunter and Ken Cush on their reappointment and thank them for their dedicated work in supporting the Magistrates Court.

Magistrates Court Initiatives

- I particularly want to thank the Magistrates, court staff and supporting prosecution and legal aid practitioners for their patience and professionalism in providing the Canberra community with outstanding service.
- I acknowledge it has been a challenging period with the Court redevelopment, registry process overhaul and implementation of the Integrated Case Management System.
- I acknowledge that these important initiatives have placed additional pressure on the work of Court staff and practitioners.
- I am confident that these initiatives will deliver support for the Bench and staff to undertake their vital work while increasing the efficiency of the Court as a whole.
- The sustained investment by the ACT Government in this transformational work demonstrates our commitment to deliver an accessible, fair and efficient justice system.
- The Government is committed to working with the Chief Magistrate, Chief Justice and Courts and Tribunal administration staff to leverage efficient block and over-listing practices.
- We are working together to fine-tune the jurisdiction of each court so that they are appropriately targeted and focused on efficient and fair resolution of cases.

Dedicated Coroner

- It is important to recognise that decisions about organisation of the Magistrates and Coroner's Court, and how many resources are provided for coronial hearings are ultimately a matter for the Chief Magistrate.

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Lead Directorate:	Justice and Community Safety	

- I am pleased that the Chief Magistrate has indicated that she will consider utilising the additional judicial resource to dedicate one magistrate to coronial work part time.
- The Government is conscious of the benefits that could come from building specialist coronial expertise among the Magistrates who all hold an active coronial case load.
- Benefits would include increased public awareness of the role and public significance of the coronial jurisdiction and improved co-ordination and collaboration across government in resolving inquiries and inquests and implementing recommendations.
- I am pleased that a number of procedural and policy changes across the Magistrates and Coroner's jurisdiction have seen efficiency improvements.
- For example, in the coroner's jurisdiction more post-mortems are being conducted by CT-scan external examination, more matters are being finalised in-chambers without hearing, delegation of fire inquiry work to the Deputy Coroner continues to be efficient, and the Legal Manager is routinely providing in-house Counsel Assisting services where appropriate, rather than briefing external Counsel.
- The *Courts and Other Justice Legislation Amendment Act 2018*, which was passed in the Assembly in the March sittings, will support non-invasive finalisation of cases by making processes for conduct of ancillary examinations, establishing coronial investigation scenes and provision of medical records more flexible.
- That Act also makes changes to streamline jury processes and enforcement of ACT Civil and Administrative Tribunal orders in the Magistrates Court.

Key Information

- The criminal jurisdiction of the Magistrates Court has struggled to meet demand with a 15 per cent increase in lodgements leading to a 23 percent increase in pending matters and 15 per cent increase in cases pending for more than 12 months (excluding failure to vote charges resulting from the 2016 ACT election).

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- There was a very slight increase in coronial cases lodged to 299 from 292 in 2015/16, but the Government's suite of legislative reforms in 2014 continues to mean this is much lower than the more than 1100 cases lodged in 2013/14 and 2012/13.
- The workload of the Coroner's Court can fluctuate depending on the circumstances of particular cases. For example the Court received two uncommon notices relating to deaths in the Jervis Bay and Australian Antarctic Territories that it will deal with by agreement with the Commonwealth Government.
- Just as workload can fluctuate, some complex or sensitive cases take longer to hear and resolve. In 2016-17 the median number of days to finalise a case was 94, up from 75, which exceeded the target of 85 days. This was in part due to a number of long and complex coronial matters being finalised.

Background Information

- A business case for 2018-19 has been prepared seeking funding for the appointment of an 8th Magistrate.
- The Chief Coroner considers that the appointment of an additional full-time Magistrate would go some way towards providing her with the flexibility to use judicial resources for coronial matters as appropriate.
- Having an additional Coroner would improve efficiency and timeliness, coordination and oversight of those matters, and would contribute to the development of specific coronial expertise.
- You have asked the Justice and Community Safety Directorate to explore options to improve the support provided to the operations of the Coroner's Court, in particular, to better focus on and meet the needs of families affected by a death subject to an inquiry.
- The Justice and Community Safety Directorate recently met with family representatives in relation to a number of complex cases where the timeliness of the Coronial process, transparency of case progress and communication with families could have been better.
- There are a range of supports and networks across government for those affected by the sudden and unexpected death of a loved one, including the ACT Coronial Counselling Service which is available to bereaved families, friends and community members. The service is provided by ACT Health and Relationships Australia and is designed to provide free support and counselling to anyone affected by a death being investigated by the ACT Coroners Court.

Cleared as complete and accurate: 18/04/2018
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Lead Directorate: Justice and Community Safety

Portfolio: Attorney-General**ISSUE: REFORMS TO THE OPERATION OF THE CORONERS COURT****Talking points:****Budget Announcement**

- The Government is focused on improving the coronial system to ensure that cases are finalised as quickly and as sensitively as possible and that the benefits to the community of coronial recommendations for public health and safety improvements are realised effectively.
- The Government recently announced the 2018-19 budget will provide \$3.1million in funding over the next four years to appoint an eighth full time resident magistrate.
- I am pleased that the Chief Magistrate has indicated that she will consider utilising the additional judicial resource to dedicate one magistrate to coronial work part time.

Improvements to support Families

- The Government is examining options for supporting the operation of the Coroner's court through administrative and legislative reforms.
- The Government is also continuing to consider reforms to better deliver the justice needs of families, affected people and the community through the coronial process.
- As part of this consideration, the Government is working with families to make sure that any reforms to coronial processes support the needs of people affected by a death.
- In October 2017, I met with families of three young men whose deaths have been subject of extensively delayed coronial inquests.

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Lead Directorate: Justice and Community
Safety

- This group of family representatives has been advocating for reforms to the coronial process including changes to address lengthy delays throughout all stages of the coronial inquest, and to improve communications with family members about the progress of inquests, Government responses and actions taken to address recommendations.
- After hearing the experiences of these family members I have asked the Justice and Community Safety Directorate to explore options to improve the support provided to the operations of the Coroner's Court, in particular, to better focus on and meet the needs of families affected by a death subject to an inquiry.
- Officers from the Justice and Community Safety Directorate met with the families to discuss potential legislative reforms on 21 March 2018.
- I anticipate that reforms, including legislative amendments, will be announced later this year, to address the issues identified by these family representatives, so that family members affected by coronial process in the future, will have more timely and considerate closure.

Background Information – may not be suitable for public disclosure

- The Chief Coroner considers that the appointment of an additional full-time magistrate would go some way towards providing her with the flexibility to use judicial resources for coronial matters as appropriate.

Cleared as complete and accurate: 18/04/2018
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Lead Directorate: Justice and Community Safety

Portfolio: Attorney-General

ISSUE: JUDICIAL APPOINTMENTS PROCESS

Talking points:

- I am aware that the Bar Association has called for greater consultation with the local legal profession in the making of judicial appointments.
- The ACT Government recognises the importance of, and adheres to, a transparent process for selecting judicial officers.
- The process and criteria for selecting a new judge are set out in the *Supreme Court (Resident Judges Appointment Requirements) Determination 2015 (No 1)* which is available online.
- The ACT's legislative framework ensures a transparent, merit-based selection process for judges. The Government advertises judicial positions publicly and evaluates applications according to clear selection criteria.
- The ACT Government recognises the importance of views of the local legal profession, and seeks nominations from the ACT Law Society and the ACT Bar Association each time a judicial selection process is conducted.
- Evaluation of applicants is conducted independently and the Government is required to choose appointments based on the published selection criteria.
- The Government values the input of the local profession and will continue to engage with them in the context of the statutory framework.

Key Information

- Selection processes and criteria for Judges, Magistrates and Special Magistrates, and Presidential Members of the ACT Civil and Administrative Tribunal are all set out online.

Cleared as complete and accurate:	16/04/2018	
Cleared by:	Executive Director	Ext: 70522
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- Selection criteria for the judiciary include intellectual capacity, personal qualities, an ability to understand and deal fairly, efficiency and authority, communication, leadership and management skills.
- Before any appointment to the Supreme Court is recommended the Attorney-General must consult the current Chief Justice about possible appointees (other than for the Chief Justice).
- For temporary appointments or re-appointments there are more flexible provisions which support the continuity of services provided to the ACT community, but the experience, skills and qualifications of candidates are paramount considerations.

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Lead Directorate: Justice and Community
Safety

Portfolio: Attorney-General

ISSUE: Child Abuse Royal Commission

Talking points:

- The ACT Government acknowledges the nature and impact of the abuse suffered by victims of child sexual abuse. Many survivors of child sexual abuse suffer long lasting and severe injuries that can affect them for the rest of their lives.
- The Royal Commission has recommended a significant number of reforms to criminal justice legislation and practice.
- The ACT Government is committed to ensuring criminal law and processes in the ACT are fair for survivors of sexual abuse, witnesses involved in the court process, and those accused of offences.
- A number of the measures recommended by the Royal Commission have been in place in the ACT for some time – for example measures to support vulnerable witnesses to give evidence in a way which protects against re-traumatising them.
- Amendments to existing ACT offences of grooming, and maintaining a sexual relationship with a child, as well as sentencing reforms for child sex offenders, in response to the Royal Commission’s recommendations, were introduced in the Legislative Assembly late last year (2017) and passed in February this year (2018).
- On 22 March 2018, I opened a consultation process to seek stakeholder views on further reforms to respond to the Royal Commission’s recommendations for criminal law reform.
- The major reforms the government is considering, and seeking feedback on concern new legislation for failing to report offences, failing to protect at-risk children, the way victims and witnesses provide their evidence, and changes to trial and sentencing procedures for child sexual abuse offences.

Cleared as complete and accurate:	18/04/2018	
Cleared by:	Deputy Executive Director	Ext: 76244
Information Officer name:	Tamsyn Harvey	
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Lead Directorate:	Justice and Community Safety	

- A *Canberra Times* report on 4 March 2018, asserted that the recent advertising of positions to work on implementing recommendations of the Royal Commission on Institutional Child Sexual Abuse (the Royal Commission) meant that the ACT Government was not ready to respond to the Royal Commission's recommendations. This claim is entirely baseless.
- The ACT Government is committed to protecting children from child abuse and providing a fairer response to victims and is responding swiftly to the Royal Commission's recommendations.
- The Government will be responding to the totality of the Royal Commission's report by the end of June this year.

Key Information

Criminal justice reforms

- A consultation process in relation to criminal justice reforms arising from the Royal Commission was opened on 22 March, and closes on 27 April 2018. The consultation process is supported by a series of factsheets and information available on the ACT Government's YourSay website and the Justice and Community Safety Directorate website.
- The Justice and Community Safety Directorate will be consulting directly with a range of key stakeholders in the justice system and more broadly to inform the Government's approach to legislative reform in this space.
- Legislation will be progressed in 2018 to further the reforms currently being consulted on.
- NSW announced on 3 April 2018 that it will be progressing significant criminal justice reforms to implement the Royal Commission's recommendations. It expects to legislate for these *later in 2018*.

Resourcing

- Officials within the Justice and Community Safety Directorate, the Chief Minister, Treasury and Economic Development Directorate and elsewhere within ACT Government have been supporting the Government in responding to the Royal Commission's findings and recommendations for the last several months. This has included the development of the criminal law reforms, the development of materials to support a consultation process for further reforms, as well as undertaking work on the ACT's participation in a redress scheme.

Cleared as complete and accurate: 18/04/2018
Cleared by: Deputy Executive Director Ext: 76244
Information Officer name: Tamsyn Harvey
Contact Officer name: Sandra Wright Ext: 50365
Lead Directorate: Justice and Community Safety

- The positions which were recently advertised reflect, in part, staff movements and the Government's commitment to ensure that it is well placed to proceed with further reforms once it has consulted with stakeholders and the community.
- Those positions have now been filled.

Background Information – may not be suitable for public disclosure

Funding, as outlined below was provided in the 2017-18 Budget Review to support the Government to act promptly to respond to recommendations to support improved protection for children from sexual abuse, and reforms to the criminal justice system that support child victims of sexual abuse.

Better support when it matters - Criminal law reforms

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	181	366			547
<i>Total Additional FTE</i>	<i>1</i>	<i>2</i>			

This funding is for two FTE for 18 months to progress the criminal justice system reforms. These positions were advertised in February 2018. To date JACS has been managing the work to progress these reforms within existing resources.

Cleared as complete and accurate: 18/04/2018
 Cleared by: Deputy Executive Director Ext: 76244
 Information Officer name: Tamsyn Harvey
 Contact Officer name: Sandra Wright Ext: 50365
 Lead Directorate: Justice and Community Safety

Portfolio: Attorney-General**ISSUE: COMMONWEALTH REDRESS SCHEME FOR SURVIVORS OF INSTITUTIONAL SEXUAL ABUSE****Talking points:**

- The ACT Government acknowledges that the nature and impact of the abuse suffered by victims of child sex sexual abuse. Many survivors of child sexual abuse suffer long lasting and severe injuries that can affect them for the rest of their lives.
- The ACT, NSW, Queensland, Northern Territory, Victoria and the Commonwealth have announced they will be opting into the Redress scheme.
- The ACT was one of the first jurisdictions to sign up to Intergovernmental Agreement, another significant step forward to the commencement of the Redress Scheme.
- The Redress Scheme will start on 1 July 2018, subject to the necessary legislation being finalised, and will offer access to psychological counselling, a direct personal response from the responsible institution and a monetary payment of up to \$150,000.
- Survivors will be able to access legal and community support services to assist through the redress application process.
- The Commonwealth has established a dedicated telephone helpline and website to provide information for survivors and their families about the Scheme.
- The ACT Government is working closely with the Commonwealth and other jurisdictions to continue progressing the Redress scheme in a manner that ensures that it meets the needs of survivors.

Key Information

- The Redress Scheme will commence 1 July 2018.
- The Redress Scheme will include psychological counselling, a direct personal response and payments for up to \$150,000.
- The ACT, New South Wales, Queensland, Northern Territory and Victoria have publically opted into the Redress scheme.
- The ACT has joined Victoria in signing the Intergovernmental Agreement.

Cleared as complete and accurate: 03/04/2018
Cleared by: Executive Director Ext: 70522
Information Officer name: Tamsyn Harvey
Contact Officer name: Dianne Wallace Ext: 70534
Lead Directorate: Justice and Community Safety

Background Information

The Redress Scheme will begin operating on 1 July 2018. Through the scheme survivors can access counselling and psychological services, a direct personal response from the institution where the abuse occurred and monetary payments of up to \$150,000.

New South Wales introduced a referral Bill into the NSW Legislative Assembly on Tuesday 1 May 2018. It is expected that Victoria will also introduce a referral Bill shortly.

A business case to fund the administrative and operational requirements of Redress is being considered as part of the 2019-20 Budget.

Meetings have taken place between the jurisdictions that have opted in and the Commonwealth, to progress the operational aspects of the scheme.

The average payment of Redress is estimated at \$76,350.

Cleared as complete and accurate:	03/04/2018	
Cleared by:	Executive Director	Ext: 70522
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Contact Officer name:	Dianne Wallace	Ext: 70534
Lead Directorate:	Justice and Community Safety	

Prevention of Domestic & Family Violence

ISSUE: Whole of Government Response to Family Safety (incl. progress on commitments)

Talking points:

Graham Dillon court case (death of Bradyn Dillon)

- The recent court proceedings are a reminder of this tragic event. I know some people have again experienced trauma as a result of the reports and none of us can imagine the pain being felt by Bradyn's family.
- The circumstances of Bradyn's death are incredibly tragic and the ACT Government has worked to do everything possible across government and community services to ensure it cannot happen again.
- While it is not appropriate to comment on the specifics of the case, I will unequivocally say that preventing domestic and family violence, including sexual assault, is, and continues to be, a high priority for the ACT Government.

Key Information

ACT Government Response

- \$23.5m in funding was included in the 2017-18 ACT Budget. This amount built on the 2016-17 Safer Families Budget package to provide a cohesive, whole of government response to family violence.
- A comprehensive report was included in Appendix J of Budget Paper 3 for the 2017-18 financial year and can be accessed online at <https://apps.treasury.act.gov.au/budget/budget-2017-2018/budget-papers>
- The Office of the Coordinator-General is leading the work on key whole of government commitments, including:
 - the co-design of the Family Safety Hub;
 - the development of a consistent approach to frontline worker training;
 - improving information sharing; and
 - building risk assessment capability.

Cleared as complete and accurate: 31/01/2018

Cleared by: Director

Contact Officer Name:

Lead Directorate:

Community Services

Ext: 58260

Ext:

Family Safety Hub co-design process

- The proposal for a Family Safety Hub for the ACT was a signature initiative under the ACT Government Response to Family Violence.
- The co-design principles are:
 - Be directly informed by the experiences of people affected by domestic and family violence and the frontline staff working to support them.
 - Give priority to groups of people who are most vulnerable to domestic and family violence and those who are hardest to reach with existing services.
 - Focus on improving the early intervention, pre crisis and non-justice responses to domestic and family violence.
 - Explore how existing services and government investment can be better integrated to meet the needs of people affected by domestic and family violence.
 - Recognise that those affected by domestic and family violence will seek help through services they trust, and those trusted services need to be central to an integrated response.
- The co-design process will begin with an in depth understanding of the direct user experience for the following vulnerable groups: Aboriginal and Torres Strait Islander women and families, Culturally and Linguistically Diverse women, women with disability, LGBTIQ people and adult male children with lived experience of family violence.

Front-line training

- Family and domestic violence training for frontline workers was identified as a gap in the three ACT family violence reports with \$770,000 allocated to fund the provision of training to frontline workers.
- The Coordinator-General for Family Safety is leading work across directorates to design a common approach for training of frontline workers that is sufficiently flexible to meet the diverse needs across Government.

Information sharing

- On 8 September 2016, the then Attorney-General Simon Corbell released an issues paper on Information Sharing to Improve the Response to Family Violence in the ACT. The issues paper outlines the current information sharing arrangements in the ACT, and explores the privacy issues facing the family violence sector.
- The Coordinator-General for Family Safety led an extensive community consultation process until 16 December 2016, including hosting four information sessions.
- A clear message from the consultations is that a change in culture and practice in is at least as important as improving the legislative framework.

Cleared as complete and accurate: 31/01/2018

Cleared by:

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Lead Directorate:

Community Services

- The outcome from the consultations will inform future work across Directorates.

Risk assessment capability

- The Safer Families package funded \$50,000 in 2016-17 to support the development of a common risk assessment capability.
- Work on the development of the risk assessment tool has primarily focused on researching Australian and International best practice. Research indicates that one tool is unlikely to meet the diverse needs of families in the ACT.
- Core risk assessment capability will be developed and incorporated through the co-design of the Family Safety Hub.

Child and Youth Protection – Reviewable Decisions

- The Government committed to undertaking a review of what decisions made by Child and Youth Protection Services (CYPS) should be subject to either internal or external merits review (Government response commitment 5.5).
- A working group has been established with members from the Justice and Community Safety Directorate and the Community Services Directorate. The group first met in December 2016.
- The working group is chaired by the Executive Director of Legislation, Policy and Programs and includes the Coordinator-General for Family Safety in the Justice and Community Safety Directorate.
- The working group is exploring decisions made by CYPS under the *Children and Young People Act 2008* to identify those that could most appropriately be reviewed, while recognising the need for prompt resolution of disputes around care and protection matters to protect the interests of children and young people.
- The working group is also looking at other possible reforms and supports around decisions made by CYPS.

Commitments generally

- The Government has made great progress on other key commitments:
 - Rolled out funding to front-line services including the Domestic Violence Crisis Service, Canberra Rape Crisis Centre, Beryl Women’s Refuge, Doris Women’s Service, The Tara Costigan Foundation, ACT Policing, Director of Public Prosecutions, Legal Aid, and the Courts.
 - Started delivering increased funding to key domestic violence services to enable greater access to translating and interpreting services.
 - The Room4Change program was launched in April this year and is an innovative residential behaviour change program for men who use or are at risk of using violence.
 - The Safer Families grants program was launched in late 2016 which provides

Cleared as complete and accurate: 31/01/2018

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Community Services

practical financial assistance to women leaving violence to allow them space to establish a private rental tenancy.

- The ACT Public Service Family Violence Toolkit was launched in August 2016 and is designed to provide awareness-raising and support materials for employees, managers and human resources practitioners to support employees who are experiencing domestic or family violence.

Background Information – may not be suitable for public disclosure

On 7 June 2016 the ACT Government announced the Safer Families package as part of the ACT Budget to provide a cohesive, whole of government response to family violence. The package includes the full time position of Coordinator General for Family Safety, to be supported by a small team.

On 28 June 2016 the Government released a response to the three family violence reports:

- Report of the Inquiry: Review into the system level responses to family violence in the ACT by Mr Laurie Glanfield AM (Glanfield Inquiry);
- Findings and Recommendations from the Review of Domestic and Family Violence Deaths in the ACT by the Domestic Violence Prevention Council (Death Review); and
- The ACT Domestic Violence Service System Final Gap Analysis Report (Gap Analysis).

The reports were publicly released by the ACT Government in May 2016. Since the tabling of the reports in May 2016, the ACT Government released the comprehensive ACT Government Response to the Family Violence Report (Government Response).

The intention from the commitments in the Government Response is that the Office of the Coordinator-General for Family Safety will drive cultural change and lead reform in partnership with government agencies, non-government services and the Canberra community. The Coordinator-General's core functions, supported by an EA and team of two permanent officers, include:

- primary support for the Minister for the Prevention of Domestic and Family Violence including extensive stakeholder engagement;
- coordinating annual whole of government budget bids on family violence matters and developing methodologies for reporting on family violence expenditure;
- providing strategic policy advice to the government on an ongoing basis to continually refine the whole of government response to family violence;
- raising awareness about family violence in ACT communities, particularly the non-physical dimensions of family violence, including through communications campaigns, events, partnerships, sponsorships, research and stakeholder forums;
- managing legislative change, developing an information sharing awareness campaign and driving an information-sharing culture across directorates and service providers;
- working with Directors-General and mainstream service providers to promote cultural change and more effective and collaborative responses to domestic and family violence;
- working with directorates and service providers to shift current contractual arrangements to an outcomes focus and ensure future contracts include outcomes not outputs as performance indicators;
- working with community and government partners, including members of the Aboriginal and Torres Strait Islander community to ensure that services provided are culturally

Cleared as complete and accurate: 31/01/2018

Cleared by: Director

Ext: 58260

Contact Officer Name:

Ext:

Lead Directorate:

Community Services

- appropriate;
- leading development of a capability framework and training strategy for frontline workers, including managing procurement of a training package and roll-out across ACT Government;
 - working with the private sector and the professions to encourage investment in training for frontline staff;
 - developing an outcomes framework to measure the impact of the reform agenda over time;
 - developing performance measures for Director-General performance agreements;
 - representing the ACT Government at the national level, including cross-jurisdictional forums established under the National Plan to Reduce Violence Against Women and Their Children 2010-2022, Our WaTCh and ANROWS;
 - monitoring implementation of, and reporting on, the 38 Safer Families Package commitments;
 - establishing a data framework, coordinating data collection and sharing across Directorates, and developing new data sources as required to inform future policy and measure performance;
 - drive a shift in approach across Government the community from a crisis-driven response to early intervention and prevention;
 - facilitate a codesign process for access and referral to services for children and young people affected by family violence; and
 - membership of the Child and Youth Protection Quality Assurance and Improvement Committee to provide arms length quality assurance and ensure compliance by statutory services.

Context

- The *ACT Government Response to Family Violence* report was released in June 2016. Commitments focus on supporting a whole of Government approach to domestic and family violence. This work is being overseen by the Coordinator-General for Family Safety.

Cleared as complete and accurate: 31/01/2018
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Lead Directorate: Community Services

Portfolio: Attorney-General**ISSUE: FAMILY VIOLENCE POLICY****Talking points:**

- Family violence is a serious issue that the Government remains absolutely committed to addressing. All Canberrans have the right to feel safe, and to be safe.
- The experience of domestic and family violence causes enduring damage to individuals and to society as a whole.
- The financial cost of family violence in our community is measured in the billions of dollars.
- The ACT Government views acts of family violence as intolerable and is actively working to make changes to protect the safety of all members of our community.

What is the Government doing to prevent family violence?

- Domestic and family violence is a difficult and complex problem which has no simple solutions.
- To prevent domestic and family violence we need to change the way Australians think and act in their homes. This means the whole community needs to be engaged in the job of changing attitudes and social norms.
- It was in recognition of this complexity that the ACT Government refocused its efforts to combat domestic and family violence in 2016. The commitment was to a comprehensive and long term reform agenda. The Safer Families package was the largest action to address family violence in Canberra's history.
- The investment in Safer Families is continuing. In the 2017-18 Budget the commitment has grown to \$23.5 million over four years.

Cleared as complete and accurate: 08/05/2018
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Safety

- The reform program involves a new model for integration across Government, the community sector and the community. The work is being led by the first full-time Coordinator-General for Family Safety, who commenced in October 2016.

Death Review

- The Government has committed to introducing a family violence death review scheme for the ACT.
- This commitment was in response to the first and only ACT Death Review in 2016, which analysed 14 family violence deaths in the ACT between 2000 and 2012.
- A death review scheme will analyse information relating to family violence deaths in the ACT and make recommendations for system wide improvements to services to prevent similar deaths occurring in the future.
- Death reviews will help to improve family violence responses by examining the ways in which our systems and services performed when they were most challenged.
- The Justice and Community Safety Directorate (JACS) will be consulting with key stakeholders with a view to introducing legislation to implement a death review scheme in 2019-20.
- Comprehensive stakeholder engagement will be important to ensure establishment of a death review process that is consistent with best practice principles and appropriate for the ACT context.

Key Information

Death Review

- The ACT Death Review, published in May 2016, provided 28 recommendations for action, including the recommendation that the ACT establish a legislative scheme to enable future family violence death reviews.
- In June 2016, the Government published the ACT Government Response to Family Violence, which included a commitment to 'legislate for the Attorney-General to order a future family violence death review and provide powers for those undertaking such a review'.

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- An ACT death review model will require funding. Costing for a death review model is yet to be determined. Legislation, Policy and Programs (LPP) will prepare a detailed costing for the 2019-20 budget process.
- LPP is preparing to consult key family violence stakeholders on two draft death review models, in anticipation for implementation in 2019-20.
- All jurisdictions, except Tasmania, the Northern Territory and the ACT, have a family violence death review function.

Background Information – may not be suitable for public disclosureFamily Violence Policy

- On 6 June 2016, the ACT Government announced the Safer Families package which included \$21.42 million in funding and highlighted four key priority actions for the ACT Government, including:
 - appointing the first, full-time Coordinator-General for Family Safety to lead change and provide accountability across the service system;
 - implementing a collaborative and integrated approach to services through a dedicated Family Safety Hub;
 - authorising information sharing and collaborative practices via a new legislative framework; and
 - developing a skilled and educated workforce, especially frontline staff, to respond to the needs of adults and children experiencing family violence.

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Portfolio: Attorney-General

ISSUE: RESIDENTIAL TENANCIES

Talking points:

Victorian reforms - Keeping pets in rental properties

- The ACT Government is actively considering the residential tenancies reforms announced by the Victorian Government in October 2017, referred to as the ‘making rent fair’ package.
- I am aware the Victorian Government has announced plans to amend the Victorian Residential Tenancies Act to make it easier for tenants to keep pets in rental properties.
- I understand that tenants in Victoria will be given the right to keep pets if they obtain the landlord’s written consent, and that landlords will not be able to unreasonably refuse. I look forward to seeing this legislation when it is introduced.
- In the ACT, it is up to individual landlords to decide whether a tenant may have pets in a rental property. The standard residential tenancy terms do not refer to keeping pets in rental properties. However, on 29 April 2009 the ACT Civil and Administrative Tribunal (ACAT) issued a Practice Direction stating that due to the right of exclusive possession, tenants have an implied right to keep pets unless otherwise stated in the lease. It is therefore the obligation of Landlords to put in a specific clause to prohibit pets, or restrict the type and number of pets.

Victorian reforms – other proposals

- The Victorian Government proposes to cap bonds at one month’s rent where the rent is twice the current median weekly rent.
 - In the ACT, the Residential Tenancies Act already provides that a landlord may only require or accept a maximum bond of four weeks’ rent in all circumstances.

Cleared as complete and accurate: 23/04/2018
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- The Victorian Government has announced proposed changes to the bond release process, including a 14 day automatic bond release process if there is no dispute.
- In the ACT, amendments were made to the bond release process in 2016 following the review of the *Residential Tenancies Act 1997*. These amendments modified the mechanism for releasing the bond money to allow an early opportunity to resolve any dispute before an application is made for release of the bond. There is a positive obligation on the landlord to give the tenant an application for payment of the bond money out of the trust account within three working days after the termination of the residential tenancy. If the landlord wishes to make a deduction from the bond, the landlord must include in the form the reason for the deduction.
- The ACT Government is monitoring developments in other Australian jurisdictions, including Victoria. While Victorian residential tenancy law does not currently expressly prohibit rental bidding, the Victorian Government has stated it will introduce legislative amendments to restrict the practice.
- Other reforms proposed by the Victorian Government include abolishing ‘no specified reason’ notices to vacate, making it easier for tenants to make minor modifications to a property and creating a landlord and real estate agent blacklist. The Justice and Community Safety Directorate (JACS) will consider these reforms as part of the second tranche of the review of the Residential Tenancies Act.

Occupancy Agreements

- Occupancy agreements cover a wide variety of different living arrangements for either short or long term accommodation, including boarding houses, student accommodation and residential home parks.
- The review of the Residential Tenancies Act in 2016 found that issues with occupancy agreements were complex and affect a diverse range of stakeholders.

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- These issues included: a lack of awareness for parties to an occupancy agreement about their rights and responsibilities; collection of bonds which are not required to be lodged with the Office of Rental Bonds; termination of the occupancy and eviction from premises; application of occupancy agreements to community housing residents; and a grantor's rights of entry to occupied areas.
- Given the complexity, the 2016 review of the Residential Tenancies Act recommended the Government consider establishing a working group to consider the issues relating to occupancy agreements and develop recommendations. The working group would be asked to consider the development of standard occupancy terms, with particular emphasis on providing occupants with protections similar to those enjoyed by tenants as far as possible while retaining flexibility.
- On 19 July 2017, JACS hosted an occupancy agreements discussion forum with independent facilitator Design Managers Australia.
- During the forum, key stakeholders identified important issues relating to occupancy agreements. Forum attendees included grantors and occupants of different kinds of occupancy accommodation, advocacy groups and representatives of associations for students and occupants of residential parks. Based on the discussions in the forum JACS established working groups focussing on different types of occupancy accommodation.
- The following working groups will provide advice and help develop recommendations for Government:
 - a caravan park group that will look at short term solutions that can assist residents and also consider whether caravan parks should be regulated separately
 - a student group that will look at issues facing students in both on and off campus accommodation as long as the agreement could be characterised as an occupancy agreement and
 - a boarding house and crisis accommodation group that will look at whether a standard agreement term is needed, how to work with the ACT and Commonwealth obligations for the providers in this group, and whether further regulation is needed.

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- The working groups last met in March 2018.

Conditional termination and possession orders (CTPOs)

- The report on the review of the Residential Tenancies Act recommended that consideration be given to amending the CTPO provisions.
- CTPOs can be ordered by ACAT in situations where the tenant has failed to pay rent. Instead of making a termination and possession order to terminate the tenancy, ACAT may make a CTPO to give the tenant a further opportunity to address rental arrears. If the tenant fails to comply with the CTPO, the tenancy automatically terminates at a stated time after any rent becomes payable and is not paid.
- Automatic termination occurs even in circumstances where rent was paid late for reasons outside the control of the tenant, such as Centrelink processing delays.
- Automatic termination occurs even if the lessor does not want the tenancy to end.
- During the review, key stakeholders expressed concern about the automatic termination and its impact on vulnerable social housing tenants.
- The Government will introduce amendments to the Residential Tenancies Act in the May 2018 sittings to resolve these issues. These amendments:
 - replace the CTPO provisions with a new concept of a payment order
 - provide that there is no self-executing component of the new payment order provisions so that a breached order will not automatically end a tenancy
 - give the lessor the right to apply for a termination and possession order and a warrant for eviction within 60 days if a breach of a payment order occurs
 - provide that if the lessor does not pursue a breach of a payment order within 60 days of the breach occurring, the tenancy continues and the debt remains with the tenancy, with this rule applying to further breaches of the payment order, and

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- automatically deem CTPOs in force immediately before the commencement day to be payment orders.

Commercial Guarantees

- The Residential Tenancies Act allows a lessor to accept a guarantee or indemnity instead of a bond
- This is a promise to pay the lessor for damages that occur during a tenancy. The guarantee or indemnity is only enforceable to the maximum amount a bond would have been.
- The Residential Tenancies Act was amended in 2017 to improve consumer protections for tenants and lessors who enter into a commercial guarantee or indemnity contract.
- A Lessor can only accept a commercial guarantee if the standard guarantee contract is registered.
- The provider of commercial guarantee must apply to the Commissioner for Fair Trading for registration. The registration process will be prescribed by regulation. Preparation of this regulation is in progress.

Key Information

- The Victorian Government 'making rent fair' package includes making it easier for tenants to keep pets, abolishing 'no specified reason' notices to vacate, making it easier for tenants to make modifications to the property, capping bonds at a month's rent in circumstances where rent is twice the current median weekly rent and faster release of bonds. Amendments have not yet been made to the *Residential Tenancies Act 1997 (Vic)*.

Background Information

- The report on the review of the Residential Tenancies Act was tabled in the June 2016 Legislative Assembly sittings.
- The report included first and second tranche recommendations.
- The Residential Tenancies Legislation Amendment Act 2016 gave effect to the first tranche recommendations, including:
 - requirements for smoke alarms

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- changes to bond release provisions
- mechanisms allowing a person experiencing personal or domestic violence to apply to ACAT for changes to their tenancy arrangements.
- Second tranche recommendations include giving further consideration to the following issues:
 - conditional termination and possession orders (CTPOs)
 - occupancy agreements
 - share house tenancies and subletting
 - early termination of a fixed term lease by a tenant who has accepted accommodation in social housing premises or aged care
 - reducing the maximum rent payable in advance to two weeks
 - ACAT issuing notices about additional inconsistent terms
 - tenant termination of a lease containing unlawful inconsistent terms
 - removing or modifying the requirement for a 'detriment to the lessor's interest in the premises' when terminating a lease on the grounds that a tenant has used the premises for illegal purposes
 - minimum standards for reasonable security.

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Portfolio: Attorney-General**ISSUE: CRIMINAL GANGS**

Outlaw Motorcycle Gangs (OMCGs) are involved in criminal activities across Australia such as drug production and trafficking, vehicle rebirthing, firearms offences, money laundering, extortion and serious assaults.

TALKING POINTS

- The ACT Government is strongly committed to responding to the criminal activities of OMCGs.
- ACT Policing has established an OMCG Taskforce – Taskforce Nemesis – to focus on operational and investigative responses to OMCG activity.
- The Taskforce is supported by a suite of criminal laws developed by the ACT Government over a number of years, and continued to investment to ensure that ACT Policing has the resources it needs to combat criminal gangs in the ACT.

Fortification removal laws

- Fortifications are structures designed to stop or hinder uninvited entry to premises.
- The *Crimes (Fortification Removal) Amendment Bill 2017* commenced in March 2018.
- The Bill provides the Chief Police Officer with the power to apply to the Magistrates Court for an order that the occupier of the premises remove fortifications on the premises. The Bill also prohibits the establishment of fortifications on certain premises.
- These laws will help make the ACT a hostile environment for criminal gangs to prevent the establishment of fortified premises such as OMCG club houses.

Crime scene powers and drive-by shootings

Cleared as complete and accurate: 23/04/2018
Cleared by: Deputy Director General
Information Officer name: Tamsyn Harvey
Contact Officer name: Megan Bobos
Lead Directorate: Justice and Community Safety

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- The *Crimes (Police Powers and Firearms Offence) Amendment Act 2017* commenced on 8 December 2017.
- The Act introduced statutory crime scene powers to allow police officers to preserve evidence in a timely manner at crime scenes in both public and private places while taking the least restrictive approach to limiting a person's right to privacy.
- The Act also created a new offence of 'drive by shooting' which deals with people shooting at a building, including a home, whether from a car or otherwise. The offence is punishable by a maximum of 10 years imprisonment.
- These new laws have already been used by ACT Policing to support its work to combat criminal groups in the ACT.

Background

ACT Policing has identified three OMCGs that operate in the ACT (the Rebels, the Nomads and the Comancheros).

The ACT Government remains strongly committed to embracing practical legislative measures to address serious and organized crime in order to keep Canberra a safe and secure community.

Private Members Bill – Crimes (Criminal Organisation Control) Bill 2017

- On 1 November 2017 the Shadow Attorney-General, Mr Jeremy Hanson MLA CSC, introduced the Bill in the Legislative Assembly. The Bill proposed the introduction of criminal organisation laws in the ACT. The Bill was debated in the same month but was not supported by the ACT Government.
- The Bill was based on NSW criminal organisation laws, however was less restrictive of human rights.
- To make a control order, the Bill required the court to be satisfied that it would be reasonably necessary to restrict, or impose conditions on the activities of a person in order to end, prevent or reduce a serious threat to public safety and order.
- There are significant human rights implications associated with criminal organisation laws and to date the ACT has not supported their introduction.

Cleared as complete and accurate: 23/04/2018
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Lead Directorate: Justice and Community
Safety

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Portfolio: Minister for Police & Emergency Services

Attorney General

ISSUE: OUTLAW MOTOR CYCLE GANGS – TASKFORCE NEMESIS

Talking Points:

- Canberra remains a very safe city, and although we are not immune to the presence of criminal gangs, police actively monitor their activities.
- ACT Policing continues to actively target the criminal activities of criminal gangs through Taskforce Nemesis.
- In August 2016, the ACT Government provided \$6.4 million over four years to ACT Policing for the expansion of Taskforce Nemesis.
- ACT Policing has a focus on countering organised crime by criminal gang members, which remains a primary focus for ACT Policing.
- The criminal gang environment can be highly dynamic, with individual members and even chapters changing allegiances at short notice.

What are police doing about criminal gangs in the ACT?

- Taskforce Nemesis was established in 2014 and has delivered significant operational results and continues to play a key role in ACT Policing's response to criminal gangs, through successful prosecutions, seizures of firearms and weapons, explosives, cash and illicit drugs.
- Targeting criminals associated with criminal gangs is a priority for ACT Policing.
- Taskforce Nemesis is a dedicated ACT Policing team focused on targeting, disrupting and apprehending those members of criminal gangs involved in criminal activities.
- Taskforce Nemesis works closely with counterpart Australian Gang Taskforces, as part of the national Operation Morpheus established by the Serious and Organised Crime Coordination Committee, and is supported by the National Anti-Gangs Squad.

Cleared as complete and accurate: 02/05/2018
Cleared by: DCPO-C
Information Officer name:
Contact Officer name: ACT Policing
Lead Directorate: Justice and Community
Safety

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QUESTION TIME BRIEF

- As part of a National Day of Action on Outlaw Motorcycle Gangs (OMCGs) in March, detectives from Taskforce Nemesis executed 10 search warrants on residences across the ACT.
- Police seized 12 firearms along with associated ammunition, \$57,000 in Australian currency and small amounts of illicit drugs including cocaine, methamphetamine and cannabis.

Is a new criminal gang being established in the ACT?

- As at 19 April 2018, the advice to my office from ACT Policing is that there have been no new OMCG chapters established in the ACT since 2016.
- ACT Policing works closely with police in other jurisdictions to share intelligence and work together to disrupt these criminal gangs.

How many Outlaw Motorcycle Gangs have established chapters in the ACT?

- ACT Policing has advised my office that there are three known OMCGs with chapters currently established in the ACT:
 - 1) Rebels
 - 2) Comanchero
 - 3) Nomads

Does the Chifley shooting (in March 2018) involve criminal gang members?

- ACT Policing's Taskforce Nemesis detectives are investigating the shooting in Chifley on 19 March 2018. At this time, police believe the incident is related to criminal gangs.
- This is an ongoing investigation and it would not be appropriate to make any further comment as to the identification of suspects or the involvement of any of the seized firearms in any criminal activity.

Is this the result of a feud? Which criminal gang is involved?

- This will form part of ACT Policing's ongoing investigation.

Cleared as complete and accurate: 02/05/2018
Cleared by: DCPO-C
Information Officer name:
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Lead Directorate: Justice and Community
Safety

Do police know what the motive is for this latest shooting?

- That will form part of ACT Policing's enquiries.

Does this latest shooting have anything to do with the previous incidents involving criminal gangs?

- That will form part of ACT Policing's investigations.

Cleared as complete and accurate: 02/05/2018
Cleared by: DCPO-C
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Contact Officer name: ACT Policing
Lead Directorate: Justice and Community
Safety

Portfolio: Attorney-General**ISSUE: RAVE TYPE EVENTS****Talking points:**

- The ACT has a range of criminal offences which deal with the manufacture, trafficking, cultivation, sale or supply and possession of controlled drugs and prohibited substances.
- For example, section 164 of the *Drugs of Dependence Act 1989* makes it an offence for a person to sell or supply, participate in the sale or supply or possess for the purpose of the sale or supply a drug of dependence. The maximum penalty is five years imprisonment and/or 500 penalty units.
- The offences apply whether they occur in public or in private places. There are no “rave specific” drug or other offences, although a range of offence provisions could be relevant to activities which occur at raves.
- In terms of the use of drugs, the ACT Government’s guiding principle is harm minimisation. The Government is always looking to explore ways that the legal system can minimise the harm to society resulting from drug use.
- An example of this approach is the current work to establish a Drug and Alcohol Court in the ACT which will provide a treatment focus for people whose crimes are the result of drug use and addiction.

Key Information

- The *Canberra Times* reported on 18 March 2018 that a ‘rave’ had taken place in Fyshwick where “at least four people were treated for suspected drug overdoses”.

Background Information

- There is no criminal law which deals specifically with the use of drugs at events such as raves.

Cleared as complete and accurate: 18/04/2018
Cleared by: Deputy Executive Director Ext: 76244
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Contact Officer name: Anita Axell Ext: 54104
Lead Directorate: Justice and Community Safety

- While the testing of pills at festivals has been explored, with the work being led by ACT Health, this approach would likely not be appropriate for events such as raves which are typically privately arranged via social media without the prior involvement of the authorities.

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Portfolio: Attorney-General

Justice, Consumer Affairs and Road Safety

ISSUE: JACS STAFF SURVEY

The Canberra Times published a news article “Justice Directorate staff are concerned about bullying and harassment” on Monday 9 April 2018 at 2:57 pm.

Talking points:

- The 2017 Justice and Community Safety (JACS) Staff Survey results provide valuable information on what works well in JACS and identifies opportunities for improvement.
- The survey is one tool that assists the Directorate in understanding the broad culture of the organisation and makes an assessment of the level of staff engagement.
- It is important to note that while there is room for improvement, Directorate’s results reflect that JACS is average when compared to other large public sector organisations.
- The results are also reflective of the diverse nature of the functions and services it delivers. For example the functions undertaken by Corrections and Emergency Services by their very nature are high risk and staff operate in high pressure environments, which can have an impact on organisational culture.
- JACS is committed to improving its workplace culture and has a Workforce Strategy 2017-2019 to help achieve this. The survey results are used by the Directorate and Business Heads to inform other work that is being delivered across the Directorate as part of its Workforce Strategy.
- It should be noted that responses related to favouritism, harassment and bullying have statistically improved over time, with nearly 10 per cent more employees reporting that they felt free from bullying and harassment in the last survey, compared with the 2015 data.

Cleared as complete and accurate: 24/04/2018
Cleared by: Executive Director Ext: 70500
Contact Officer Name: Virginia Hayward Ext: 55132
Lead Directorate: Justice and Community Safety

If asked about survey results relating to the Emergency Services Agency or ACT Corrective Services

- These matters should be referred to the respective portfolio Minister.

Background information

- The JACS Staff Survey was conducted during April and May 2017.
- JACS is committed to continuing the process of undertaking staff surveys, to understand what is happening and working on how to respond and improve the organisation as a whole. This is part of the whole of JACS workforce strategy.
- In support of this, business units are working with staff on the results of the survey and they have listened to the feedback.
- JACS will continue to progress actions to facilitate a more engaged, enabled and empowered workforce.
- Detailed results from the JACS staff surveys, including those of the ESA are not made public for a number of reasons:
 - the assurances made to staff about the confidentiality of their responses and the risk of undermining staff confidence and participation in future surveys (which is voluntary);
 - the commercial value and intellectual property of Best Practice Australia as the survey provider would be compromised; and
 - the nature of the reports which are designed as working documents by executives and managers within the organisation.

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Cleared by: Executive Director Ext: 70500
Contact Officer Name: Virginia Hayward Ext: 55132
Lead Directorate: Justice and Community Safety

Portfolio: Chief Minister

ISSUE: Costing of Questions on Notice**Talking points:**

- The government recognises the vital role that Questions on Notice (QoN) play in the functioning of the Legislative Assembly. We must also acknowledge that, in some cases, QoNs can require significant resources to respond to and may impact delivery of services to the community.
- To transparently communicate the level of resourcing needed to respond to each QoN, each response will now include details of the time taken and approximate cost to prepare the response.
- This will also support an understanding of why, on rare occasions, some questions may not be answered due to the unreasonable diversion of resources needed to prepare a response.

Key Information

- This practise began with Questions on Notice Paper No. 16 (23 February 2018).
- Times reflect the total time taken to prepare and provide each response. Where applicable, this includes time spent by administrative support staff to identify and coordinate input from other business units, as well as time taken during review and clearance processes.
- Costings are approximate and are based on the the hourly rates corresponding to the classification/level of the particular staff members involved in preparing each response.
- Times and costings are calculated using a standardised whole of government tool that is compelled for each QON. Aside from time taken to prepare the original tool there is no additional time or cost required to calculate or include times or costings with responses to QONs.
- Guidance on how directorates should handle QONs that they believe will have an impact on their ability to deliver services for the community is published openly on the CMTEDD website.

Cleared as complete and accurate: 01/05/2018
Cleared by: Executive Director Ext: 50230
Contact Officer Name: Sam Engele Ext: 50230
Lead Directorate: Chief Minister, Treasury and
Economic Development

Background Information – may not be suitable for public disclosure

- The volume of QONs taken during the Ninth Assembly has increased significantly compared to previous Assemblies. More QONs were received during the first 11 months of the Ninth Assembly than during the entirety of the Eight Assembly. The average number of separate questions within each QON has also increased.
- Of the 59 QONs from QON Paper 15 that were answered, the median time required to respond was 3.5 person-hours. Weighted by staff classification, this equated to a median cost of approximately \$329 per question.
- One in seven questions from NP15 required more than 10 person-hours to answer. The most resource intensive question required 55 person-hours. In two instances a Minister decided not to answer a QON due to the diversion of resources that would be required. JACSD estimated that responding to those two QONs would have required 300 person-hours each.

Cleared as complete and accurate: 01/05/2018
Cleared by: Executive Director Ext: 50230
Contact Officer Name: Sam Engele Ext: 50230
Lead Directorate: Chief Minister, Treasury and
Economic Development

Ongoing Issues

1. Crimes (Consent) Amendment Bill

- The Act Government is committed to protecting people from sexual abuse and ensuring that those who commit sexual offences are appropriately held to account.
- A strong criminal justice response to sexual offending is important, not just for victims and survivors but also for the entire community.
- The ACT Government welcomes the opportunity to consider potential improvements to our criminal laws.
- We are strongly committed to addressing criminal law reforms raised by the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations.
- The definition of consent proposed by the Greens is a departure from the current common law position. Given the recommendations of the Royal Commission, it is important that reforms to fundamental concepts underpinning ACT sexual offences are carefully considered and not dealt with in isolation from broader sexual offence reforms.

Cleared by Karen Greenland

23 February 2018

OVERSIGHT BRIEF

2. National Counter Terrorism

- Australia faces national security challenges that continue to evolve, so we need to keep our legislation and capabilities under constant review to meet these emerging issues.
- The ACT Government is committed to ensuring the safety and security of our community and continues to work closely with ACT Policing and other law enforcement and intelligence agencies to combat terrorism, and to implement the special Counter Terrorism COAG agreements.
- The ACT continues to support community leaders and activities that help promote the vibrant, inclusive and culturally diverse nature of the ACT community while maintaining the rule of law and protecting human rights.

If asked about current terrorism threat level

- Australia's National Terrorism Threat level remains at **PROBABLE**.
- Credible intelligence, assessed by national security agencies indicates that individuals or groups have developed both the intent and capability to conduct a terrorist attack in Australia.
- We cannot eliminate entirely the risk of terrorism but we can mitigate it. We will continue to do so through the combined efforts of law enforcement, intelligence and security agencies at all levels of government.

If asked about Facial Biometric Matching Capability

- As a human rights jurisdiction, the ACT has established a bilateral schedule to the national agreement to ensure ACT participation in a way that is consistent with human rights and privacy laws, while supporting national security needs.
- Limitations placed on how ACT data can be used will not limit the ability of other jurisdictions to participate with one another in the capability.
- The ACT will continue to explore additional participation for ACT in the range of services offered by the capability, pending further privacy and human rights scrutiny.
- Countering Violent Extremism
- Keeping Australians safe from home-grown terrorism is a complex and evolving field that requires ongoing attention.
- The ACT Government continues to work closely with all governments to identify and implement measures to prevent and protect communities against violent extremism, tackling the root of the problem.

OVERSIGHT BRIEF

- It is recognised that families, friends and community members are often in the best position to identify individuals who might be at risk of radicalisation towards violent extremism.
- Anyone who has any concerns about possible violent extremism can make an anonymous report to the National Security Hotline on 1800 123 400.
- If there is an immediate threat to life or an emergency response is required, people should call Triple Zero (000) immediately.

Cleared by: Bren Burkevics

Date: 12 January 2018

OVERSIGHT BRIEF

3. Drug and Alcohol Court

- The Government is undertaking phase one, scoping and design work of a Drug and Alcohol Court (DAC) in collaboration with the justice, drug and alcohol service sectors.
- The effectiveness of DAC in achieving long-term behavioural change in offenders is supported by a substantial body of research. Results include reductions in re-offending (recidivism), reduced incarceration rates, and improved community safety outcomes.
- The problem-solving approach taken by drug courts involves key principles to achieve the best outcomes including: an integrated approach by all parts of the justice system, prompt access to treatment and related services and a high level of judicial intervention.
- The Supreme Court is developing proposals to Government in relation to the model, assisted by a working group of key stakeholders, chaired by Justice John Burns.

Cleared by: Karen Greenland

Date: 15 January 2018

OVERSIGHT BRIEF

4. Liquor Reforms

- The Government is committed to developing a regulatory regime that supports Canberra businesses, helps develop this community's vibrant night life and does so while ensuring public safety.
- Following extensive policy development and stakeholder consultation relating to liquor issues in 2015 and 2016, in 2017 the ACT Government made amendments to the *Liquor Act 2010* to cut unnecessary red tape and reduce alcohol-related harm.
- On 8 January 2018 *The Canberra Times* reported that the Commissioner for Fair Trading is yet to impose any conditions on Canberra's bars or nightclubs eight months after introduction of the new powers through the *Liquor Act 2010*. The article also stated that the controlled purchase operation powers were yet to be used.
- These powers were intended to be available for use where a compliance issue is identified. As this has not been the case, the powers are yet to be drawn upon.
- The Liquor Advisory Board serves to bring together stakeholders to advise the Attorney-General about matters relating to the operation and effectiveness of the *Liquor Act 2010* and support harm minimisation and community safety principles. The Board's diversity will be enhanced with an additional member to represent the late night economy to be appointed in the first half of 2018.
- The safety measures introduced by the *Liquor Amendment Act 2017* have been enhanced by additional funding of \$4.866 million included in the 2017-18 Budget most of which will cover six additional police officers for night-time patrols.

Cleared by: Karen Greenland

Date: 2 March 2018

OVERSIGHT BRIEF

5. Community Club Grants

- The Government is implementing a range of measures to assist small and medium clubs, including to help them to diversify their income streams. These include, from 2017-18:
 - a. introducing a small and medium club gaming tax rebate to allow smaller clubs to keep 50 per cent of their gaming taxes on up to \$4 million of gross gaming machine revenue to re-invest into their organisation
 - b. the option to make quarterly (rather than monthly) gaming machine tax and Problem Gambling Assistance Fund (PGAF) payments
 - c. the availability of a \$10,000 community club grant for the purpose of diversification towards alternative income streams.
- In August the Legislative Assembly passed amendments to the *Gaming Machine Act 2004* which implemented the tax rebate and more flexible gaming tax payment arrangements. These changes apply in relation to gaming tax payable from 1 July 2017.
- Fourteen applications have been received by the Justice and Community Safety Directorate for the community club grant. The grant is available to help clubs diversify their business away from reliance on gaming machine revenue.
- Uses proposed for the grant have included: new, and refurbishments to, kitchens, function areas, and entertainment spaces such as dance floors; and consultancy fees for alternative land use applications.
- The Justice and Community Safety has entered into Deeds of Grants and provided funds to 14 clubs.

Updated by: Michael Gallagher

Cleared by: Karen Greenland

Date: 23 April 2018

OVERSIGHT BRIEF

6. Auditor-General report on Community Contributions

- *As noted in the report, the community contributions scheme has been the subject of community debate for some time, and a range of views have come forward during that debate. I welcome the Auditor-General's contribution to the dialogue.*
- *This report follows the PricewaterhouseCoopers report released by the ACT Gambling and Racing Commission in December 2017, which considered the community benefit of the community contributions scheme and found that overall, the scheme provided a gross return on investment of between \$1.6 and \$3.2 per \$1 in 2015-16, based on Social Return on Investment analysis.*
- *The Parliamentary Agreement includes a commitment to review the current community contribution scheme, with a view to maximising the direct benefit to the community from the scheme. Appendix 2.6c of the Parliamentary Agreement also includes a commitment to establish an independent charitable fund to distribute nominated community funds to charitable and community causes levied on venues operating electronic gaming machines in the ACT.*
- *The review of the existing community contributions scheme will commence later in 2018 and will include extensive engagement with the industry and the community on the current scheme and any proposed changes and improvements.*
- *As part of the review, the Government will consider relevant reports and models for these types of schemes which operate in other jurisdictions, to identify any opportunities to maximise the benefits to the community from the scheme. The review will also consider issues such as the appropriate distribution of community contributions for the purpose of gambling harm reduction and other community purposes, as well as the transparency of these arrangements.*
- *The Ironbridge Consulting Report Community Contributions from Electronic Gaming Machine Revenues – Analysis and Options was commissioned by the Justice and Community Safety Directorate to support and inform internal policy development in advance of the broader review work being undertaken.*
- *The Government's current priority is working with clubs to develop the pathway to achieve the reduction to 4,000 gaming machine authorisations by 2020, including the independent Club Industry Diversification Support Analysis that is underway.*

Cleared by: Alex Ingham

Date: 27 April 2018

OVERSIGHT BRIEF

7. Community Legal Centres (CLCs)

Tenant's Union evaluation:

- The Tenants Union receives \$445,000 annually from ACT Government trust money.
- As a result of changes to Commonwealth reporting requirements under the NPA, the Government has undertaken a re-evaluation of our legal assistance sector.
- The ACT Government's priority is to ensure that all service delivery funding is routinely evaluated and supported by appropriate performance indicators in order to maximise frontline service delivery.
- The TU has not had an evaluation of its funding arrangements in some time. The Government is working with the TU Board to both evaluate the current arrangement and formulate a framework for future funding arrangements.
- This work is being undertaken by an independent evaluator and will ensure that appropriate and fair outcome-based measures are in place moving forward.

CLC funding generally:

- This initiative will assist the ACT legal assistance sector to continue to provide core services to the most vulnerable members of the community.
- This funding is provided in the context of the National Partnership Agreement on Legal Assistance Services 2015-20 (NPA), under which the Territory is responsible for managing Commonwealth funding to the Legal Aid Commission and Community Legal Centres (CLCs) and for facilitating service planning for the ACT legal assistance sector.
- Under the NPA, the Commonwealth reduced core funding to ACT CLCs by 25 per cent from 1 July 2017.

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

8. Commonwealth Funding – DV/Women’s Safety

- I am pleased that the Commonwealth Government has invested in community legal services for family violence matters, including by funding the Women’s Legal Centre and Legal Aid ACT to establish dedicated domestic violence legal services in the ACT.
- I also welcome the Commonwealth’s Budget initiative to transform the family law system, which includes an additional \$39 million over three years under the National Partnership Agreement (NPA) on Legal Assistance Services for Community Legal Centres (CLCs) to deliver family law and family violence related services.
- Along with the ACT Government’s own initiatives for supporting the ACT legal assistance sector, this additional commonwealth funding responds to the Productivity Commission’s recommendation for governments to increase funding to legal assistance providers.

If asked about 2017 Commonwealth funding for domestic violence units

- On 16 October 2017, the Commonwealth announced \$3.4 million in funding to establish six new specialist domestic violence units.
- The ACT was not successful in securing funding for a second domestic violence unit in this round.

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

9. Moss Report

- Mr Moss' Review was provided to the Minister for Corrections on 7 November 2016 and released to the public on 10 November 2016. The report notes that Mr Freeman spent considerable time on remand in the Alexander Maconochie Centre (AMC) before he was sentenced.
- The Minister for Corrections Shane Rattenbury tabled the Government's response on 16 February 2017.
- The inquest into Mr Freeman's death began on 27 February 2017, undertaken by Coroner Robert Cook. The inquest has heard that Mr Freeman died from aspiration pneumonia due to methadone toxicity.
- The Coroner's Inquest has concluded, a decision is anticipated in April 2018.

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

10. ACTP Crime Statistics

- ACT Policing and other ACT Government agencies do excellent work on a daily basis to keep the Canberra community safe and our low crime rates are a testament to this.
- We know that Aboriginal and Torres Strait Islander people are over represented in the criminal justice system and we are committed to addressing this.
- We are investing in programs and partnering with community-based organisations to keep Aboriginal and Torres Strait Islander people out of the criminal justice system.
- The government is also committed to reducing recidivism by 25 per cent by 2025, under the Parliamentary Agreement.

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

11. Eastman Update

- The retrial of Mr Eastman demonstrates that the ACT judicial system is functioning independently and appropriately. The system has upheld a defendant's right to a fair trial.
- The Government has shown absolute commitment to due process in support of the Inquiry and subsequent legal processes.
- Mr Eastman's retrial had been scheduled to commence on 12 February 2018. However, this trial date has now been vacated.
- The Supreme Court will finish hearing the remaining pre-trial issues initially identified by the parties, as well as some other outstanding issues that had not previously been identified, by the end of the year.
- The retrial will commence on 29 May 2018 and is expected to run for approximately six months.

If asked - What funding has been provided in the 2017-18 budget?

- In 2017-18, the total funding for the Eastman matter is \$7.360 million, including funding for the courts and Legal Aid.
- In addition, funding of \$2.257 million is also provided to the Office of the Director of Public Prosecutions (DPP)..

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

12. New Courts Facilities

- The New ACT Court Facilities is being delivered by a 25-year Public Private Partnership (PPP) and the Territory issued a Major Default Notice to Juris Partnership on the 3rd of November.
- Juris Partnership says that construction of the new facility will be delayed due to structural complexities with the pre-cast ordering and installation, restricted working hours from noise and vibration delays in excavation, and complications in finalising engineering solutions for linking to the existing Magistrates Court due to Building Code of Australia requirements.
- Phase one (new wing and refurbishment of Magistrates Court building) is expected to be complete mid-2018 with Phase two (refurbishment of heritage building) due around the end of 2018.
- Construction and timing risk rests with Juris Partnership. The Territory has entered into an agreement with fixed price for the design, construction, maintenance and operations of the facility for 25 years.
- The end date of this agreement is static. Payment by the Territory does not commence until the building has been completed and accepted by the Territory.
- The Notice issued to Juris as a result of delays is largely a technical contractual issue.
- However, the benefit of issuing the notice is that Juris is required to submit a remedy program which then becomes a commitment against which failure to deliver has the potential to trigger a Default Termination Event.

If Asked: What effect will the delay have on Court listings?

- The Supreme Court has been aware of the potential delay for some months and will take it into account when listing matters in 2018. The Court will have access to the same number of courtrooms (both jury and non-jury) in early 2018 as has been available in 2017.
- The impact of committing one of the jury courtrooms to the Eastman retrial from April 2018 may mean some jury trials will be held in the Queanbeyan courthouse.
- Presently the Supreme Court has started listing for the new jury court rooms from July.
- The project is continuing to monitor the program and assessing if there will be any impact to listings.

OVERSIGHT BRIEF

If Asked: What sort of penalties are in place for the builder being late in delivery?

- The delays to completion do not result in a negative financial outcome for the Territory. The contract runs for a 25-year period with a fixed start and finish date. The Territory only pays for the facility once it has been completed and accepted.
- For each month that completion is delayed there will be an avoided cost for the Territory equivalent to the Monthly Service Payment amount. For example, if completion was delayed by three months then the contract would run for 24 years and nine months rather than the contracted 25 years.

Cleared by: [Melissa Tierney](#)

Date: 26 February 2018

ATTORNEY-GENERAL
QUESTION TIME and OVERSIGHT BRIEF INDEX
5-7 June 2018

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2.	Greyhound Funding and Transition to end Industry
3.	Gaming Machine Harm Reduction Measures
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8.	Judicial appointment process
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14.	Costing of Questions on Notice
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Oversight Brief (updated weekly)***Ongoing Issues***

1. Crimes (Consent) Amendment Bill
2. National Counter Terrorism
3. Drug and Alcohol Court
4. Liquor Reforms
5. Community Club Grants
6. Community Legal Centres (CLCs)
7. Commonwealth Funding – DV/Women’s Safety
8. Moss Review
9. ACTP Crime Statistics
10. Eastman Update
11. New Courts Facilities

Portfolio: Attorney-General**ISSUE: CASINO****Talking points:**Provision of Key Information by Aquis

- On 13 April 2018 the Head of Service Ms Kathy Leigh wrote to Aquis Entertainment Chairman, Mr Tony Fung, the current licensee of Casino Canberra. The correspondence advised Aquis Entertainment that the company had until 14 May 2018 to progress the unsolicited bid that was first announced in 2015.
- The letter outlined that the Territory had been waiting since mid-2017 for key financial information to confirm the viability and capacity of Aquis Entertainment to undertake the proposed redevelopment, and that if the requested information was not received by 14 May 2018, the Territory would have no option but to assume Aquis Entertainment no longer wished to proceed with the proposal.
- The Government subsequently announced on 14 May 2018 that Aquis has been granted an extension of time to provide the requested information. There will be ongoing dialogue between the parties during this time.

Casino Advisory Panels

- I introduced the Casino and Other Gaming Legislation Amendment Bill 2018 on 10 May 2018. This Bill provides for the establishment of a Casino Advisory Panel, when required, to make a recommendation to me on key decisions relating to the ownership or leasing of the casino, the grant or transfer of the casino licence, and the conversion of restricted authorisations to allow the operation of casino gaming machines or casino Fully Automated Table Game terminals.
- A Casino Advisory Panel will consist of people with significant experience in relevant areas such as governance, law, integrity and probity assessments, finance, risk, urban design and property development.

Cleared as complete and accurate: 22/05/2018
Cleared by: Executive Director Ext: 76244
Information Officer name: Tamsyn Harvey
Contact Officer name: Alex Ingham Ext: 70305
Lead Directorate: Justice and Community Safety

- The Panel will provide for an increased level of transparency and independence in relation to the regulation of casino gaming in the Territory.
- The independent Panel's advice will be in addition to the technical advice provided by the ACT Gambling and Racing Commission and the ACT Planning and Land Authority. The Panel's report will be tabled in the Legislative Assembly.
- The Government is ensuring the community benefits from any increased gambling products being introduced at the casino. Any future application to operate gaming machines at the casino would be contingent on a substantial investment in the precinct and associated community benefit.

Staging of Casino Legislation (not a 'piecemeal' approach)

- A framework of interlinked Acts and Regulations regulates gaming in the Territory. Each Act or Regulation has its place in addressing particular matters and at any given time, there are a range of issues under consideration in the policy development cycle, some of which will require legislative changes to implement.
- When introducing the Casino (Electronic Gaming) Bill 2017, the Government foreshadowed that more legislative and regulatory changes were underway.
- The *Casino (Electronic Gaming) Act 2017* allows the casino to start the process of buying gaming machine authorisations from other venues subject to certain requirements, and contribute to reducing the overall number of electronic gaming machine authorisations in the ACT.
- The Casino and Other Gaming Legislation Amendment Bill 2018 provides further details about the specific requirements for, matters to be addressed by, and information to be given by the casino in a Social Impact Assessment, as the *Casino (Electronic Gaming) Act 2017* has now commenced.

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Lead Directorate: Justice and Community Safety

- There are a number of administrative, operational and technical matters that will be addressed through future provisions. These include taxation provisions; specific rules and control procedures for operating gaming machines; approval processes; and certification and technical standards for gaming machines and FATG terminals, the centralised monitoring system and the pre-commitment system.
- The suite of harm minimisation measures applicable to casino electronic gaming will be informed by the Social Impact Assessment process and the community feedback received as part of that process.
- Some provisions are not required until the casino has successfully completed a redevelopment stage and is seeking to bring casino gaming machines and FATG terminals into operation.
- Casino gambling is a highly regulated activity for harm minimisation, consumer protection and industry integrity reasons and I make no apology for an approach that has the right legislation in place at the right time.

Reduction to 4,000 Authorisations

- Under amendments introduced by the *Casino (Electronic Gaming) Act 2017*, any authorisations held by the casino are counted within the overall maximum number of authorisations in the Territory.
- Before acquiring any authorisations, the casino must undertake a Social Impact Assessment involving community consultation, and be issued with the appropriate authorisation certificates by the Gambling and Racing Commission.
- Once these regulatory processes are completed, the casino could acquire up to 390 authorisations from existing gaming machine licensees, for a total of up to 200 casino gaming machines and 60 fully automated table game terminals (after 1-in-3 of the authorisations is forfeited to the Territory).
- Under the legislation, 50 per cent of the authorisations must be acquired from small or medium clubs/club groups, or hotels.

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- The Government will reduce the maximum number of authorisations in the Territory to 4,000 by May 2020. Depending on the the timing of the acquisitions, forfeiture associated with the casino acquiring authorisations may or may not contribute to the reduction to 4,000 authorisations.
- The Government commissioned an independent expert, Mr Neville Stevens AO, to undertake the Club Industry Diversification Support Analysis during April and May 2018. The Government is now considering Mr Stevens' report, which will inform decisions about the pathway to reach 4,000 authorisations. [NOTE: THE REPORT HAS NOT YET BEEN RECEIVED BUT WILL BE COMPLETED BY JUNE SITTINGS]

Key Information

- In August 2015 Aquis Entertainment submitted a Stage 1 proposal to Government for the redevelopment of Canberra Casino and the surrounding precinct.
- In June 2017 Aquis was advised that the Government had given in-principle support for the proposal to progress to Stage 3 of the Investment Proposal Guidelines process, subject to the provision of certain information including financial information.
- The *Casino (Electronic Gaming) Act 2017* was passed on 2 November 2017 and commenced on its default commencement date of 13 May 2018. Under the Act, casino gaming machines are restricted to a maximum bet limit of \$2 and are subject to mandatory pre-commitment. All casino gaming machines and FATG terminals must be connected to a central monitoring system. The Act provides that a Social Impact Assessment is required as part of an application for an authorisation certificate for casino gaming machines or casino FATG terminals.
- The Casino and Other Gaming Legislation Bill 2018 was introduced on 10 May 2018. In addition to providing for Casino Advisory Panels, the Bill also:
 - provides for the introduction, through the making of a regulation, of the requirements and information that must be provided in a social impact assessment (SIA) for the casino. The casino SIA must include details of the proposed redevelopment of the casino and its precinct.
 - provides that gaming machines operated within 200 metres of the boundary of the casino by a gaming machine licensee that is related to the casino licensee will be subject to the same harm minimisation measures as casino gaming machines – including \$2 maximum bet limits, mandatory pre-

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commitment and the requirement to be connected to a central monitoring system.

- amends the *Gaming Machine (Reform) Amendment Act 2015* to delay the commencement of Phase 2 of the gaming machine trading scheme until 31 August 2019 to allow time for a revised approach to be finalised to achieve the Parliamentary Agreement commitment to reducing the number of gaming authorisations to 4,000 by 2020.

Background Information

- Following the correspondence from the Head of Service of 13 June 2017, Government officials communicated with Aquis Entertainment in the form of a meeting between Deputy Director-General Enterprise Canberra Kareena Arthy and Aquis Entertainment Chief Executive Officer Jessica Mellor on 17 July 2017, and further letters from the Head of Service to Aquis Entertainment Chairman Tony Fung on 30 June 2017 and 16 January 2018.
- On 16 April 2018 Aquis provided the following statement to the ASX: 'Aquis lodged the detailed business case for the project in June 2016 and did not receive advice from the Government for some 17 months.' 17 months is the period from June 2016 to November 2017 (when the Casino (Electronic Gaming) Act 2017 was passed). However, there had been ongoing communication with Aquis during this time as outlined above, and the legislation itself was tabled in the Assembly on 24 August 2017.

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Lead Directorate:	Justice and Community Safety	

Portfolio/s Regulatory Services
Transport & City Services

ISSUE: GREYHOUND RACING**Talking points:****Racing ban**

- As of 30 April, the ACT has become the first jurisdiction in Australia to prohibit the racing and trialling of greyhounds.
- This follows our earlier decision to cease providing funding to the industry, and the passage of legislation in the Assembly in November 2017.
- The ACT Government has taken these steps in response to the documented and acknowledged animal welfare failures in the greyhound racing industry in NSW.
- NSW owners and trainers represented a significant majority of participants in greyhound racing in the ACT. As the Durkin Report showed, it's impossible to divorce the NSW industry from racing in the ACT. We wanted to do what we could to prevent these kinds of abuses from coming across the border to ACT.

Breeding, training and registration

- While the ban on racing has commenced, it is still lawful for ACT residents to breed, train and own racing greyhounds here, subject to a range of measures designed to better protect ACT greyhounds who will continue to race interstate.
- More regular racing registration renewals, new licencing requirements on owners, trainers and breeders and a mandatory Code of Practice for people who have day-to-day control of greyhounds registered for racing, are now in place to improve our oversight of these practices in the ACT.

Cleared as complete and accurate: 29/05/2018
Cleared by: Director X 50468
Contact Officer Name: Belinda Barnard X 77525
Stephen Alegria X 79833
Andrew Nowlan X 52534

Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref:

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- The new legal framework for monitoring is designed to give us a better line of sight on the entire lifetime of greyhounds here in the ACT. For example, registering new litters within seven days now means that every young greyhound is to be accounted for, whether or not it is later registered as a racing dog.

Code of practice

- The new mandatory *Code of Practice for the Keeping and Breeding of Racing Greyhounds* commenced on 30 April.
- Over a dozen stakeholders (including the Animal Welfare Advisory Committee, the RSPCA, the Canberra Greyhound Racing Club, the Australian Veterinary Association, greyhound welfare organisations and interstate racing authorities) provided feedback during consultation on the Code.
- All feedback was carefully considered in the Code's development. The ACT Government will continue to monitor the implementation of the Code, and the development of similar codes in other jurisdictions. Ongoing conversations with the industry will be part of this monitoring process.
- An ongoing review of greyhound breeding and training practices over the next two years will also help the Government assess whether any further intervention is warranted. This includes a review of the Code of Practice after twelve months of operation.

Fees for racing greyhounds in the ACT

- The ACT Government has been clear that ACT residents will be able to continue to own, breed and train greyhounds for racing elsewhere only on the basis that it is at no cost to the broader ACT community.
- The new fees that have been determined for registering a racing greyhound and obtaining a racing greyhound controller licence reflect this decision. They account for the cost of monitoring the welfare of greyhounds who are involved in racing, including tracking of greyhounds, regular inspections of premises and any necessary compliance activity.
- The ACT registration and licensing fees for racing greyhounds are distinct from the licencing required by greyhound racing controlling bodies. People who wish to race their ACT based dogs outside the Territory will still need

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to comply with the requirements of the relevant controlling body (such as Greyhound Racing NSW).

- Anyone with questions about registration, licensing and compliance and the Code of Practice, can contact Domestic Animal Services via Access Canberra on 13 22 81 to discuss their individual circumstances.

Collaborative approach to compliance

- The Transport Canberra and City Services (TCCS) Directorate, in collaboration with Access Canberra, is responsible for ensuring that any illegal conduct at the premises of the Canberra Greyhound Racing Club in Symonston is detected, investigated and appropriate action taken.
- Now that the ban has commenced, TCCS and Access Canberra are implementing a comprehensive approach to engage, educate and enforce the legislation and ensure that illegal activity does not take place.
- A range of written information has been provided to industry participants, including key contacts for people who wish to seek further information on the detail of the ban and its implementation. Information on the racing ban and the ACT's new regulatory framework for racing greyhounds is also available at www.act.gov.au/greyhound.
- An information session was held at Canberra Greyhound Racing Club on 2 May 2018 with representatives from TCCS and Access Canberra present to explain the new legislation and answer questions about how participants are expected to conduct themselves as they pursue the legally permissible aspects of owning, breeding and training greyhounds.
- At the information session, participants were strongly encouraged to make contact with regulatory officers within TCCS to enable a case-specific approach to be taken and ensure that all industry participants are aware of and compliant with the requirements.
- This approach is already proving successful, with a number of participants making contact with TCCS in the days following this information session.

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Participant and animal welfare

- This government's priority is the welfare of greyhounds, which are put at unacceptable risk through racing and the people who will be affected by the end of racing in the ACT.
- That's why the Government established the Greyhound Industry Transition Taskforce and why the Taskforce has engaged Woden Community Service which is so experienced in providing support to members of our community at a difficult times in their lives.
- The Government strongly encourages anyone affected by the end of greyhound racing in the ACT to contact either the Transition Taskforce or Woden Community Service to access this support.
- Free counselling is also available to anyone impacted by the end of greyhound racing in the ACT, whether or not they are pursuing a transition support package.
- This can be accessed by contacting Woden Community Service, who have been engaged to provide dedicated support, case management, information and counselling services for those affected by greyhound industry transition and those wishing to consider support package options.
- As part of the suite of services available to assist in transition support, Woden Community Service is able to assist in the application and documentation process for those seeking support to re-home greyhounds.
- To be eligible for transition support, an ex-racing greyhound must have been owned by an ACT resident, and have been surrendered on or after 23 June 2017 (which was the date on which the Government confirmed its intention to end the industry in the ACT).
- These parameters are designed to ensure that support funded by ACT taxpayers is directed to the greyhounds and people within this jurisdiction who have been directly affected by the end of greyhound racing in the Territory.
- While it is essential that assistance provided by the ACT Government is directed to those people and greyhounds resident in the ACT, the

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Greyhound Industry Transition Taskforce will consider exceptional circumstances where it can be demonstrated that the ACT ban has significantly impacted the racing capacity of a greyhound in the Canberra region. This would include a significant proportion of their races having occurred in Canberra. Any such circumstances can be discussed with Woden Community Service as the case managers for greyhound industry transition.

- Anybody seeking assistance should contact [Sch 2 s 2.2 \(a\)\(ii\)](#) from the Greyhound Industry Transition Program, on (02) 6181 2895 or via email at [Sch 2 s 2.2 \(a\)\(ii\)](#)
- While some industry lobbyists have publicly stated that they do not intend to engage with the transition process, we strongly encourage individual members of the industry to consider their own futures and engage with the Taskforce while the opportunity is available.
- Conversations with the Taskforce or with Woden Community Service are confidential.

The role of Woden Community Service

- Mr Redmond, the CEO of Woden Community Service (WCS), is not a member of the ACT Government's Greyhound Industry Transition Taskforce. The Taskforce is made up of senior executives from across ACT Government.
- WCS has provided support to members of the ACT community for 49 years.
- Given the range of services that WCS is able to offer (including counselling, personal support and linkage with a wide range of Canberra's community services) together with their long and respected history in supporting the people of Canberra, the Taskforce engaged their services to assist those Canberra residents who are affected by the end of greyhound racing in the Territory.
- Among the range of programs they offer the people of the ACT, they have experience in assisting people in times of change and personal distress – as shown by their work with people affected by the presence of Mr Fluffy

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asbestos in their homes, and those affected by the Canberra bushfires in 2003.

- WCS worked with the ACT Asbestos Taskforce in its early stages, offering to host members of the personal support team and to offer support to homeowners and residents of affected houses. This included holding a support group for affected residents, particularly older people who had lived in their houses for decades.
- Their volunteer coordinator also engaged a number of volunteers who worked closely with people seeking assistance with transport, packing boxes and liberating plants for their moves to new homes.
- Woden Community Service's CEO, Chris Redmond, has been an active member of the Asbestos Taskforce Community and Expert Reference Group since its inception in 2015, attending many community meetings following the announcement of the buy-back scheme and working with home owners affected by the scheme over the last three years
- In 2016, WCS also worked with nine individuals who lost their homes to produce a digital story telling project called, "Surrender" which helped these participants deal with their loss and find some closure and healing through sharing their personal stories.
- WCS also worked with the Bushfire Recovery Taskforce in the days immediately following the January 2003 bushfires and worked intensively with people living in the three forestry settlements of Pierces Creek, Uriarra and Stromlo for a number of years following the fires. This work extended to providing personal support to residents and their families displaced by the bushfires, many of them Housing ACT residents, as they resettled in other parts of the ACT or moved interstate.
- WCS also worked with the communities as they were redeveloped as public/private developments, having previously been Housing ACT settlements.
- WCS was a member of the Bushfire Recovery Community and Expert Reference Group. WCS hosted the ACT Government funded counsellor who operated out of the community centre for a number of years.

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- WCS continued to host monthly “forestry settlement gatherings” for 10 years at Lanyon Homestead which assisted residents to maintain contact with one another and assist their recovery. WCS also worked with those communities. For years WCS volunteered at the Tharwa Fair, a senior outside school hours care coordinator ran a weekly program at the Tharwa primary school for children whose families were affected by the bushfires, and WCS delivered Home and Community Care services to people in these regions during the recovery period.

Advertising relating to the ban

- Noting the regional interest and previous travel to the ACT region by NSW greyhound industry for racing, regional advertising took place to inform of the racing ban and changed requirements as at 30 April 2018
- This was to ensure that the regional industry and community had awareness of the changes and any associated compliance activities
- This advertising was predominantly print-based with the advertisements informing of the racing ban, of transition support for those in the ACT industry and directing interested parties to www.act.gov.au/greyhound where they could find additional information.
- It complemented information provided through other channels, including direct engagement with those impacted by the changes in the local industry.
- This advertising came in at about \$30,000 and included approximately 26 publications and three radio stations. As the advertising was under \$40,000 it did not require review by the Government Campaign Independent Reviewer.
- The advertising was a one-off and intensive campaign.

Legal proceedings

- The Canberra Greyhound Racing Club has proceedings before the Supreme Court and the Federal Court to challenge various matters to do with the end of greyhound racing in the ACT. As these matters are still before the Court, it is inappropriate to make any further comment.

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Key Information

- Those exiting the industry have until 30 June 2018 to apply for transition support, and the Government has extended the roll-out of the available funding for an extra three months to 30 September 2018.
- To assist with the transition to end the greyhound racing industry in the ACT, an independent consultant, Ms Mary Durkin, was engaged to provide an analysis of options to support the transition. The Government agreed with Ms Durkin's recommendations.
- According to the Durkin Report, 94% of the greyhounds that raced in the ACT in 2016 were based in NSW.
- The Durkin Report also indicated that at the time there were approximately 70 Canberra residents who were active participants (i.e. owners, breeders and trainers) in greyhound racing in the ACT. Approximately 52 racing greyhounds were both owned by ACT residents and based here.
- Significant penalties now apply for the conduct of racing and trialling, those penalties being a maximum monetary penalty of \$15,000 and/or maximum 1 year imprisonment.
- Further, the penalties for anyone involved with arranging, conducting or knowingly participating in illegal betting activities are significant and, similar to the penalties for racing and trialling, involve significant financial penalties and/or a period of imprisonment.
- The new fees include a 12 month registration fee for a racing greyhound set at \$612; and an annual application fee for a greyhound racing controller licence at \$640.
- Racing greyhound owners no longer need to obtain a specific permit to keep their dogs sexually entire, as this is provided for as part of the annually renewable racing greyhound registration.
- Some additional fees may apply, consistent with the provisions of the Domestic Animals Act that apply to all dogs, for example a licence is required to breed a litter from any dog (\$397.80 for two years), and a multiple dog license is required for keeping of 4 or more dogs (\$117.30 initially and \$32.70 to renew annually).
- Given the length of time involved in the transition to implement the ban on greyhound racing, trialling and betting, the ACT Government is proposing a strong regulatory response to any individual or association that is found to be knowingly engaging in conduct that constitutes an offence in this regard.
- In order to maximise inspection activity and ensure that all relevant agencies are represented, a joint agency initiative incorporating Access Canberra and the Transport

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Canberra and City Services Directorate has been established to provide for an appropriate coverage of inspection activity and ensure that any response to unlawful conduct is timely and dealt with by the appropriate agency.

- The specific provisions in the mandatory Code of Practice and the fee regime have been finalised and made public recently. The final version of the Code and fee instruments were notified on 30 April 2018. These are matters of great relevance and impact on industry participants and consistent with the Government's concern for people affected by the legislative changes, the focus of compliance activities in this regard will be on engaging and educating in the first instance. Nonetheless, in accordance with established regulatory approaches, wilful or recidivist non-compliance will be dealt with in a rigorous manner.

Background Information – may not be suitable for public disclosure

- Parliamentary Agreement Commitment 13.1 is to end Government funding for greyhound racing at the expiry of the current Memorandum of Understanding and take active steps to transition to end the operation of greyhound racing in the ACT.
- The 2016-17 Budget Review stated that:

“The Government will cease grant funding for the greyhound industry in the ACT, effective from the expiry of the current Memorandum of Understanding on 30 June 2017. The grant funding of \$1.033 million in 2017-18 will be redirected to a transition program to assist workers to re-skill, as well as rehome and care for the greyhounds”.
- The ban on racing has seen significant media interest and this is likely to continue. Inspection activity may also reach the spotlight dependent on the frequency of any news agencies attending the venue.
- The ACT is the only Australian jurisdiction to have implemented a ban on greyhound racing, which may lead to nation-wide interest.

Durkin Report

- To date, 16 of the 18 recommendations in the Durkin Report have been completed. They largely relate to the introduction of legislation to end greyhound racing, the scope of transition support to be made available and finalising the regulatory framework. Two recommendations, relating to the provision of transition support will be finalised by 30 September 2018.

NSW position on greyhound racing

- Greyhound racing will continue in NSW. The NSW Government will spend \$41 million over the next five years to implement the recommendations of its Greyhound Industry Reform Panel. Of this, \$11 million is allocated towards the establishment of the integrity commission with the remainder to improve animal welfare standards.

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- The NSW reforms are being phased in over 18 months, with the Greyhound Welfare Integrity Commission expected to commence operation later in 2018. A statutory review of the new legislation will take place after three years.
- This followed an earlier inquiry by the Honourable Michael McHugh AC QC into the greyhound industry in NSW which exposed wide-spread live baiting practices and animal cruelty. A subsequent ban of greyhound racing announced by the NSW Government, which was to take effect from 1 July 2017, was reversed on 11 October 2016.

Canberra Greyhound Racing Club's (CGRC) position

- The CGRC has two legal challenges against the ACT Government on foot.
- On 23 February 2018, the ACT Supreme Court handed down its decision in a matter brought by the Canberra Greyhound Racing Club (CGRC) against the ACT Planning and Land Authority (ACTPLA) regarding the lease over the greyhound track at Symonston. The Court found that ACTPLA should have made a decision in regard to CGRC's application for a renewal of its current lease (due to expire in 2027) and that it was unreasonable to delay making a decision because of the possibility of legislative change that would ban greyhound racing. However, the Court found that ACTPLA should not now be ordered to make a decision regarding the leave because legislation has now been passed that will ban racing from 30 April 2018. The Court found that to require ACTPLA to act with regard to the lease renewal would be futile given the impending ban on the industry, and that their existing lease, which expires in 2027, provided CGRC all the certainty and protection that it needed to conduct its affairs until the ban commences.
- The CGRC has filed an appeal in this matter, but a hearing date for the appeal has not yet been set. The CGRC were also successful in obtaining an award of costs against the ACT in this matter until 29 November 2018 (the date on which the laws banning greyhound racing were passed in the Assembly). From that date, each party is to bear their own costs.
- On 2 November 2017, the CGRC also filed an application in the Federal Court seeking damages in relation to an alleged breach of the CGRC lease; a declaration that laws relating to ACTTAB and the control of race field information are invalid; a declaration that the instruments made under those laws are also or alternatively invalid; and a declaration that the *Domestic Animals (Racing Greyhounds) Amendment Act 2017* is invalid. A date for hearing has not yet been set.

Recent media

- The CGRC have made public statements about the timeframe provided for comment on the draft mandatory code of practice. TCCS received written feedback on the draft code from the CGRC, the Animal Welfare Advisory Committee, RSPCA Australia, RSPCA ACT, ACT Greyhound Support Network, Canberra Region Greyhound Connections, Australian Veterinary Association, the ACT Veterinary Surgeons Board, Greyhound Racing NSW and the NSW Greyhound Welfare and Integrity Commission.
- Following a media release from the CGRC, the *Canberra Times* reported on 25 April 2018 that Chris Redmond, CEO of Woden Community Service, had mistakenly sent an email intended for a colleague to an industry participant who had approached the service to discuss support for rehoming greyhounds. The report stated that the industry participant was offended and upset

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by the tone of the email and the CGRC media release mistakenly identified Mr Redmond as a Taskforce official. Mr Redmond has publicly apologised for the incident.

- On 1 May 2018, the Australian Workers Union released a media release that was used as the basis for a news item by the Canberra Times on 2 May 2018, claiming incorrectly that aspects of training such as use of lures and starting boxes were unlawful. These claims were addressed in the TCCS/AC information session with industry participants on 1 May 2018. Further clarification will be provided to industry participants in the week beginning 7 May 2018 to ensure all participants are aware of what is required.

Re-homing support for ex-racing greyhounds

- In October 2017, the Taskforce met separately with the three main organisations who work to re-home greyhounds in the ACT – Canberra Region Greyhound Connections (CRGC), the ACT Greyhound Support Network (ACTGSN) and the RSPCA (ACT). These were general discussions about the about options for providing support to greyhounds being rehomed in the event that there was an influx of dogs surrendered due to the incoming ban on greyhound racing in the ACT.
- Establishment of the re-homing support application process was assisted by information about re-homing arrangements and the needs of ex-racing greyhounds, provided in these face to face meetings and in addition information provided by ACTGSN via email.
- The numbers of greyhounds owned by ACT residents that have been surrendered to date appears low, and there is no evidence of an influx of surrenders associated with the ban on racing.
- In May, Woden Community Service have worked on making direct contact with organisations involved re-homing greyhounds in the ACT to advise of the availability of transition support and their capacity to support people making applications. This has included writing directly to organisations and attending a greyhound socialisation event.

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Portfolio: Attorney-General**ISSUE: GAMING MACHINE HARM REDUCTION MEASURES****Talking points:**

- The Government is continually looking for ways to reduce the harm that gaming machine use causes some Canberrans. The Government is exploring a broad range of options and working to ensure that the Territory's gaming regulations continue to offer meaningful and effective harm minimisation.
- In 2017, the Government implemented a number of additional harm minimisation measures, including the introduction of legislation that restricts EFTPOS cash withdrawals in clubs to \$200 per transaction, with all stages of the transaction requiring human interaction with a trained staff member.
- During the second half of 2017, I engaged directly with a wide range of stakeholders in a series of roundtables to explore how harm reduction measures may be effectively developed in the Territory. Stakeholders spoken with included representatives of clubs, workers in clubs, and individuals with lived experience of gambling harm, community organisations, academic experts and regulators.
- The group discussed how to develop a better evidence base to minimise the potential of gambling harm, as well as a broad range of options that could be explored to improve harm minimisation, including the sharing of best practice between venues, improved staff training and self-exclusion procedures.
- Building on what I have learnt through this engagement, I will continue to explore a broad range of options and work to ensure that the Territory's gaming regulations continue to offer meaningful and effective harm minimisation.

Reduction of gaming machines in the ACT to 4,000 by 1 July 2020

- The Parliamentary Agreement includes a commitment to reduce the number of gaming machine authorisations in the ACT to 4,000 by 1 July 2020.

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- Based on current numbers, it is expected that approximately 984 authorisations will be subject to compulsory surrender.
- Canberrans were encouraged to have their say on the ACT Government's YourSay website on options to achieve this maximum limit.
- The Government has held a number of meetings with club representatives on the most appropriate model and timeframes to achieve this reduction, and is currently considering the pathway to reach 4,000 authorisations.
- The ACT Government has engaged Mr Neville Stevens AO, as an independent expert, to analyse potential options to support club industry diversification. Mr Stevens' engagement was announced 3 April 2018.
- His analysis will inform Government decision-making about supporting clubs to diversify their revenue streams as the number of gaming machine authorisations in the ACT reduces to 4,000 by 2020.
- Mr Stevens is engaging with the club industry and will report to Government by 31 May 2018 on options to incentivise clubs to surrender authorisations and support clubs in reducing their reliance on gaming machine revenue, while improving the services, facilities and benefits clubs provide to the community.

Community contributions

- The Parliamentary Agreement includes a commitment to review the current community contribution scheme, with a view to maximising the direct benefit to the community from the scheme. Appendix 2.6c of the Parliamentary Agreement also includes a commitment to establish an independent charitable fund to distribute nominated community funds to charitable and community causes levied on venues operating electronic gaming machines in the ACT.
- The review of the existing community contributions scheme will commence in 2018, and will include engagement with the industry and the community on the current scheme and any proposed changes and improvements.

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- As part of the review, the Government will consider relevant reports and models for these types of schemes which operate in other jurisdictions, to identify any opportunities to maximise the benefits to the community from the scheme. The review will also consider issues such as the appropriate distribution of community contributions for the purpose of gambling harm reduction and other community purposes, as well as the transparency of these arrangements.

Investigation by the Gambling and Racing Commission into Patron Complaint

- The allegation is that the Raiders Belconnen Club failed to comply with the *Gambling and Racing Control (Code of Practice) Regulation 2002*, which is itself a breach of the *Gaming Machine Act 2004*.
- The Gambling and Racing Commission has taken disciplinary action against the Club, finding that the club did not record signs that a patron had a gambling problem, as required under the Code of Practice.
- The Club lodged an appeal against the decision to the ACT Civil and Administrative Tribunal that was referred for a mediation hearing. I have been advised that a resolution was not able to be reached and that the matter has been referred back to the Tribunal to be heard in June. As this matter is still ongoing, it would be improper to talk about the matter in detail at this time.
- The Government will continue to work with gaming machine licensees and the club sector to develop a range of strategies and measures to reduce harm caused by the playing of gaming machines. The Government's examination of gaming machine harm reduction measures will also consider the issues raised by the recent complaint.

Please Note: Access Canberra has provided a separate QTB on the status of this matter.

Mandatory Pre-commitment and Bet Limits

- The Government has committed to exploring harm reduction measures, including mandatory pre-commitment systems and bet limits for gaming machines. These policy options are being explored alongside a number of other harm reduction strategies as part of a program of continuous improvement to the territory's gaming regulations.

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- The Government will continue to work to ensure we have a robust suite of harm reduction measures in place.
- Mandatory pre-commitment and betting limits for gaming machines would require changes to the software on each machine, or in some instances a substantial upgrade or new machine. Additionally, the creation of a Central Monitoring System (a database for all gaming machine usage in the ACT) would be required to register these pre-commitments so that it can be maintained across all licensees in the Territory.
- Extensive community and industry consultation will be undertaken on any proposed reforms.

Casino Electronic Gaming

- The *Casino (Electronic Gaming) Act 2017* was passed by the Assembly on 2 November 2017, and ensures the Territory has the most robust harm minimisation measures in the country, with respect to electronic gaming machines in the casino. The Act requires that any gaming machines the casino operates must be able to connect to an approved mandatory pre-commitment system.
- The Act also includes a maximum bet limit of \$2 a spin, or lower amount set by regulation. Community and expert input was taken into account in setting this limit.
- To maintain the intent of the harm minimisation measures in the Casino (Electronic Gaming) Act, on 10 May 2018 I introduced the Casino and Other Gaming Legislation Amendment Bill 2018 that provides that any gaming machines operated within 200 metres of the boundary of the casino, by a gaming machine licensee that is related to the casino licensee, will be subject to the same harm minimisation measures as casino gaming machines.

Problem Gambling Assistance Levy

- The Government has already delivered on its commitment to increase the Problem Gambling Assistance Levy from 0.6 per cent to 0.75 per cent of gross gaming revenue, which will provide an additional \$300,000 per year to help reduce harm from gambling. This commenced in July 2017.

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- Examples of the sorts of programs funded through the Problem Gambling Assistance Levy include:
 - The ACT Gambling Counselling and Support Service
 - Development of and training for a self-exclusion register in the ACT
 - A longitudinal study of those who have received treatment for gambling harm
 - Online problem gambling counselling and support.

Key Information

Gambling Harm key statistics (as at 2014)

- The level of problem gambling in the ACT community, as measured by the widely used Problem Gambling Severity Index (PGSI), is 0.4 per cent (0.5 per cent in 2009) of the population (approximately 1,110 adults).
- This compares to 0.8 per cent in New South Wales, 0.5 per cent in Queensland, 0.6 per cent in South Australia and 1.0 per cent in Victoria.
- A further 1.1 per cent (3053 adults) in the ACT were found to be at moderate risk of gambling harm, 3.9 per cent (10,825 adults) low risk and 48.7 per cent (135,171 adults) displayed no signs of gambling harm, a further 124,901 adults were non-gamblers.
- 10 per cent (7.9 per cent in 2009) of gamblers had at least one symptom of gambling harm, with 2.9 per cent (2.9 per cent in 2009) being classified at moderate or high risk of gambling harm.
- 10 per cent (7.9 per cent in 2009) of gamblers had at least one symptom of problem gambling, with 2.9 per cent (2.9 per cent in 2009) being classified as moderate risk or problem gamblers.
- In 2014, 19.9 per cent of the ACT adult population gambled on gaming machines, down from 30.2 per cent in 2009.

Background Information

Parliamentary Agreement

Parliamentary Agreement Commitment 9 is to reduce harm from gaming in the ACT by the following measures:

9.1 Reduce the number of electronic gaming licenses in the ACT to 4000 by 1 July 2020

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- 9.2 Explore further harm reduction measure, including mandatory pre-commitment systems and bet limits for electronic gaming machines
- 9.3 Increase the Problem Gambling Assistance Fund levy from 0.6 per cent of gross gaming machine revenue to 0.75 per cent, and direct additional funds into addressing problem gambling
- 9.4 Review the current community contribution scheme, with a view to maximising the direct benefit to the community from the scheme.

Consultation on reducing gaming machine authorisations

On 29 June 2017, the Executive Director of Legislation, Policy and Programs, from the Justice and Community Safety Directorates (JACS), emailed club licensees about the Government's commitment to reducing the number of gaming machine authorisations in the ACT to 4,000 by 1 July 2020. Input was invited on views about the appropriate model and timeframes to achieve the target of 4,000 gaming machine authorisations. This was requested by 19 July 2017. The directorate received eight written submissions and met with several clubs; ACT Rugby Union Club, the Burns Club, Raiders Group, Eastlake Football Club and Ainslie Football Club, as well as Canberra Community Clubs.

Community feedback on the options paper *Implementing the Government Commitment to Reduce Gaming Machine Authorisations* opened on 17 August 2017 and closed on 18 September 2017. JACS received six written submissions from clubs and one from the Canberra Gambling Reform Alliance.

Your Office and JACS staff met with representatives of the club industry in December 2017 and January 2018 to discuss potential options for an incentive package for clubs. Meetings were held with Canberra Community Clubs (CCC), ClubsACT, Canberra Southern Cross Club Group, Magpies Sports Club Group and the Belconnen Labor Club Group.

Club Industry Diversification Support Analysis

The Government has agreed to Terms of Reference for the analysis to be undertaken by Mr Neville Stevens AO as an independent expert to provide a Club Industry Diversification Support Analysis by 31 May 2018.

The expert analysis will bring together the range of views expressed by clubs and provide independent recommendations to Government about supporting clubs in reducing their reliance on gaming machine revenue while strengthening and expanding the services and facilities they offer to the community.

There may be an expectation from clubs that the Government will compensate for the surrender of gaming machines. The intention of this analysis is to take a holistic look at the implications of a reduction of gaming machine authorisations on licensed clubs, recognising that some clubs are much more financially viable than others.

Mr Stevens has so far met with Canberra Community Clubs, ClubsACT, United Voice and 20 club or club groups.

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Community Contributions

Clubs make a significant contribution to the community through the community contributions scheme. The scheme provides that eight per cent of net gaming machine revenue generated from gaming machines is returned to the community for a range of stated purposes. In 2016-17 community contributions from clubs amounted to 12.6 per cent of net gaming machine revenue, or \$11.93 million. This compares to last year's level of contributions of \$11,652,179, being 12.4 per cent of net gaming machine revenue.

Contributions are made to support community sports and recreational programs, reduce with the effects of gambling harm, develop community infrastructure and support not-for-profit groups and charities.

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Portfolio: Attorney-General**ISSUE: BAIL LAWS****Talking points:**

- The Government is committed to ensuring that the Territory's bail laws operate effectively and appropriately within the criminal justice framework.
- Bail is a long established practice in the criminal law which allows, in appropriate cases, accused people to remain in the community until their charges can be determined by a court of law.
- The purposes of the *Bail Act 1992* (Bail Act), include-ensuring that accused persons turn up for trial and managing the risks that might arise while an accused person is on bail.
- The Bail Act operates to both protect the community and uphold the administration of justice, recognising the operation of the presumption of innocence and an accused person's human rights under the *Human Rights Act 2004*. It takes account of a variety of competing rights, interests and expectations.
- The Bail Act requires decision makers to consider the likelihood of the person appearing in court in relation to the offence, the likelihood of the person committing further offences while on bail, harassing or endangering the safety or welfare of members of the public, interfering with evidence and witnesses or otherwise obstructing the course of justice, and the interests of the person.
- All bail decisions in the Territory must be made by a police officer, magistrate or judge. There are restrictions on the powers of police officers to grant bail in certain circumstances (for example, section 9F of the Bail Act prescribes limitations on police officers granting bail for persons accused of family violence offences).
- Remanding people in custody should be used as a last resort in carefully confined circumstances, with a focus on reasonable and proportionate risk management.

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- It is untenable from a practical point of view, and undesirable from a principled viewpoint, to simply remand more and more people. There is always a risk that an alleged offender will reoffend, but this risk is taken into consideration under our bail laws, including through presumptions against bail for certain offences and conditions of bail which can be imposed, and the role of ACT Policing in ensuring that offenders comply with their bail conditions.
- The presumption against bail for family violence and serious criminal offences reflects that the protection and welfare of the community is to be one of the paramount considerations in relation to a bail decision.

Key Information

Release on bail for certain offences

- The Bail Act provides for a presumption of bail, unless a person is accused of committing a serious offence (such as manslaughter, sexual assault, threatening to kill, stalking). There is also a presumption against any grant of bail by ACT Policing (ACTP) for family violence offences.
- Courts are required to consider a range of factors, including the likelihood that an accused person will harass or endanger the safety or welfare of anyone, in making a decision about bail.
- This Government has worked to ensure that the specific needs of people experiencing family violence are effectively addressed by our bail laws, and it is committed to ensuring our laws remain up to date and effective to maintain community safety.
- Remanding people in custody should be used as a last resort in carefully confined circumstances, with a focus on reasonable and proportionate risk management.

Offences committed while on bail

- Short of remanding every alleged offender in custody, there is always a risk that an alleged offender will reoffend.
- While there is no statistical evidence available about the number of instances where a person offends on bail, the Government is satisfied on the basis of available information that the mechanisms currently in place to determine the issue of bail and management of people on bail are satisfactory.

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- The resources required to manually gather and collate information on the number of instances where offences are committed while on bail are prohibitive. The estimate for gathering this information for a three year period is approximately 6,800 hours.
- There will be increased capacity to draw out data about issues relating to bail once the Integrated Court Management System is implemented for the criminal jurisdiction later this year. Care will need to be taken to understand this data in the context of the circumstances of individual cases, and how this information compares with the experience in other jurisdictions.

Bail review power

- The *Crimes (Serious and Organised Crime) Legislation Amendment Act 2016* introduced an own-motion bail review power for the Director of Public Prosecutions (DPP) to seek review of a decision of a court to grant bail if DPP considers that exceptional circumstances exist and it is in the public interest to make the application.
- The review power is contained in section 44 of the Bail Act and commenced operation on 1 May 2017. It was the intention of the legislature that this power is to be exercised sparingly and only in circumstances where there is likely to be a safety risk to the community if the person is released on bail.
- Since 1 May 2017, the DPP has given oral notice of a proposed application only twice and on both occasions the DPP ultimately did not proceed to make an application to the Supreme Court. The accused persons were held in custody for periods of less than two hours by ACT Corrective Services (ACTCS) prior to being released on bail.
- Under this power, the DPP is required to give immediate oral notice of a proposed application to seek review of the decision of a magistrate in relation to bail and has two hours to make the application to the Supreme Court and provide written notice to the accused. The bail decision is stayed for up to 48 hours unless the DPP does not proceed with the review application, or the Supreme Court determines the application earlier. Non-sitting days for the court, including public holidays, are included in calculating the time allowed for the review.
- The review power is only available to the DPP for certain serious offences and family violence offences.
- The Government is currently considering appropriate amendments to section 44 due to some issues being identified by stakeholders. These are focused on ensuring that a person's liberty is not adversely affected for extended periods of time and clarifying aspects of the operation of section 44 to support efficient operational arrangements.
- The new bail review power will be reviewed after two years of operation in May 2019.

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Safety

Bail Support Service

- The ACT government started a trial Bail Support Program at the end of 2017 as part of the ACT's Justice Reinvestment Strategy.
- This program will contribute to the Government's commitment set out in the Parliamentary Agreement to reduce recidivism by 25 per cent by 2025.
- The Bail Support Program is designed to reduce the number of Aboriginal and Torres Strait Islander people on remand, and the time spent on remand while maintaining public safety.
- The trial supports Aboriginal and Torres Strait Islander people who, in the absence of bail support, would be ineligible for bail.

Victorian review of bail

- On 23 January 2017, the Victorian Government announced a review of bail laws following the Bourke Street incident. Advice was provided in two reports by the Honourable Paul Coghlan QC on how Victoria's bail system could be reformed to best manage risk and to maximise community safety.
- On 8 May 2017 the Victorian Government announced reforms to the Victorian bail system as a result of the review consisting of the *Bail Amendment (Stage One) Act 2017* and *Bail Amendment (Stage Two) Act 2017*. The first tranche of reforms commenced operation on 21 May 2018, with the second set of amendments due to commence operation on 1 July 2018. The reforms include (but are not limited to):
 - requiring judicial officers to place greater weight on community safety when making bail decisions
 - expanding the range of offences where an accused is required to demonstrate exceptional circumstances to include aggravated home invasion and aggravated carjacking
 - creating a presumption against bail for a number of offences including rape, kidnapping, armed robbery, culpable driving causing death, dangerous or negligent driving while pursued by police and persistent contravention of a family violence intervention order
 - requiring an accused to demonstrate exceptional circumstances to be released on bail for serious indictable offences committed while on bail, summons or parole.

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- Victoria’s bail justice system is unique to Victoria and involves bail justices who hear after-hour bail applications. All bail decisions in the ACT must be made by a police officer, Magistrate or Judge. The ACT Government is currently not considering the introduction of bail justices in the Territory. Bail justices received some scrutiny from the community following the Bourke Street incident, although Mr Coghlan QC stated that their role was ‘largely uncontraversial’ as they only consider bail in a very small number of cases and mostly refuse bail.

Incarceration rates of Aboriginal and Torres Strait Islander offenders

- The Australian Law Reform Commission (ALRC) report, *Pathways to Justice–Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133), was tabled in Parliament on 28 March 2018. The Report contains 35 recommendations designed to reduce the disproportionate rate of incarceration of Aboriginal and Torres Strait Islander peoples and improve community safety.
- The media has reported on this report in recent times, and have previously reported on recommendations made by a specialist Indigenous legal service submitted to the national inquiry to require courts to consider an accused person’s Aboriginality when deciding to release them on bail and on how to sentence them.
- One of the recommendations is that all states and territories should amend bail laws which are disadvantaging Indigenous people, including a requirement that a person’s Aboriginality to be considered during bail and sentencing decisions. The Government is currently considering the report’s recommendations.

Statement of incompatibility: section 9B of the Bail Act and comments made at the ceremonial sitting to mark the retirement of her Honour Justice Penfold

- At the ceremonial sitting to mark her Honour Justice Penfold’s retirement on 23 March 2018, the President of the Bar Association Ken Archer spoke of some of her Honour’s key judgments, including the decision of *In the matter of an application for bail by Islam* [2010] ACTSC 147 (*Islam*).
- In *Islam*, her Honour made a declaration that section 9C of the Bail Act was not consistent with section 18(5) of the *Human Rights Act 2004* (which provides that ‘Anyone who is awaiting trial must not be detained in custody as a general rule’). Section 9C of the Bail Act creates a presumption against bail being granted in cases where a person is charged with murder (including ancillary offences) and specified serious drug offences. It requires that the court find that special or exceptional circumstances exist before considering whether bail should be granted. Section 9C was developed following the ACT Law Reform Commission’s Report on Bail (2001) and additional stakeholder consultation by the government.

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- At the ceremonial sitting, Mr Archer referred to the decision in the process of commenting on the “relative toothless-ness of the declaration of incompatibility process”.
- On 28 June 2011 the Government tabled an interim response to the declaration of incompatibility. At the time of the interim response being tabled, the Government had commenced an appeal against the decision in *Islam* in the ACT Court of Appeal. The appeal was adjourned pending the decision of the High Court of Australia in the case of Momcilovic as it dealt with similar interpretation issues under the *Victorian Charter of Human Rights and Responsibility Act 2006*. As a result, the then Attorney-General undertook to provide a final Government response six months after the proceedings in *Islam* were resolved.
- Upon receipt of the Momcilovic judgment, the Attorney-General withdrew the appeal in *Islam*. The Government tabled the final government response in the Legislative Assembly on 1 May 2012. In this response, the Government restated its commitment to bail laws that properly balance the presumption of innocence on the one hand and the right of the community to be safe and for justice to be done on the other. The final response also proposed options for minor and important amendments to the Bail Act. In tabling the final government response, the Government requested community views on the options proposed. Due to the diverse views received during consultation on the final Government response to the 2010 declaration of incompatibility in *Islam*, the ACT Government elected not to pursue any of the three options originally proposed.

Jails bursting with unsentenced prisoners as costs also soar (recent [media](#))

A recent article published by The Age reports on the new tougher bail laws introduced in Victoria adding to a soaring prison population, with a third of those in custody on remand.

Background Information – may not be suitable for public disclosure

Recent media on bail decisions for certain offences

Sch 2 s 2.2 (a)(ii)

COAGs meeting presumption against bail – terrorism

At the COAG meeting in Hobart on 9 June 2017, leaders focused on ensuring the safety of all Australians which led to an agreement to introduce a presumption that neither bail or parole should be granted where a person has demonstrated support for, or has links to, terrorist activity.

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At the Special Counter-Terrorism COAG on 5 October 2017, leaders agreed that legislation implementing the June decision would be underpinned by nationally consistent bail and parole principles, ensuring presumptions against bail and parole applied in agreed circumstances.

Previous ACT Bail reviews

Inquiry into Sentencing, 2015

In 2015, the Standing Committee on Justice and Community Safety published an Inquiry into Sentencing.

Recommendation 43 recommended the ACT Government conduct a review of arrangements for bail in the ACT, and introduce in the Legislative Assembly legislative amendments to the Bail Act which, if passed, would introduce a focus on risk management, with reasonable and proportionate bail conditions.

The Government noted this recommendation citing work occurring nationally and within the Justice Reform Strategy.

National review of bail laws, 2015-2016

In 2015, the COAG tasked the former Law, Crime and Community Safety Council with implementing a number of recommendations from the 2015 Joint Commonwealth-NSW Review into the Martin Place Siege.

On 31 August 2016, the Working Group for this work concluded that, while each jurisdiction faces unique challenges and absolute uniformity is not sought, common issues to consider are that:

- consistency between jurisdictions is desirable in relation to terrorism
- the appropriateness of bail provisions that apply to children should be continually assessed
- powers of arrest for breach of interstate bail conditions are sufficient and a uniform approach is not required
- jurisdictions should continue to investigate alternatives to remand.

The Working Group's conclusions have not been released publicly.

Proposed amendments to Bail Act

- a recent bid for a Crimes Legislation Amendment Bill includes proposed amendments to improve clarity and consistency in the operation of bail laws for the ACT, including section 44 (prosecution's right of review power).

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Portfolio: Attorney-General**ISSUE: DPP RESOURCING****Talking points:**

- The Government is committed to supporting the vital work of the DPP.
- This commitment can be seen in the increases in funding immediately following the NOUS Group Strategic Review of the DPP and in recent announcements of baseline funding increases coming into effect over the mid to long term.
- The 2017-18 Budget allocated three full time prosecutors for the Eastman matter in the 2017-18 year and one ongoing prosecutor to increase the capacity of the DPP. Furthermore, the 2017-18 Budget Review provided resource allocations for four full time additional staff in 2017-18 and 2018-19 to support the work of the Confiscation of Criminal Assets scheme.
- This built on funding of \$1.363 million over four years from 2016-17 through the Safer Families funding package to strengthen criminal justice responses to alleged perpetrators of family violence.
- In April 2018 the Government announced that the DPP will be provided with \$987,000 over four years from 2018-19 for additional staff to support the increased capacity of the Magistrates Court.
- The Magistrates Court in turn will receive an extra \$3.1 million for an eighth magistrate. Additional funding of \$1.3m for Legal Aid ACT was also provided as part of this package.
- The Government has also announced in the Budget an additional \$6.922 million funding will be provided over the next four years for additional prosecutorial and paralegal staff.
- This funding will be provided progressively to build capacity at lower staff levels with an additional 6FTE from 2018-19 through to bringing in senior and executive capacity through the forward years.

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- In 2021-22 there will be a total of 12 additional FTE for the DPP, including 2 executive prosecutors working at the level of crown prosecutors.
- This staffing increase will be supplemented by a one off capital injection of \$350,000 for expanded accommodation.
- I am confident that the appointment of an eighth magistrate, the additional funding for Legal Aid and the DPP, the re-appointment of special magistrates, and recent amendments to justice legislation across the statute book aimed at building efficiency will improve the efficiency of the justice system and the timeliness of proceedings in the Magistrates Court.

Key Information

- In the 2017-18 Budget, the Government provided additional funding (1 FTE ongoing) to increase the capacity of the Office of the Director of Public Prosecutions (DPP) to better support prosecutions in the Territory. It also provided funding for costs associated with the retrial of Mr David Eastman and other related proceedings. Funding was provided for an additional three positions in the DPP, external counsel costs, witness expenses and other administrative costs.
- Mr Eastman's re-trial is now scheduled to commence on 12 June 2018 (jury empanelment commencing on 4 June 2018) with final pre-trial hearings on 30 April 2018 and 29 May 2018. It is expected to run for four – six months.
- The DPP is undertaking significant preparation for the pre-trial and trial.
- The Government also provided four full time additional staff (in 2017-18 and 2018-19 only) to support the work of the Confiscation of Criminal Assets scheme as part of the 2017-18 Budget Review.
- That funding will assist the DPP to keep pace with demand and respond to the needs of the court, police, other investigative agencies and the criminal justice sector more broadly.

2017-18 Budget:

- Recurrent: (\$3.028 million over four years):
 - three additional resources and other operational costs relating to retrial of Mr David Eastman and related proceedings (\$2.257 million) in 2017-18 only
 - one Prosecutor Grade 4 over four years (\$0.771 million).

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- Full-time equivalent (FTE):
 - one Prosecutor Grade 1 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 3 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 4 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 4 over four years.

DPP Review:

- The Nous Group delivered its report on the DPP Strategic Review on 9 August 2017.
- The Report notes the DPP efficiently performs a wider range of functions relative to its equivalents in other jurisdictions. Nous believes growing pressures, both in culture and practice, will likely threaten the DPP's capacity to meet its workload in the near future.
- Noting demand projections, the Report makes five broad recommendations:
 - provide increased funding to the DPP immediately and in the mid to long-term
 - apply a unified resourcing justice strategy to the ACT justice system as a whole
 - directly appropriate funding to the DPP, rather than via the Justice and Community Safety Directorate appropriation
 - allow paralegals to appear in simple applications in the Magistrates Court
 - develop a more efficient platform to share information between courts, law enforcement, corrective services and the DPP.

Background Information

DPP Strategic Review

- Nous Group noted in its report that cultural pressures include growing numbers of complex and time-consuming cases (i.e. sexual assaults, appeals, confiscation of asset referrals), introduction of new pre-trial evidence and procedures and changing community expectations (i.e. employing special approaches for vulnerable witnesses).
- Structural pressures include the recent introduction of a fifth ACT Supreme Court Judge, additional financial staff for organised crime investigations by the Australian Federal Police and expansion of the Supreme Court, which will reduce trial listing periods to five weeks (down from an average of nine weeks) and provide two additional courtrooms for jury trials.

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- On 16 October 2017, the DPP published its 2016-17 annual report. The Director's overview broadly outlined the Review's findings, including the cultural and structural pressures facing the ODPP. The DPP called for additional senior prosecutors to meet the trends of increasing workload on complex criminal matters. The DPP also emphasised his concern that the new Supreme Court facility will significantly increase the number of jury trials, and that the ODPP will be unable to meet this growth without a corresponding increase in funding.
- *The Canberra Times* reported on the DPP's comments in the annual report on 17 October 2017.

Previous budget increases:

- In the 2016-17 ACT Budget, the DPP received funding of \$1.363 million over four years through the Safer Families funding package to strengthen criminal justice responses to alleged perpetrators of family violence (three FTE in 2016-17 and 2017-18, 2.5 ongoing).
- The 2016-17 Budget provided \$2.325 million for a specific team in the DPP (3 FTE) to represent the office to progress the retrial of Mr David Eastman for the murder of Mr Colin Winchester and other related proceedings.

This funding follows previous years' supplementation to the DPP totalling \$1.7 million from 2012-13 to 2015-16 for the Eastman matter.

- In the 2014-15 Budget, the Government provided \$1.158 million over four years to establish a Work Safety Prosecutions Unit supported by 2 FTE, as well as \$0.027 million in one-off capital funding for fit-out and fixtures to accommodate the new unit

WorkSafe Prosecutions

- The Industrial Court Magistrate, Chief Magistrate Lorraine Walker, criticised the prosecutions of several work safety matters. On 6 December 2016 and 14 July 2017, *The Canberra Times* reported comments made by the Chief Magistrate that were strongly critical of the DPP handling of workplace health and safety matters. She also expressed concern that resources in the DPP are generally not being provided for industrial court matters.
- On 8 November 2017, during annual report hearings the DPP answered a question about what could be done to increase the chances of success in industrial prosecutions. The DPP noted the question was difficult to answer concisely. He explained that industrial deaths are difficult to investigate and require a criminal standard of investigation from a very early stage. He also noted the need for 'unimpeachably high quality' expert reports.
- The DPP suggested that deaths on Canberra construction work sites be treated as criminal investigations. *The Canberra Times* reported on the DPP's comments on the same day.

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Portfolio: Attorney-General**ISSUE: RESOURCING OF MAGISTRATES AND CORONER'S COURTS****Talking points:***Eighth Magistrate*

- On 9 April I announced that the 2018-19 budget will provide an additional \$3.1 million over four years in funding to support the appointment of an eighth full time resident Magistrate.
- In addition, Legal Aid will receive an additional \$1.3 million and the Director of Public Prosecutions will be provided with \$989,000 for additional staff to support the increased capacity of the Magistrates Court.
- An eighth Magistrate means our courts can build on their excellent work from recent years, and also provide the resources it needs to meet increasing demand for years to come.
- I am confident that the appointment of an additional Magistrate, additional funding for Legal Aid and the DPP and recent amendments to justice legislation across the statute book will improve the efficiency of the justice system and the timeliness of proceedings in the Magistrates Court.

If asked about the Chief Magistrates views

- I acknowledge the Chief Magistrate's view that further resources are needed for the Magistrates Court.
- As Attorney-General, I will continue to consider resourcing of the justice system as a whole, and to make sure that each component is working effectively to support an effective justice system in the ACT.

Special Magistrates

- The Government has also re-appointed two Special Magistrates to continue sitting within the Court as required until the end of 2018, working at a little over half an FTE each.

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- Special Magistrates provide the Court with flexibility and adaptability in its listing practices and allow it to cope with unexpected absences.
- I congratulate Magistrates Margaret Hunter and Ken Cush on their reappointment and thank them for their dedicated work in supporting the Magistrates Court.

Magistrates Court Initiatives

- I particularly want to thank the Magistrates, court staff and supporting prosecution and legal aid practitioners for their patience and professionalism in providing the Canberra community with outstanding service.
- I acknowledge it has been a challenging period with the Court redevelopment, registry process overhaul and implementation of the Integrated Case Management System.
- I acknowledge that these important initiatives have placed additional pressure on the work of Court staff and practitioners.
- I am confident that these initiatives will deliver support for the Bench and staff to undertake their vital work while increasing the efficiency of the Court as a whole.
- The sustained investment by the ACT Government in this transformational work demonstrates our commitment to deliver an accessible, fair and efficient justice system.
- The Government is committed to working with the Chief Magistrate, Chief Justice and Courts and Tribunal administration staff to leverage efficient block and over-listing practices.
- We are working together to fine-tune the jurisdiction of each court so that they are appropriately targeted and focused on efficient and fair resolution of cases.

Dedicated Coroner

- It is important to recognise that decisions about organisation of the Magistrates and Coroner's Court, and how many resources are provided for coronial hearings are ultimately a matter for the Chief Magistrate.

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- I am pleased that the Chief Magistrate has indicated that she will consider utilising the additional judicial resource to dedicate one magistrate to coronial work part time.
- The Government is conscious of the benefits that could come from building specialist coronial expertise among the Magistrates who all hold an active coronial case load.
- Benefits would include increased public awareness of the role and public significance of the coronial jurisdiction and improved co-ordination and collaboration across government in resolving inquiries and inquests and implementing recommendations.
- I am pleased that a number of procedural and policy changes across the Magistrates and Coroner's jurisdiction have seen efficiency improvements.
- For example, in the coroner's jurisdiction more post-mortems are being conducted by CT-scan external examination, more matters are being finalised in-chambers without hearing, delegation of fire inquiry work to the Deputy Coroner continues to be efficient, and the Legal Manager is routinely providing in-house Counsel Assisting services where appropriate, rather than briefing external Counsel.
- The *Courts and Other Justice Legislation Amendment Act 2018*, which was passed in the Assembly in the March sittings, will support non-invasive finalisation of cases by making processes for conduct of ancillary examinations, establishing coronial investigation scenes and provision of medical records more flexible.
- That Act also makes changes to streamline jury processes and enforcement of ACT Civil and Administrative Tribunal orders in the Magistrates Court.

Key Information

- The criminal jurisdiction of the Magistrates Court has struggled to meet demand with a 15 per cent increase in lodgements leading to a 23 percent increase in pending matters and 15 per cent increase in cases pending for more than 12 months (excluding failure to vote charges resulting from the 2016 ACT election).

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- There was a very slight increase in coronial cases lodged to 299 from 292 in 2015/16, but the Government's suite of legislative reforms in 2014 continues to mean this is much lower than the more than 1100 cases lodged in 2013/14 and 2012/13.
- The workload of the Coroner's Court can fluctuate depending on the circumstances of particular cases. For example the Court received two uncommon notices relating to deaths in the Jervis Bay and Australian Antarctic Territories that it will deal with by agreement with the Commonwealth Government.
- Just as workload can fluctuate, some complex or sensitive cases take longer to hear and resolve. In 2016-17 the median number of days to finalise a case was 94, up from 75, which exceeded the target of 85 days. This was in part due to a number of long and complex coronial matters being finalised.

Background Information

- A business case for 2018-19 has been prepared seeking funding for the appointment of an 8th Magistrate.
- The Chief Coroner considers that the appointment of an additional full-time Magistrate would go some way towards providing her with the flexibility to use judicial resources for coronial matters as appropriate.
- Having an additional Coroner would improve efficiency and timeliness, coordination and oversight of those matters, and would contribute to the development of specific coronial expertise.
- You have asked the Justice and Community Safety Directorate to explore options to improve the support provided to the operations of the Coroner's Court, in particular, to better focus on and meet the needs of families affected by a death subject to an inquiry.
- The Justice and Community Safety Directorate recently met with family representatives in relation to a number of complex cases where the timeliness of the Coronial process, transparency of case progress and communication with families could have been better.
- There are a range of supports and networks across government for those affected by the sudden and unexpected death of a loved one, including the ACT Coronial Counselling Service which is available to bereaved families, friends and community members. The service is provided by ACT Health and Relationships Australia and is designed to provide free support and counselling to anyone affected by a death being investigated by the ACT Coroners Court.

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Portfolio: Attorney-General**ISSUE: REFORMS TO THE OPERATION OF THE CORONERS COURT****Talking points:**

Budget Announcement

- The Government is focused on improving the coronial system to ensure that cases are finalised as quickly and as sensitively as possible and that the benefits to the community of coronial recommendations for public health and safety improvements are realised effectively.
- The Government recently announced the 2018-19 budget will provide \$3.1 million in funding over the next four years to appoint an eighth full time resident magistrate.
- I am pleased that the Chief Magistrate has indicated that she will consider utilising the additional judicial resource to dedicate one magistrate to coronial work part time.

Improvements to support families

- The Government is examining options for supporting the operation of the Coroner's court through administrative and legislative reforms.
- The Government is also continuing to consider reforms to better deliver the justice needs of families, affected people and the community through the coronial process.
- As part of this consideration, the Government is working with families to make sure that any reforms to coronial processes support the needs of people affected by a death.
- In October 2017, I met with families of three young men whose deaths have been subject of extensively delayed coronial inquests.

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- This group of family representatives has been advocating for reforms to the coronial process including changes to address lengthy delays throughout all stages of the coronial inquest, and to improve communications with family members about the progress of inquests, Government responses and actions taken to address recommendations.
- After hearing the experiences of these family members I have asked the Justice and Community Safety Directorate to explore options to improve the support provided to the operations of the Coroner's Court, in particular, to better focus on and meet the needs of families affected by a death subject to an inquiry.
- Officers from the Justice and Community Safety Directorate met with the families to discuss potential legislative reforms on 21 March 2018.
- I anticipate that the process of consulting with stakeholders to consider and develop reforms, including legislative amendments, will begin in the coming months.

Background Information – may not be suitable for public disclosure

- The Chief Coroner considers that the appointment of an additional full-time magistrate would go some way towards providing her with the flexibility to use judicial resources for coronial matters as appropriate.

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Portfolio: Attorney-General**ISSUE: JUDICIAL APPOINTMENTS PROCESS****Talking points:**

- I am aware that the Bar Association has called for greater consultation with the local legal profession in the making of judicial appointments.
- The ACT Government recognises the importance of, and adheres to, a transparent process for selecting judicial officers.
- The process and criteria for selecting a new judge are set out in the *Supreme Court (Resident Judges Appointment Requirements) Determination 2015 (No 1)* which is available online.
- The ACT's legislative framework ensures a transparent, merit-based selection process for judges. The Government advertises judicial positions publicly and evaluates applications according to clear selection criteria.
- The ACT Government recognises the importance of views of the local legal profession, and seeks nominations from the ACT Law Society and the ACT Bar Association each time a judicial selection process is conducted.
- Evaluation of applicants is conducted independently and the Government is required to choose appointments based on the published selection criteria.
- The Government values the input of the local profession and will continue to engage with them in the context of the statutory framework.

Key Information

- Selection processes and criteria for Judges, Magistrates and Special Magistrates, and Presidential Members of the ACT Civil and Administrative Tribunal are all set out online.

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QUESTION TIME BRIEF

- Selection criteria for the judiciary include intellectual capacity, personal qualities, an ability to understand and deal fairly, efficiency and authority, communication, leadership and management skills.
- Before any appointment to the Supreme Court is recommended the Attorney-General must consult the current Chief Justice about possible appointees (other than for the Chief Justice).
- For temporary appointments or re-appointments there are more flexible provisions which support the continuity of services provided to the ACT community, but the experience, skills and qualifications of candidates are paramount considerations.

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Portfolio: Attorney-General**ISSUE: Child Abuse Royal Commission****Talking points:**

- The ACT Government acknowledges the nature and impact of the abuse suffered by victims of child sexual abuse. Many survivors of child sexual abuse suffer long lasting and severe injuries that can affect them for the rest of their lives.
- The Royal Commission has recommended a significant number of reforms to criminal justice legislation and practice.
- The ACT Government is committed to ensuring criminal law and processes in the ACT are fair for survivors of sexual abuse, witnesses involved in the court process, and those accused of offences.
- A number of the measures recommended by the Royal Commission have been in place in the ACT for some time – for example measures to support vulnerable witnesses to give evidence in a way which protects against re-traumatising them.
- Amendments to existing ACT offences of grooming, and maintaining a sexual relationship with a child, as well as sentencing reforms for child sex offenders, in response to the Royal Commission’s recommendations, were introduced in the Legislative Assembly late last year (2017) and passed in February this year (2018).
- On 22 March 2018, I opened a consultation process to seek stakeholder views on further reforms to respond to the Royal Commission’s recommendations for criminal law reform.
- That consultation process closed on 4 May 2018, and the ACT Government is currently considering the responses to the consultation.
- The major reforms the government sought feedback on concern new legislation for failing to report offences, failing to protect at-risk children, the way victims and witnesses provide their evidence, and changes to trial and sentencing procedures for child sexual abuse offences.

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- A *Canberra Times* report on 4 March 2018, asserted that the recent advertising of positions to work on implementing recommendations of the Royal Commission on Institutional Child Sexual Abuse (the Royal Commission) meant that the ACT Government was not ready to respond to the Royal Commission's recommendations. This claim is entirely baseless.
- The ACT Government is committed to protecting children from child abuse and providing a fairer response to victims and is responding swiftly to the Royal Commission's recommendations.
- The Government will be responding to the totality of the Royal Commission's report by the end of June this year.

Key Information

Criminal justice reforms

- A consultation process in relation to criminal justice reforms arising from the Royal Commission was opened on 22 March, and closed on 4 May 2018. The consultation process was supported by a series of factsheets and information available on the ACT Government's YourSay website and the Justice and Community Safety Directorate website.
- The Justice and Community Safety Directorate has been consulting directly with a range of key stakeholders in the justice system and more broadly to inform the Government's approach to legislative reform in this space.
- Legislation will be progressed in 2018 to further some of the reforms currently being consulted on.
- NSW announced on 3 April 2018 that it will be progressing significant criminal justice reforms to implement the Royal Commission's recommendations. It expects to legislate for these *later in 2018*.

Resourcing

- Officials within the Justice and Community Safety Directorate, the Chief Minister, Treasury and Economic Development Directorate and elsewhere within ACT Government have been supporting the Government in responding to the Royal Commission's findings and recommendations for the last several months. This has

Cleared as complete and accurate: 18/04/2018
Cleared by: Deputy Executive Director Ext: 76244
Information Officer name: Tamsyn Harvey
Contact Officer name: Sandra Wright Ext: 50365
Lead Directorate: Justice and Community Safety

included the development of the criminal law reforms, the development of materials to support a consultation process for further reforms, as well as undertaking work on the ACT's participation in a redress scheme.

- The positions which were recently advertised reflect, in part, staff movements and the Government's commitment to ensure that it is well placed to proceed with further reforms once it has consulted with stakeholders and the community.
- Those positions have now been filled.

Background Information – may not be suitable for public disclosure

Funding, as outlined below was provided in the 2017-18 Budget Review to support the Government to act promptly to respond to recommendations to support improved protection for children from sexual abuse, and reforms to the criminal justice system that support child victims of sexual abuse.

Better support when it matters - Criminal law reforms

	2017-18 \$'000	2018-19 \$'000	2019-20 \$'000	2020-21 \$'000	Total \$'000
Expenses	181	366			547
<i>Total Additional FTE</i>	1	2			

This funding is for two FTE for 18 months to progress the criminal justice system reforms. These positions were advertised in February 2018. To date JACS has been managing the work to progress these reforms within existing resources.

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Portfolio: Attorney-General**ISSUE: COMMONWEALTH REDRESS SCHEME FOR SURVIVORS OF INSTITUTIONAL SEXUAL ABUSE****Talking points:**

- The ACT Government acknowledges the nature and impact of the abuse suffered by victims of child sex sexual abuse. Many survivors of child sexual abuse suffer long lasting and severe injuries that can affect them for the rest of their lives.
- The ACT, NSW, Queensland, Northern Territory, Victoria, South Australia, Tasmania and the Commonwealth have announced they will join the Redress scheme.
- The ACT was one of the first jurisdictions to sign up to the Intergovernmental Agreement, another significant step forward to the commencement of the Redress Scheme.
- The Catholic Church announced its participation in the National Redress Scheme on 30 May 2018. The Catholic Church represents the largest likely number out of the total likely faith based claims (an estimated 22,000 survivors based on the Royal Commissions final report).
- Scouts Australia, the YMCA, the Salvation Army and the Anglican Church have also announced on 31 May 2018 that they will participate in the Scheme.
- The Redress Scheme will start on 1 July 2018, subject to the necessary legislation being finalised, and will offer access to psychological counselling, a direct personal response from the responsible institution and a monetary payment of up to \$150,000.
- Survivors will be able to access legal and community support services to assist through the redress application process.
- The Commonwealth has established a dedicated telephone helpline and website to provide information for survivors and their families about the Scheme.

Cleared as complete and accurate: 17/05/2018
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- The ACT Government is working closely with the Commonwealth and other jurisdictions to continue progressing the Redress scheme in a manner that ensures that it meets the needs of survivors.

Key Information

- The Redress Scheme will commence 1 July 2018.
- The Redress Scheme will include psychological counselling, a direct personal response and payments for up to \$150,000.
- The ACT, NSW, Queensland, Northern Territory, Victoria, South Australia, Tasmania and the Commonwealth have publically announced they will join the Redress scheme.
- The Catholic Church, Scouts Australia, the YMCA, the Salvation Army and the Anglican Church have announced they will participate in the Scheme.
- The ACT, Commonwealth, Victorian and New Wales Governments have signed the Intergovernmental Agreement.

Background Information

The Redress Scheme will begin operating on 1 July 2018. Through the scheme survivors can access counselling and psychological services, a direct personal response from the institution where the abuse occurred and monetary payments of up to \$150,000.

New South Wales introduced a referral Bill into the NSW Legislative Assembly on Tuesday 1 May 2018. It is expected that Victoria will also introduce a referral Bill shortly.

A business case to fund the administrative and operational requirements of Redress is being considered as part of the 2019-20 Budget.

Meetings have taken place between the jurisdictions that have opted in and the Commonwealth, to progress the operational aspects of the scheme.

The ACT has formed an whole of government Redress Implementation group to progress the operational aspects of Redress for a 1 July commencement.

The average payment of Redress is estimated at \$76,350.

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Portfolio: Attorney-General**ISSUE: RESIDENTIAL TENANCIES****Talking points:**Progress on residential tenancy reforms

- Ensuring that our residential tenancies legislation supports vulnerable people to be secure in their homes is a key Government priority.
- The Deputy Chief Minister is currently leading the development of a new Housing Strategy for the ACT. Its focus will be on assisting those who need help most.
- Improving the operation of the Residential Tenancies Act forms part of this work.
- The legislation introduced on 10 May 2018 is just one piece in the Government's ongoing commitment to reform Residential Tenancy laws in the ACT.
- That bill addresses the self-executing component of conditional termination and possession orders. It also suspends the use of commercial guarantees as an alternative to a rental bond, to provide further opportunity to consider the legal policy implications and conduct further stakeholder consultation.
- Further, the government has been working with stakeholders to develop amendments to the occupancy agreement provisions in the Residential Tenancies Act.
- Three groups – established in 2017 – have been examining issues around caravan parks and mobile homes, issues facing students in on and off campus accommodation, and a boarding house and crisis accommodation group is examining issues relating to this sector.
- I expect to introduce amendments addressing these issues later this year.
- The working groups are made up of key stakeholders including advocacy groups, people living in occupancy agreement accommodation and providers of occupancy agreement accommodation.

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- Further, the government is actively considering all recommendations in the review of the Residential Tenancies Act along with the residential tenancy reforms announced in Victoria in October 2017.

Victorian reforms - Keeping pets in rental properties

- I am aware the Victorian Government has announced plans to amend the Victorian Residential Tenancies Act to make it easier for tenants to keep pets in rental properties.
- I understand that tenants in Victoria will be given the right to keep pets if they obtain the landlord's written consent, and that landlords will not be able to unreasonably refuse. I look forward to seeing this legislation when it is introduced.
- In the ACT, it is up to individual landlords to decide whether a tenant may have pets in a rental property. The standard residential tenancy terms do not refer to keeping pets in rental properties. However, on 29 April 2009 the ACT Civil and Administrative Tribunal (ACAT) issued a Practice Direction stating that due to the right of exclusive possession, tenants have an implied right to keep pets unless otherwise stated in the lease. It is therefore the obligation of Landlords to put in a specific clause to prohibit pets, or restrict the type and number of pets.

Victorian reforms – other proposals

- The Victorian Government proposes to cap bonds at one month's rent where the rent is twice the current median weekly rent.
- In the ACT, the Residential Tenancies Act already provides that a landlord may only require or accept a maximum bond of four weeks' rent in all circumstances.
- The Victorian Government has announced proposed changes to the bond release process, including a 14 day automatic bond release process if there is no dispute.
- In the ACT, amendments were made to the bond release process in 2016 following the review of the *Residential Tenancies Act 1997*. These amendments modified the mechanism for releasing the bond money to allow an early opportunity to resolve any dispute before an application is made for release of the bond.

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There is a positive obligation on the landlord to give the tenant an application for payment of the bond money out of the trust account within three working days after the termination of the residential tenancy. If the landlord wishes to make a deduction from the bond, the landlord must include in the form the reason for the deduction.

- The ACT Government is monitoring developments in other Australian jurisdictions, including Victoria. While Victorian residential tenancy law does not currently expressly prohibit rental bidding, the Victorian Government has stated it will introduce legislative amendments to restrict the practice.
- Other reforms proposed by the Victorian Government include abolishing ‘no specified reason’ notices to vacate, making it easier for tenants to make minor modifications to a property and creating a landlord and real estate agent blacklist. The Justice and Community Safety Directorate (JACS) will consider these reforms as part of the second tranche of the review of the Residential Tenancies Act.

Key Information

Issues raised by Caroline Le Couteur MLA

- In a media release dated Thursday 10 May 2018, Caroline Le Couteur MLA of the ACT Greens expressed concern that the second tranche recommendations in the 2016 review of the *Residential Tenancies Act 1997* had not yet been implemented.
- Ms Le Couteur referred to the following recommendations from the report:
 - reducing the maximum rent payable in advance to two weeks, instead of the current four weeks, consistent with NSW;
 - allowing tenants to give 14 days notice to leave a rental property if they have been offered social housing;
 - giving tenants the power to terminate a lease if the terms are inconsistent with the RTA;
 - placing greater focus on sustainability and energy efficiency;
 - implementing minimum standards for safety and security.

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Victorian proposals

Victoria announced a number of reforms to residential tenancies law in October 2017. Legislation has not yet been introduced.

The proposals include:

- residential properties Victoria will be given the right to keep pets if they obtain the landlord's written consent, and that landlords will not be able to unreasonably refuse
- cap bonds at one month's rent where the rent is twice the current median weekly rent
- abolishing 'no specified reason' notices to vacate
- making it easier for tenants to make minor modifications to a property
- creating a landlord and real estate agent blacklist.

Background Information

- EPSD have policy carriage of examining energy efficiency in rental properties. They have advised that the work is scheduled for a second tranche of reforms.
- The report on the review of the Residential Tenancies Act was tabled in the June 2016 Legislative Assembly sittings.
- The report included first and second tranche recommendations.
- The Residential Tenancies Legislation Amendment Act 2016 gave effect to the first tranche recommendations, including:
 - requirements for smoke alarms
 - changes to bond release provisions
 - mechanisms allowing a person experiencing personal or domestic violence to apply to ACAT for changes to their tenancy arrangements.
- Second tranche recommendations include giving further consideration to the following issues:
 - conditional termination and possession orders (CTPOs)
 - occupancy agreements
 - share house tenancies and subletting
 - early termination of a fixed term lease by a tenant who has accepted accommodation in social housing premises or aged care
 - reducing the maximum rent payable in advance to two weeks
 - ACAT issuing notices about additional inconsistent terms
 - tenant termination of a lease containing unlawful inconsistent terms

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- removing or modifying the requirement for a ‘detriment to the lessor’s interest in the premises’ when terminating a lease on the grounds that a tenant has used the premises for illegal purposes
- minimum standards for reasonable security.

Occupancy Agreements

- Occupancy agreements cover a wide variety of different living arrangements for either short or long term accommodation, including boarding houses, student accommodation and residential home parks.
- The review of the Residential Tenancies Act in 2016 found that issues with occupancy agreements were complex and affect a diverse range of stakeholders.
- These issues included: a lack of awareness for parties to an occupancy agreement about their rights and responsibilities; collection of bonds which are not required to be lodged with the Office of Rental Bonds; termination of the occupancy and eviction from premises; application of occupancy agreements to community housing residents; and a grantor’s rights of entry to occupied areas.
- Given the complexity, the 2016 review of the Residential Tenancies Act recommended the Government consider establishing a working group to consider the issues relating to occupancy agreements and develop recommendations.

The working group would be asked to consider the development of standard occupancy terms, with particular emphasis on providing occupants with protections similar to those enjoyed by tenants as far as possible while retaining flexibility.

- On 19 July 2017, JACS hosted an occupancy agreements discussion forum with independent facilitator Design Managers Australia.
- During the forum, key stakeholders identified important issues relating to occupancy agreements. Forum attendees included grantors and occupants of different kinds of occupancy accommodation, advocacy groups and representatives of associations for students and occupants of residential parks. Based on the discussions in the forum JACS established working groups focussing on different types of occupancy accommodation.
- The following working groups will provide advice and help develop recommendations for Government:
 - a caravan park group that will look at short term solutions that can assist residents and also consider whether caravan parks should be regulated separately
 - a student group that will look at issues facing students in both on and off campus accommodation as long as the agreement could be characterised as an occupancy agreement and
 - a boarding house and crisis accommodation group that will look at whether a standard agreement term is needed, how to work with the ACT and Commonwealth obligations for the providers in this group, and whether further regulation is needed.
- The working groups last met in March 2018.

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Conditional termination and possession orders (CTPOs)

- The report on the review of the Residential Tenancies Act recommended that consideration be given to amending the CTPO provisions.
- CTPOs can be ordered by ACAT in situations where the tenant has failed to pay rent. Instead of making a termination and possession order to terminate the tenancy, ACAT may make a CTPO to give the tenant a further opportunity to address rental arrears. If the tenant fails to comply with the CTPO, the tenancy automatically terminates at a stated time after any rent becomes payable and is not paid.
- Automatic termination occurs even in circumstances where rent was paid late for reasons outside the control of the tenant, such as Centrelink processing delays.
- Automatic termination occurs even if the lessor does not want the tenancy to end.
- During the review, key stakeholders expressed concern about the automatic termination and its impact on vulnerable social housing tenants.
- The Government introduced amendments to the Residential Tenancies Act on 10 May 2018 to resolve these issues (the Residential Tenancies Amendment Bill 2018). These amendments:
 - replace the CTPO provisions with a new concept of a payment order
 - provide that there is no self-executing component of the new payment order provisions so that a breached order will not automatically end a tenancy
 - give the lessor the right to apply for a termination and possession order and a warrant for eviction within 60 days if a breach of a payment order occurs
 - provide that if the lessor does not pursue a breach of a payment order within 60 days of the breach occurring, the tenancy continues and the debt remains with the tenancy, with this rule applying to further breaches of the payment order, and
 - automatically deem CTPOs in force immediately before the commencement day to be payment orders.

Commercial Guarantees

- The Residential Tenancies Act allows a lessor to accept a guarantee or indemnity instead of a bond
- This is a promise to pay the lessor for damages that occur during a tenancy. The guarantee or indemnity is only enforceable to the maximum amount a bond would have been.
- The Residential Tenancies Act was amended in 2017 to improve consumer protections for tenants and lessors who enter into a commercial guarantee or indemnity contract.
- A Lessor can only accept a commercial guarantee if the standard guarantee contract is registered.
- The provider of commercial guarantee must apply to the Commissioner for Fair Trading for registration. The registration process is prescribed by regulation. The regulation prescribing this process commenced on 7 May 2018.

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QUESTION TIME BRIEF

- Commencement of the provisions relating to registration were delayed to allow the Government time to consider the implications of commercial guarantee products, including consumer protection issues. These provisions commenced operation on 7 May 2018.
- The Residential Tenancies Amendment Bill 2018 introduced the following amendments to the commercial guarantee provisions:
 - The Bill extends the delay on the use of commercial guarantees as an alternative to a rental bond to give the Government further opportunity to consider the legal policy implications and conduct further stakeholder consultation
 - The Bill proposes amendments to the Act to provide that a person may only apply to the Commissioner for Fair Trading to register a standard guarantee contract for a commercial guarantee on or after a day declared by the Minister.

 - Any applications for registration of a standard guarantee contract made before this time that have not been decided by the Commissioner or have been refused by the Commissioner are deemed not to have been made. If any contracts have been registered before this date, the registration is deemed to have ended.
 - Any guarantees entered into before the legislation commences will continue to be in force.

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Safety

Portfolio: Attorney-General**ISSUE: CRIMINAL GANGS**

Outlaw Motorcycle Gangs (OMCGs) are involved in criminal activities across Australia such as drug production and trafficking, vehicle rebirthing, firearms offences, money laundering, extortion and serious assaults.

TALKING POINTS

- The ACT Government is strongly committed to responding to the criminal activities of OMCGs.
- ACT Policing has established an OMCG Taskforce – Taskforce Nemesis – to focus on operational and investigative responses to OMCG activity.
- The Taskforce is supported by a suite of criminal laws developed by the ACT Government over a number of years, and continued to investment to ensure that ACT Policing has the resources it needs to combat criminal gangs in the ACT.

Fortification removal laws

- Fortifications are structures designed to stop or hinder uninvited entry to premises.
- The *Crimes (Fortification Removal) Amendment Bill 2017* commenced in March 2018.
- The Bill provides the Chief Police Officer with the power to apply to the Magistrates Court for an order that the occupier of the premises remove fortifications on the premises. The Bill also prohibits the establishment of fortifications on certain premises.
- These laws will help make the ACT a hostile environment for criminal gangs to prevent the establishment of fortified premises such as OMCG club houses.

Crime scene powers and drive-by shootings

- The *Crimes (Police Powers and Firearms Offence) Amendment Act 2017* commenced on 8 December 2017.

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Cleared by: Deputy Director General
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Contact Officer name: Megan Bobos
Lead Directorate: Justice and Community Safety

- The Act introduced statutory crime scene powers to allow police officers to preserve evidence in a timely manner at crime scenes in both public and private places while taking the least restrictive approach to limiting a person's right to privacy.
- The Act also created a new offence of 'drive by shooting' which deals with people shooting at a building, including a home, whether from a car or otherwise. The offence is punishable by a maximum of 10 years imprisonment.
- These new laws have already been used by ACT Policing to support its work to combat criminal groups in the ACT.

Background

ACT Policing has identified three OMCGs that operate in the ACT (the Rebels, the Nomads and the Comancheros).

The ACT Government remains strongly committed to embracing practical legislative measures to address serious and organized crime in order to keep Canberra a safe and secure community.

Private Members Bill – Crimes (Criminal Organisation Control) Bill 2017

- On 1 November 2017 the Shadow Attorney-General, Mr Jeremy Hanson MLA CSC, introduced the Bill in the Legislative Assembly. The Bill proposed the introduction of criminal organisation laws in the ACT. The Bill was debated in the same month but was not supported by the ACT Government.
- The Bill was based on NSW criminal organisation laws, however was less restrictive of human rights.
- To make a control order, the Bill required the court to be satisfied that it would be reasonably necessary to restrict, or impose conditions on the activities of a person in order to end, prevent or reduce a serious threat to public safety and order.
- There are significant human rights implications associated with criminal organisation laws and to date the ACT has not supported their introduction.

Cleared as complete and accurate:	30/05/2018
Cleared by:	Deputy Director General
Information Officer name:	Tamsyn Harvey
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Lead Directorate:	Justice and Community Safety

Portfolio: Minister for Police & Emergency Services

Attorney General

ISSUE: OUTLAW MOTOR CYCLE GANGS – TASKFORCE NEMESIS

Talking Points:

- Canberra remains a very safe city, and although we are not immune to the presence of criminal gangs, police actively monitor their activities.
- ACT Policing continues to actively target the criminal activities of criminal gangs through Taskforce Nemesis.
- In August 2016, the ACT Government provided \$6.4 million over four years to ACT Policing for the expansion of Taskforce Nemesis.
- ACT Policing has a focus on countering organised crime by criminal gang members, which remains a primary focus for ACT Policing.
- The criminal gang environment can be highly dynamic, with individual members and even chapters changing allegiances at short notice.

What are police doing about criminal gangs in the ACT?

- Taskforce Nemesis was established in 2014 and has delivered significant operational results and continues to play a key role in ACT Policing's response to criminal gangs, through successful prosecutions, seizures of firearms and weapons, explosives, cash and illicit drugs.
- Targeting criminals associated with criminal gangs is a priority for ACT Policing.
- Taskforce Nemesis is a dedicated ACT Policing team focused on targeting, disrupting and apprehending those members of criminal gangs involved in criminal activities.
- Taskforce Nemesis works closely with counterpart Australian Gang Taskforces, as part of the national Operation Morpheus established by the Serious and Organised Crime Coordination Committee, and is supported by the National Anti-Gangs Squad.

Cleared as complete and accurate: 02/05/2018
Cleared by: DCPO-C
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Lead Directorate: Justice and Community
Safety

- As part of a National Day of Action on Outlaw Motorcycle Gangs (OMCGs) in March, detectives from Taskforce Nemesis executed 10 search warrants on residences across the ACT.
- Police seized 12 firearms along with associated ammunition, \$57,000 in Australian currency and small amounts of illicit drugs including cocaine, methamphetamine and cannabis.

Is a new criminal gang being established in the ACT?

- As at 19 April 2018, the advice to my office from ACT Policing is that there have been no new OMCG chapters established in the ACT since 2016.
- ACT Policing works closely with police in other jurisdictions to share intelligence and work together to disrupt these criminal gangs.

How many Outlaw Motorcycle Gangs have established chapters in the ACT?

- ACT Policing has advised my office that there are three known OMCGs with chapters currently established in the ACT:
 - 1) Rebels
 - 2) Comanchero
 - 3) Nomads

Does the Chifley shooting (in March 2018) involve criminal gang members?

- ACT Policing's Taskforce Nemesis detectives are investigating the shooting in Chifley on 19 March 2018. At this time, police believe the incident is related to criminal gangs.
- This is an ongoing investigation and it would not be appropriate to make any further comment as to the identification of suspects or the involvement of any of the seized firearms in any criminal activity.

Is this the result of a feud? Which criminal gang is involved?

- This will form part of ACT Policing's ongoing investigation.

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Do police know what the motive is for this latest shooting?

- That will form part of ACT Policing's enquiries.

Does this latest shooting have anything to do with the previous incidents involving criminal gangs?

- That will form part of ACT Policing's investigations.

Cleared as complete and accurate: 02/05/2018
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Lead Directorate: Justice and Community
Safety

Portfolio: Chief Minister

ISSUE: Costing of Questions on Notice**Talking points:**

- The government recognises the vital role that Questions on Notice (QoN) play in the functioning of the Legislative Assembly. We must also acknowledge that, in some cases, QoNs can require significant resources to respond to and may impact delivery of services to the community.
- To transparently communicate the level of resourcing needed to respond to each QoN, each response will now include details of the time taken and approximate cost to prepare the response.
- This will also support an understanding of why, on rare occasions, some questions may not be answered due to the unreasonable diversion of resources needed to prepare a response.

Key Information

- This practise began with Questions on Notice Paper No. 16 (23 February 2018).
- Times reflect the total time taken to prepare and provide each response. Where applicable, this includes time spent by administrative support staff to identify and coordinate input from other business units, as well as time taken during review and clearance processes.
- Costings are approximate and are based on the the hourly rates corresponding to the classification/level of the particular staff members involved in preparing each response.
- Times and costings are calculated using a standardised whole of government tool that is compelled for each QON. Aside from time taken to prepare the original tool there is no additional time or cost required to calculate or include times or costings with responses to QONs.
- Guidance on how directorates should handle QONs that they believe will have an impact on their ability to deliver services for the community is published openly on the CMTEDD website.

Cleared as complete and accurate: 01/05/2018
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Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref:

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Background Information – may not be suitable for public disclosure

- The volume of QONs taken during the Ninth Assembly has increased significantly compared to previous Assemblies. More QONs were received during the first 11 months of the Ninth Assembly than during the entirety of the Eight Assembly. The average number of separate questions within each QON has also increased.
- Of the 59 QONs from QON Paper 15 that were answered, the median time required to respond was 3.5 person-hours. Weighted by staff classification, this equated to a median cost of approximately \$329 per question.
- One in seven questions from NP15 required more than 10 person-hours to answer. The most resource intensive question required 55 person-hours. In two instances a Minister decided not to answer a QON due to the diversion of resources that would be required. JACSD estimated that responding to those two QONs would have required 300 person-hours each.

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Lead Directorate: Chief Minister, Treasury and
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TRIM Ref:

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Prevention of Domestic & Family Violence

ISSUE: Whole of Government Response to Family Safety (incl. progress on commitments)

Talking points:

Graham Dillon court case (death of Bradyn Dillon)

- The recent court proceedings are a reminder of this tragic event. I know some people have again experienced trauma as a result of the reports and none of us can imagine the pain being felt by Bradyn's family.
- The circumstances of Bradyn's death are incredibly tragic and the ACT Government has worked to do everything possible across government and community services to ensure it cannot happen again.
- While it is not appropriate to comment on the specifics of the case, I will unequivocally say that preventing domestic and family violence, including sexual assault, is, and continues to be, a high priority for the ACT Government.

Key Information

ACT Government Response

- \$23.5m in funding was included in the 2017-18 ACT Budget. This amount built on the 2016-17 Safer Families Budget package to provide a cohesive, whole of government response to family violence.
- A comprehensive report was included in Appendix J of Budget Paper 3 for the 2017-18 financial year and can be accessed online at <https://apps.treasury.act.gov.au/budget/budget-2017-2018/budget-papers>
- The Office of the Coordinator-General is leading the work on key whole of government commitments, including:
 - the co-design of the Family Safety Hub;
 - the development of a consistent approach to frontline worker training;
 - improving information sharing; and
 - building risk assessment capability.

Cleared as complete and accurate: 31/01/2018

Cleared by: Director

Contact Officer Name:

Lead Directorate:

Community Services

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TRIM Ref:

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Family Safety Hub co-design process

- The proposal for a Family Safety Hub for the ACT was a signature initiative under the ACT Government Response to Family Violence.
- The co-design principles are:
 - Be directly informed by the experiences of people affected by domestic and family violence and the frontline staff working to support them.
 - Give priority to groups of people who are most vulnerable to domestic and family violence and those who are hardest to reach with existing services.
 - Focus on improving the early intervention, pre crisis and non-justice responses to domestic and family violence.
 - Explore how existing services and government investment can be better integrated to meet the needs of people affected by domestic and family violence.
 - Recognise that those affected by domestic and family violence will seek help through services they trust, and those trusted services need to be central to an integrated response.
- The co-design process will begin with an in depth understanding of the direct user experience for the following vulnerable groups: Aboriginal and Torres Strait Islander women and families, Culturally and Linguistically Diverse women, women with disability, LGBTIQ people and adult male children with lived experience of family violence.

Front-line training

- Family and domestic violence training for frontline workers was identified as a gap in the three ACT family violence reports with \$770,000 allocated to fund the provision of training to frontline workers.
- The Coordinator-General for Family Safety is leading work across directorates to design a common approach for training of frontline workers that is sufficiently flexible to meet the diverse needs across Government.

Information sharing

- On 8 September 2016, the then Attorney-General Simon Corbell released an issues paper on Information Sharing to Improve the Response to Family Violence in the ACT. The issues paper outlines the current information sharing arrangements in the ACT, and explores the privacy issues facing the family violence sector.
- The Coordinator-General for Family Safety led an extensive community consultation process until 16 December 2016, including hosting four information sessions.
- A clear message from the consultations is that a change in culture and practice in is at least as important as improving the legislative framework.

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- The outcome from the consultations will inform future work across Directorates.

Risk assessment capability

- The Safer Families package funded \$50,000 in 2016-17 to support the development of a common risk assessment capability.
- Work on the development of the risk assessment tool has primarily focused on researching Australian and International best practice. Research indicates that one tool is unlikely to meet the diverse needs of families in the ACT.
- Core risk assessment capability will be developed and incorporated through the co-design of the Family Safety Hub.

Child and Youth Protection – Reviewable Decisions

- The Government committed to undertaking a review of what decisions made by Child and Youth Protection Services (CYPS) should be subject to either internal or external merits review (Government response commitment 5.5).
- A working group has been established with members from the Justice and Community Safety Directorate and the Community Services Directorate. The group first met in December 2016.
- The working group is chaired by the Executive Director of Legislation, Policy and Programs and includes the Coordinator-General for Family Safety in the Justice and Community Safety Directorate.
- The working group is exploring decisions made by CYPS under the *Children and Young People Act 2008* to identify those that could most appropriately be reviewed, while recognising the need for prompt resolution of disputes around care and protection matters to protect the interests of children and young people.
- The working group is also looking at other possible reforms and supports around decisions made by CYPS.

Commitments generally

- The Government has made great progress on other key commitments:
 - Rolled out funding to front-line services including the Domestic Violence Crisis Service, Canberra Rape Crisis Centre, Beryl Women’s Refuge, Doris Women’s Service, The Tara Costigan Foundation, ACT Policing, Director of Public Prosecutions, Legal Aid, and the Courts.
 - Started delivering increased funding to key domestic violence services to enable greater access to translating and interpreting services.
 - The Room4Change program was launched in April this year and is an innovative residential behaviour change program for men who use or are at risk of using violence.
 - The Safer Families grants program was launched in late 2016 which provides

Cleared as complete and accurate: 31/01/2018

Cleared by: Director

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Contact Officer Name:

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Lead Directorate:

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practical financial assistance to women leaving violence to allow them space to establish a private rental tenancy.

- The ACT Public Service Family Violence Toolkit was launched in August 2016 and is designed to provide awareness-raising and support materials for employees, managers and human resources practitioners to support employees who are experiencing domestic or family violence.

Background Information – may not be suitable for public disclosure

On 7 June 2016 the ACT Government announced the Safer Families package as part of the ACT Budget to provide a cohesive, whole of government response to family violence. The package includes the full time position of Coordinator General for Family Safety, to be supported by a small team.

On 28 June 2016 the Government released a response to the three family violence reports:

- Report of the Inquiry: Review into the system level responses to family violence in the ACT by Mr Laurie Glanfield AM (Glanfield Inquiry);
- Findings and Recommendations from the Review of Domestic and Family Violence Deaths in the ACT by the Domestic Violence Prevention Council (Death Review); and
- The ACT Domestic Violence Service System Final Gap Analysis Report (Gap Analysis).

The reports were publicly released by the ACT Government in May 2016. Since the tabling of the reports in May 2016, the ACT Government released the comprehensive ACT Government Response to the Family Violence Report (Government Response).

The intention from the commitments in the Government Response is that the Office of the Coordinator-General for Family Safety will drive cultural change and lead reform in partnership with government agencies, non-government services and the Canberra community. The Coordinator-General's core functions, supported by an EA and team of two permanent officers, include:

- primary support for the Minister for the Prevention of Domestic and Family Violence including extensive stakeholder engagement;
- coordinating annual whole of government budget bids on family violence matters and developing methodologies for reporting on family violence expenditure;
- providing strategic policy advice to the government on an ongoing basis to continually refine the whole of government response to family violence;
- raising awareness about family violence in ACT communities, particularly the non-physical dimensions of family violence, including through communications campaigns, events, partnerships, sponsorships, research and stakeholder forums;
- managing legislative change, developing an information sharing awareness campaign and driving an information-sharing culture across directorates and service providers;
- working with Directors-General and mainstream service providers to promote cultural change and more effective and collaborative responses to domestic and family violence;
- working with directorates and service providers to shift current contractual arrangements to an outcomes focus and ensure future contracts include outcomes not outputs as performance indicators;
- working with community and government partners, including members of the Aboriginal and Torres Strait Islander community to ensure that services provided are culturally

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- appropriate;
- leading development of a capability framework and training strategy for frontline workers, including managing procurement of a training package and roll-out across ACT Government;
 - working with the private sector and the professions to encourage investment in training for frontline staff;
 - developing an outcomes framework to measure the impact of the reform agenda over time;
 - developing performance measures for Director-General performance agreements;
 - representing the ACT Government at the national level, including cross-jurisdictional forums established under the National Plan to Reduce Violence Against Women and Their Children 2010-2022, Our WaTCh and ANROWS;
 - monitoring implementation of, and reporting on, the 38 Safer Families Package commitments;
 - establishing a data framework, coordinating data collection and sharing across Directorates, and developing new data sources as required to inform future policy and measure performance;
 - drive a shift in approach across Government the community from a crisis-driven response to early intervention and prevention;
 - facilitate a codesign process for access and referral to services for children and young people affected by family violence; and
 - membership of the Child and Youth Protection Quality Assurance and Improvement Committee to provide arms length quality assurance and ensure compliance by statutory services.

Context

- The *ACT Government Response to Family Violence* report was released in June 2016. Commitments focus on supporting a whole of Government approach to domestic and family violence. This work is being overseen by the Coordinator-General for Family Safety.

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Portfolio: Attorney-General**ISSUE: FAMILY VIOLENCE POLICY****Talking points:**

- Family violence is a serious issue that the Government remains absolutely committed to addressing. All Canberrans have the right to feel safe, and to be safe.
- The experience of domestic and family violence causes enduring damage to individuals and to society as a whole.
- The financial cost of family violence in our community is measured in the billions of dollars.
- The ACT Government views acts of family violence as intolerable and is actively working to make changes to protect the safety of all members of our community.

What is the Government doing to prevent family violence?

- Domestic and family violence is a difficult and complex problem which has no simple solutions.
- To prevent domestic and family violence we need to change the way Australians think and act in their homes. This means the whole community needs to be engaged in the job of changing attitudes and social norms.
- It was in recognition of this complexity that the ACT Government refocused its efforts to combat domestic and family violence in 2016. The commitment was to a comprehensive and long term reform agenda. The Safer Families package was the largest action to address family violence in Canberra's history.
- The investment in Safer Families is continuing. In the 2017-18 Budget the commitment has grown to \$23.5 million over four years.

Cleared as complete and accurate: 08/05/2018
Cleared by: Karen Greenland Ext: 70522
Information Officer name: Tamsyn Harvey
Contact Officer name: Amie Gunawan Ext: 71764
Lead Directorate: Justice and Community Safety

- The reform program involves a new model for integration across Government, the community sector and the community. The work is being led by the first full-time Coordinator General for Family Safety, who commenced in October 2016.
- On 11 May 2018 the Government launched the Family Safety Hub, which will be a catalyst for change within the existing ACT service system. The Hub was developed through a co-design process led by the Coordinator General for Family Safety. It will bring together people with expertise to help find and test new solutions before allowing them to be scaled-up and merged into the broader justice and service systems. The Hub's first focus is on how to build better early intervention support for pregnant women and new parents.

Death Review

- The Government has committed to introducing a family violence death review scheme for the ACT.
- This commitment was in response to the first and only ACT Death Review in 2016, which analysed 14 family violence deaths in the ACT between 2000 and 2012.
- A death review scheme will analyse information relating to family violence deaths in the ACT and make recommendations for system wide improvements to services to prevent similar deaths occurring in the future.
- Death reviews will help to improve family violence responses by examining the ways in which our systems and services performed when they were most challenged.
- The Justice and Community Safety Directorate (JACS) will consult with key stakeholders with a view to introducing legislation to implement a death review scheme in 2019-20.
- Comprehensive stakeholder engagement will be important to ensure establishment of a death review process that is consistent with best practice principles and appropriate for the ACT context.

Key Information

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Lead Directorate:	Justice and Community Safety	

Background Information – may not be suitable for public disclosureDeath Review

- The ACT Death Review, published in May 2016, provided 28 recommendations for action, including the recommendation that the ACT establish a legislative scheme to enable future family violence death reviews.
- In June 2016, the Government published the ACT Government Response to Family Violence, which included a commitment to ‘legislate for the Attorney-General to order a future family violence death review and provide powers for those undertaking such a review’.
- An ACT death review model will require funding. Costing for a death review model is yet to be determined. Legislation, Policy and Programs (LPP) will prepare a detailed costing for the 2019-20 budget process.
- LPP is preparing to consult key family violence stakeholders on two draft death review models, in anticipation for implementation in 2019-20.
- All jurisdictions, except Tasmania, the Northern Territory and the ACT, have a family violence death review function.

Sentencing of Graham Dillon

- On 4 June 2018 Graham Dillon was sentenced to 41 years in jail, including 36 years for the murder of his 9-year-old son, Bradyn. Bradyn was killed on 15 February 2016 following months of abuse by Dillon. On the day of his death, Bradyn was beaten by Dillon, causing fresh brain injuries and causing older brain injuries to re-bleed. Bradyn died in hospital.
- In response to this tragedy, a week after Bradyn’s death, the ACT Government launched a review into system level responses to family violence in the ACT, also known as the Glanfield Inquiry. The Glanfield Inquiry considered the interactions between ACT Government Directorates, agencies and service providers to identify areas where the Government can improve support for families experiencing violence. A report was published in April 2016 and all 31 recommendations were accepted by the ACT Government.
- One of the key areas of reform identified by the Glanfield Inquiry is about information sharing between family violence agencies to ensure women and children receive the assistance they need. An ACT family violence death review scheme would address this issue as it will aim to facilitate better information sharing in the family violence context.
- The ACT Children and Young People Death Review Committee (the Committee) reviews information about the deaths of children and young people to help prevent similar deaths from happening in the future. This would include review of Bradyn’s death. An ACT family violence death review scheme would have a similar function to

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Safety

the Committee, and LPP will consult with the Committee in developing a family violence death review model.

Family Violence Policy

- On 6 June 2016, the ACT Government announced the Safer Families package which included \$21.42 million in funding and highlighted four key priority actions for the ACT Government, including:
 - appointing the first, full-time Coordinator-General for Family Safety to lead change and provide accountability across the service system;
 - implementing a collaborative and integrated approach to services through a dedicated Family Safety Hub;
 - authorising information sharing and collaborative practices via a new legislative framework; and
 - developing a skilled and educated workforce, especially frontline staff, to respond to the needs of adults and children experiencing family violence.

Family Safety Hub

- The Family Safety Hub was a key commitment in the ACT Government's Response to Domestic and Family Violence. The Coordinator General for Family Safety has spent the last 12 months co-designing the final hub design with input from government, community services and front-line workers, experts and victims of domestic and family violence.
- The Family Safety Hub is funded at \$5.96 million over four years through the Safer Families Levy which sees each household contribute \$30 per year through their rates.

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Ongoing Issues

1. Crimes (Consent) Amendment Bill

- The Act Government is committed to protecting people from sexual abuse and ensuring that those who commit sexual offences are appropriately held to account.
- A strong criminal justice response to sexual offending is important, not just for victims and survivors but also for the entire community.
- The ACT Government welcomes the opportunity to consider potential improvements to our criminal laws.
- We are strongly committed to addressing criminal law reforms raised by the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations.
- The definition of consent proposed by the Greens is a departure from the current common law position.
- Given the recommendations of the Royal Commission, it is important that reforms to fundamental concepts underpinning ACT sexual offences are carefully considered and not dealt with in isolation from broader sexual offence reforms.
- The Government will consider the findings of the Justice and Community Safety Standing Committee, to which Ms Le Couteur's Bill has been referred, in determining any changes to the definition of consent for sexual offences

Cleared by Karen Greenland

1 June 2018

OVERSIGHT BRIEF

2. National Counter Terrorism

- Australia faces national security challenges that continue to evolve, so we need to keep our legislation and capabilities under constant review to meet these emerging issues.
- The ACT Government is committed to ensuring the safety and security of our community and continues to work closely with ACT Policing and other law enforcement and intelligence agencies to combat terrorism, and to implement the special Counter Terrorism COAG agreements.
- The ACT continues to support community leaders and activities that help promote the vibrant, inclusive and culturally diverse nature of the ACT community while maintaining the rule of law and protecting human rights.

If asked about current terrorism threat level

- Australia's National Terrorism Threat level remains at **PROBABLE**.
- Credible intelligence, assessed by national security agencies indicates that individuals or groups have developed both the intent and capability to conduct a terrorist attack in Australia.
- We cannot eliminate entirely the risk of terrorism but we can mitigate it. We will continue to do so through the combined efforts of law enforcement, intelligence and security agencies at all levels of government.

If asked about Facial Biometric Matching Capability

- As a human rights jurisdiction, the ACT has established a bilateral schedule to the national agreement to ensure ACT participation in a way that is consistent with human rights and privacy laws, while supporting national security needs.
- Limitations placed on how ACT data can be used will not limit the ability of other jurisdictions to participate with one another in the capability.
- The ACT will continue to explore additional participation for ACT in the range of services offered by the capability, pending further privacy and human rights scrutiny.

Countering Violent Extremism

- Keeping Australians safe from home-grown terrorism is a complex and evolving field that requires ongoing attention.
- The ACT Government continues to work closely with all governments to identify and implement measures to prevent and protect communities against violent extremism, tackling the root of the problem.

OVERSIGHT BRIEF

- It is recognised that families, friends and community members are often in the best position to identify individuals who might be at risk of radicalisation towards violent extremism.
- Anyone who has any concerns about possible violent extremism can make an anonymous report to the National Security Hotline on 1800 123 400.
- If there is an immediate threat to life or an emergency response is required, people should call Triple Zero (000) immediately.

Cleared by: Bren Burkevics

Date: 12 January 2018

OVERSIGHT BRIEF

3. Drug and Alcohol Court

- The Government is undertaking phase one, scoping and design work of a Drug and Alcohol Court (DAC) in collaboration with the justice, drug and alcohol service sectors.
- The effectiveness of DAC in achieving long-term behavioural change in offenders is supported by a substantial body of research. Results include reductions in re-offending (recidivism), reduced incarceration rates, and improved community safety outcomes.
- The problem-solving approach taken by drug courts involves key principles to achieve the best outcomes including: an integrated approach by all parts of the justice system, prompt access to treatment and related services and a high level of judicial intervention.
- The Supreme Court is developing proposals to Government in relation to the model, assisted by a working group of key stakeholders, chaired by Justice John Burns.

Cleared by: Karen Greenland

Date: 15 January 2018

OVERSIGHT BRIEF

4. Liquor Reforms

- The Government is committed to developing a regulatory regime that supports Canberra businesses, helps develop this community's vibrant night life and does so while ensuring public safety.
- Following extensive policy development and stakeholder consultation relating to liquor issues in 2015 and 2016, in 2017 the ACT Government made amendments to the *Liquor Act 2010* to cut unnecessary red tape and reduce alcohol-related harm.
- On 8 January 2018 *The Canberra Times* reported that the Commissioner for Fair Trading is yet to impose any conditions on Canberra's bars or nightclubs eight months after introduction of the new powers through the *Liquor Act 2010*.
- The article also stated that the controlled purchase operation powers were yet to be used.
- These powers were intended to be available for use where a compliance issue is identified. As this has not been the case, the powers are yet to be drawn upon.
- The Liquor Advisory Board serves to bring together stakeholders to advise the Attorney-General about matters relating to the operation and effectiveness of the *Liquor Act 2010* and support harm minimisation and community safety principles.
- The Board's diversity will be enhanced with an additional member to represent the late night economy to be appointed in the first half of 2018.
- The safety measures introduced by the *Liquor Amendment Act 2017* have been enhanced by additional funding of \$4.866 million included in the 2017-18 Budget most of which will cover six additional police officers for night-time patrols.

Cleared by: Karen Greenland

Date: 2 March 2018

OVERSIGHT BRIEF

5. Community Club Grants

- The Government is implementing a range of measures to assist small and medium clubs, including to help them to diversify their income streams. These include, from 2017-18:
 - a. introducing a small and medium club gaming tax rebate to allow smaller clubs to keep 50 per cent of their gaming taxes on up to \$4 million of gross gaming machine revenue to re-invest into their organisation
 - b. the option to make quarterly (rather than monthly) gaming machine tax and Problem Gambling Assistance Fund (PGAF) payments
 - c. the availability of a \$10,000 community club grant for the purpose of diversification towards alternative income streams.
- In August the Legislative Assembly passed amendments to the *Gaming Machine Act 2004* which implemented the tax rebate and more flexible gaming tax payment arrangements. These changes apply in relation to gaming tax payable from 1 July 2017.
- Fourteen applications have been received by the Justice and Community Safety Directorate for the community club grant. The grant is available to help clubs diversify their business away from reliance on gaming machine revenue.
- Uses proposed for the grant have included: new, and refurbishments to, kitchens, function areas, and entertainment spaces such as dance floors; and consultancy fees for alternative land use applications.
- The Justice and Community Safety has entered into Deeds of Grants and provided funds to fourteen clubs.

Updated by: AlexIngham

Cleared by: Karen Greenland

Date: 1 June 2018

OVERSIGHT BRIEF

6. Community Legal Centres (CLCs)

Tenant's Union evaluation:

- The Tenants Union receives \$445,000 annually from ACT Government trust money.
- As a result of changes to Commonwealth reporting requirements under the NPA, the Government has undertaken a re-evaluation of our legal assistance sector.
- The ACT Government's priority is to ensure that all service delivery funding is routinely evaluated and supported by appropriate performance indicators in order to maximise frontline service delivery.
- The TU has not had an evaluation of its funding arrangements in some time. The Government is working with the TU Board to both evaluate the current arrangement and formulate a framework for future funding arrangements.
- This work is being undertaken by an independent evaluator and will ensure that appropriate and fair outcome-based measures are in place moving forward.

CLC funding generally:

- This initiative will assist the ACT legal assistance sector to continue to provide core services to the most vulnerable members of the community.
- This funding is provided in the context of the National Partnership Agreement on Legal Assistance Services 2015-20 (NPA), under which the Territory is responsible for managing Commonwealth funding to the Legal Aid Commission and Community Legal Centres (CLCs) and for facilitating service planning for the ACT legal assistance sector.
- Under the NPA, the Commonwealth reduced core funding to ACT CLCs by 25 per cent from 1 July 2017.

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

7. Commonwealth Funding – DV/Women’s Safety

- I am pleased that the Commonwealth Government has invested in community legal services for family violence matters, including by funding the Women’s Legal Centre and Legal Aid ACT to establish dedicated domestic violence legal services in the ACT.
- I also welcome the Commonwealth’s Budget initiative to transform the family law system, which includes an additional \$39 million over three years under the National Partnership Agreement (NPA) on Legal Assistance Services for Community Legal Centres (CLCs) to deliver family law and family violence related services.
- Along with the ACT Government’s own initiatives for supporting the ACT legal assistance sector, this additional commonwealth funding responds to the Productivity Commission’s recommendation for governments to increase funding to legal assistance providers.

If asked about 2017 Commonwealth funding for domestic violence units

- On 16 October 2017, the Commonwealth announced \$3.4 million in funding to establish six new specialist domestic violence units.
- The ACT was not successful in securing funding for a second domestic violence unit in this round.

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

8. Moss Review

- Mr Moss' Review was provided to the Minister for Corrections on 7 November 2016 and released to the public on 10 November 2016. The report notes that Mr Freeman spent considerable time on remand in the Alexander Maconochie Centre (AMC) before he was sentenced.
- The Minister for Corrections Shane Rattenbury tabled the Government's response on 16 February 2017.
- The inquest into Mr Freeman's death began on 27 February 2017, undertaken by Coroner Robert Cook. The inquest has heard that Mr Freeman died from aspiration pneumonia due to methadone toxicity.
- The Coroner's Inquest has concluded and Coroner Cook released his findings on 11 April 2018.
- The Coroner has not made any adverse findings in this matter.
- However, I note the Coroner's findings in relation to deficiencies and inconsistencies in some ACT Health and ACT Corrective Services procedures.
- The ACT Government acknowledges the acute grief, loss and sadness that Steven Freeman's family has experienced, and the impact this death has had on the Aboriginal and Torres Strait Islander community, and the wider AMC community including those involved in the various aspects of his treatment and care.
- The Coroner has made seven recommendations for the ACT Government to consider.
- A number of actions the Coroner has recommended have already been implemented by ACT Health and ACT Corrective Services through the Government's response to the Moss Review.

Cleared by: Tamsyn Harvey

Date: 1 June 2018

OVERSIGHT BRIEF

9. ACTP Crime Statistics

- ACT Policing and other ACT Government agencies do excellent work on a daily basis to keep the Canberra community safe and our low crime rates are a testament to this.
- We know that Aboriginal and Torres Strait Islander people are over represented in the criminal justice system and we are committed to addressing this.
- We are investing in programs and partnering with community-based organisations to keep Aboriginal and Torres Strait Islander people out of the criminal justice system.
- The government is also committed to reducing recidivism by 25 per cent by 2025, under the Parliamentary Agreement.

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

10. Eastman Update

- The retrial of Mr Eastman demonstrates that the ACT judicial system is functioning independently and appropriately. The system has upheld a defendant's right to a fair trial.
- The Government has shown absolute commitment to due process in support of the Inquiry and subsequent legal processes.
- The re-trial of David Harold Eastman is to commence 4 June 2018.
- The media is reminded that the individuals who attend for jury service have a right to privacy. In order to respect this right, the media is asked, in particular, to avoid photographing or otherwise recording any member of the jury pool prior to and during the time that the jury empanelment process is being conducted.
- As the substantive trial will commence after the jury is selected, there will be ample opportunity for media coverage from this time.
- There are penalties under the Juries Act 1967 for disclosing the identity of jurors.

If asked - What funding has been provided in the 2018-19 budget?

- In 2018-19, the total funding for the Eastman matter is \$6.079 million.
 - \$2.2m to the Director of Public Prosecutions
 - \$2.159m to the ACT Courts and Tribunal
 - \$1.025m to Legal Aid Commission
 - \$695,000 to the ACT Policing.

If asked - What funding has been provided in the 2017-18 budget?

- In 2017-18, the total funding for the Eastman matter is \$7.360 million, including funding for the courts and Legal Aid.
- In addition, funding of \$2.257 million is also provided to the Office of the Director of Public Prosecutions (DPP).

Cleared by: Tamsyn Harvey

Date: 30 May 2018

OVERSIGHT BRIEF

11. New Courts Facilities

- The New ACT Court Facilities is being delivered by a 25-year Public Private Partnership (PPP) and the Territory issued a Major Default Notice to Juris Partnership on 3 November.
- Juris Partnership says that construction of the new facility will be delayed due to structural complexities with the pre-cast ordering and installation, restricted working hours from noise and vibration delays in excavation, and complications in finalising engineering solutions for linking to the existing Magistrates Court due to Building Code of Australia requirements.
- Phase one (new wing and refurbishment of Magistrates Court building) is expected to be complete mid-2018 with Phase two (refurbishment of heritage building) due around the end of 2018.
- Construction and timing risk rests with Juris Partnership. The Territory has entered into an agreement with fixed price for the design, construction, maintenance and operations of the facility for 25 years.
- The end date of this agreement is static. Payment by the Territory does not commence until the building has been completed and accepted by the Territory.
- The Notice issued to Juris as a result of delays is largely a technical contractual issue.
- However, the benefit of issuing the notice is that Juris is required to submit a remedy program which then becomes a commitment against which failure to deliver has the potential to trigger a Default Termination Event.

If Asked: What effect will the delay have on Court listings?

- The Supreme Court has been aware of the potential delay for some months and will take it into account when listing matters in 2018. The Court will have access to the same number of courtrooms (both jury and non-jury) in early 2018 as has been available in 2017.
- The impact of committing one of the jury courtrooms to the Eastman retrial from April 2018 may mean some jury trials will be held in the Queanbeyan courthouse.
- Presently the Supreme Court has started listing for the new jury court rooms from July.
- The project is continuing to monitor the program and assessing if there will be any impact to listings.

OVERSIGHT BRIEF

If Asked: What sort of penalties are in place for the builder being late in delivery?

- The delays to completion do not result in a negative financial outcome for the Territory. The contract runs for a 25-year period with a fixed start and finish date. The Territory only pays for the facility once it has been completed and accepted.
- For each month that completion is delayed there will be an avoided cost for the Territory equivalent to the Monthly Service Payment amount. For example, if completion was delayed by three months then the contract would run for 24 years and nine months rather than the contracted 25 years.

Cleared by: [Melissa Tierney](#)

Date: 1 April 2018



ACT
Government

Justice and Community Safety

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ATTORNEY-GENERAL
Estimates Committee Hearings
26 June 2018 –
9:15 – 11:00am

JACS Corporate – Budget

1.	2018-19 Budget Summary (including summary of JACS Initiatives)
2.	ACT Budget Media Release
3.	ACT Budget Community Consultations
4.	Indexation Parameters
5.	2018-19 Fees and Charges
6.	Staffing Breakdown (incl. classification breakdown)
7.	Workforce Issues (incl. Bullying and Harassment, sexual harassment and misconduct statistics)
8.	Staff Survey
9.	Freedom of Information

Budget Initiatives

10.	More support for families and inclusion – Retrial of Mr David Eastman
11.	More support for families and inclusion - Drug and Alcohol Court
12.	More support for families and inclusion – Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse
13.	More support for families and inclusion – Canberra as a Restorative City
14.	More support for families and inclusion – Additional Magistrate
15.	More support for families and inclusion – Improving ACT Coronial Services
16.	More support for families and inclusion – Preventing and responding to elder abuse
17.	More support for families and inclusion – ACT Civil and Administrative Tribunal Accommodation – early planning
18.	More support for families and inclusion – Expanding CBR Night Crew

19.	More support for families and inclusion – More resources for the Director of Public Prosecutions
20.	Better Government – New Jury Management System
21.	Fairer revenue – Penalty unit adjustment
22.	Disability Justice Strategy (CSD Budget Initiative)
23.	National Facial Biometric Matching Service
2017-18 2ND Appropriation Initiatives	
24.	2017-18 2 nd Appropriation – Better Support When it Matters – Director of Public Prosecutions – Additional Resources to Confiscate Criminal Assets
25.	2017-18 2 nd Appropriation – Better Support When it Matters – Criminal Law Reform
26.	2017-18 2 nd Appropriation – Better Support When it Matters – Redress for Survivors of Child Sexual Abuse in Institutions
27.	2017-18 2 nd Appropriation – Better Support When it Matters – Drug and Alcohol Court Establishment
28.	2017-18 2 nd Appropriation – Better Support When it Matters – Stronger Resourcing for the Government Solicitor's Office
29.	2017-18 2 nd Appropriation – Fairer Revenue – Restructure of ACAT Fees
30.	2017-18 2 nd Appropriation – Fairer Revenue – Simplified Fees for Civil Proceedings in the Supreme Court
31.	2017-18 2 nd Appropriation – Retiring Judge's Entitlements
Strategic and Accountability Indicators	
32.	Output Class 1.1: Legislation, Policy and Programs
33.	Output Class 1.2 Legal Services to Government
34.	Output Class 1.3 Legislative Drafting and Publishing Services
35.	Output Class 1.4 Public Prosecutions
36.	Output Class 3.0 Courts and Tribunal, Judicial and Access to Justice
Output Class (Financial Summaries)	
37.	Financial Summary Output Class 1
38.	Financial Summary Output 1.1
39.	Financial Summary Output 1.2
40.	Financial Summary Output 1.3
41.	Financial Summary Output 1.4

42.	Financial Summary Output 3.0
Rollovers	
	<p>FMA Section 16B Rollovers (2016-17 to 2017-18)</p> <ul style="list-style-type: none"> • Better support when it matters - Family Safety Hub • Better support when it matters - Strengthening the Office of the Director of Public Prosecutions • Eastman Retrial and Related Proceedings • Fines Management Feasibility Study • Implement Strategic Priorities • Justice Reform Strategy • Jury Management System • Workers' Compensation Acquittal • ACT Legislation Register Replacement • Courts Public Private Partnership (PPP) • Replacement of the Courts and Tribunal ICT Case Management System <p style="text-align: center;"><u>AND</u></p> <p>2018-19 Budget Rollovers (2017-18 to 2018-19)</p> <ul style="list-style-type: none"> • Better support when it matters - Criminal law reforms • Better support when it matters - Drug and Alcohol Court Establishment • Better support when it matters - Reducing alcohol-fuelled violence • Better support when it matters - Retrial of Mr David Eastman • Fines Management Scheme Feasibility • Implement Strategic Priorities • Justice Reform Strategy - Enhancing community corrections • Learning Management System • Safer Families - Enhancing access to justice for non-English speakers • Better support when it matters - Family Safety Hub • Strategic Asset Management Plan • Review of <i>Family Violence Act 2016</i> • ACT Legislation Register Replacement • Courts Public Private Partnership (PPP) - (Formerly called ACT Court Facilities Early Works Package) • Replacement of the Courts and Tribunal ICT Case Management System
Access Canberra Estimates Briefs – Output 1.1 Gambling Regulation and Harm Minimisation	
44.	Accountability Indicators – Gambling and Racing Commission *
45.	Gaming and Racing Compliance *
46.	Gaming and Racing – Harm Minimisation and Research *
47.	Gaming and Racing – Licencing *
48.	Greyhounds
49.	Residential Tenancies Act 1997 – Commercial Guarantees

* These briefs relate to the Minister for Regulatory Services portfolio and are to be considered for release under Open Access by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) as the responsible agency. Refer to the CMTEDD website

22/06/2018 12:27 PM (www.CMTEDD.gov.au) for further information on the release of these briefs under Open Access.

ACT Courts and Tribunal	
50.	New Courts Facilities (PPP)
Public Trustee and Guardian for the ACT	
51.	Strategic and Accountability Indicators
52.	Public Trustee and Guardian for the ACT Financial Report
Legal Aid Commission	
53.	Legal Aid ACT Service Levels
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Question Time Briefs	
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60.	DPP Resourcing
61.	Resourcing of Magistrates and Coroners Court
62.	Coroner's Court Reform
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64.	Child Abuse Royal Commission
65.	Redress
66.	Residential Tenancies
67.	Criminal Gangs
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69.	Costing of Questions on Notice
70.	Whole of Government response to Family Safety
71.	Family Violence Policy

2018/1896-010

Portfolio: Attorney-General**ISSUE: 2018-19 Budget Summary – Attorney-General**

Talking points:

The 2018-19 Budget invests **\$32.1 million** to keep the ACT safe by continued investment in a strong and secure justice system, including:

- **\$5.4 million** over four years to appoint an additional magistrate to maintain a timely and effective justice system including:
 - **\$3.1 million** for ACT Courts and Tribunal for full time eighth magistrate and support staff; and
 - **\$2.3 million** for Legal Aid and the Director of Public Prosecutions to respond to additional workload in the Magistrates Court.
- **\$7.3 million** over four years for more staff and resources for the Director of Public Prosecutions to respond to a growing city and more complex criminal trials.
- **\$1.9 million** over four years to appoint a full-time forensic pathologist to support the Coroner.
- **\$625,000** in 2018-19 to continue the scoping and design work on the Government election commitment to deliver a dedicated Drug and Alcohol court for the ACT.
- **\$1.1 million** over four years to modernise the Supreme Court Jury Management System.
- **\$187,000** in 2018-19 from the Confiscated Assets Trust to develop Canberra as a Restorative City through events and workshops.
- **\$14.2 million** over four years for supporting survivors of child sexual abuse by joining the National Redress Scheme to deliver a redress payment, counselling and psychological care, and a direct personal response.

Cleared as complete and accurate:	18/06/2018	
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Lead Directorate:	Justice and Community Safety	

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- **\$1.7 million** over four years to continue and expand CBR NightCrew to assist people affected by alcohol and or drugs in Civic nightlife precinct, partially offset by:
 - **\$954,000** million over four years jointly funded by various agencies (\$854,000 by JACS, Access Canberra, ACT Health and ACT Policing and \$100,000 by the City Renewal Authority).
- **\$640,000** over four years to establish a Senior Rights Services at Legal Aid to provide targeted legal services to older Canberrans who are experiencing, or are vulnerable to, elder abuse.

The funding also provides for:

- **\$70,000** in 2018-19 from the ACT Civil and Administrative Tribunal (ACAT) Trust for a quantity surveyor to examine the ACAT's future accommodation needs
- One-off funding of **\$6.1 million in 2018-19** for the retrial of Mr David Eastman for the murder of Mr Colin Winchester. This funding will provide:
 - **\$2.159 million** to fund judicial resources and the cost associated with managing the database in relation to the Eastman matter and subsequent proceedings, jury costs and other relevant expenses;
 - **\$2.2 million** resources for the Director of Public Prosecutions;
 - **\$0.695 million** resources for ACT Policing; and
 - **\$1.025 million** for Legal Aid to provide ongoing representation for Mr Eastman in relation to his retrial.

In addition, **\$5.5 million** over five years from 2017-18 is provided in the 2017-18 2nd Appropriation. This includes:

- **\$2.6 million** over five years to increase the capacity of the ACT Government Solicitor to support the implementation of the ACT Digital Strategy and the provision of legal advice to directorates on employment law and workplace rights.
- **\$970,000** over 18 months for more resources for the Office of the Director of Public Prosecutions to address organised crime.
- **\$547,000** over 18 months to continue the implementation of criminal law reform recommendations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse.

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- **\$1.1 million** in 2017-18 to develop a model of care, procedures, design and finalising costs for the Drug and Alcohol Court.
- **\$293,000** in 2017-18 for the implementation of the Commonwealth Redress Scheme for Survivors of Child Sexual Abuse in Institutions, which will commence on 1 July 2018.

Background

The ACT's budget announcements will include initiatives relating to:

- More support for families and inclusion – Improving ACT Coronial Services;
- More support for families and inclusion – More resources for the Director of Public Prosecutions;
- More support for families and inclusion – Additional Magistrate;
- More support for families and inclusion – Retrial of Mr David Eastman;
- More support for families and inclusion – ACT Civil and Administrative Tribunal Accommodation – early planning;
- More support for families and inclusion – Drug and Alcohol Court;
- More support for families and inclusion – Implementing the National Redress Scheme for Institutional Child and Sexual Abuse;
- More support for families and inclusion – Canberra as a restorative city;
- More support for families and inclusion – Expanding CBR Night Crew;
- Better Government – New Jury Management System;
- More support for families and inclusion – Preventing and responding to elder abuse;
- Better support when it matters – Director of Public Prosecutions – Additional resources to confiscate criminals' assets;
- Better support when it matters – Criminal law reforms;
- Better support when it matters – Stronger resourcing for the Government Solicitor's Office;
- Better support when it matters – Drug and Alcohol Court establishment; and
- Better support when it matters – Redress for survivors of child sexual abuse in institutions.

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Strengthening Canberra's justice system



The ACT Government is delivering a stronger justice system to maintain the safety and security of our community through the 2018 Budget.

We will focus on providing better access to justice and supporting victims of crime through the National Redress Scheme for survivors of child sexual abuse. We will also invest in programs and services that help reduce re-offending and create alternative pathways for the resolution of justice matters.

Faster access to justice

The ACT Government is investing in justice services to ensure our courts can continue to operate effectively and efficiently while protecting people's rights. This will include:

- **\$7.3 million** for more staff and resources for the Director of Public Prosecutions to respond to complex criminal trials
- **\$5.4 million** to appoint an additional Magistrate to assist with demand in the Magistrates Court and provide additional resources to Legal Aid and the Office of the Director of Public Prosecutions to manage a larger case load
- **\$1.9 million** to appoint a full-time forensic pathologist to support the ACT Coroner
- **\$1.1 million** for a more modern and efficient online Supreme Court Jury Management System
- **\$740,000** to continue and expand CBR NightCrew which assists people affected by alcohol and/or drugs in the Civic nightlife precinct
- **\$640,000** to establish a Seniors Rights Service as part of Legal Aid to provide targeted legal services to older Canberrans who are experiencing, or vulnerable to, elder abuse
- **\$625,000** to plan the Government's commitment to deliver a dedicated Drug and Alcohol court for the ACT
- **\$580,000** to develop a Disability Justice Strategy to recognise and respond to the disadvantage that people with disability face when dealing with the justice system and provide ongoing support for the Canberra Community Law's Socio-Legal Practice Clinic
- **\$187,000** to develop Canberra as a Restorative City through events and workshops. These sessions will seek to approach social and community challenges through restoring relationships and applying restorative practices.

Like most of Australia, our community has been shocked and saddened by the stories told during the Royal Commission into Institutional Child Sexual Abuse. We have supported the Commission's recommendation to provide better support for the victims of these crimes and will deliver this in the Budget through:

- **\$14.2 million** to contribute to the National Redress Scheme by delivering a redress payment, counselling and psychological care and a direct personal response to Canberrans who were sexually abused as children in institutions
- **\$84,000** to fund an additional Aboriginal Victim Liaison Officer for Victim Support ACT.

Reducing reoffending by 25 percent by 2025

The 2018 Budget delivers more rehabilitative opportunities and investment in alternative pathways to prison, including:

- **\$6 million** to continue the Intensive Corrections Order Scheme so offenders can be diverted from full-time imprisonment to serve their sentence in the community and be rehabilitated
- **\$1 million** to reduce reoffending by supporting initiatives which prevent crime and address offending behaviour, including expanding the High Density Housing Community and Safety Program and establishing Warrumbul Court in the Children's Court to provide a culturally appropriate sentencing process for young Aboriginal and Torres Strait Islander Canberrans in the justice system.

The 2018 Budget is stepping up our investment to maintain fast and effective justice services for our growing city.

Media contact: Alexandra Craig 0466 024 520 alexandra.craig@act.gov.au

2018/1896-014

Portfolio: Attorney-General**ISSUE: ACT Budget Community Consultations****Talking points:**

- Ninety-five (95) submissions were received as part of the 2018-19 Community Budget Consultation process and loaded onto the consultation website including twenty five (25) marked as confidential.
- Sixteen (16) of these submissions related to JACS services or functions. Some submissions cross over other Ministerial portfolios.
- Sch 2 s 2.2 (a)(xii) seeks funding to support the community sector to prevent, reduce and respond to elder abuse. It aims to reduce the risk and prevalence of family violence occurring at older ages.
 - The Government will provide \$0.640 million to establish a 'Seniors Rights Service' as part of the Legal Aid Commission (ACT) to provide targeted legal services to older Canberrans who are experiencing, or are vulnerable to, elder abuse.
- Sch 2 s 2.2 (a)(xii) seeks to highlight the demand on Sch 2 s 2.2 (a)(xii) and the need for the ACT Government to recognise the importance of offering services to strengthen the Canberra Community and reduce the long term impacts of unspoken trauma.
 - The Government has agreed to join the National Redress Scheme, a key outcome from the Royal Commission into Institutional Responses to Child Sexual Abuse, which will commence on 1 July 2018.
 - In 2017-18 Budget Review, the Government contributed \$0.293 million to the implementation of the scheme. This included additional resources (\$0.120 million) for the Canberra Rape Crisis Centre to help meet increased demand for its services.
 - In 2017-18 Budget review, the Government provided \$0.547 million over two years to support the implementation of criminal law reform recommendations arising from the Royal Commission into Institutional Responses to Child Sexual

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Abuse. Implementing the Commission's recommendations will improve the criminal justice system through increased protection and support for child victims of sexual abuse.

- In the 2018-19 Budget, as part of the scheme the ACT will fund \$14.2 million over four years to provide three elements of redress to eligible survivors from ACT Government institutions – a redress payment, counselling and psychological care, and a direct personal response.
- Sch 2 s 2.2 (a)(xii) . One recommendation related to delivery of real increases to the numbers of public sector workers as a means to address chronic workload issues. They also recommended additional resources should be made available to the *Office of the Director of Public Prosecutions (DPP)* for Industrial Magistrate Court prosecutions.
 - In 2017-18 Budget review, the Government provided \$0.970 million over 18 months to strengthen the capacity of the DPP to address organised crime, by providing additional prosecutors to specialise in seizing criminal assets, depriving criminal organisations of the financial proceeds of crime.
 - In 2018-19 Budget, the Government will provide \$7.272 million over four years to address the increased demand and workload for Office of Director of Public Prosecution (ODPP), including capital injection funding of \$0.350 million to accommodate these additional staff.
 - In 2018-19 Budget, the Government will also appoint an additional magistrate to the ACT Magistrates Court (3.101 million) to help improve timely access to justice. The Government will also deliver more resources to DPP (\$0.987 million) and Legal Aid (\$1.318 million) to help these agencies to manage the increased workload as a result of the appointment of the new magistrate.
 - In 2018-19 Budget, the Government will contribute \$2.2 million to the provide resources to the DPP for cost of the retrial of Mr David Harold Eastman.
- Sch 2 s 2.2 (a)(xii) have further recommended a gradual increase of poker machine tax rate to at least the national average.

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- The gaming machine tax rates in the Territory were amended in 2015 as part of the implementation of the Gaming Machine Reform Package, and take into account the community gaming model.

Revenue	Tax Rate	
	Before Reform	After Reform
\$1 to \$14,999.99	NIL	NIL
\$15,000 to \$24,999.99	15%	17%
\$25,000 to \$49,999.99	17%	21%
\$50,000 and above	21%	23%

Background

The Community Budget Consultation Process closed on 24 October 2017.

Minister briefing – TRIM MIN:2017/003804

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2018/1896-018

Portfolios: All ministers

ISSUE: Estimates Brief - Technical Budget Adjustment (Revised Indexation Parameters – CPI and WPI and Revised Wage Parameters)

Talking points:

Indexation Parameters

Applicable to		2017-18	2018-19	2019-20	2020-21	2021-22
		(%)	(%)	(%)	(%)	(%)
Consumer Price Index (CPI)	Supplies and Services	2.25	2.25	2.5	2.5	2.5
Wage Price Indexation (WPI)	Own Source Revenue	2.0	2.5	2.75	3.25	3.25

Consumer Price Index (CPI) for 2018-19 is 2.25 per cent, remains unchanged from the both 2017-18 CPI as well as rate used in the 2017-18 Budget projections for 2018-19.

- The CPI forecast for forward years remains unchanged at 2.5 per cent as the rate used in the 2017-18 Budget projections.

Wage Price Indexation (WPI) for 2018-19 is 2.5 per cent, an increase of 0.5 percentage point from the WPI rate of 2 per cent for 2017-18. The 2018-19 WPI of 2.5 per cent remains unchanged from the rate used in the 2017-18 Budget projections for 2018-19.

- The WPI forecast for each outyear has increased from the rates in the 2017-18 Budget projections; with the 2019-20 forecast increased from 2.5 per cent to 2.75 per cent, and the 2019-20 and 2020-21 forecasts from 3 per cent to 3.25 per cent.
- The WPI forecast of 2.5 per cent has been used to index the non-regulatory JACS Directorate's Fees and Charges from 1 July 2018.

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- In 2018-19 regulatory Fees are indexed at 4 per cent; parking and traffic fines/fees by six per cent; and motor vehicle registrations by five per cent.
- In 2019-20 and forward years these fees are projected to increase by relevant WPI indexation.

Wage Parameters

Wages

- The Government is offering a pay proposal which includes the following increases on rates of pay:
 - 2.25 per cent from the first full pay period in October 2017;
 - 0.5 per cent from the first full pay period in June 2018; and
 - 1.35 per cent every six months from the first full pay period in December 2018 to the first full pay period in June 2021.

Superannuation

- The Government has agreed to the union claim to include superannuation provisions in enterprise agreements, including the “3 for 1” offer, which sees the Government contributing a further 1 per cent for eligible staff that make a personal contribution of 3 per cent or more. The Government also remains committed to increasing superannuation employer contributions for staff on the Superannuation Guarantee rate as follows:
 - 0.25 per cent on 1 July 2018;
 - 0.25 per cent on 1 July 2019; and
 - 0.5 per cent on 1 July 2020.
- This would bring the contribution rate to 11.5 per cent for affected staff by 1 July 2020 (the legislated minimum of 9.5 per cent plus 2 per cent).

Background

- The wage parameter rate used in 2017-18 and forward years budget for Directorate staff is 1.3 per cent;
- The current ACTPS enterprise agreements expired on 30 June 2017;
- The enterprise agreement increases for all ACTPS employees from 2013-14 to 2016-17 are:
 - Year 1 (2013-14): a single \$2,090 flat increase in salary rates OR a 2 per cent increase in salary rates – whichever is the greater;

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BUDGET ESTIMATES BRIEF

- Year 2 (2014-15): two 1.5 per cent increases in salary rates payable from the first pay period on or after 1 July 2014 and 1 April 2015;
 - Year 3 (2015-16): two 1.5 per cent increases in salary rates payable from the first pay period on or after 1 October 2015 and 1 April 2016; and
 - Year 4 (2016-17): two 1.5 per cent increases in salary rates payable from the first pay period on or after 1 October 2016 and 1 April 2017.
-

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FEES AND CHARGERS

ISSUE: How much have fees and charges increased?

Key Points:

Summary of indexation of fees and charges

- As part of the 2015-16 Budget process, the regulatory fees and charges were indexed by four per cent per annum; and parking and traffic fines/fees to six per cent per annum for each financial year until 2018-19.
- In the 2015-16 Budget the Government announced an increase in motor vehicle registration fees by five per cent per year from 2015-16 to 2018-19.
- As part of the 2016-17 Budget Review, the Government agreed to retain the indexation rate for the Utilities Network Facilities Tax (UNFT) at five per cent for 2018-19 and 2019-20; and increase the indexation of the Water Abstraction Charge (WAC) to three per cent for 2017-18 to 2019-20.

Regulatory Service Fees

- Regulatory Service Fees are payable for the regulation and administration of applications and licenses by Government. This includes fees for regulatory services such as transport regulation, waste acceptance, road safety, building levies and development applications.

Parking fees and fines

- From 2017-18 to 2018-19 parking fees and fines in ACT Government car parks across Canberra will increase by six per cent.
- Parking fees vary across the ACT by location and fees are generally rounded down to nearest 10 cents. For example, the all-day maximum fee for parking at:
 - premium central city locations is expected to increase from \$16.70 to \$17.70.
 - other city locations is expected to increase from \$11.30 to \$11.90.
 - town centres (excluding Gungahlin) is expected to increase from \$11.30 to \$11.90.

Motor Vehicle Registration

- Motor vehicle registrations fees will increase by five per cent from 2017-18 to 2018-19.
 - For a passenger vehicle with a tare weight between 1,155 and 1,504 kilograms, the annual registration charge will increase from \$366.30 to \$384.64, an increase of \$18.34.
 - These figures include the two per cent discount which is available to those motorists who pay their motor vehicle registration annually.

Utilities Network Facilities Tax (UNFT)

- From 2017-18 to 2018-19 the UNFT will increase by five per cent.

- UNFT is levied on the owner of a utility network facility that is installed on or under the land in the ACT. Utilities networks include networks for transmitting and distributing electricity, gas, sewerage, water and telecommunications.
- Some utility providers such as Telstra separately reflect the UNFT on customer's bills.
 - For Telstra residential customers in 2018-19, the annual charge is expected to be around \$45, while the annual charge for commercial customers are based upon the number of eligible services (see table below – issued by Telstra in April 2018).

Tier	Number of eligible services	Annual charge to commercial customers (including GST)
1	1-2 services	\$43.66
2	3-10 services	\$207.34
3	11-50 services	\$835.54
4	51-150 services	\$3,413.04
5	151-1500 services	\$12,451.37
6	1501 services and above	\$206,162,30

Water Abstraction Charge (WAC)

- The WAC is a charge on those licensed to take ACT water. Increases to the WAC are passed on directly by Icon Water to urban consumers.
 - Increases are treated as a pass-through event within the Independent Competition and Regulatory Commission's pricing determination for water and sewerage services.
 - The WAC is included but not separately identified in customer's water bills. In 2017-18 it was \$0.578 per kl and is expected to increase to \$0.595 per kl for 2018-19.
- From 2017-18 to 2018-19 the Water Abstraction Charge (WAC) will increase by three per cent.
 - For an average household using 200 kilolitres of water per year, this will result in an increase in water bills of around \$3.50 in 2018-19.

Fire and Emergency Services Levy (FESL)

- From 2017-18 to 2018-19 the FESL will increase from \$294 to \$336 for residential and rural properties, an increase of \$42.
 - This increase is due to the 2015-16 Budget measure to increase the FESL revenue to cover a greater share of the actual costs of delivering emergency services.
 - A FESL rebate of \$98 is available to eligible pensioners.

Fees and Charges Indexation Summary

Fees/Charges	Indexation				
	2017-18	2018-19	2019-20	2020-21	2021-22
Regulatory Services Fees	4 per cent	4 per cent	WPI	WPI	WPI
Parking fees and fines	6 percent	6 percent	WPI	WPI	WPI
Motor Vehicle Registration	5 per cent	5 per cent	WPI	WPI	WPI
Utilities Network Facilities Charge	5 per cent	5 per cent	5 per cent	WPI	WPI
Water Abstraction Charge	3 per cent	3 per cent	3 per cent	-	-
Fire and Emergency Services Levy	\$42	\$42	-	-	-

2018/1897-001

Portfolio: JACS Ministers

ISSUE: Staffing Breakdown and Estimated Employment Level – Staffing (FTE)

Voluntary Redundancy

- Two employees elected to be made voluntarily redundant in 2017-18 in accordance with the relevant enterprise agreement. One voluntary redundancy was in the ACT Courts and Tribunal .

Staffing information

As at 30 May 2018, JACS employed a workforce of 1,772.16 FTE or 1,859 headcount. This includes figures for Public Trustee for the ACT of 51.48 FTE or 56 headcount. Excluding the Public Trustee, the JACS Directorate FTE was 1,720.68.

Staff Profile by Division

Division	Total Headcount	Total FTE
ACT Courts & Tribunal	193	178.63
ACT Government Solicitor	123	109.90
Corporate	90	86.42
Corrective Services	417	407.13
Director for Public Prosecutions	89	84.28
Emergency Services	713	688.06
Human Rights Commission	50	46.58
Inspectorate of Custodial Services	1	0.80
Legislation, Policy & Programs	84	77.75
Office of Director-General	10	10.47
Parliamentary Counsel's Office	22	19.82
Public Trustee and Guardian	56	51.48
Security & Emergency Management Branch	11	10.83
Total	1,859	1,772.16

FTE by Division and Gender

Division	Female	Male	Total FTE
ACT Courts & Tribunal	129.99	48.65	178.63
ACT Government Solicitor	83.30	26.60	109.90
Corporate	57.92	28.50	86.42
Corrective Services	166.01	241.12	407.13

Cleared as complete and accurate: 15/06/2018
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 Lead Directorate: Justice and Community Safety

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BUDGET ESTIMATES BRIEF

Division	Female	Male	Total FTE
Director for Public Prosecutions	54.93	29.36	84.28
Emergency Services	145.55	542.51	688.06
Human Rights Commission	40.35	6.23	46.58
Inspectorate of Custodial Services	0.80		0.80
Legislation, Policy & Programs	59.86	17.89	77.75
Office of Director-General	6.47	4.00	10.47
Parliamentary Counsel's Office	15.32	4.50	19.82
Public Trustee and Guardian	39.55	11.93	51.48
Security & Emergency Management Branch	2.83	8.00	10.83
Total	802.87	969.29	1,772.16

Headcount by Division and Gender

Division	Female	Male	Total Headcount
ACT Courts & Tribunal	139.00	54.00	193
ACT Government Solicitor	92.00	31.00	123
Corporate	59.00	31.00	90
Corrective Services	170.00	247.00	417
Director for Public Prosecutions	58.00	31.00	89
Emergency Services	158.00	555.00	713
Human Rights Commission	43.00	7.00	50
Inspectorate of Custodial Services	1.00		1
Legislation, Policy & Programs	65.00	19.00	84
Office of Director-General	6.00	4.00	10
Parliamentary Counsel's Office	17.00	5.00	22
Public Trustee and Guardian	44.00	12.00	56
Security & Emergency Management Branch	3.00	8.00	11
Total	855.00	1,004.00	1,859

FTE by Classification Group and Gender

Classification	Female	Male	Total FTE
Administrative Officers	319.20	145.88	465.08
Ambulance and Ambulance Support Officers	88.35	153.37	241.72
Correctional Officers	49.05	160.47	209.52
Executive Officers	20.00	18.00	38.00
Fire and Rescue Officers	14.00	319.34	333.34
General Service Officers & Equivalent		12.14	12.14
Health Professional Officers	11.88	2.00	13.88

Cleared as complete and accurate: 15/06/2018

Cleared by: Chief Human Resources Officers Ext: 55132

Information Officer name: Virginia Hayward

Contact Officer name: Doreen Tan Ext:58217

Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

Classification	Female	Male	Total FTE
Judicial Officers	7.00	6.00	13.00
Legal Officers	90.15	28.63	118.78
Legal Support	14.26	4.00	18.26
Professional Officers	0.80	1.00	1.80
Prosecutors	24.60	20.00	44.60
Senior Officers	155.96	92.46	248.42
Statutory Office Holders	5.50	6.00	11.50
Technical Officers	2.13		2.13
Total	802.87	969.29	1,772.16

Headcount by Classification Group and Gender

Classification	Female	Male	Total Headcount
Administrative Officers	340.00	159.00	499
Ambulance and Ambulance Support Officers	99.00	159.00	258
Correctional Officers	50.00	162.00	212
Executive Officers	20.00	18.00	38
Fire and Rescue Officers	14.00	326.00	340
General Service Officers & Equivalent		13.00	13
Health Professional Officers	13.00	2.00	15
Judicial Officers	7.00	8.00	15
Legal Officers	99.00	30.00	129
Legal Support	15.00	4.00	19
Professional Officers	1.00	1.00	2
Prosecutors	25.00	20.00	45
Senior Officers	162.00	96.00	258
Statutory Office Holders	6.00	6.00	12
Technical Officers	4.00		4
Total	855.00	1,004.00	1,859

Cleared as complete and accurate: 15/06/2018
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Estimated Employment Level – Staffing (FTE)

Below outlines the estimated employment level as included in 2018-19 JACS Budget Statement on page 3:

Table 1: Estimated Employment Level

	2016-17 Actual Outcome	2017-18 Budget	2017-18 Estimated Outcome	2018-19 Budget
Staffing (FTE)	1,677 ¹	1,659 ²	1,729 ³	1,769 ⁴

Notes:

1. The 2016-17 actual outcome of 1,677 FTE differs from the FTE disclosed in the Justice and Community Safety Directorate's 2016-17 Annual Report (1,729) as it excludes the Public Trustee for the ACT (52 FTE).
2. The decrease of 18 FTE in the 2017-18 Budget from the 2016-17 actual outcome mainly reflects the additional resources funded through own sourced revenue in 2016-17.
3. The increase of 70 FTE in the 2017-18 estimated outcome from 2017-18 Budget is mainly due to the net increase in staffing resources associated with the 2017-18 supplementary appropriation, additional resources funded through own sourced revenue, additional staff for project activities, increased workload and to backfill staff on maternity leave, long service leave, extended personal and other leave.
4. The increase of 40 FTE in the 2018-19 Budget from the 2017-18 estimated outcome mainly reflects the net increase in staffing resources associated with the 2018-19 Budget and the impact of prior budget outcomes, partially offset by additional resources funded through own sourced revenue in 2017-18 estimated outcome.

Talking Points

- **Variance of 2016-17 Actual Outcome to 2017-18 Budget (decrease of 18 FTE)**, mainly reflects the additional resources funded through own sourced revenue by GSO in 2016-17.
- **Variance of 2017-18 Budget to 2017-18 Estimated Outcome (increase of 70 FTE)**, mainly relates to:
 - additional resources funded through 2017-18 Supplementary Appropriation (19 FTE);
 - additional resources funded through own sourced revenue (25 FTE – GSO 19 FTE & LPP – 6 FTE);
 - ACT Fire & Rescue recruit college (13 FTE); and
 - additional resources funded by special and capital projects (3 FTE), cash managed positions (5 FTE), backfilling staff on maternity leave (10 FTE) and extended leave (1 FTE);
 partially offset by

Cleared as complete and accurate: 15/06/2018

Cleared by: Chief Human Resources Officers Ext: 55132

Information Officer name: Virginia Hayward

Contact Officer name: Doreen Tan Ext:58217

Lead Directorate: Justice and Community Safety

- transfer of the function of the Co-ordinator-General for Family Safety to Community Services Directorate (6 FTE).
- **Variance of 2017-18 Estimated Outcome to 2018-19 Budget (increase of 40 FTE)**, mainly relates to increases associated with 2018-19 Budget Initiatives, and the impact of prior budget outcomes, partially offset by one-off movements in 2017-18 estimated outcome, as outlined at [Attachment A](#).

Cleared as complete and accurate: 15/06/2018
Cleared by: Chief Human Resources Officers Ext: 55132
Information Officer name: Virginia Hayward
Contact Officer name: Doreen Tan Ext:58217
Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

Attachment A

<u>2018-19 Budget Initiatives</u>	Total									
	FTE	LPP	SEMB	GSO	DPP	HRC	Courts	ACTCS	ESA	Corp
<i>Attorney-General</i>										
Better Government – New Jury Management System	1.15						1.05			0.10
More support for families and inclusion – Additional Magistrate	5.00				2.00		3.00			
More support for families and inclusion – Canberra as a restorative city	0.75	0.75								
More support for families and inclusion – Drug and Alcohol Court	2.25	1.00			0.25		0.50	0.50		
More support for families and inclusion – Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse	4.00	2.50		0.50		1.00				
More support for families and inclusion – Improving ACT Coronial Services	1.00						1.00			
More support for families and inclusion – More resources for the Director of Public Prosecutions	6.00				6.00					
National Facial Biometric Matching Capability - CMTEDD Lead	1.00	1.00								
<i>Corrections</i>										
More support for families and inclusion – Better resourcing for the Alexander Maconochie Centre	18.00							17.80		0.2
More support for families and inclusion – Intensive Corrections Orders	8.00							8.00		
<i>Justice</i>										
Better Government – Human Rights Commission digital capability	0.30									0.30
More support for families and inclusion – Reducing recidivism	2.50	2.00				0.50				
<i>Emergency Services</i>										
More services for our suburbs – Equipment upgrades for first responders	1.95								1.95	
More services for our suburbs – Keeping Canberrans safe in public places	0.25		0.25							
<i>Community Services</i>										
Disability Justice Strategy - CSD Lead	1.00	1.00								
Improving Timeliness of Adoptions and Permanency - CSD Lead	1.20			1.20						
Total 2018-19 budget initiatives	54.35	8.25	0.25	1.70	8.25	1.50	5.55	26.30	1.95	0.60

Cleared as complete and accurate: 30/05/2018
 Cleared by: Chief Finance Officer Ext:54389
 Information Officer name: Dragana Cvetkovski
 Contact Officer name: Sharon Wong Ext:58217
 Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

2017-18 2nd Appropriation Initiatives (FTE movement in 2018-19)

Attachment A (cont'd)

	Total									
	FTE	LPP	SEMB	GSO	DPP	HRC	Courts	ACTCS	ESA	Corp
Attorney-General										
Better support when it matters - Criminal law reforms	1.00	1.00								
Better support when it matters - Director of Public Prosecutions - Additional resources to confiscate criminals' assets	2.00				2.00					
Better support when it matters - Drug and Alcohol Court establishment ¹	-1.75	-1.00			-0.25			-0.50		
Better support when it matters - Redress for survivors of child sexual abuse in institutions ¹	-1.00	-1.00								
Better support when it matters - Stronger resourcing for the Government Solicitor's Office	1.25			1.25						
Corrections										
Better support when it matters - Enhancing security at the Alexander Maconochie Centre	9.01							9.01		
Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the AMC	2.30							2.30		
Emergency Services										
Better support when it matters - More paramedics	12.41								12.41	
Total 2017-18 Budget Review initiatives (FTE movement)	25.22	-1.00	-	1.25	1.75	-	-	10.81	12.41	-
2017-18 Estimated Outcomes	1,729									
Add: 2018-19 Budget Initiatives (refer above)	54									
Add: Movement of 2017-18 Budget Initiatives (refer above)	25									
Less: FTEs already included in 2017-18 Estimated Outcome moving to 2018-19 Initiatives	-50									
Add: Movement in prior years' initiatives	10									
2018-19 Budget FTE	1,769									

Note 1: One-off FTEs allocated in 2017-18 estimated outcomes (EO) but not continuing in 2018-19 requires negative FTE movement to explain the variance between 2017-18 EO and 2018-19 budget.

Cleared as complete and accurate: 30/05/2018
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 Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

Attachment B

<u>2018-19 Budget Initiatives</u>	Total FTE	LPP	SEMB	GSO	DPP	HRC	Courts	ACTCS	ESA	Corp
<i>Attorney-General</i>										
Better Government – New Jury Management System	1.15						1.05			0.10
More support for families and inclusion – Additional Magistrate	5.00				2.00		3.00			
More support for families and inclusion – Canberra as a restorative city	0.75	0.75								
More support for families and inclusion – Drug and Alcohol Court	2.25	1.00			0.25		0.50	0.50		
More support for families and inclusion – Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse	4.00	2.50		0.50		1.00				
More support for families and inclusion – Improving ACT Coronial Services	1.00						1.00			
More support for families and inclusion – More resources for the Director of Public Prosecutions	6.00				6.00					
National Facial Biometric Matching Capability - CMTEDD Lead	1.00	1.00								
<i>Corrections</i>										
More support for families and inclusion – Better resourcing for the Alexander Maconochie Centre	18.00							17.80		0.2
More support for families and inclusion – Intensive Corrections Orders	8.00							8.00		
<i>Justice</i>										
Better Government – Human Rights Commission digital capability	0.30									0.30
More support for families and inclusion – Reducing recidivism	2.50	2.00				0.50				
<i>Emergency Services</i>										
More services for our suburbs – Equipment upgrades for first responders	1.95								1.95	
More services for our suburbs – Keeping Canberrans safe in public places	0.25		0.25							
<i>Community Services</i>										
Disability Justice Strategy - CSD Lead	1.00	1.00								
Improving Timeliness of Adoptions and Permanency - CSD Lead	1.20			1.20						
Total 2018-19 budget initiatives	54.35	8.25	0.25	1.70	8.25	1.50	5.55	26.30	1.95	0.60

Cleared as complete and accurate: 30/05/2018
 Cleared by: Chief Finance Officer Ext:54389
 Information Officer name: Dragana Cvetkovski
 Contact Officer name: Sharon Wong Ext:58217
 Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

2017-18 2nd Appropriation Initiatives (FTE in 2018-19)

Attachment B (cont'd)

	Total									
	FTE	LPP	SEMB	GSO	DPP	HRC	Courts	ACTCS	ESA	Corp
Attorney-General										
Better support when it matters - Criminal law reforms	2.00	2.00								
Better support when it matters - Director of Public Prosecutions - Additional resources to confiscate criminals' assets	4.00				4.00					
Better support when it matters - Stronger resourcing for the Government Solicitor's Office	2.50			2.50						
Corrections										
Better support when it matters - Enhancing security at the Alexander Maconochie Centre	13.90							13.90		
Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the AMC	7.20							7.20		
Emergency Services										
Better support when it matters - More paramedics	14.08								14.08	
Total 2017-18 Budget Review initiatives (FTE movement)	43.68	2.00	-	2.50	4.00	-	-	21.10	14.08	-
2018-19 Budget FTE	98.03	10.25	0.25	4.20	12.25	1.50	5.55	47.40	16.03	0.60

Cleared as complete and accurate: 30/05/2018
 Cleared by: Chief Finance Officer Ext:54389
 Information Officer name: Dragana Cvetkovski
 Contact Officer name: Sharon Wong Ext:58217
 Lead Directorate: Justice and Community Safety

*2018*1897-002

Portfolios: JACS Ministers**ISSUE: Workforce Issues (Bullying and Harassment, Sexual Harassment and Corruption)****Talking points:**

- As at 13 June 2018, the Justice and Community Safety Directorate (JACS) has received five bullying and harassment complaints for the 2017-18 financial year. This is a decrease of two from the previous financial year. All five complaints were from ACT Corrective Services (ACTCS).
- Of the five complaints:
 - one (1) progressed to a formal misconduct investigation which was subsequently ceased prior to the finalisation of the investigation due to lack of evidence to support the claims and both parties agreeing to participate in other remedial action;
 - three (3) were found to have insufficient evidence to support the allegation/s at the preliminary assessment stage; and
 - one (1) was managed by other remedial action without the need for a formal misconduct investigation.
- As at 13 June 2018, JACS has received two sexual harassment complaints for the 2017-18 financial year. This is an increase of one from the previous financial year. Both complaints were from ACTCS.
- Of the two (2) complaints:
 - one (1) was found to have insufficient evidence to support the allegation following the preliminary assessment; and
 - one (1) progressed to a formal misconduct investigation which was found to be substantiated and resulted in the individual resigning.
- To date, there have been no (zero) reports of corruption received for the 2017-18 financial year. There were also no (zero) reports of corruption received in the previous financial year.

Cleared as complete and accurate: 15/06/2018
Cleared by: Executive Director Ext:55132
Information Officer name: Virginia Hayward
Contact Officer name: Liz Beattie Ext:53995
Directorate: Justice and Community Safety

[Return to Index](#)

- Bullying Prevention and Management training is mandatory for all staff. Since the launch of the ACT Public Service (ACTPS) Respect, Equity and Diversity (RED) framework in December 2010, 1,426 JACS staff have attended RED awareness sessions.
- JACS has an established RED Contact Officer Network comprising 35 RED Contact Officers. RED Contact Officers are provided with appropriate training to undertake their role.
- JACS also has a RED Executive Sponsor and a Workplace Coach, employed from 1 May 2017, to facilitate formal and informal coaching to develop skills of managers to manage complex people issues, and contribute professional expertise to resolve ongoing and/or entrenched difficulties.

Key Information

- There total number of bullying and harassment complaints remain low with only five in 2017-18 financial year which is a slight decrease (2) from the previous financial year.
- There was an increase in the number of sexual harassment complaints by one received in 2017-18 financial year from the previous financial year.
- While five (5) bullying and harassment complaints were received, three were found to have insufficient evidence to support the allegation/s and did not progress further and the other two were managed through other remedial action, being managed through mediation and/or a facilitated discussion.
- Complaints of bullying and harassment and sexual harassment received were from ACTCS.
- There has been nil (0) matters relating to corruption in the 2016-17 and 2017-18 financial years.
- 1,426 JACS staff have attended mandatory RED awareness training.

Background Information – may not be suitable for public disclosure

- Information regarding investigations into alleged breaches of Section 9 of the *Public Sector Management Act 1994* which includes bullying and harassment are reported on an annual basis in the ACT Government State of the Service Report.

Cleared as complete and accurate: 15/06/2018
Cleared by: Executive Director Ext:55132
Information Officer name: Virginia Hayward
Contact Officer name: Liz Beattie Ext:53995
Directorate: Justice and Community
Safety

Portfolio: Attorney-General

Justice, Consumer Affairs and Road Safety

ISSUE: JACS STAFF SURVEY

The Canberra Times published a news article “Justice Directorate staff are concerned about bullying and harassment” on Monday 9 April 2018 at 2:57 pm.

Talking points:

- The 2017 Justice and Community Safety (JACS) Staff Survey results provide valuable information on what works well in JACS and identifies opportunities for improvement.
- The survey is one tool that assists the Directorate in understanding the broad culture of the organisation and makes an assessment of the level of staff engagement.
- It is important to note that while there is room for improvement, Directorate’s results reflect that JACS is average when compared to other large public sector organisations.
- The results are also reflective of the diverse nature of the functions and services it delivers. For example the functions undertaken by Corrections and Emergency Services by their very nature are high risk and staff operate in high pressure environments, which can have an impact on organisational culture.
- JACS is committed to improving its workplace culture and has a Workforce Strategy 2017-2019 to help achieve this. The survey results are used by the Directorate and Business Heads to inform other work that is being delivered across the Directorate as part of its Workforce Strategy.
- It should be noted that responses related to favouritism, harassment and bullying have statistically improved over time, with nearly 10 per cent more employees reporting that they felt free from bullying and harassment in the last survey, compared with the 2015 data.

Cleared as complete and accurate: 24/04/2018
Cleared by: Executive Director Ext: 70500
Contact Officer Name: Virginia Hayward Ext: 55132
Lead Directorate: Justice and Community Safety

If asked about survey results relating to the Emergency Services Agency or ACT Corrective Services

- These matters should be referred to the respective portfolio Minister.

Background information

- The JACS Staff Survey was conducted during April and May 2017.
- JACS is committed to continuing the process of undertaking staff surveys, to understand what is happening and working on how to respond and improve the organisation as a whole. This is part of the whole of JACS workforce strategy.
- In support of this, business units are working with staff on the results of the survey and they have listened to the feedback.
- JACS will continue to progress actions to facilitate a more engaged, enabled and empowered workforce.
- Detailed results from the JACS staff surveys, including those of the ESA are not made public for a number of reasons:
 - the assurances made to staff about the confidentiality of their responses and the risk of undermining staff confidence and participation in future surveys (which is voluntary);
 - the commercial value and intellectual property of Best Practice Australia as the survey provider would be compromised; and
 - the nature of the reports which are designed as working documents by executives and managers within the organisation.

Cleared as complete and accurate: 24/04/2018
Cleared by: Executive Director Ext: 70500
Contact Officer Name: Virginia Hayward Ext: 55132
Lead Directorate: Justice and Community
Safety



BUDGET ESTIMATES BRIEF

Portfolio: JACS Minister

ISSUE: Freedom of Information Act Implementation Project

Talking points:

- The *Freedom of Information Act 2016* (FOI Act) commenced on 1 January 2018.
- The new legislation increases the public's access to Government information and facilitates greater public scrutiny of its use in the functions and activities of Government. This objective recognises public access to government information is an essential aspect of effective democracy and promotes Government accountability for its decisions and actions.
- The FOI implementation project, led by JACS and CMTEDD, commenced in March 2017. JACS has led the Government in the production of Whole of Government (WhoG) FOI guidance material and templates, FOI Fee Determination and Regulation, WhoG training sessions, and 11 technical legislative amendments being achieved before the commencement of the Act.
- Since the commencement of the Act, JACS has assisted Directorates to process FOI requests and work through the interpretation of various legislative provisions.
- Assessing the operation of the new FOI Act, the cross Government working group led by JACS has identified a number provisions that require technical amendment which will be provided to the Attorney-General for consideration.
- JACS will continue to be resourced (1 x FTE) in 2019-20 to provide whole of government assistance in implanting the new FOI scheme.

Cleared as complete and accurate:	12/06/2018	
Cleared by:	Executive Director	Ext 74813
Contact Officer Name:	Kaye Yen	Ext:75066
Lead Directorate:	Justice and Community Safety	



BUDGET ESTIMATES BRIEF

Key Information

- Since the commencement of the new FOI Act, the ACT Government have received:
 - Over 400 FOI requests
 - Seven Ombudsman Reviews;
 - Over 90 Questions on Notice in regard to Freedom of Information.
- Since the commencement of the Act, the ACT Government has proactively published over 3,500 open access documents and all Ministerial Diaries for the first quarter of 2018.
- More than ten minor and technical legislative amendments have been identified and provided through JACS to the Attorney-General for consideration.

Directorate	Number of FOI Request
CMTEDD	141
JACS	23
CSD	79
Health	44
Education	17
EPSDD	78
TCCS	45

Background Information

- The ACT Legislative Assembly passed the *Freedom of Information Act 2016* on 11 August 2016. The Act commenced on 1 January 2018.
- The FOI Act removes some classes of information that were previously excluded from public release. Instead, the new Act provides that every person has the right to access government information unless that access would be contrary to the public interest.
- Compared with the *Freedom of Information Act 1989*, the new Act has removed the internal review process and places a greater degree of scrutiny over the process with the Ombudsman.

Cleared as complete and accurate: 12/06/2018
 Cleared by: Executive Director Ext 74813
 Contact Officer Name: Kaye Yen Ext:75066
 Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

*2018*1896-019

Portfolio: Attorney-General

(JACS E19) More support for families and inclusion – Retrial of Mr David Eastman

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Justice and Community Safety - Expenses	4,359	0	0	0	4,359
Legal Aid Commission - Expenses	1,025	0	0	0	1,025
ACT Policing – Territorial Expenses	695	0	0	0	695
Offsets - Expenses	-4,174	0	0	0	-4,174
Net Expenses	1,905	0	0	0	1,905

The Government will contribute to the cost of the retrial of Mr David Harold Eastman. This funding will provide resources for ACT Policing, ACT Legal Aid Commission, the Director of Public Prosecutions and the ACT Courts and Tribunal.

Expenses: (\$6.079m in 2018-19 only)

The initiative will provide funding for the following:

- \$2.2m to the Director of Public Prosecutions;
- \$2.159m to the ACT Courts and Tribunal;
- \$1.025m to the Legal Aid Commission; and
- \$0.695m to the ACT Policing.

Offset: (\$4.174m in 2018-19 only)

The initiative will be offset by the rollovers of unspent 2017-18 *Retrial of Mr David Eastman* funding to 2018-19.

Talking Points:

- The 2017-18 Budget provided funding for costs associated with the retrial of Mr David Eastman and other related proceedings.
- Approximately \$4.174m of this allocation was unspent in 2017-18 as the trial was pushed back at the request of all parties to allow for preparatory directions hearings on complex pre-trial issues including experts' evidence.
- This initiative will roll over the 2017-18 funding and provides an additional \$1.905m to cover the cost of running the trial through 2018-19.

Cleared as complete and accurate: 30/05/2018
 Cleared by: Executive Director Ext:70522
 Information Officer name: Tamsyn Harvey
 Contact Officer name: Julie Beddoe Ext:74264
 Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

- Mr Eastman's re-trial is now scheduled to commence on 12 June 2018 (jury empanelment commencing on 4 June 2018). It is expected to run for four – six months.
- The DPP and Legal Aid ACT have been undertaking significant preparation for the trial.

Estimated Timing:

- The re-trial is expected to commence on 12 June 2018.

If asked about the human rights action or compensation

I am aware that Mr Eastman has commenced proceedings against the Territory in the Supreme Court under the *Human Rights Act 2004*. As this matter is before the courts, it is inappropriate for me to comment further.

If asked - What is being done for the Winchester family?

The former Victims of Crime Commissioner, Mr John Hinchey, has provided support and advice to the Winchester family and the AFP has also been in close contact with the family.

If asked - Should the ACT have a standing convictions review body?

The Government took a commitment to the 2016 election to consider a 'right to appeal' law. The proposal is based on laws enacted in South Australia and Tasmania. A right to appeal law would allow the Full Court of the Supreme Court, in the interests of justice, to hear a second or subsequent appeal against a conviction where the court is satisfied that there is new and compelling evidence that suggests that a substantial miscarriage of justice may have occurred.

This could cover situations, for instance, where scientific or technological developments would allow evidence to be presented at an appeal that was not available at the time of the original trial. The Government would expect to consult the community before introducing such a law.

If asked - Total Budget funding provided for the Eastman matter

- To 2017-18, additional budget funding in the order of \$26 million has been appropriated to meet the costs associated with the Eastman matter, including the Eastman Inquiry, subsequent appeals and preparation for a retrial of Mr Eastman.
- The total funding for Eastman to date, inclusive of 2018-19 allocation, is \$28.265m.

Cleared as complete and accurate:	30/05/2018	
Cleared by:	Executive Director	Ext:70522
Information Officer name:	Tamsyn Harvey	
Contact Officer name:	Julie Beddoe	Ext:74264
Lead Directorate:	Justice and Community Safety	

BUDGET ESTIMATES BRIEF

Background

On 3 November 1995, Mr David Harold Eastman was convicted by the Supreme Court for the 1989 murder of Mr Colin Winchester. Mr Eastman received a life sentence. Mr Eastman's appeal to the Full Court of the Federal Court was rejected on 25 June 1997. His appeal to the High Court was rejected on 25 May 2000.

On 6 October 2005, a Judicial Inquiry determined that there had been no miscarriage of justice in relation to Mr Eastman's conviction. However, on 21 August 2014, following a Commission of Inquiry, the Full Court of the ACT Supreme Court quashed the conviction and ordered a retrial.

On 14 April 2016, Acting Supreme Court Justice David Ashley refused Mr Eastman's application for a permanent stay of proceedings against him. Mr Eastman then lodged an application for leave to appeal this decision.

On 2 December 2016, Mr Eastman's application was refused by Justices Osborn, Whelan and Priest, who were appointed as Additional Judges of the ACT Supreme Court.

These proceedings are complex and sensitive, and any delay may have significant financial implications.

Costs of the proceedings cannot be minimised. For example, it is necessary to appoint an external judicial officer to mitigate the apprehension of bias or influence, and the parties must be represented by advocates with significant skill and experience –

- section 21 of the *Human Rights Act 2004* recognises Mr Eastman's right to have criminal charges, and rights and obligations recognised by law, decided by a competent, independent and impartial court or tribunal after a fair and public hearing;
- section 22 of the Human Rights Act provides that everyone charged with a criminal offence has the right to be presumed innocent until proved guilty according to law and anyone charged with a criminal offence is entitled to have adequate time and facilities to prepare his defence and to communicate with lawyers or advisors chosen by him.

It is imperative that Mr Eastman is properly represented in all the proceedings and provided appropriate access to justice—as a public authority, the Government must act in a way that is compatible with these rights and in making a decision, must give proper consideration to these rights (sections 40 and 40B of the Human Rights Act).

On 20 June 2017, the Canberra Times reported that the cost of 'pursuing' Mr Eastman for the alleged murder of Colin Winchester had cost the ACT Government \$26.3 million since 2012-13.

Cleared as complete and accurate:	30/05/2018	
Cleared by:	Executive Director	Ext:70522
Information Officer name:	Tamsyn Harvey	
Contact Officer name:	Julie Beddoe	Ext:74264
Lead Directorate:	Justice and Community Safety	

BUDGET ESTIMATES BRIEF

*2018*1901-013

Portfolio: Attorney-General
(JACS E06) More support for families and inclusion – Drug and Alcohol Court

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Justice and Community Safety – Expenses	426	0	0	0	426
Health Directorate – Expenses	125	0	0	0	125
Community Service Directorate – Expenses	37	0	0	0	37
Legal Aid Commission - Expenses	37	0	0	0	37
Offsets – Health Central Provision	-125	0	0	0	-125
Net Expenses	500	0	0	0	500
Total Additional FTE	3.5				
<i>JACS</i>	<i>2.5</i>				
<i>CSD</i>	<i>0.25</i>				
<i>Legal Aid</i>	<i>0.25</i>				
<i>Health</i>	<i>0.5</i>				

The Government will continue the work to establish an ACT Drug and Alcohol Court (DAC), by developing options for a holistic model that considers complex interactions between health and restorative practice in the justice system.

Expenses: (\$0.5m in 2018-19 only)

This initiative will provide funding for the following:

- 0.5 x Legal 1 and 0.5 x SOGC in Legislation Policy & Programs (LPP) working on legislation, policies and procedures, stakeholder engagement, services planning and business case development;
- 0.5 x SOGA in ACT Courts and Tribunal working with LPP in relation to DAC policies and procedures, plan for transitioning into implementation phase and liaise with the courts build team to ensure accommodation fit for purpose;
- 0.25 x SOGC in Director of Public Prosecutions on development of internal policies and procedures to provide services to the DAC as a critical member of the DAC team;
- 0.5 x SOGB in Corrective Services (ACTCS) to lead the ACTCS program of work including consultation, community corrections operating procedures, custodial operating procedures, assessment processes, training and data processes;
- 0.25 x SOGC in ACT Policing;
- 0.25 FTE in Community Services Directorate;

Cleared as complete and accurate: 01/06/2018

Cleared by: Executive Director Ext:70522

Information Officer name: Tamsyn Harvey

Contact Officer name: Anita Axell Ext:54104

Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

- 0.25 FTE in Legal Aid Commission; and
- 0.5 x SOGC in Health Directorate to lead the development of processes and procedures, cost treatment services and ensure either ACT Health services or external services are brokered.

The Health funding is provided from the existing Health Funding Envelope.

Further Information:

This initiative will fund continued policy development to ensure legislation is drafted (subject to Cabinet approval) and all necessary supporting policies and procedures are developed for the DAC.

While significant progress has been made in developing the legislative and operational frameworks for the DAC, this is a complex project. There are a large number of 'moving parts' which will need to be governed by policies and procedures (both for the DAC itself and to manage stakeholder interactions with the DAC), Memoranda of Understanding and contracts for services. Also, there is a substantial body of work required to identify current court and stakeholder business processes and how these need to be amended or adapted for the DAC.

Estimated Timing:

This initiative will continue the policy development to December 2018.

Cleared as complete and accurate:	01/06/2018	
Cleared by:	Executive Director	Ext:70522
Information Officer name:	Tamsyn Harvey	
Contact Officer name:	Anita Axell	Ext:54104
Lead Directorate:	Justice and Community Safety	

BUDGET ESTIMATES BRIEF

*2018*1901-015

Portfolio/s: Attorney-General

(JACS E09) More support for families and inclusion – Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Justice and Community Safety – Expenses	1,787	2,774	3,120	3,217	10,898
Community Services – Expenses	582	491	0	0	1,073
Education - Expenses	145	148	0	0	293
Health – Expenses	73	37	0	0	110
Expense – Provision	0	0	889	900	1,789
Offsets – Health Central Provision	-73	-37	-37	-37	-184
Net Expenses	2,514	3,413	3,972	4,080	13,979
<i>Total Additional FTE</i>	<i>9</i>	<i>6.75</i>	<i>0.5</i>	<i>0.5</i>	

As part of the Commonwealth Redress Scheme, the ACT Government will provide support to eligible survivors of abuse in Government institutions through a redress payment, counselling and psychological care, and a direct personal response.

Expenses: (\$13.979m over 4 years)

The initiative will provide funding for the direct redress costs invoiced quarterly by the Commonwealths for the following:

- \$8.402m on monetary payments up to \$150,000 to eligible survivors of institutional child sexual abuse as tangible recognition of the wrong survivors have suffered;
- \$0.426m on access to counselling and psychological services;
- \$0.110m on legal contribution; and
- \$0.630m on direct administrative charges.

The initiative will also provide \$2.806m over two years for administration of the scheme to fulfil the ACT Government obligations under the scheme with the following staffing profile:

FTE Profile	2018-19	2019-20	2020-21	2021-22
CSD	3	2.5	0	0
JACS	4	2.5	0	0
JACS - ACTP	0.5	0.5	0.5	0.5
Health	0.5	0.25	0	0
Education	1	1	0	0
Total	9	6.75	0.5	0.5

Cleared as complete and accurate: 18/01/2018
 Cleared by: Executive Director Ext:70522
 Information Officer name: Tamsyn Harvey
 Contact Officer name: Jennifer Bauer Ext:53085
 Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

The administration costs will be reviewed after two years with a provision of \$0.889m in 2020-21 and \$0.900m in 2021-22.

Offset: (\$0.184m over 4 years)

ACT Health will contribute \$0.184m from the Health Central Provision to the administration of the scheme.

Further Information:

The ACT Government has already announced that it will join the Commonwealth Redress Scheme when it commences on 1 July 2018 and has signed the Intergovernmental Agreement for the Scheme.

The Commonwealth estimates 225 applications with ACT liability out of an estimated total of 830 across the ACT over the ten year life of the scheme.

The initiative will provide funding for the direct costs of delivering the Scheme, resources to implement the Scheme in the ACT, and to continue to provide ACT input on the development, design and administration of the Scheme.

Estimated Timing:

The National Redress Scheme will commence on 1 July 2018 and will operate for a period of 10 years.

Cleared as complete and accurate:	18/01/2018	
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Lead Directorate:	Justice and Community Safety	

BUDGET ESTIMATES BRIEF

*2018*1901-012

Portfolio: Attorney-General

(JACS E01) More support for families and inclusion – Canberra as a restorative city

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	187	0	0	0	187
Offset - Expense	-187	0	0	0	-187
Net expenses	0	0	0	0	0
<i>Total Additional FTE</i>	<i>0.75</i>				

The Government will provide funding from the Confiscated Assets Trust to develop Canberra as a Restorative City, building a stronger and more connected society. This funding will support events and workshops that bring people together to consider the Restorative City approach in Canberra.

Expenses: (\$0.187m in 2018-19 only)

The initiative will provide funding for the following:

- \$0.093m for a Restorative Engagement Officer (ASO6) for nine months to support the Restorative Communities Network;
- \$0.010m workshop costs for three community workshops coordinated by the Restorative Engagement Officer to promote awareness of restorative practices and address implementation strategies for restorative approaches across various sectors in Canberra;
- \$0.009m to develop an online presence/resource for restorative practitioners in Canberra;
- \$0.050m grant to Australian National University to facilitate ongoing research to identify key factors to ensure the sustainability of restorative practices in organisations in long term; and
- \$0.025m grant to the Conflict Resolution Service to support provision of community-based restorative justice conferencing training.

Offset: (\$0.187m in 2018-19 only)

The initiative will be fully funded by the Confiscated Asset Trust fund.

Cleared as complete and accurate: 31/05/2018
 Cleared by: Executive Director Ext:70522
 Information Officer name: Tamsyn Harvey
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 Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

Further Information:

Supporting Canberra as a Restorative City is supporting a 'better Canberra' by building a stronger, more resilient social infrastructure that complements the big investment in material & services infrastructure that the ACT Government is currently making.

The *Canberra as a Restorative City* Project aims to develop awareness of restorative approaches and their potential to be applied in organisations across the ACT. This initiative develops the opportunity for the Government to declare Canberra as a Restorative City – a city of safer, more connected, inclusive communities.

A restorative paradigm provides a blueprint for assisting human interaction in ways that resolve conflict while fostering healthy relationships and connectivity. By raising awareness of how we, as a community, can let go of assumptions and judgmental behaviours while ensuring our behaviour is fair, respectful, empathic and accountable, this proposal will promote the use of effective and peaceful interactions in our rapidly growing and changing community.

This funding provides a Restorative Engagement Coordinator who will support the Restorative Communities Network to run community workshops and promote awareness of restorative practices across Canberra and to address implementation strategies for restorative approaches across various sectors in Canberra such as ageing and child welfare.

The Restorative Engagement Officer will provide comprehensive reports to the government for each workshop including a final summary report and will assist to link restorative communities or agencies with interested community members.

The Conflict Resolution Service will utilise the funding to provide restorative processes for non-criminal matters and will provide training opportunities.

The ANU grant will facilitate ongoing research to identify key factors to ensure the sustainability of restorative practices in organisations across the long term and to update, maintain and add resources to the Restorative Communities Network's website for community members seeking online guidance about restorative practice.

Estimated Timing:

The recruitment of the Restorative Engagement Officer will finalise in October 2018, the initiative will be funded for 9 months and comeback in next budget process in an omnibus bid with the AMC Accommodation and Reduce Recidivism.

Cleared as complete and accurate:	31/05/2018	
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Lead Directorate:	Justice and Community Safety	

BUDGET ESTIMATES BRIEF

*2018*1901-011

Portfolio: Attorney-General
(JACS E16) More support for families and inclusion – Additional Magistrate

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Justice and Community Safety – Expenses	1,060	995	1,009	1,024	4,088
Legal Aid Commission - Expenses	302	319	339	358	1,318
Offsets – Expenses	-6	-6	-6	-6	-24
Net Expenses	1,356	1,308	1,342	1,376	5,382
Total Additional FTE	7	7	7	7	
<i>JACS</i>	5	5	5	5	
<i>Legal Aid</i>	2	2	2	2	

The Government will appoint an additional magistrate to the ACT Magistrates Court to help improve timely access to justice. We will also deliver more resources to the Office of the Director of Public Prosecutions and Legal Aid to help these agencies manage the increased workload as a result of the appointment of the new magistrate.

Expenses: (\$5.406m over four years)

The initiative will provide funding for the following:

- \$3.101m to the ACT Courts and Tribunal for an ongoing full time eighth magistrate and the engagement of judicial (1 ASO3) and registry staff (1 ASO5);
- \$0.987m to the Director of Public Prosecutions (DPP) for a prosecutor (Grade 2) and associated support staff (1 Paralegal Grade 2); and
- \$1.318m to the Legal Aid Commission covering staffing costs (1 Legal 1 and 1 ASO4) and legal expenses which will fund 100 additional grants per year.

Offsets: (\$0.024m over four years)

The Legal Aid Commission expects to receive an increase in revenue through client contribution. Based on past experience, a client contribution rate of \$120 per grant is likely to be received for 50 per cent of the additional grants per year.

Further Information:

The appointment of an additional full-time magistrate will address the lack of certainty, availability and consistency currently experienced in the Court by ad hoc judicial resourcing arrangements and will enable the Court to progress its case load in a more timely manner.

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Lead Directorate:	Justice and Community Safety	

BUDGET ESTIMATES BRIEF

An additional judicial officer will provide the Court with the flexibility to better resource the workload of the ACT Coroners Court, an area that would be welcomed by the local community and legal profession.

The magistrate position was advertised in the *Australian Financial Review* on 4 May 2018 and in *The Canberra Times* and *The Weekend Australian* on 5 May 2018. Applications closed on 2 June 2018 and the appointment is expected to be finalised early in the 2018-19 financial year.

Funding has also been provided to DPP and Legal Aid for additional staff to support the increased capacity of the Magistrate Court.

Estimated Timing:

This initiative will commence on 1 July 2018 and is ongoing.

Cleared as complete and accurate:	15/06/2018	
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Lead Directorate:	Justice and Community Safety	

BUDGET ESTIMATES BRIEF

*2018*1896-020

Portfolio: Attorney-General

(JACS E04) More support for families and inclusion – Improving ACT Coronial Services

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	309	522	531	540	1,902
Offsets – Expenses	-203	-411	-418	-424	-1,456
Net Expenses	106	111	113	116	446
<i>Total Additional FTE</i>	<i>0.5</i>	<i>1</i>	<i>1</i>	<i>1</i>	

The Government will recruit a full-time forensic pathologist to strengthen coronial services for the Territory and surrounding regions, and provide more timely resolution of cases for the families of the deceased.

Expenses: (\$1.902m over 4 years)

The initiative will provide funding for the following:

- \$1.722m on salary, allowances and superannuation of a full-time forensic pathologist (Senior Specialist) starting from 1 January 2019; and
- \$0.180m on locum pathologist to cover the six weeks per annum leave entitlement of the full-time pathologist.

Offset: (\$1.456m over 4 years)

This initiative will be offset by the following:

- \$1.240m from the current pathologist budget; and
- \$0.216m from the NSW contract autopsy work done by the Forensic Medical Centre.

Further Information:

A full-time resident forensic pathologist will enhance local coronial autopsy service provision to provide more timely service to the jurisdiction and assist Coroners to make better informed decisions in relation to post-mortem examination.

Coronial autopsy and medical review services in the ACT are presently provided on a part-time fee-for-service basis which will cease in December 2018.

The ACT Coroners Court receives approximately 300 reports of deaths per year which occur in prescribed circumstances requiring coronial investigation. At present, approximately 75% of coronial cases (225) receive some form of invasive autopsy; of the remaining cases, most receive some form of external examination or review of medical records by the coronial

Cleared as complete and accurate: 30/05/2018
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 Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

pathologist to assist the Coroner to find manner and cause of death. This work is undertaken out of the ACT Forensic Medicine Centre (FMC) in Phillip. Additionally, the FMC also undertakes non-complex coronial autopsy services for the Queanbeyan and Goulburn Coroners on a cost recovery, fee for service basis (at present approximately 50-70 cases per year).

Estimated Timing:

The initiative will commence on 1 January 2019 once the current arrangement for coronial autopsy services ends in December 2018.

Cleared as complete and accurate:	30/05/2018	
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Lead Directorate:	Justice and Community Safety	

BUDGET ESTIMATES BRIEF

*2018*1911-003

Portfolio: Attorney-General

(JACS E08) More support for families and inclusion – Preventing and responding to elder abuse

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	100	175	180	185	640
<i>Additional FTE</i>	<i>0.5</i>	<i>1</i>	<i>1</i>	<i>1</i>	

The Government will establish a Seniors Rights Service as part of the Legal Aid Commission (ACT) to provide targeted legal services to older Canberrans who are experiencing, or are vulnerable to, elder abuse.

Talking Points

- Elder abuse is a nationally recognised problem, including by the Australian Law Reform Commission, COAG, COTA and all Legal Aid Commissions across Australia.
- The Elderly are among the most vulnerable and disadvantaged in our community. This initiative provides support to the mounting evidence of the prevalence of elder abuse – emotional, physical and financial. The number of people over 65 receiving legal aid assistance has grown since 2014-15, but there is increasing evidence from the community that many more do not access services; because Elder abuse is often hidden.
- The proportion of ACT people 65 years & above increased between 2010 & 2016 by 32 per cent (4.5 per cent per year). Importantly, the elderly include a high number of the disabled, of women & of veterans – people who rightly look to our Government to assist in their time of need.
- Timely legal assistance will provide legal protection and improve social outcomes for one of the most vulnerable groups in our society.
- Offering early-intervention assistance, the Service would also provide tailored advice and advocacy, to prevent legal issues from escalating.

Further Information:

- A Seniors' Rights Service would operate as a specialist unit within the Commission's General Practice, similar to its existing specialist Youth Law and Family Violence Units.
- In the first year 0.5 FTE has been provided, with 1.0 FTE each year thereafter.

Estimated Timing:

- This service will be effective from 1 July 2018.

Cleared as complete and accurate: 31/05/2018
 Cleared by: Chief Executive Officer 6243 3496
 Information Officer name: Dr John Boersig
 Contact Officer name: Brett Monger (CFO) Ext: 6243 3445
 Lead Directorate: Justice and Community Safety

*2018*1898-001

Portfolio: Attorney-General

(JACS E22) More support for families and inclusion – ACT Civil and Administrative Tribunal Accommodation – early planning

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	70	0	0	0	70
Offset - Expense	-70	0	0	0	-70
Net Expenses	0	0	0	0	0

The Government will provide funding from the ACT Civil and Administrative Tribunal (ACAT) Trust for a quantity surveyor to examine the ACAT's future accommodation needs.

Expenses: (\$0.07m in 2018-19 only)

- The initiative will provide funding for a feasibility study to investigate future fitout accommodation design options which will accommodate ACAT's growing needs on hearing, conference and interview rooms and related facilities.

Offset: (\$0.07m in 2018-19 only)

- The initiative is to be funded by the ACAT Trust.

Further Information:

- ACAT's jurisdiction has expanded in both volume and complexity which has led to new ways of managing and resolving cases that require appropriate accommodation and other facilities.
- The ACAT is currently located at 1 Moore Street. The feasibility study will explore options for accommodating future needs for additional and suitable hearing rooms, conference rooms, interview rooms and related facilities for the conduct of hearings, conferences and alternative dispute resolution processes.

Estimated Timing:

- The initiative will commence in July 2018 and finish within six months.

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 Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

*2018*1901-014

Portfolio: Attorney-General

(JACS E18) More support for families and inclusion – Expanding CBR Night Crew

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	419	408	436	428	1,691
Offset - Expenses	-238	-238	-239	-239	-954
Net Expenses	181	170	197	189	737

The Government will continue and expand the successful CBR NightCrew service for a further four years. The CBR NightCrew operates in Civic's nightlife precinct to assist people in need during a night out, including those affected by excessive alcohol consumption or drugs, and those at risk from assault and sexual assault. The funding will also support dedicated CBR NightCrew staff to promote engagement with Aboriginal and Torres Strait Islander Canberrans.

Expenses: (\$1.691m over four years)

The initiative will provide funding for the following:

- \$1.274m to contract a provider to operate the CBR NightCrew on Thursday, Friday (subject to seasonal demand) and Saturday nights; and
- \$0.418m to engage 2 new staff to support the CBR NightCrew's capacity to engage with vulnerable Aboriginal and Torres Strait Islander people.

Offset: (\$0.954m over four years)

The initiative will be offset by contribution from:

- \$0.854m - \$0.213m per agency contributed equally by Justice and Community Safety Directorate, Access Canberra, ACT Health and ACT Policing; and
- \$0.1m contributed by the City Renewal Authority from the City Centre Marketing and Improvement Levy.

Further Information:

This initiative is to continue the success from the initial 12 months trial and expand the service to Thursdays. The initiative provides the service need to minimise harm to and support people affected by alcohol or drugs, including to get home safely. It will also reduce demands on police, ambulance services, hospital emergency departments and nightclub security, with NightCrew volunteers administering first aid, de-escalating situations and undertaking other harm minimisation activities.

Estimated Timing:

Ongoing.

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BUDGET ESTIMATES BRIEF

*2010*1899-001

Portfolio/s: Attorney-General

(JACS E15) More support for families and inclusion – More resources for the Director of Public Prosecutions

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	1,000	1,355	2,118	2,449	6,922
Associated Depreciation	0	0	35	35	70
Net Expenses	1,000	1,355	2,153	2,484	6,992
Associated Capital	80	270	0	0	350
<i>Total Additional FTE</i>	<i>6</i>	<i>8</i>	<i>10</i>	<i>12</i>	

The Government will provide additional staff resources to the Office of the Director of Public Prosecutions to meet an increased demand for prosecution services, particularly due to more complex criminal trials. The Government will also provide capital funding to accommodate these additional staff.

Expenses: (\$6.922m over 4 years)

This initiative will provide funding for additional prosecutors and paralegals at various levels:

- **2018-19** - 1 x Prosecutor Grade 4, 2 x Prosecutor Grade 3, 1 x Paralegal Grade 4 and 2 x Paralegal Grade 3;
- **2019-20** - 1 x Prosecutor Grade 5, 1 x Prosecutor Grade 4, 2 x Prosecutor Grade 3, 1 x Paralegal Grade 4, 2 x Paralegal Grade 3 and 1 x ASO5;
- **2020-21** - 2 x Crown Prosecutors, 1 x Prosecutor Grade 5, 1 x Prosecutor Grade 4, 2 x Prosecutor Grade 3, 1 x Paralegal Grade 4, 2 x Paralegal Grade 3 and 1 x ASO5; and
- **2021-22** - 2 x Crown Prosecutors, 1 x Prosecutor Grade 5, 2 x Prosecutor Grade 4, 2 x Prosecutor Grade 3, 1 x Paralegal Grade 4, 3 x Paralegal Grade 3 and 1 x ASO5.

This will assist the DPP in dealing with the identified increases in demand and complexity.

Capital: (\$0.35m over 2 years)

The initiative will provide capital funding to accommodate the additional staff.

Further Information:

An independent strategic review was commissioned by the Director of Public Prosecutions (DPP) and identified the need for a funding increase to ensure sufficient resources are

Cleared as complete and accurate: 30/05/2018
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BUDGET ESTIMATES BRIEF

available. This initiative will address the current and future funding needs of the DPP due to the unprecedented increase in the demand for prosecution services over the last few years.

Estimated Timing:

The staffing increases will be implemented immediately and the one off capital expenditure will be delivered during the first two years of this initiative. The office is already occupying the additional space on a temporary basis.

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Safety

BUDGET ESTIMATES BRIEF

*2018*1903-002

Portfolio/s: Attorney-General

(JACS CW02) Better Government – New Jury Management System

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Capital	523	257	0	0	780
Offset - Capital	-175	0	0	0	-175
Net Capital	348	257	0	0	605
Depreciation	0	130	156	156	442
Associated Expense	0	110	88	90	288
Offset – Revenue	0	6	192	192	390
Net Expense	0	234	52	54	340
<i>Total additional FTE</i>	<i>1.15</i>	<i>0.8</i>			

The Government will replace the Supreme Court's current Jury Management System with a more modern system that offers an improved range of functions, including the collection of penalties from potential jurors who fail to attend jury service.

Capital: (\$0.780m over two years)

The initiative will fund:

- \$0.239m for project management, including ASO6 Business Analyst (0.75FTE in 2018-19 and 0.3 FTE in 2019-20), ASO4 Testers (0.3 FTE in 2018-19 and 0.4 FTE in 2019-20) and SOGA ICT Manager (0.1 FTE in 2018-19 and 0.1 FTE in 2019-20);
- \$0.411m for Jury Management system implementation, customisation and interfacing with other systems; and
- \$0.130m for project contingency.

Offset: (\$0.175m in 2018-19 only)

The initiative will be offset by the capital funding committed to development of a Jury Management System as part of the 2012-13 Integrated Courts Management System initiative.

Expense: (\$0.288m from 2019-20 over three years)

The initiative will fund:

- \$0.025m on training in 2019-20 after implementation; and

Cleared as complete and accurate: 15/06/2018
 Cleared by: Principal Registrar Ext:59772
 Information Officer name: Philip Kellow
 Contact Officer name: Ext:
 Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

- \$0.263m on licensing, support and maintenance, future releases and software hosting fees.

Revenue: (\$0.390m from 2019-20 over three years)

The new system expects to:

- collect \$0.360m revenue through penalty notices issued to persons who fail to comply with the Juries Act without a reasonable excuse (this is based on the assumption of 600 notices being issued and paid at \$300 per notice) from 2020-21. Recent legislative changes have set the penalty higher at 5 penalty units and provide for non-compliance notices. The new system will better manage the issuance and collection of penalty notices;
- save \$0.008m maintenance costs of the current legacy Jury Management System; and
- reduce \$0.022m stationery and postal costs associated with the administrative work relating to the issuing and processing of jury summons.

Further Information:

The existing system is at the end of its useful life, is prone to recurring failures, and is unsupported and unreliable.

The new system will allow for better integrity of the justice system, security of information and automated processes using opportunities afforded by the internet, replacing the current highly manual processes of checking and communication. The new system will also support the delivery of on-line services for jurors and potential jurors.

There are currently more than 1,100 potential jurors each year who fail to attend for jury service. The new system will better manage the issuance and collection of penalty notices, and is expected to generate additional fines revenue to the Territory from the 2020-21 financial year.

Estimated Timing:

A draft business process and requirements specification has already been developed as part of the feasibility study into a new JMS. This draft specification will support a procurement process that is planned to commence in the third quarter of 2018.

Development and implementation will commence early in 2019 with an anticipated go live date in the third quarter of 2019.

Cleared as complete and accurate:	15/06/2018	
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Contact Officer name:		Ext:
Lead Directorate:	Justice and Community Safety	

BUDGET ESTIMATES BRIEF

*2018*1896-022

Portfolio: Attorney-General

Fairer revenue – Penalty unit adjustment

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Revenue	45	60	60	60	225

The Government will amend the value of a penalty unit from \$150 to \$160 for an individual and from \$750 to \$810 for a corporation. Penalty units provide the basis for determining statutory fines under a range of ACT acts. Section 133 of the *Legislation Act 2001* requires the Attorney-General to review the value of a penalty unit at least once every four years. The Government last amended the value of a penalty unit in August 2014.

Updating the real value of penalty units will ensure that their use in offence provisions continues to have a deterrent effect in the community.

Talking Points

- The revenue impact of increasing penalty unit values is an additional \$45,000 in 2018-19 (part year impact) and \$60,000 in subsequent years.
- This increase was determined through the application of the Treasury rate of Consumer Price Index (CPI) to the value of a penalty unit (PU) since 2014-15 (when PU values were last amended in the ACT).
- PUs were increased by 10 per cent in 2009 as part of the 2009-2010 budget, by approximately 27 per cent in 2013 as part of the 2013-14 budget and by 7 per cent as part of the 2014-15 budget.
- Setting our PU at \$160 would mean the ACT has the second highest PU value however this position may change as most other jurisdictions adjust their PU value annually.
- PU values for Tasmania, Victoria and the NT are currently \$159, \$158.57 and \$154 respectively, prior to any indexation for 2018-19.
- PU value for NSW is \$110. However, NSW has not increased the monetary value of penalty units since their mechanism commenced in 1999.

Possible impact on individuals

- When the PU values were raised in 2013, the Legal Aid Commission (Legal Aid) commented that they were concerned that the increase was likely to have a greater impact on those who are already experiencing socio-economic disadvantage.
- If a person is unable to pay the full amount of a court imposed fine within the time allowed by the court they can apply for extra time to pay and to pay by instalments.

Cleared as complete and accurate: 01/06/2018
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BUDGET ESTIMATES BRIEF

- These flexible arrangements can take into account the circumstances of disadvantaged and vulnerable people.

Cleared as complete and accurate: 01/06/2018
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Lead Directorate: Justice and Community
Safety

Budget-in-Confidence**CSD 2018-19 Budget – Recurrent Initiative Fact Sheet**

Minister Stephen-Smith: Minister for Disability, Children and Youth
 Minister Ramsay: Minister for Regulatory Services

More support for families and inclusion – Disability Justice Strategy

	2018-19 \$'000	2019- 20 \$'000	2020- 21 \$'000	2021- 22 \$'000	Total \$'000
Community Services Directorate – Expenses	152	0	0	0	152
Justice and Community Safety Directorate – Expenses	238	60	65	65	428
Net Expenses	390	60	65	65	580

Summary Description

The Government will continue to develop a Disability Justice Strategy to recognise and respond to the disadvantage that people with disability face when dealing with the justice system, and will provide ongoing support for Canberra Community Law's Socio-Legal Practice Clinic.

Key Points

- This measure delivers two dedicated positions to further develop an ACT Disability Justice Strategy, building on work undertaken in 2017-18. One position will be based in the Office for Disability in the Community Services Directorate and one in the Justice and Community Safety Directorate.
- Funding is also provided to enable the continuation of Canberra Community Law's Socio-Legal Practice Clinic, which provides intensive early intervention legal and social work assistance for people over 18 who have a high level of vulnerability and no support. The continuation of this clinic was identified as a high priority by stakeholders during consultations in 2017-18.

Directorate Contact Officer: Ellen Dunne, A/g Executive Director Inclusion and Participation
Phone Number: 620 75046

Portfolio: Chief Minister**ISSUE:** 2018-19 Budget Initiative – Better Government – National Facial Biometric Matching Service**Talking points:**

- The Government is investing in the safety of all Canberrans through its participation in the National Facial Biometric Matching Capability (the Capability).
- Access Canberra and the Justice and Community Safety Directorate will work together to secure the ACT's participation in the Capability.
- The Capability will enable the sharing and matching of identity information and images across Commonwealth and State and Territory borders for verification and identification purposes.
- The Capability will potentially offer the ACT access to passport, visa and citizenship images and related data. It will make ACT driver licence images available for exchange via a common facial recognition system hosted by the Commonwealth on behalf of participating State and Territory licencing agencies.
- The extent to which and to whom the ACT provides verification, images and other data to is controlled by the Territory. Usage must also be consistent with the principles set out in the *Human Rights Act*.
- The ACT community will benefit from a cohesive national approach to managing serious crimes and counter-terrorism investigations. The Capability also enables jurisdictions and the Commonwealth to reduce instances of identity fraud.

Key Information

- The funding breakdown is as follows:
- The \$0.180m funding for the Justice and Community Safety Directorate (JACSD) includes the recruitment of policy officers to develop legislation, provide advice on the participation agreements and work with States and the Commonwealth to ensure that the ACT is able to participate in a way which conforms with the IGA, including the special schedule which applies to reflect the ACT's status as a human rights jurisdiction.

Cleared as complete and accurate: 31/05/2018
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- The \$0.224m funding for Access Canberra relates to ICT system development design. The Commonwealth has an implementation timeline for the ACT for the Facial Biometric Program. The Commonwealth has allocated three months for ACT Software Architects to work with them in Technical Workshops. This period will involve a number of Access Canberra staff, working with SSICT staff and the Commonwealth to discover, explore, question and document the approach to ensure a robust, technical solution can be assured. The development design work must occur prior to any ICT system development work.
- A further funding proposal will be submitted through the 2018-19 Mid-Year Review Budget process to complete the project with regards to ICT system developments and enhancements.
- The Government's participation in this project has involved a number of Privacy Impact Assessments, and this body of work is ongoing.
- The JACSD involvement is focused on aligning the terms set in the 'Participation' documents to facilitate the specific terms of participation which will preserve the privacy and human rights of ACT citizens.
- The ICT system enhancements presents an opportunity for the ACT to adopt a digital licensing regime. Digital licensing represents a modern approach to regulation and reduces government administration costs over the longer term. It is less open to fraud, and licences are updated in real time where it has been suspended or cancelled.
- Facial image recognition would allow customers to self-service a number of licensing activities and eliminate the need for the printing and distribution of hard-copy licences.
- NSW and South Australia will soon commence trials of digital driver licences, and Victoria is planning to commence a trial.
- Identity crime affects 1 in 20 Australians each year with an estimated cost of \$2.2 billion per annum. Identity crime is also a key enabler of organised crime and terrorism.

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ISSUE: 2017-18 2ND APPROPRIATION – Better support when it matters – Director of Public Prosecutions – Additional Resources to Confiscate Criminal Assets.

Better support when it matters – Director of Public Prosecutions – Additional resources to confiscate criminals’ assets

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	323	647	0	0	970
<i>Total Additional FTE</i>	2	4			

The Government will strengthen the capacity of the Office of the Director of Public Prosecutions to address organised crime, by providing additional prosecutors to specialise in seizing criminal assets, depriving criminal organisations of the financial proceeds of crime.

Recurrent: (\$0.970m in 2017-18 and 2018-19)

This initiative will provide funding from January 2018 to June 2019 (18 months) for 4 FTE - 1 x Prosecutor 4; 1 x Prosecutor 3; 1 x Prosecutor 2 and 1 x Para Legal 4.

Talking Points:

- The \$970,000 commitment over two years will enable the DPP to employ four additional staff – including three prosecutors – to specialise in seizing criminal assets. This will assist in depriving criminals and criminal organisations of the financial proceeds of crime.
- The extra resources to seize criminal assets would support the DPP to meet increased demand arising from increased referrals from ACT Policing relating to the confiscation of criminal assets.
- During the 2016-17 financial year, tainted interests in six residential properties were forfeited to the Territory with a total value of

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\$1.1 million. \$720,000 in cash, vehicles and other property was also forfeited. A further \$1.8 million worth of real estate, cash, vehicles and other property were restrained.

- The extra resourcing is the latest in a suite of measures introduced by the government to tackle serious and organised crime.
- In August 2016, the ACT Government committed an additional \$8.3 million in Taskforce Nemesis funding over five years employing eight additional staff.
- The ACT Government continues to work with the DPP and ACT Policing to ensure they have the necessary tools to effectively deal with serious and organised criminal gangs and, wherever possible, to confiscate their criminal assets.
- Successful prosecutions will result in increased financial returns to the COCA Trust.

Estimated Timing:

The staffing increases have been implemented in the second half of the 2017-18 financial year.

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2018/1901-005

Portfolio: Attorney-General
ISSUE: 2017-18 2ND APPROPRIATION – Better Support When it Matters – Criminal Law Reform

Better support when it matters – Criminal law reforms

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	181	366			547
<i>Total Additional FTE</i>	<i>1</i>	<i>2</i>			

The Government will support the implementation of criminal law reform recommendations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse. Implementing the Commission's recommendations will improve the criminal justice system through increased protection and support for child victims of sexual abuse.

Recurrent: (\$0.181m for 2017-18 and \$0.366m for 2018-19)

- Funding from January 2018 to June 2019 (18 months) for two FTE.

Talking Points:

- This initiative will provide resources to implement criminal justice system reforms recommended by the Royal Commission.
- The Royal Commission established that tens of thousands of children have been sexually abused in many Australian institutions.
- The sexual abuse of a child is a terrible crime perpetrated against the most vulnerable in our community.
- On 14 August 2017, The Royal Commission released the Criminal Justice Report making 85 recommendations aimed at reforming the Australian criminal justice system in order to provide a fairer response to victims of institutional child sexual abuse.
- This budget funding will support, among other things the development of a range of legislative reforms recommended by the Royal Commission – some of which have already been made.

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- For example, in February 2018 legislation was passed which made:
 - existing offences for persistent child sexual abuse more effective, better reflecting how child sexual abuse is experienced and remembered
 - improvements to the way child sexual abuse offenders are sentenced in preventing an offender's 'good character' from being considered if that 'good character' enabled them to commit the offence
 - two new grooming offences criminalising non-electronic grooming of a child, as well as grooming of people other than a child (eg parents).
- I also launched a public consultation process which closed in May 2018 seeking the ACT community's views on the implementation of other criminal justice reforms recommended by the Royal Commission. Reforms will be developed in a number of stages over the course of 2018 and 2019 with later Bills addressing matters that are more complex and likely to involve more extensive consultation with stakeholders. Some issues will also benefit from consideration at a national level to support consistent approaches to criminal law reforms.
- One of these issues is the treatment by criminal and evidence laws of disclosures made in the course of religious confession.
- The Government has commenced consultation on introducing an offence of failure to report child sexual abuse. In developing this offence, analysis will be required as to how various existing laws or legal frameworks (eg evidence laws and our Human Rights Act) support or align with this offence and, where any potential conflict arises, how that can be addressed. This will be important to ensure that we construct a failure to report offence which gives full effect to the Royal Commission's recommendation.
- As a Uniform Evidence Act jurisdiction it will also be important for the ACT to work with other UEA jurisdictions to support continued consistency of relevant evidence laws.

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Royal Commission broadly:

- On 15 December 2017, the Royal Commission published the Final Report containing 409 recommendations.
- The ACT Government commends the work of the Royal Commission and issued a formal response on 15 June 2018. The ACT Government accepted or accepted in principle 290 of the 307 recommendations applying to the ACT. Some recommendations are already reflected in ACT laws or practice and work is underway to implement others. Further consultation and planning will be required in relation to some recommendations. The ACT Government is committed to supporting victims of institutional child sexual abuse and acknowledges that survivors of child sexual abuse suffer long lasting and severe injuries that can affect them for the rest of their lives.

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2018/1901-006

Portfolio: Attorney-General

ISSUE: 2017-18 2ND APPROPRIATION – Better Support When it Matters – Redress for Survivors of Child Sexual Abuse in Institutions

Better support when it matters – Redress for survivors of child sexual abuse in institutions

	2017- 18 \$'000	2018- 19 \$'000	2019- 20 \$'000	2020- 21 \$'000	Total \$'000
Expenses – ACT Administration	293	-	-	-	293
<i>Total Additional FTE</i>	<i>1</i>	<i>-</i>	<i>-</i>	<i>-</i>	

The Government will contribute to the implementation of the Commonwealth Redress Scheme for Survivors of Child Sexual Abuse in Institutions, which will commence on 1 July 2018. The Government will also provide additional resources for the Canberra Rape Crisis Centre to help meet increased demand for its services.

Recurrent: (\$0.293m only in 2017-18)

This initiative will provide for two positions for six months to provide ACT input into the development of the Commonwealth Redress Scheme for Survivors of Child Sexual Abuse in Institutions (the Scheme). It will also fund the Community Services Directorate to obtain legal advice from ACTGS and two positions for the Canberra Rape Crisis Centre (CRCS) to adequately respond to the increased demand on their services.

Talking Points:

- This initiative will fund resources required in 2017-18 to lead the ACT Government input into the Scheme design, policy issues, administration, costings and legislation.

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- Survivors of child sexual abuse suffer long-lasting and severe injuries that can affect them for the rest of their lives.
- The Commonwealth led Scheme is an important step in acknowledging harm, accepting responsibility and enabling a survivor to move forward.
- The Scheme is expected to commence on 1 July 2018 and will include; psychological counselling, direct personal responses from responsible institutions and payments of up to \$150,000.
- The ACT Government is working closely with the Commonwealth and other jurisdictions to continue progressing the Scheme in a manner that ensures that it meets the needs of survivors.

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2018/1901-007

Portfolio: Attorney-General
ISSUE: 2017-18 2ND APPROPRIATION – Better Support When it Matters – Drug and Alcohol Court Establishment

Better support when it matters – Drug and Alcohol Court establishment

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Capital	300	0	0	0	300
Expenses - JACS	600	0	0	0	600
Expenses - Health	74	0	0	0	74
Expenses – Legal Aid	37	0	0	0	37
Expenses – CSD	37	0	0	0	37
Total Expenses	748	0	0	0	748
<i>Total Additional FTE - JACS</i>	<i>2.75</i>				
<i>Total Additional FTE - Health</i>	<i>0.5</i>				
<i>Total Additional FTE - Legal Aid</i>	<i>0.25</i>				
<i>Total Additional FTE - CSD</i>	<i>0.25</i>				
<i>Total Additional FTE – ACT</i>	<i>0.25</i>				
<i>Policing</i>					
Total Additional FTE	4				

The Government will continue working to deliver the Drug and Alcohol Court by developing a model of care, procedures and design as well as finalising costs. This builds on the Government's earlier investment in scoping and planning works through the 2017-18 Budget.

Recurrent: (\$0.748m in 2017-18)

- Project management & stakeholder support - \$0.624m (4 FTE):
- Develop training specific to the ACT model (\$0.125m in 2017-18)

Capital (\$0.3m in 2017-18)

- Provided to undertake initial planning and design work.

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Project team	
Legal Policy Officer (Top Legal 1)	0.5
SOG C (Top SOG C)	0.5
Process Analyst (Contractor)	0.5
Court support (SOG A)	0.5
Stakeholder support	
Process development (SOG B) - ACT Corrective Services	0.5
Process development and services (Top SOG C) - ACT Health	0.5
Process development (Top SOG C) - DPP	0.25
Process development (Top SOG C) - Legal Aid ACT	0.25
Process development and services (Top SOG C) - CSD	0.25
Process development (Top SOG C) - ACT Policing	0.25
Total	

Talking Points:

- The Drug and Alcohol Court (DAC) aims to achieve behavioural change in offenders to reduce reoffending, improve health outcomes and maintain social connections leading to improved social inclusion and community safety.
- This funding will allow developmental work for the DAC to continue.
- The work will include development of the legislative and operational frameworks, planning for the range of associated services to support the DAC and preparation for commencement.
- Capital funding is provided to undertake initial planning and design work for suitable accommodation for the DAC to operate as a therapeutic, non-adversarial court.

Progress following mid-year appropriation

- Proposals for the model developed by the Supreme Court (assisted by a working group of key stakeholders) are under consideration.
- Work is ongoing to develop the operational frameworks and planning for the range of associated services. Consultation is taking place with a range of stakeholders including the alcohol and other drug sector in relation to treatment services.
- The DAC is a complex project and requires careful planning and preparation before introduction.
- Capital funding - \$266,000 has been returned to savings. \$34,000 is being used to fund basic design and costing work for the accommodation needs of the DAC in the new courts complex.

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2018/1902-002

Portfolio: Attorney-General

ISSUE: 2017-18 2ND APPROPRIATION – Better Support When it Matters – Stronger Resourcing for the Government Solicitor’s Office

Better support when it matters – Stronger resourcing for the Government Solicitor's Office

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	278	563	571	579	1,991
<i>Total Additional FTE</i>	<i>1.25</i>	<i>2.5</i>	<i>2.5</i>	<i>2.5</i>	

The Government will increase the capacity of the ACT Government Solicitor to support the implementation of the ACT Digital Strategy, as well as the provision of legal advice to directorates on employment law and workplace rights.

Recurrent: (\$1.991m over four years)

- The initiative will fund ongoing 2.5 FTEs (1.25 FTEs in 2017-18 to cover partial year impact).

Talking Points:

- This initiative will address current demand pressures relating to:
 - ICT (1.5 FTE) - the implementation of the ACT Digital Strategy and preparation for cloud work, which has required considerable new and novel legal advice that is ongoing.
 - Employment law (1 FTE) - the provision of legal advice to directorates on employment law and workplace rights.

Estimated Timing:

- Recruitment has been completed.

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2018/1901-008

Portfolio/s: Attorney-General

ISSUE: 2017-18 2ND APPROPRIATION – Fairer Revenue – Restructure of ACAT Fees

Fairer revenue – Restructure of ACAT fees

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Revenue	10	24	25	26	85

The Government will align the ACT Civil and Administrative Tribunal (ACAT) fees schedule to better reflect processes in its Civil Disputes and Residential Tenancies jurisdictions.

Recurrent: (Increase in revenue of \$85k over four years)

- This revenue initiative will provide a net increase in ACAT revenue of approximately \$23,500 per annum plus indexation from 2018-19.
- The estimated increase in civil disputes revenue of around \$33,000 per annum will be partly offset by an estimated reduction in residential tenancies revenue of \$10,000 per annum arising from the proposed changes in fees structure.
- The total revenue was estimated to increase by \$10,000 in 2017-18 as a part year impact but this will not occur as the fee change has been delayed to coincide with the annual fee increases on 1 July.

Talking Points:

- The amendment to fees for the ACT Civil and Administrative Tribunal (ACAT) better reflects the thresholds around its processes in its civil disputes and residential tenancies jurisdictions.
- There will be an increase of fees (from \$150 to \$559) for those with claims of \$15,000 or more effective from 1 July 2018.

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- It is estimated that around 137 applicants (9 per cent of applicants in the civil and residential tenancies jurisdictions) per year will be affected by this change.
- There will be a decrease in fees (from \$150 to \$74) for those with claims of less than \$3,000 effective from 1 July 2018.
- It is estimated that around 345 applicants (26 per cent of applicants in the civil and residential tenancies jurisdictions) per year will be affected by this change.

Estimated Timing: Changes were to start in the second half of 2017-18, but this was delayed to coincide with the annual fee increases on 1 July.

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2018/1901-009

Portfolio/s: Attorney-General

ISSUE: 2017-18 2ND APPROPRIATION – Fairer Revenue – Simplified Fees for Civil Proceedings in the Supreme Court

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Revenue	7	17	17	17	58

The Government will simplify the fee structure relating to applications made in civil proceedings in the Supreme Court by charging the same filing fee, regardless of whether the application is heard by a judicial officer or a registrar.

Recurrent: (Increase in revenue of \$58k over four years)

- The total revenue is estimated to increase by \$17,000 per annum from 2018-19 assuming the number of applications by individuals and corporations is roughly the same as for 2016-17.
- The total revenue was estimated to increase by \$7,000 in 2017-18 as a part year impact but this will not occur as the fee change has been delayed to coincide with the annual fee increases on 1 July.

Talking Points:

- Under item 1208.1 of the Court Procedures (Fees Determination 2017 (No 3) a different fee applies to applications made in civil proceedings in the Supreme Court depending on whether the application is made by an individual or a corporation and whether it is to be heard by a registrar or a judicial officer.
- It is difficult to determine at the time of lodgement if an application will be heard by a registrar or judicial officer as this is a matter for the Chief Justice who allocates work. The current item causes complexity, administrative burden and additional cost to the court registry. Simplifying the fees will remove these issues.

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- From 1 July 2018 the same fees will now apply to an application made in a civil proceeding irrespective of whether the application is heard by a judicial officer or registrar.
- The simplified fees will be set at the amounts currently prescribed for applications to be heard by a judicial officer.

Estimated Timing:

- The proposed change to item 1208.1 will be included in the Fees Determination approved by the Attorney-General prior to 1 July of each year.
- Changes to the court's case management system and administrative processes will be developed for implementation to align with the commencement of the new Fees Determination.

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2018/1901-010

Portfolio: Attorney-General

ISSUE: 2017-18 2ND APPROPRIATION – Retiring Judge’s Entitlements

Retiring Judge's Entitlements

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Capital	450				450
Expenses	73	270	270	270	883
<i>Total Additional FTE</i>	-	-	-	-	

To provide for the pension and one-off payment in-lieu of long service leave of a retiring ACT resident judge.

This funding appears in the JACS Supplementary Budget Papers as a technical adjustment.

Recurrent: (\$0.883m over four years)

- Justice Penfold retired on 23 March 2018.
- From 24 March 2018 Justice Penfold will be entitled to a pension under the *Supreme Court Act 1933* which provides ACT judges with the same pension as Federal judges.

Capital (\$0.450m in 2017-18 only) - one-off payment in-lieu of long service leave.

- Justice Penfold will also be entitled to a one-off payment in-lieu of long service leave upon her retirement.
- This is treated as a capital injection for accounting purposes as funding is provided to extinguish the liability currently recognised in the balance sheet for this entitlement.

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Talking Points / Further Information:

- This initiative provides appropriation for the legislated entitlements of a retiring resident judge (Justice Penfold) of the Supreme Court of the ACT from 24 March 2018 and forward years.
- The ACT Judges Pension Scheme is an unfunded superannuation scheme.
- Pensions are calculated under the ACT Judges Pension Scheme by reference to the remuneration rates determined by the Commonwealth and ACT Remuneration Tribunal and the legislation that provides for the entitlements.

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2018/001901-001

Portfolio/s: Attorney-General

ISSUE: Legislation, Policy and Programs – Strategic and Accountability Indicators

Context

The following pages of the 2018-2019 Budget Statements for JACS reference, Legislation, Policy & Programs' Strategic Indicators – pages 6 & 9, Accountability Indicators – page 14.

Table 3: Strategic Indicator 2: Crime Related Community Safety

Success	Strategic Indicator	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
Reduction in level of crime	Number of known and reported criminal offences:			
	- against the person per 100,000 population ^{1,2}	682	906	682
	- against property per 100,000 population ¹	4,875	5,171	4,875
Perceptions of safety	The proportion of people who felt 'safe' or 'very safe' ³ :			
	- at home by themselves during the night	=> 87.7%	94.8%	=>89%
	- walking by themselves in their neighbourhood during the night ⁴	=> 49.5%	59.1%	=>54.3%
	- by themselves travelling on public transport during the night ⁴	=>24.5%	39.2%	=>31.1%

Notes:

1. The 2017-18 estimated outcomes for reduction in level of crime are based on an average of the half-yearly result to December 2017 (i.e. an average of the September 2017 and December 2017 quarterly results) and the 2016-17 result.
2. The higher 2017-18 estimated outcomes are attributed in part to the current focus on family and domestic violence. ACT Policing has noted that the total number of offences against the person offences has increased by 15.3 per cent over the last 10 years. This indicator is currently being reviewed and consideration will be given to future targets to relate them to past performance.
3. Perceptions of safety indicators are drawn from the National Survey of Community Satisfaction with Policing, a self-reporting survey conducted by the Social Research Centre. The sample size and landline based methodology may limit how representative the results are of the ACT population as a whole.
4. The 2017-18 estimated outcome exceeds the target by 19 per cent and 60 per cent respectively and demonstrates the ACT Government's and ACT Policing's continued

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commitment to crime prevention and community engagement. The 2018-19 targets have been increased to align with these outcomes.

Talking points:Strategic Indicator – Reduction in levels of crime

Offences against the person

- Estimated outcomes are based on average of the half year rate to December 2017 (i.e. an average of the September 2017 and December 2017 quarterly results) and the 2016-17 result.
- The 2017-18 for reduction in level of crime results – the number of offences against the person reported or becoming known per 100,000 population estimated outcome is a decrease of 5.8 per cent from 961.8 in the 2016-17 financial year to 906 in the 2017-18 financial year.
- The target of 682 offences per 100,000 population was not met by 32.8 per cent.
- In the Parliamentary Agreement for the 9th Legislative Assembly, the Government has made a number of commitments that will contribute to preventing crimes against the person:
 - establish a Drug and Alcohol Court and associated support programs as part of a goal to reduce recidivism by 25 per cent by 2025; and
 - reduce reoffending by supporting initiatives which prevent crime and address reoffending behaviour including High Density Housing Community and Safety Program and establishing Warrumbul Court in the Children’s Court to provide culturally appropriate sentencing for young Aboriginal and Torres Strait Islanders

Offences against property

- The result for 2017-18 for reduction in level of crime – the number of offences against property reported or becoming known per 100,000 population is a 0.5 per cent increase, from 5,145.0 in the 2016-17 financial year to 5,171.0 in the 2017-18 financial year .
- The target of 4,875 offences per 100,000 population was not met by 6.1 per cent.
- This small increase in property crime follows a period of sustained and significant reductions. The ACT Property Crime Reduction Strategy

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2012-15 resulted in a 41.5 per cent decrease in burglary and 27.2 per cent decrease in motor vehicle thefts from the 2010 baseline.

- The ACT Property Crime Prevention Strategy 2016-2020 will build on this success to keep property crime rates down. The Strategy targets include:
 - ensuring the victim rates for unlawful entry with intent remain below the national rate
 - the number of motor vehicle thefts is at or below the national rate, and
 - stopping the year on year increase in the rate of other thefts reported by 2020.

Strategic Indicator – Perceptions of safety

- The 2017-18 estimated result showed that the proportion of people who felt safe or very safe at home by themselves during the night was 94.8 per cent. The target of 87.7 per cent was exceeded by 7.1 per cent.
- The 2017-18 estimated result showed that the proportion of people who felt safe or very safe walking by themselves in their neighbourhood during the night was 59.1 per cent. The target of 49.5 per cent was exceeded by 9.6 per cent.
- The 2017-18 estimated result showed that the proportion of people who felt safe or very safe travelling on public transport by themselves during the night was 39.2 per cent. The target of 24.5 per cent was exceeded by 14.7 per cent.
- Strong results against all these indicators reflects the range of actions the ACT Government and ACT Policing continue to undertake to address perceptions of crime, including publishing information about actual levels of crime and intelligence led targeting of criminal activities.

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Table 5: Strategic Indicator 5: Awareness and Compliance with Human Rights and Interests

Success	Strategic Indicator	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
New government laws are compatible with human rights legislation at time of introduction	Percentage of new government laws that are compatible with human rights legislation at time of introduction	100%	100%	100%

Talking points:

- The target for 2017-18 for this indicator is 100 per cent of laws introduced by the Government being compatible with human rights
- The target of 100 per cent of laws introduced by the Government being compatible with human rights is on track to be met in the 2017-18 financial year. As at 7 June 2018, a total of 54 human rights compatibility statements were tabled, the same number as Government bills tabled.
- The figure is consistent with other years, where the result has been 100 per cent of legislation introduced by the Government
- The Government takes its commitment to human rights compliance seriously
- Considerable effort goes into ensuring that bills are human rights compatible at the time they are introduced. The Human Rights area of the Justice and Community Safety Directorate, and policy officers across the government, spend time and effort working together to deliver the Government's legislative agenda in a human rights compliant way
- The work includes progressing the Parliamentary Agreement commitment to develop full compatibility statements for significant bills

Table 16: Accountability Indicators Output 1.1

	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
a. Percentage of legislation requested by the JACS portfolio ministers is developed within timeframes agreed by the JACS portfolio ministers	92%	100%	100%
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	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
b. Proportion of surveyed users of restorative justice programs satisfied with service received	97%	98%	97%
c. Number of initiatives that reduce regulatory burden ¹	2	4	2
d. Family Violence Statement presented to the ACT Legislative Assembly ²	1	n/a	n/a

Note:

1. The 2017-18 estimated outcome exceeds the target by 100 per cent, reflecting the Government's progress in reducing regulatory burden.
2. The indicator was discontinued in the second half of 2017-18 due to the transfer of the function of the Co-ordinator-General for Family Safety from the Justice and Community Safety Directorate to the Community Services Directorate following Administrative Arrangement changes from 1 July 2017.

Talking points:

a) Legislation developed within portfolio Ministers' timeframes

- To 7 June 2018, 19 of the 19 (100%) pieces of legislation requested by portfolio ministers for introduction in the Legislation Assembly were developed within the agreed timeframe

b) Proportion of Restorative Justice program users satisfied

- The Restorative Justice Unit continues to provide a process that victims, offenders and their respective supporters find satisfying, maintaining a satisfaction rate of 98 percent in 2017-18
- Participants of restorative justice processes continue to report very high levels of satisfaction in their survey responses. The Restorative Justice Unit's 2017-18 performance target of 97 per cent of users being satisfied with the service they received is on track to be met
- In 2017-18, a total of 148 surveys have been completed to the end of March 2018 by offenders (45), their victims (56) and in most circumstances, a main supporter for each (47). Their responses informed the results.
 - 99.32 per cent of respondents felt they were treated with respect
 - 99.32 per cent of responses felt they were able to have their say

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- 94.59 per cent of all respondents did not felt pressure to participate
 - 98.65 per cent of all respondents felt the process respected their rights
 - 95.27 per cent of all respondents felt they were able to have their say in the outcome
 - 97.97 per cent of all respondents felt the process was fair to them
 - 100 per cent of all respondents felt the process was fair for the offenders
 - 97.97 per cent of all respondents would participate in the process again; and
 - 98.65 per cent of all respondents would recommend the process to someone else.
- Outcomes reveal no significant variance from the previous financial year. The 2018-19 target satisfaction rate has been set at 97 per cent.

c) Number of initiatives that reduce regulatory burden

- This indicator supports the Government’s commitment to reduce red tape. It identifies the number of items of legislation which contribute to this commitment
- To 5 June 2018, four initiatives have been identified that reduce regulatory burden which is 100 per cent over the target for 2017-18.
- *The Gaming Machine Amendment Bill 2017* implements the Government’s election commitments to support local community clubs through tax relief and reducing administrative burden as set out in the *Supporting local Community Clubs Policy* released in September 2016.
- The amendments to the Co-operatives National Law (ACT) Act and the Co-operatives National Law (ACT) Regulation will reduce red tape by making it easier to update fees through a disallowable instrument rather than having to amend the regulation. The amendment to the Coroners Act will reduce red tape by removing the automatic requirement for a coronial inquest where there is a death under anaesthetic. The amendment to the Road Transport (Offences) Regulation reduces red

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tape by removing an unnecessary step covered by other legislation. The amendment to the Residential Tenancies Act removes red tape by allowing electronic lodgement of rental bonds.

- The Courts and Other Justice Legislation Amendment Bill 2018 reduce red tape by improving and modernising the operation of legislation supporting the efficient and effective operation of the ACT justice system
- The Residential Tenancies Amendment Bill 2018 will resolve years of legal uncertainty about the operation of CTPP provisions, and provide greater security of tenure, especially for social housing tenants.

d) Family Violence Statement presented to the ACT Legislative Assembly

- The indicator was discontinued in the second half of 2017-18 due to the transfer of the function of the Co-ordinator-General for Family Safety from the Justice and Community Safety Directorate to the Community Services Directorate following Administrative Arrangement changes from 1 July 2017.

Background Information – may not be suitable for public disclosure

Strategic Indicator – reduction in levels of crime

- This indicator description has been revised from percentage change and number in 2016-17 to number only in 2017-18
- The data for this indicator is taken from the average of the ACT policing's September and December 2017 Quarterly report against the Purchase Agreement for the Provision of Policing Services to the ACT and actual outcomes from 2016-17

Strategic Indicator – perceptions of safety

- The data for this indicator is drawn from national Survey of Community Satisfaction with Policing as presented in ACT Policing's December 2017 Quarterly report against the Purchase Agreement for the Provision of Policing Services to the ACT. This is a self-reporting survey conducted by the Social Research Centre.

Strategic Indicator – percentage of new Government Laws compatible with human rights

- Section 37 of the Human Rights Act 2004 requires the Attorney- General to prepare a written statement about each Government bill and table the statement in the Legislative Assembly. The statement must state whether, in the Attorney-General's opinion the bill is consistent with human rights and, if not, how it is not consistent.

Accountability Indicator – Proportion of restorative justice program users satisfied

- The core reasons for undertaking the surveys are to understand participants' experiences and to monitor convenors' delivery of the process

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- Many contributing factors influence participants' high satisfaction with the process. There include:
 - The nature and principles of restorative justice practices which incorporate the ideals of fairness and respect
 - Rigorous suitability screening of participants prior to taking part in restorative justice processes, ensuring meaningful participation
 - Thorough preparation with each participant, leading to the development of collaborative and constructive agreements
 - Ongoing review and improvement of processes and practices

Restorative justice survey information

- A range of responses are used to determine the satisfaction rating of surveyed participants. As the concept of "satisfaction" is subjective, the RJU has identified nine key questions that are asked of all the participant types. These questions capture feedback on different aspects of the restorative justice process which, when analysed together, provide an insight into the level of participant satisfaction.
- The questions are as follows:
 - You feel you were treated with respect during the process?
 - You were able to say what you wanted to say?
 - You felt pressured to participate in the process?
 - How much did you feel the process respected your rights?
 - The process took account of what you said in deciding what should be done?
 - How fair do you think the process was?
 - How fair do you think the process was for you (question asked of offender and victim)?
 - Would you recommend it to someone else?
 - Would you participate again?

*2018*1902-001

Portfolio: Attorney-General

ISSUE: ACT Government Solicitor's Office - Strategic and Accountability Indicators

Context

Accountability Indicators for Legal Services to Government are published on page 15 of the JACS 2018-19 Budget Statement and report against the provision of high quality and timely legal services.

Table 17: Accountability Indicators Output 1.2

	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
a. Timely legal services provided by the ACT Government Solicitor: percentage of advices completed within 28 days	85%	84%	85%
b. Timely legal services provided by the ACT Government Solicitor: percentage of urgent court and contentious matters undertaken and completed within courts, tribunal or any applicable statutory timetable ¹	95%	98%	n/a
c. Timely legal services provided by the ACT Government Solicitor: percentage of routine court and contentious matters undertaken and completed within courts, tribunal or any applicable statutory timetable ¹	95%	95%	n/a
d. Timely legal services provided by the ACT Government Solicitor: percentage of court matters undertaken and completed within courts, tribunal or any applicable statutory timetable ²	n/a	n/a	95%
e. High quality legal services provided by the ACT Government Solicitor: percentage of client survey respondents satisfied with quality of advice and representation	95%	95%	95%

Note:

1. This Accountability Indicator is discontinued in 2018-19, it will be replaced by the new indicator d.
2. This is a new indicator in 2018-19 which combines and replaces indicators b and c. Indicator d measures timeliness compliance as a percentage of instances involving representation for the Attorney General and Government. The difference between urgent and routine does not add to the qualitative assessment of this performance. Accountability indicators for the output have been reviewed to reduce the number and improve definition of what is being measured consistent with recommendations made in the ACT Auditor- General's Report on ACT Government Strategic and Accountability Indicators, Report No. 2/2018.

Cleared as complete and accurate: 13/06/2018
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Talking points:

The ACT Government Solicitor (ACTGS) reports on accountability indicators related the quality and timeliness of its legal services. This is measured by:

- completion of legal advices provided within specified timeframes;
 - completion of urgent and routine court matters within applicable statutory time frames; and
 - the quality of legal services measured by client satisfaction.
- Accountability Indicators (a),(b) and (c) are based on activity data recorded by solicitors in ‘Open Practice’, the legal practice management system used by ACTGS.
 - Accountability Indicator (e) is based on responses by ACTGS clients to a twice yearly in the ACT Government Solicitor Quality of Legal Services (client survey).
 - The December 2017 client survey indicated 95 per cent of clients surveyed regard the quality of legal services provided by ACTGS to be satisfactory or excellent. In response to that survey 54 per cent of respondents regard the quality of legal services as excellent and 38 per cent satisfactory.
 - The proposed reduction of accountability indicators by combining indicators (b) and (c) is reflected in the new accountability indicator (d). This reduction is consistent with recommendations made in the ACT Auditor-General’s Report on ACT Government Strategic and Accountability Indicators, Report No. 2/2018 regarding review of usefulness of accountability measures.
 - For 2018-19 the new accountability indicator (d) combines and replaces indicators (b) and (c). Indicator (d) measures timeliness compliance as a percentage of instances involving representation for the Attorney General and Government.
 - Indicator (d) which will report achievement of imposed timetables as a percentage of instances involving representation for the Attorney General and Government. The current differentiation between urgent (b) and routine (c) does not add to the qualitative assessment of performance.

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- Pleasingly ACTGS performance is in line with estimated outcomes for all 2017-18 accountability indicators.

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*2018*1904-001

Portfolio: Attorney-General

ISSUE: ACT Parliamentary Counsel's Office - Strategic and Accountability Indicators
Context

Accountability Indicators for Legislative Drafting and Publishing Services are published on page 16 of the JACS 2018-19 Budget Statement and report against the provision of high quality and timely legislative drafting and publishing services for ACT legislation and maintenance of the ACT Legislation Register.

Table 18: Accountability Indicators Output 1.3

	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
a. High level of client satisfaction for legislative drafting and publishing services by the Parliamentary Counsel's Office: percentage of satisfied client survey respondents	90%	90%	90%
b. Timely legislative drafting and publishing services by the Parliamentary Counsel's Office:			
- Percentage of drafting responses provided within 30-day standard	95%	99%	95%
- Percentage of notifications notified on ACT legislation register on requested notification day	99%	100%	99%
- Percentage of republications of changed legislation published on ACT legislation register on day the change happens	99%	100%	99%

Talking points:

- 2017-18 estimated outcome is in line with 2017-18 targets.

Background Information – may not be suitable for public disclosure

- Three client satisfaction surveys – a legislation register survey, a notifications service survey and a legislative drafting service survey – are conducted annually to cover all client groups.
- The surveys were conducted from 18 April – 1 May 2018.

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- **Legislation register survey**—An invitation to complete the legislation register survey is placed on the register home page and also sent to ACT government employees through whole-of-government messages. Email invitations are sent to the law librarians network via the JACS library. The ACT Law Society and ACT Bar Association promoted the survey through their websites and emails to members.
- **Notifications service survey**—Email invitations to complete the survey are sent to Notification officers in all client agencies.
- **Legislative drafting service survey**—Email invitations to complete the survey are sent to current drafting/instructing officers in all client agencies.

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*2018*1901-003

Portfolio/s: Attorney-General

ISSUE: Director of Public Prosecutions - Strategic and Accountability Indicators
Context

Accountability Indicators for the Director of Public Prosecutions are published on page 16 of the JACS 2018-19 Budget Statement.

Table 19: Accountability Indicators Output 1.4

	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
a. Percentage of cases where court timetable is met in accordance with Courts' rules	80%	80%	80%
b. Average cost per matter finalised	\$2,800	\$2,800	\$2,800

Talking points:

- The Annual Report of the Director of Public Prosecutions and the NOUS Group Strategic Review of the ACT Office of the Director of Public Prosecutions indicates that the DPP continues to provide a quality service to the ACT community.
- The Strategic Review Report finds that while the ACT DPP efficiently performs a wider range of functions relative to its equivalents in other jurisdictions, there are growing service demand pressures that will need to be considered by Government into the future.
- The Government is committed to supporting the vital work of the DPP.
- This commitment can be seen in the increases in funding immediately following the Strategic Review and in recent announcements of baseline funding increases coming into effect over the mid to long term.
- The 2017-18 Budget allocated three full time prosecutors for the Eastman matter in the 2017-18 year and one ongoing prosecutor to increase the capacity of the DPP. Furthermore, the 2017-18 Budget Review provided resource allocations for four full time additional staff in

Cleared as complete and accurate: 04/06/2018
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2017-18 and 2018-19 to support the work of the Confiscation of Criminal Assets scheme.

- This built on funding of \$1.363 million over four years from 2016-17 through the Safer Families funding package to strengthen criminal justice responses to alleged perpetrators of family violence.
- In April 2018 the Government announced that the DPP will be provided with \$987,000 over four years from 2018-19 for additional staff to support the increased capacity of the Magistrates Court.
- The Magistrates Court in turn will receive an extra \$3.1 million for an eighth magistrate. Additional funding of \$1.3 million for Legal Aid ACT was also provided as part of this package.
- The Government has also announced in the 2018-19 Budget an additional \$6.922 million funding will be provided over the next four years for additional prosecutorial and paralegal staff.
- This funding will be provided progressively with an additional six FTE from 2018-19.
- In 2021-22 there will be a total of 12 additional FTE for the DPP.
- This staffing increase will be supplemented by a one off capital injection of \$350,000 for expanded accommodation.
- This resourcing support will promote continued provision of quality prosecution services for the Canberra community and will contribute to a timely, transparent and fair justice system.

If asked about separate administration and direct appropriation for the DPP -

- Another important outcome of the NOUS review was a set of recommendations for more efficient management of the DPP's budget resources. NOUS consulting put forward that both for reasons of independence and for efficiency, a different model of budgeting should be in place, including direct appropriation for the DPP.

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- The Government’s approach to date has been to use the administrative resources of the Justice and Community Safety Directorate (JACS) to offer economies of scale to smaller, independent agencies. Things like human resources and finance services are provided by a centralised team in JACS to other agencies, including the Human Rights Commission and the Emergency Services Agency.
- The analysis by NOUS consulting provides a basis for considering a different approach. The Government is seriously considering this recommendation and will work with the public service and the DPP to ensure that our model of appropriation and funding is as efficient as possible.

Background Information – may not be suitable for public disclosure

- On 15 December 2017 the Canberra Times reported that “The ACT Magistrates Court has thrown out criminal charges against several defendants amid tensions with territory prosecutors, who say stretched resources and clashing court lists forced them to abandon hearings in the past fortnight”.
- The article stated that “Director Jon White, SC, said it had been "an issue of scheduling as much as resources" that could be avoided if the lower court stopped block listing hearings during Supreme Court trial blitzes”.
- Listing practices is an issue being examined by the Justice and Community Safety Directorate.

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ISSUE: ACT Courts and Tribunal Strategic and Accountability Indicators.**Context**

Accountability Indicators for the ACT Courts and Tribunal are published on page 19 of the JACS 2018-19 Budget Statement. The Strategic and Accountability indicators are at [Attachment A](#).

Talking points:

- The ACT Government continues to invest in the courts and tribunal through the construction of state of the art court facilities, ensuring appropriate level of judicial resources and funding the development of the new case management system and the new jury management system.
- These investments will support the courts and tribunal to reduce the number and age of pending cases and provide better registry and other services to court and tribunal users.
- The 2017-18 outcomes for the courts and ACAT are expected to meet most of the targets.
- Changes have been made to streamline and improve the usability of the 2018-19 indicators.

Review of indicators

- Changes have been made to the strategic and accountability indicators for the courts and tribunal. The courts and tribunal had a large number of indicators, most of which duplicated the measures set out in the annual Report on Government Services (RoGS). In some cases the indicators were not particularly useful as measures of access to justice or the support provided by the administration to each court and tribunal. The changes will streamline and improve the usability of the indicators.
- The previous strategic indicators for each court and ACAT reported on the median time from lodgement to finalisation of matters.

This has been replaced with the International Framework for Courts Excellence (IFCE) global measure for on-time case processing. This will measure the percentage of cases resolved or finalised within established timeframes. The timeframes have been set having regard to the performance against the proposed measures over the last four years and in some categories are ambitious.

- The 22 accountability indicators have been reduced to nine indicators relating to the cost per finalised matter in each court and the case clearance rate for each court and ACAT. These indicators are likely to be of most interest to the Assembly and the public.
- The accountability indicators on the number of judicial officers or members per 100 finalisations, the fees collected per lodgement and the backlog have been removed. These indicators for the courts are included in RoGS and workload statistics are reported in the Annual Review for each court and tribunal.

Reporting on criminal data

- The criminal accountability indicators will be reported on an annual rather than bi-annual basis in 2018-19 as it will take some time to develop reliable and accurate data reports from the new integrated Courts Management System (ICMS). It will be necessary to review and improve the quality of the criminal data migrated to the ICMS from the old system and to address programming and other issues as the new criminal reports are developed.
- The ICMS was introduced in the ACAT in December 2015 and in the civil jurisdiction in September 2016. The third and final stage of ICMS deals with the more complex criminal jurisdiction and includes a criminal portal which will be accessed by external agencies (AFP, DPP and corrections), eLodgment for law firms lodging initiating documents within the Magistrates and Supreme Courts, and online forms for ACAT. The third stage is expected to go live in the 4th quarter of 2018.

Strategic indicator – Timely completion of cases

Civil Cases

- The strategic indicators show the estimated median times for completion of civil cases in the Magistrates Court and Supreme Court are below the targets. This positive result is due to the use of mediation and rigorous case management to resolve matters earlier.

Criminal Cases

- The median number of days to finalise a criminal case in the Magistrates Court is estimated to be 70 days compared to the target of 65 days.
- The median number of days to finalise a criminal case in the Supreme Court is estimated to be 265 days compared to the target of 200 days. This was due to the Supreme Court focussing on finalising older criminal matters.

ACAT

- The median number of days to finalise a case in the ACAT is estimated to be 59 days which is higher than the target of 50 days due to the time it took to finalise a complex civil dispute which involved 117 separate applications lodged in mid-2016.

Accountability indicators – number of judicial officers per 100 finalisations

- The estimated outcome for number of judicial officers per 100 finalisations is 0.13 which is below the target of 0.14. The positive result is likely due to the finalisation of 1,880 failure to vote charges in August 2017.
- The ACAT is expected to be on target at 0.12 presidential members per 100 finalisations.

Accountability indicators – real average fees collected per lodgement

- The estimated outcome for the real average civil court fees collected per lodgement is expected to exceed the target in the Supreme Court. The target is \$2,900 and the estimated outcome is \$2,959.
- The estimated outcome for the Magistrates Court is \$184 per lodgement which is below the target of \$205. This outcome is lower than the target

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due to a higher than expected proportion of matters being subject to no fee (particularly family violence applications) or to a fee exemption or waiver.

- The ACAT is expected to be close to the target of \$160 per lodgement with an estimated outcome of \$159.

Accountability Indicators - Costs per finalised civil and criminal case

- The estimated costs per finalised civil and criminal case in both the Supreme Court and the Magistrates Court are lower than the targets. This positive result is due to the full costs under the new Courts Public Private Partnership contract not actually being paid as a result of the delays in the construction project.
- The targets for the cost per finalised case are significantly higher in 2018-19 because they take into account the full cost of the Courts Public Private Partnership contract for the new court facilities.

Accountability Indicators - Backlog indicators

- The backlog indicator shows the percentage of cases that have been pending for more than 12 months in each court and ACAT. The Supreme Court also reports on the percentage of cases pending for more than 24 months.

Supreme Court

- The Supreme Court is not expected to meet its targets for criminal or civil matters. This was primarily due to giving priority to reducing matters pending for more than 24 months which means the listing time for matters less than this age is reduced.
- Although the percentage target has not been met the Supreme Court has reduced the total number of pending criminal cases through the use of central criminal listing periods which ensure that as soon as one trial is completed or unable to proceed another trial is ready to commence.
- In regard to civil matters, it is noted that there is a high number of personal injury matters which often take longer than 12 months to resolve due to factors beyond the Court's control.

Magistrates Court

- The Magistrates Court is expected to meet its target for civil backlog and will be close to meeting the target for Coroners Court matters.
- The Magistrates Court is not expected to meet its target for criminal backlog. The target is 5 per cent and the estimated outcome is 9 per cent. The estimated outcome is above target due to a higher than expected number of defended hearings which take more time to finalise.

ACAT

- The ACAT is expected to be close to meeting its target of 5 per cent of pending cases pending for more than 12 months. The estimated outcome for ACAT is 6 per cent.

Accountability Indicators – Clearance indicator

- The clearance rate is the percentage of finalisations divided by the number of lodgements. A rate of over 100 per cent indicates that more cases are being finalised than being lodged with a consequential reduction in the number of pending cases.
- The clearance rate for criminal matters in the Supreme Court is estimated to be 106 per cent. The use of central criminal listing periods has improved efficiency by ensuring that as soon as one trial is completed or unable to proceed another trial is ready to commence.
- The clearance rate for civil matters in the Supreme Court is also estimated to be above the target at 103 per cent.
- The clearance rate for criminal matters in the Magistrates Court is estimated to be 112per cent. This estimated outcome is due to 1,880 failure to vote charges lodged in June 2017 that were finalised in August 2017.
- The clearance rate for civil matters in the Magistrates Court is also estimated to be above the target at 102 per cent.

- The clearance rate for ACAT is estimated to be 88 per cent. This estimated outcome is below target because of an increase in more complex civil matters that take more time to determine and the delay in finalising 117 civil dispute matters pending a ruling on a question of law under section 77 of the ACAT Act.

Background Information – may not be suitable for public disclosure

- The ACT Courts and Tribunal is responsible for the provision of high quality support to judicial officers and tribunal members in the ACT Courts and Tribunal and high quality services to the public using the courts and the tribunal.
- Explanations for variances in the Strategic and Accountability indicators are provided as notes beneath the indicators in the attached extracts from the budget papers.

Strategic Objectives and Indicators

ATTACHMENT A

Strategic Objective 1

Accessible Justice System

The ACT justice system seeks to ensure fairness to all persons involved. A fair justice system is accessible, deals with matters in an expeditious manner and is one in which all persons involved conduct themselves in a way that promotes, protects and respects rights.

Table 2: Strategic Indicator 1: Justice System Completion Rates

Success	Strategic Indicator	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
Timely completion of civil cases in the courts	Median number of days to finalise civil cases from time of lodgement ¹			
	- Magistrates Court ⁴	50	36	n/a
	- Supreme Court ⁵	365	323	n/a
	- Coroners Court	85	85	n/a
	Percentage of cases finalised within 12 months from lodgement ²			
	- Supreme Court (includes Court of Appeal)	n/a	n/a	85%
	- Magistrates Court	n/a	n/a	90%
Timely completion of criminal cases in the courts	Median number of days to finalise criminal cases from time of lodgement ¹			
	- Magistrates Court	65	70	n/a
	- Supreme Court ⁶	200	265	n/a
	Percentage of cases finalised within 12 months from lodgement ³			
	- Supreme Court (includes Court of Appeal)	n/a	n/a	85%
	- Magistrates Court	n/a	n/a	95%
	- Childrens Court	n/a	n/a	95%
Timely completion of ACT Civil and Administrative Tribunal (ACAT) cases	Median number of days to finalise ACAT cases from time of lodgement ^{1,7}	50	59	n/a
	Percentage of cases finalised within 12 months from lodgement ²	n/a	n/a	95%

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Notes:

1. These Strategic Indicators are discontinued in 2018-19. The median is not an useful or meaningful indicator of the timeliness of case finalisations, especially when measured against a target median time, as a high median time is not necessarily a poor outcome as it means more old cases are being finalised while a low median time is not necessarily a good outcome because it means fewer old cases are being finalised.
2. These are new Strategic Indicators in 2018-19 based on the International Framework for Courts Excellence (IFCE) global measure for on-time case processing. They report on the percentage of civil cases resolved or finalised within established timeframes.
3. These are new Strategic Indicators in 2018-19 based on the International Framework for Courts Excellence (IFCE) global measure for on-time case processing. They report on the percentage of criminal cases resolved or finalised within established timeframes.
4. The 2017-18 estimated outcome is a positive result with the estimated median number of days to finalise Magistrates Court civil matters lower than the target due to the use of mediation and rigorous case management to resolve matters earlier.
5. The 2017-18 estimated outcome is a positive result with the estimated median number of days to finalise Supreme Court civil matters lower than the target due to the use of mediation and rigorous case management to resolve matters earlier.
6. The 2017-18 estimated outcome exceeds the target due to the Supreme Court focussing on finalising older criminal matters.
7. The 2017-18 estimated outcome exceeds the target due to the finalisation of a complex civil dispute which involved a number of separate applications lodged in mid-2016.

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Output Class 3: Courts and Tribunal**Output 3.1: Courts and Tribunal****Table 22: Accountability Indicators Output 3.1**

	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
Courts			
a. Number of judicial officers per 100 finalisations ^{a,1}	0.14	0.13	n/a
a. Real average civil court fees collected per lodgement – ACT Supreme Court ¹	\$2,900	\$2,959	n/a
b. Real average civil court fees collected per lodgement – ACT Magistrates Court ^{1,2}	\$205	\$184	n/a
c. Cost per finalised criminal case ^{3,4}			
- Supreme Court	\$23,000	\$21,656	\$36,500
- Magistrates Court ⁵	\$2,000	\$1,514	\$2,700
d. Cost per finalised civil case ⁴			
- Supreme Court	\$12,500	\$11,561	\$16,500
- Magistrates Court ⁶	\$3,500	\$2,602	\$4,000
e. Supreme Court Criminal Case Backlog Indicator – Percentage of pending criminal cases for more than ¹			
- 12 months ⁷	10%	11%	n/a
- 24 months	0%	4%	n/a
f. Magistrates Court Criminal Case Backlog Indicator – Percentage of pending criminal cases for more than 12 months ^{1,8}	5%	9%	n/a
g. Supreme Court Civil Case Backlog Indicator – Percentage of pending civil cases for more than ¹			
- 12 months ⁹	10%	21%	n/a
- 24 months ¹⁰	5%	11%	n/a
h. Magistrates Court Civil Case Backlog Indicator – Percentage of pending civil cases for more than 12 months ¹	10%	10%	n/a
i. Coroners Court Case Backlog Indicator – Percentage of pending cases for more than 12 months ¹	35%	36%	n/a
j. Criminal Case Clearance Indicator – Percentage of Supreme Court finalisations, divided by the number of lodgements ³	100%	106%	100%
k. Criminal Case Clearance Indicator – Percentage of Magistrates Court finalisations, divided by the number of lodgements ^{3,11}	100%	112%	100%
l. Civil Case Clearance Indicator – Percentage of Supreme Court finalisations, divided by the number of lodgements	100%	103%	100%

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BUDGET ESTIMATES BRIEF

m. Civil Case Clearance Indicator – Percentage of Supreme Court finalisations, divided by the number of lodgements	100%	103%	100%
n. Civil Case Clearance Indicator – Percentage of Magistrates Court finalisations, divided by the number of lodgements	100%	102%	100%
Tribunal			
o. Number of presidential members per 100 finalisations ¹²	0.12	0.12	n/a
p. Real average fees collected per lodgement – ACAT ^{b,13}	\$160	\$159	n/a
q. Total number and relative percentage of pending cases in the ACAT for more than 12 months ^{14,15}	5%	6%	n/a
r. Clearance Indicator – Percentage of ACAT finalisations, divided by the number of lodgements ¹⁶	100%	88%	100%

a. 2018-19 judicial resources do not include visiting judges nor judicial officers on long service leave.

b. ACAT – ACT Civil and Administrative Tribunal.

Notes:

- These accountability indicators are discontinued in 2018-19 to eliminate duplication of these indicators reported in the Report on Government Services (RoGS) and JACS annual Statement of Performance. These indicators are an aggregate of RoGS indicators.
- The 2017-18 estimated outcome is lower than the target due to a higher than expected proportion of matters being subject to no fee (particularly family violence applications) or to a fee exemption or waiver.
- These accountability indicators will be reported on an annual basis in 2018-19 due to the availability of bi-annual data being affected by the development of the reliable data reports from the criminal modules of the new Integrated Courts Management System.
- The targets for the cost per finalised case are significantly higher in 2018-19 because they take into account the full cost of the *Courts Public Private Partnership* contract for the new court facilities.
- The 2017-18 estimated outcome is lower than the target because 1,880 failure to vote charges lodged in June 2017 were finalised in August 2017.
- The 2017-18 estimated outcome is lower than the target as the full costs under the new courts facilities contract were not actually paid due to delays in the construction project.
- The 2017-18 estimated outcome is higher than the target because the total number of pending criminal cases has reduced at a greater rate than the reduction in the number of criminal cases pending for greater than 12 months. The use of central criminal listing periods has improved efficiency by ensuring that as soon as one trial is completed or unable to proceed another trial is ready to commence.
- The 2017-18 estimated outcome is above target due to a higher than expected number of defended hearings which take more time to finalise.
- The 2017-18 estimated outcome is above target as the Supreme Court continued to give priority to reducing civil matters pending for more than 24 months which means the listing time for matters less than this age is reduced. The estimated outcome also reflects the high number of personal injury matters which often take longer than 12 months to resolve due to factors beyond the Court's control.
- The 2017-18 estimated outcome is above target because of the extent of the backlog and a higher than expected number of complex matters, many of which are personal injury claims, which take more time to finalise. During the time required to deal with these cases other pending cases increase in age.
- The 2017-18 estimated outcome is higher than the target because the 1,880 failure to vote charges lodged in June 2017 were finalised in August 2017.
- This accountability indicator is discontinued in 2018-19 as the purpose of this measure is unclear given a large number of cases are finalised by non-presidential members.
- This accountability indicator is discontinued in 2018-19 because it is not a measure of tribunal performance as the number and nature of lodgements are determined by the parties to a matter and fees are in set amounts.
- This accountability indicator is discontinued in 2018-19 as information on whether backlog is increasing, decreasing or static can be inferred from the clearance rate.
- The 2017-18 estimated outcome is higher than the target due to the finalisation of 117 civil dispute matters being delayed until a ruling on a question of law was made under section 77 of the *ACAT Act*.

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16. The 2017-18 estimated outcome is below the target because of an increase in more complex civil matters that take more time to determine and the delay in finalising 117 civil dispute matters pending a ruling on a question of law under section 77 of the *ACAT Act*.

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2018/1896-001

Portfolio: Attorney-General

ISSUE: Financial Summary Output Class 1

Context

Page 10 of the Budget Statement provides a summary of the Total Cost and Controlled Recurrent Payments for Output Class 1. Page 44 of the Budget Statement provides the Operating Statement for Output Class 1, Justice Services. The major influences affecting the variances from the 2017-18 Budget to the 2017-18 estimated outcome (for the operating statement) and the 2017-18 estimated outcome to the 2018-19 Budget (for the Output Summary and the operating statement) are explained in this brief.

Talking points:

Output Class 1: Justice Services (*Budget Statement, Table 6, page 10*)

	2017-18 Estimated Outcome \$'000	2018-19 Budget \$'000
Total Cost	69,158	69,375
Controlled Recurrent Payments	55,207	60,273

- **Total Costs:** the increase of \$0.2 million in the 2018-19 Budget from the 2017-18 estimated outcome is mainly due to:
 - new initiatives (\$3.7), net rollovers (\$1.6m), indexation and other adjustment (\$1.3m) and increase in wage agreements (\$0.5m).

Partially offset by

- one-off higher estimated outcome in 2017-18 relating to employee cost pressures (-\$5.2m), stepping down and cessation of prior years' initiatives (-\$0.9m), cost movements associated with Eastman Re-trial (-\$0.8m).
- **Controlled Recurrent Payments:** the increase of \$5.1 million in the 2018-19 Budget from the 2017-18 estimated outcome is mainly due to:
 - New initiatives (\$3.7), net rollovers (\$1.6m), increase in wage agreement (\$0.5m), higher 2018-19 estimated outcome (\$0.4m),

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funding stepping up of 2017-18 supplementation appropriation (\$0.2m), indexation and other adjustments (\$0.7m).

Partially offset by

- Stepping down and cessation of prior years' initiatives (-\$0.9m), net funding movements for Eastman Retrieval (-\$0.8m) and the net impact of new and prior years' AA transfers (-\$0.3m).

Output Class 1: Justice Services – Operating Statement (*Budget Statement, Table 37, page 44*)

Comparison of 2017-18 Estimated Outcome to 2017-18 Budget

- Operating Result – is a deficit of \$4.7 million, which is \$1.1 million more than the 2017-18 Budget deficit.
- Revenue - \$2.2million higher than budgeted, due to:
 - User Charges (\$3.4m): mainly relating to higher than expected client funded services by the ACT Government Solicitor's Office,
 - Resources Received Free of Charge (\$0.2m): relating to higher workers' compensation premium in 2017-18.

partially offset by lower:

- Controlled Recurrent Payments (CPR) (-\$1.5m): mainly due to net rollovers to 2018-19 year (-\$1.6m) and AA transfer of the Office of Coordinator General Family Safety budget to Community Services Directorate (CSD) (-\$1.3m) and Greyhound Racing Grant Provision to CMTEDD (-\$1.0m); *partially offset* by 2017-18 supplementation appropriation (\$1.4m), and AA transfer of Ombudsman Freedom of Information from CMTEDD to JACS (\$1.0m).
- Expenses - \$3.3 million higher than budgeted, mainly due to:
 - Employee and Superannuation Expenses (\$6.3m): mainly relating to alignment of salaries and wages with expected outcomes including those associated with additional own source revenue related activities (\$5.6m); higher wages and salaries costs associated with 2017-18 supplementation appropriation (\$1.0m), wage agreement increases (\$0.3m) and other net adjustments (\$0.2m).

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This is *partially offset* by the decrease in wages and salaries costs associated with the transfer of the Office of Coordinator General Family Safety from JACS to CSD (-\$0.8m).

partially offset by lower:

- Supplies and Services (-\$0.9m): mainly relating to net rollovers to 2018-19 (-\$0.4m), AA transfer of the Office of Coordinator General Family Safety to Community Safety Directorate (CSD) (-\$0.6m) and other net adjustments (-\$0.3m); *partially offset* by new initiatives (\$0.4m).
- Grants and Purchases Services (-\$1.2m): mainly relates to net rollovers associated with the Natural Disaster Resilience Program.
- Depreciation and Amortisation (-\$1.0m): mainly related to delay in projects completion.

Comparison of 2017-18 Estimated Outcome to 2018-19 Budget

- Operating Result – shows a deficit of \$3.2 million in 2018-19 Budget, which is lower than the operating deficit of the 2017-18 Estimated Outcome by \$1.4 million.
- Revenue – \$1.6 million higher than the 2017-18 estimated outcome, mainly due to:
 - Controlled Recurrent Payments (CRP) (\$5.1m): due to:
 - new initiatives (\$3.7m):
 - National Facial Biometric Matching Capability (\$0.2m)
 - Reducing Recidivism and Justice Reinvestment (\$1.0m)
 - Canberra's Safer Public Places (\$0.1m)
 - DPP Base Pressure (\$1.0m)
 - CBR Night Crew (\$0.3m)
 - Disability Justice Strategy (\$0.2m)
 - Commonwealth Redress Scheme (\$0.7m)
 - Improving Timeliness of Adoptions and Permanency (\$0.2m)
 - net rollovers of program funding to 2018-19 (\$1.6m);
 - increase in wage agreement (\$0.5m)
 - alignment of controlled recurrent payments to 2018-19 expected outcome (\$0.4m)

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- funding step-up from 2017-18 supplementation appropriation (\$0.2m)
- Indexation and other adjustments (\$0.7m)

partially offset by:

- stepping down and cessation of prior years' initiatives (-\$0.9m),
- net funding impacts for Eastman Re-trial (-\$0.8m)
- net impact of new and prior years' AA transfers (-\$0.3m).

partially offset by lower:

- User Charges – ACT Government (-\$3.3m): due to higher client funded services revenue by the ACT Government Solicitor's Office in 2017-18; and
 - Resources Received Free of Charge (-\$0.2m), mainly relates to cessation of the 2017-18 payment arrangement for Workers Compensation premium.
- Expenses - \$0.2 million higher than the 2017-18 estimated outcome, mainly due to:
 - Supplies and Services (\$3.4m): mainly relating to new initiatives (\$1.4m), net rollovers to 2018-19 (\$1.4m), indexation and other adjustments (\$1.3m) and alignment of supplies and services with 2018-19 expected outcome (\$0.3m); *partially offset* by stepping down and cessation of prior year initiatives (-\$0.5m), net cost movements for Eastman Re-trial (-\$0.4m), and flow-on effects of prior years' AA transfers (-\$0.1m).
 - Depreciation and Amortisation (\$0.2m): mainly relating to the flow-on impacts of prior years' AA transfers.

partially offset by lower:

- Employee & Superannuation Expenses (-\$2.8m): mainly relates the higher 2017-18 staffing costs which were required to cover increased workload (-\$5.2m), cessation of prior years' funding for Eastman Re-trial (-0.3m); *partially offset* by new initiatives (\$2.2m) and increase in wage agreements (\$0.5m).

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- Grants and Purchased Services (-\$0.6m): mainly relates to net rollover associated with Natural Disaster Resilience Program (-\$0.2m) and stepping down of prior years' funding initiatives (-\$0.5m); partially offset by new initiatives in 2018-19 (\$0.1m).

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2018/1896-002

Portfolio/s: Attorney-General

ISSUE: **Output 1.1: Policy Advice, Safer Families and Justice Programs – Financial Summary**

Output 1.1: Policy Advice and Justice Programs (*page 10, 2018-19 Budget Statement*)

	2017-18 Budget \$'000	2017-18 Estimated Outcome \$'000	2018-19 Budget \$'000
Total Cost	23,665	21,554	22,716
Controlled Recurrent Payments	21,965	19,491	21,110

High quality policy, legislation, ministerial support and advice to portfolio Ministers, Cabinet and other agencies on justice and community safety matters. Administer security coordination and emergency management policy, and innovative justice and crime prevention programs (including the Restorative Justice Program) across government and the community.

Talking points:

- This Output includes a number of business units within the JACS Directorate
 - Legislation, Policy & Programs (incl. Restorative Justice and Crime Prevention programs); and
 - Security and Emergency Management Branch.
- *Total Costs:*
 - the increase of \$1.162 million in the 2018-19 Budget from the 2017-18 estimated outcome is mainly due to new initiatives (\$2.464 million), net rollovers from 2017-18 (\$0.942 million) *partially offset by* cessation and other net movement of prior year initiatives (\$1.295 million), net movement of Commonwealth budget for Natural Disaster Resilience Program (\$0.236 million) and one-off higher expenses expected in 2017-18 (\$0.791 million).
 - the decrease of \$2.111 million in the 2017-18 estimated outcome from the 2017-18 Budget is mainly due to transfer of the function of the Co-ordinator-General for Family Safety to the Community Services Directorate (\$1.344 million), net movement of Commonwealth budget for Legal Assistance Services and Natural

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Disaster Resilience Program (\$1.009 million), net rollovers to 2018-19 (\$0.8 million) *partially offset by 2nd appropriation initiatives Better support when it matters - Redress for survivors of child sexual abuse in institutions* (\$0.293 million), *Better support when it matters - Criminal law reforms* (\$0.181 million) and *Better support when it matters - Drug and Alcohol Court establishment* (\$0.284 million) and realignment of expenses with expected outcome (\$0.374 million).

- **Controlled Recurrent Payments (previously GPO):**
 - the increase of \$1.619 million in the 2018-19 Budget from the 2017-18 estimated outcome is mainly due to new initiatives (\$2.277 million), net rollovers from 2017-18 (\$1.182 million) *partially offset by* cessation and other net movement of prior year initiatives (\$1.295 million), net movement of Commonwealth budget for Natural Disaster Resilience Program (\$0.236 million) and other net adjustments (\$0.309 million).
 - the decrease of \$2.474 million in the 2017-18 estimated outcome from the 2017-18 Budget is mainly due to transfer of the function of the Co-ordinator-General for Family Safety to the Community Services Directorate (\$1.344 million), net movement of Commonwealth budget for Legal Assistance Services and Natural Disaster Resilience Program (\$1.009 million), net rollovers to 2018-19 (\$0.8 million) *partially offset by 2nd appropriation initiatives Better support when it matters - Redress for survivors of child sexual abuse in institutions* (\$0.293 million), *Better support when it matters - Criminal law reforms* (\$0.181 million) and *Better support when it matters - Drug and Alcohol Court establishment* (\$0.284 million).

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BUDGET ESTIMATES BRIEF

2018/1896-024

Portfolio: Attorney-General

ISSUE: Output 1.2: Legal Services to Government - Controlled Recurrent Payments and Total Cost Variances

Output 1.2: Legal Services to Government (2018-19 Budget Statement, page 10)

	2017-18 Budget \$'000	2017-18 Estimated Outcome \$'000	2018-19 Budget \$'000
Total Cost	13,962	18,215	15,872
Controlled Recurrent Payments	8,968	9,297	10,605

Talking points:

- *Total Costs:*
 - the **decrease** of \$2.343 million in the 2018-19 Budget from the 2017-18 Estimated Outcome is mainly due to higher than expected additional staff expenses in 2017-18 which have largely been offset by client funded services revenue generated in the ACT Government Solicitor's Office. The additional staff were required in 2017-18 to respond to increasing demand for legal services. This is *partially offset* by the transfer of JACS library to Government Solicitor's Offices (\$0.377 million).
 - the **increase** of \$4.253 million in the 2017-18 Estimated Outcome from the 2017-18 Budget is mainly due to 2nd appropriation for the *Better support when it matters – Stronger resourcing for the Government Solicitor's Office* (\$0.278 million) and higher than expected additional staff expenses in 2017-18 which have largely been offset by client funded services revenue generated in the ACT Government Solicitor's Office (\$3.8 million) and other net adjustments.
- *Controlled Recurrent Payments (previously GPO):*
 - the **increase** of \$1.308 million in the 2018-19 Budget from the 2017-18 Estimated Outcome is mainly due to new initiatives *More*

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BUDGET ESTIMATES BRIEF

support for families and inclusion - Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse (\$0.100 million) and *More support for families and inclusion - Adoptions and Permanency* (\$0.218 million), net step-up in funding for the prior year initiatives (\$0.297 million), revised wages parameters (\$0.134 million), the transfer of JACS library to Government Solicitor's Office (\$0.377 million) and other net adjustments (\$0.182 million).

- the **increase** of \$0.329 million in the 2017-18 Estimated Outcome from the 2017-18 Budget is mainly due to 2nd appropriation for the *Better support when it matters – Stronger resourcing for the Government Solicitor's Office* (\$0.278 million) and other net adjustments (\$0.051 million).

Other net adjustments include revised wages parameters, remuneration tribunal, indexation, savings and net rollovers.

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2018/1896-003

Portfolio/s: Attorney-General

**ISSUE: Output 1.3: Legislative Drafting and Publishing Services
 Controlled Recurrent Payments and Total Cost Variances**

Output 1.3: Legislative Drafting and Publishing Services (page 11, 2018-19 Budget Statements)

	2017-18 Budget \$'000	2017-18 Estimated Outcome \$'000	2018-19 Budget \$'000
Total Cost	5,206	4,755	5,011
Controlled Recurrent Payments	4,348	4,348	4,471

Talking points:

- *Total Costs:*
 - the increase of \$0.256 million in the 2018-19 Budget from the 2017-18 Estimated Outcome is mainly due to one-off lower expenses expected in 2017-18 (\$0.135 million), indexation, revised wages parameters and other net adjustments (\$0.121 million).
 - the decrease of \$0.451 million in the 2017-18 Estimated Outcome from the 2017-18 Budget is mainly due to lower depreciation as a result of delays in the ACT Legislation Register Replacement project (\$0.348 million) and one-off lower expenses expected in 2017-18 (\$0.135 million).
- *Controlled Recurrent Payments (previously GPO):* the increase of \$0.123 million in the 2018-19 Budget from the 2017-18 Estimated Outcome is mainly due to indexation, revised wages parameters and other net adjustments.

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2018/1896-004

Portfolio: Attorney-General

ISSUE: Output 1.4 Public Prosecutions – Financial Summary

Output 1.4: Public Prosecutions

	2017-18 Budget \$'000	2017-18 Estimated Outcome \$'000	2018-19 Budget \$'000
Total Cost	14,056	15,565	16,147
Controlled Recurrent Payments	13,240	13,904	15,349

Talking points:

- *Total Costs:*
 - the increase of \$0.582 million in the 2018-19 Budget from the 2017-18 Estimated Outcome is mainly due to the new initiatives *More support for families and inclusion - More resources for the Director of Public Prosecutions* (\$1 million) and *More support for families and inclusion - Additional Magistrate* (\$0.244 million), indexation adjustments, net step up in prior years initiatives (\$0.241 million) *partially offset by* net funding movement for the current and prior years' *Eastman Retrial* initiative (\$0.257 million) and other net adjustments (\$0.646 million).
 - *Note:* other adjustments include higher costs in 2017-18 (such as changes to practice direction and high volume complex matters) *partially offset by* revised wages parameters, indexation, savings and net rollovers.
 - the increase of \$1.509 million in the 2017-18 Estimated Outcome from the 2017-18 Budget is mainly due to 2nd appropriation for the *Better support when it matters - Director of Public Prosecutions - Additional resources to confiscate criminals' assets* (\$0.323 million) and *Better support when it matters - Drug and Alcohol Court establishment* (\$0.037 million), net rollover for the prior years' *Eastman Retrial* initiative (\$0.2 million), higher expenses expected in 2017-18 (\$0.8 million) and other net adjustments (\$0.149 million).

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 Lead Directorate: Justice and Community Safety

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- *Controlled Recurrent Payments (previously GPO):*
 - the increase of \$1.445 million in the 2018-19 Budget from the 2017-18 Estimated Outcome is mainly due to the new initiatives *More support for families and inclusion - More resources for the Director of Public Prosecutions* (\$1 million) and *More support for families and inclusion - Additional Magistrate* (\$0.244 million), indexation adjustments, net step up in prior years initiatives (\$0.241 million) and other net adjustments (\$0.217 million) *partially offset by* net funding movement for the current and prior years' *Eastman Retrial* initiative (\$0.257 million).
 - the increase of \$0.664 million in the 2017-18 Budget is mainly due to 2nd appropriation for the *Better support when it matters - Director of Public Prosecutions - Additional resources to confiscate criminals' assets* (\$0.323 million) and *Better support when it matters - Drug and Alcohol Court establishment* (\$0.037 million), net rollover for the prior years' *Eastman Retrial* initiative (\$0.2 million) and other net adjustments (\$0.104 million).

Other net adjustments include revised wages parameters, remuneration tribunal, indexation, savings and net rollovers.

FTE - DPP only

Budget Initiatives	2017-18 \$'000	2018-19 \$'000	2019-20 \$'000	2020-21 \$'000	2021-22 \$'000
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FTE - DPP only

2018-19 Budget Initiatives					
More support for families and inclusion - More resources for the Director of Public Prosecutions		6.0	8.0	10.0	12.0
More support for families and inclusion - Additional Magistrate		2.0	2.0	2.0	2.0
More support for families and inclusion - Drug and Alcohol Court		0.25			
2017-18 2nd Appropriation Initiative					
Better support when it matters - Director of Public Prosecutions - Additional resources to confiscate criminals' assets	2.0	4.0			
Better support when it matters - Drug and Alcohol Court establishment	0.25				
	2.25	12.25	10	12	14

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2018/1896-005

Portfolio: Attorney-General

ISSUE: Financial Summary Output Class 3.0
Context

Page 12 of the Budget Statement provides a summary of the Total Cost and Controlled Recurrent Payments for Output Class 3. Page 46 of the Budget Statement provides the Operating Statement for Output Class 3, Courts and Tribunal. The major influences affecting the variances from the 2017-18 Budget to the 2017-18 estimated outcome (for the operating statement) and the 2017-18 estimated outcome to the 2018-19 Budget (for the Output Summary and the operating statement) are explained in this brief.

Talking points:
Output Class 3: Courts and Tribunal (*Budget Statements, Table 13, page 12*)

	2017-18 Estimated Outcome \$'000	2018-19 Budget \$'000
Total Cost	44,444	68,193
Controlled Recurrent Payments	28,777	49,809

- **Total Costs:** the increase of \$23.7 million in the 2018-19 Budget from the 2017-18 estimated outcome is mainly due to:
 - Funding adjustment for Courts Public Private Partnership (PPP) Project in 2017-18 resulting from the project delays (\$9.8m), one-off transfer of recurrent funding for Courts PPP Project to capital injection in 2017-18 through S14B of Financial Management Act (\$3.5m), savings adjustments (\$4.7m), net rollover of 2017-18 program funding (\$4.4m), higher 2018-19 depreciation relating to the projected completion of the new ACT Law Courts through the PPP Project (\$4.3m), new initiatives (\$0.9m).

Partially offset by

- One-off higher estimated outcome for 2017-18 (-\$1.5m), stepping down and cessation of prior years' initiatives (-\$0.9 m) and net movements of expenses relating to Eastman Re-trial (-\$1.5m).

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- **Controlled Recurrent Payments:** the increase of \$21.0 million in the 2018-19 Budget from the 2017-18 estimated outcome is mainly due to:
 - Funding adjustments for Courts PPP Project in 2017-18 resulting from the project delays (\$9.8m), one-off transfer of recurrent funding for Courts PPP Project to capital injection through S14B of Financial Management Act in 2017-18 (\$3.5m), net rollover of 2017-18 program funding (\$4.4m), savings adjustments (\$4.7m), new initiatives (\$0.9m), indexation and other adjustments (\$0.5m).

Partially offset by

- Net funding movements for Eastman Re-trial (-\$2.8m)

Output Class 3: Courts and Tribunal – Operating Statement (*Budget Statements, Table 39, page 46*)

Comparison of 2017-18 Budget to 2017-18 Estimated Outcome

- Operating Result – is a deficit of \$7.2 million, which is \$0.8 million more than the budgeted deficit.
- Revenue - \$10.4million lower than budgeted, mainly due to:
 - Controlled Recurrent Payments (CPR) (-\$10.4m): relating to savings associated with the delay in the construction of the new ACT Law Courts through the PPP contract (-\$5.7m), one-off transfer of recurrent funding for Courts PPP Project to capital injection through S14B of Financial Management Act (-\$3.5m), net rollovers of program funding to 2018-19 (-\$2.4m); *partially offset* by S16B rollovers of 2016-17 program funding (\$0.8m), new initiatives (\$0.2m) and Remuneration Tribunal increases (\$0.2m).
 - Other Revenue (-\$0.2m): mainly relating to lower recoveries from ACAT trust fund.
partially offset by higher:
 - Resources Received Free of Charge (\$0.3m): due to higher workers' compensation premium in 2017-18.
- Expenses - \$9.6 million lower than budgeted, which is due to:
 - Supplies and Services (-\$6.2m): relating to savings associated with the delay in the construction of the new ACT Law Courts through the public private partnership (PPP) contract (-\$3.9m), net rollovers of program funding to 2018-19 (-\$2.4m) and alignment of supplies and services to expected outcome (-\$0.5m); *partially offset* by S16B rollover of 2016-17 program funding (\$0.5m) and new initiatives (\$0.1m).

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- Borrowing Costs (-\$5.3m): due to interest expense savings in 2017-18 associated with the delay in Courts PPP Project.
- Depreciation and Amortisation (-\$1.6m): due to the delay in Courts PPP Project.

Partially offset by higher:

- Employee and Superannuation Expenses (\$3.3m): mainly relating to increased Judges long leave provision (\$1.3m) and alignment of wages and salaries to expected outcome (\$1.2m), wage agreement increases (\$0.2m) and Remuneration Tribunal increases (\$0.2m), higher wages and salaries associated with S16B rollover of 2016-17 program funding (\$0.3m) and new initiatives (\$0.1m).
- Grants and Purchased Services (\$0.2m): mainly due to alignment of grants and purchased services costs to expected outcome.

Comparison of 2017-18 Estimated Outcome to 2018-19 Budget

- **Operating Result** – shows a deficit of \$9.6 million, which is higher than the operating deficit from the 2017-18 Estimated Outcome by \$2.4m.
- **Revenue** – \$21.4 million higher than the 2017-18 estimated outcome, mainly due to:
 - Controlled Recurrent Payments (CRP) (\$21m): due to:
 - Appropriation adjustments for Courts PPP Project in 2017-18 resulting from the project delays (\$9.8m)
 - One-off transfer of recurrent funding for Courts PPP Project to capital injection through S14B of Financial Management Act in 2017-18 (\$3.5m)
 - Net rollovers of program funding to 2018-19 (\$4.4m)
 - Savings adjustments in 2017-18 mainly relating to Courts PPP Project (\$4.7m)
 - new initiatives (\$0.9m):
 - Appointment of Eighth Magistrate and Related resourcing (\$0.8m)
 - Enhancement to ACT Coronial Autopsy Services (\$0.1m)
 - Indexation and other adjustments (\$0.5m)
 - Other Revenue (\$0.6m): mainly due to indexation adjustment (\$0.2m), alignment of other revenue to 2017-18 expected outcome (\$0.3m), and funding movements of prior years' initiatives (\$0.1m).

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*partially offset by **higher**:*

- Resources Received Free of Charge (-\$0.3m): mainly due to the cessation of 2017-18 one-off workers' compensation premium payment arrangement.

- **Expenses - \$23.7million higher** than the 2017-18 estimated outcome, due to:

- Borrowing Costs (\$10.7m): funding adjustment in 2017-18 to interest expense associated with delays in the Courts PPP Project (\$6.9m), savings adjustments (\$0.3m), a one-off transfer of recurrent funding for Courts PPP Project to capital injection through S14B of Financial Management Act in 2017-18 (\$3.5m).
- Supplies and Services (\$10.4m): mainly relating to net rollover of 2017-18 program funding (\$4.4m), 2017-18 savings adjustment (\$4.4m), funding adjustment relating to the Courts PPP Project delays (\$2.9m), and net funding for new initiatives (\$0.1m).

partially offset by net funding movements for Eastman Re-trial (-\$1.4m).

- Depreciation and Amortisation (\$4.3m): mainly relating to the expected completion of new ACT Law Courts through the PPP Project in 2018-19.

*partially offset by **lower**:*

- Employee & Superannuation Expenses (-\$1.4m): mainly due to one-off higher 2017-18 estimated outcome including increased Judges long leave provision (-\$1.3m), cessation and funding step-down of prior years' initiatives (-\$0.9m).

partially offset by new initiatives (\$0.8m)

- Grants and Purchased Services (-\$0.2m): mainly due to one-off higher estimated outcome in 2017-18.

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*2018*1896-023

Portfolio: Attorney-General**ISSUE: s16B rollovers and Re-profiling to future years**

Context

[2018-19 Budget Statement page 22-23, 25-28](#). This brief outlines the Financial Management Act (FMA) section 16B rollovers from 2016-17 to 2017-18 and re-profiling from 2017-18 to 2018-19 and future years.

S16b Rollovers

- **Attachment A** provides details of each FMA section 16B rollover from 2016-17 to 2017-18 including reasons; amount rolled and revised completion dates.
- There are 10 project rollovers totalling \$6.010 million:
 - \$2.448m of capital funding, of which \$2.070m directly related to your portfolio, \$0.378m relating to yours and other Minister's portfolio; and
 - \$3.562m of recurrent funding, of which \$1.747m directly related to your portfolio, \$1.815m relating to yours and other Minister's portfolio.

Re-profiling to future years

- **Attachment B** provides details of revised funding profile by projects including reasons; amount re-profiled and revised completion dates.
- There are 15 re-profiled projects totalling \$14.467 million:
 - \$10.059m of capital funding; and
 - \$4.509m of recurrent funding, of which \$3.594m directly related to your portfolio, \$0.915m relating to yours and other Minister's portfolio.

Background

- Section 16B of the Financial Management Act 1996 (FMA), 'Rollover of Undispersed Appropriation', allows, in certain circumstances, unspent appropriation to be rolled over to the following year by an instrument signed by the Treasurer.
- As a result of the decision from the Cabinet Submission 18/272, JACS was allocated a target of \$30 million to be re-profiled out of 2017-18, with \$6 million to be shifted to 2018-19 and \$24 million to 2019-20.
- To achieve the re-profiling target, a significant proportion of re-profiled funding had to be moved to 2019-20 year. This has created a misalignment between physical completion date and the financial re-profiling.

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BUDGET ESTIMATES BRIEF

- In particular, this is affecting the ICMS projects where significant portion has been re-profiled to 2019-20 while this project is expected to be physically completed in 2018-19.
 - This re-profiling will not slow down or delay any projects. Directorate will work closely with Treasury regarding any further changes to cash flow requirements in 2018-19.
-

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Justice and Community Services - s16B Rollover of Undisbursed Appropriation from 2016-17 to 2017-18

Recurrent /Capital (R/C)	Type	OC	No.	Projects	Reason for rollover from 2016-17 to 2017-18	2017-18 \$'000	Original Completion Date	s16B Revised Completion Date	Minister
Controlled Recurrent Payment ROLLOVERS									
R	R	1	1	Justice Reform Strategy	The rollover was required to continue the works across the agency to develop culturally appropriate sentencing for Aboriginal and Torres Strait Islanders.	21	Jun-17	May-18	AG
R	R	1	1	DPP Resources Review	The rollover was required to finalise consultant payments.	82	Jun-17	Jul-17	AG
R	R	1	2	Fines Management Feasibility Study	The rollover was required to finalise the project.	44	Jun-17	Jun-18	AG
R	R	3	3	Jury Management System	The rollover relates to procurement delays for the replacement of the current jury management system.	100	Jun-17	Jun-18	AG
R	R	1 2 4	4	2016-17 Workers' Compensation acquittal	Relates to the acquittal of the 2016-17 worker's compensation premium.	900	Jun-17	Oct-17	MPES MoC AG
R	R	1 3	5	Eastman Retrial and related proceedings	The rollover was required to meet the costs of the pre-trial proceedings that are in progress and preparations for the re-trial.	1,500	Jun-17	Jun-18	AG
R	R	1 2 3 4	6	Implement Strategic Priorities	The rollover was required to complete strategic programs implementation related to Training, Human Resources, Organisational Development, ICT and Finance.	915	Jun-17	Jun-18	MPES MoC AG
Operating Total						3,562			
CAPITAL INJECTION ROLLOVERS - DIRECTORATE									
Reason for rollover from 2016-17 to 2017-18						\$'000			
C	C	1 2 3 4	1	JACS Projects - Building Infrastructure Fund - This request was previously submitted to the Under Treasurer by the Director General.	Primarily due to timing of completion of the Forrest Fire Station roof replacement, ACT SES Majura facility upgrade and Guises Creek Rural Fire Service upgrade.	378	Jun-17	Jun-17	MPES MoC AG
C	C	3	2	Courts Public Private Partnership (PPP) [Formerly ACT Courts Facilities Early Works Package]	The rollover was required to address retained risk and design development/modification costs in the project.	826	Nov-18	Nov-18	AG
C	I	1	3	ACT Legislation Register Replacement	The rollover was required to finalise payments and to continue development and implementation works.	490	Jun-18	Jun-19	AG
C	I	3	4	Replacement of Courts & Tribunal ICT Case Management System	The rollover was required to finalise 2016-17 accrued invoices and project payments.	754	Nov-15	Oct-18	AG
TOTAL CAPITAL S16B ROLLOVER (Excluding BIF)						2,448			
Breakdown						AG	Across Ministers	Total	
Total s16B - Capital						2,070	378	2,448	
Total s16B - Recurrent						1,747	1,815	3,562	
Total 16B						3,817	2,193	6,010	

Justice and Community Services - Revised Funding Profile

Recurrent /Capital (R/C)	Type	OC	No.	Projects	Reason for rollover	2017-18 \$'000	2018-19 \$'000	2019-20 \$'000	Original Completion Date	Revised Completion Date	Minister
Controlled Recurrent Payment Re-profiling											
R	R	1	1	LPP - Drug and Alcohol Court	Funding will support continued access to expertise in academic and research organisations as well as existing drug courts in Australia on outstanding issues, including the development of the policies and procedures required for the effective operation of the DAC.	-128	128		Jun-18	Jun-19	AG
R	R	1	2	LPP - Drug and Alcohol Court Establishment	This funding was received in Feb 2018, work has commenced with sourcing a suitable contractor to develop the training package which will continue into 2018-19.	-220	220		Jun-18	Jun-19	AG
R	R	1	3	Fines Management - Feasibility Study	To enable funds for project to be applied to further assessment of ICT options and costs for implementation of a fines management scheme.	-194	194		Jun-18	Jun-19	AG
R	R	1	4	Better Support When It Matters - Criminal law reforms	One off funding received in Feb 2018 only. Funding will continuously support the implementation of Royal Commission recommendations in 2018-19.	-44	44		Jun-18	Jun-19	AG
R	R	1	5	Better Support When It Matters - Reducing alcohol-fuelled violence	The proposal was not supported by the stakeholder and there is not sufficient time to develop an alternate campaign, conduct further stakeholder consultation and seek Ministerial approval before 30 June 2018	-52	52		Jun-18	Jun-19	AG
R	R	1	6	Justice Reform Strategy	Funding for culturally appropriation sentencing options is yet to be completed as a separately funded trial of specialised sentencing reports has been delayed while a suitable model is identified.	-21	21		Jun-18	Jun-19	AG
R	R	1	7	Review of Family Violence Act 2016	To allow for project continuity and completion.	-80	80		Jun-18	Jun-19	AG
R	R	1	8	Retrial of Mr David Eastman	Due to delay in trial process.	-2,855	2,855		Jun-18	Jun-19	AG
R	R	1	9	Strategic Asset Management Plan	To allow for project continuity and completion.	-200	200		Jun-18	Jun-19	MPES MoC AG
R	R	1	10	Learning Management System	To allow for project continuity and completion.	-235	235		Jun-18	Jun-19	MPES MoC AG
R	R	1	11	Implement Strategic Priorities	To allow for project continuity and completion.	-480	480		Jun-18	Jun-19	MPES MoC AG
Total Recurrent Re-profiling						-4,509	4,509	0			
Capital Injection Re-profiling						\$'000	\$'000	\$'000			
C	C	3	1	Better Support When It Matters - Drug and Alcohol Court Establishment	As the policy work progresses the additional analysis will be undertaken to assess the capital requirements for the establishment of the DAC. This involves basic design and the costing of alterations requiring \$0.034m to be rolled over to 2018-19 year. The remaining \$0.266m will be returned as savings to Government until future decisions are made regarding capital requirements.	-34	34		Jun-18	Sep-18	AG
C	C	3	2	Courts Public Private Partnership (PPP) – (Formerly called ACT Court Facilities Early Works Package)	The Courts PPP Stage 1 is expected to be completed in late August / September and first half of 2019 for Stage 2. Delays in the project completion have resulted in the recurrent savings due to non-payment of Stage 1 Monthly Service Payments. In order to cover additional capital expenditure caused by the delay, a request under Section 14B of FMA was approved to transfer \$3.520m from recurrent funding to capital injection appropriation. This additional funding was re-profiled to 2018-19 through the 2017-18 Budget Review process. An additional \$3.4m will be re-profiled through the	-6,900	4,100	2,800	Nov-18	Jun-19	AG
C	I	1	3	ACT Legislation Register Replacement	Stage 3 development is nearing completion with Stage 4 schedule being developed. Re-profiling was required to re-align the funding stream with the revised cash flow requirements.	-950	300	650	Jun-18	Jun-19	AG
C	I	3	4	Replacement of the Courts and Tribunal ICT Case Management System	The ACT Courts and Tribunal has experienced delays in the implementation of the third stage of ICMS. The delay is due to the late on boarding of skilled resources and finalising the scope and requirements of eServices. The delay has been compounded by support work taking away from development time and the complexity of the third stage as it deals with exchange of data with justice stakeholders. The rollover is required to align the project's cash flows with its expected works program.	-2,175	773	1,402	Nov-15	Jun-19	AG
Total Capital Re-profiling						-10,059	5,207	4,852			
BREAKDOWN											
AG											
Total Re-profiling (Capital)						-10,059	5,207	4,852			
Total Reprofiling (Recurrent)						-3,594	3,594	0			
Across Ministers											
Total Re-profiling (Capital)						0	0	0			
Total Reprofiling (Recurrent)						-915	915	0			
TOTAL						-14,568	9,716	4,852			

Portfolio/s: Regulatory Services

Transport & City Services

ISSUE: GREYHOUND RACING**Talking points:****Racing ban**

- As of 30 April, the ACT has become the first jurisdiction in Australia to prohibit the racing and trialling of greyhounds.
- This follows our earlier decision to cease providing funding to the industry, and the passage of legislation in the Assembly in November 2017.
- The ACT Government has taken these steps in response to the documented and acknowledged animal welfare failures in the greyhound racing industry in NSW.
- NSW owners and trainers represented a significant majority of participants in greyhound racing in the ACT. As the Durkin Report showed, it's impossible to divorce the NSW industry from racing in the ACT. We wanted to do what we could to prevent these kinds of abuses from coming across the border to ACT.

Breeding, training and registration

- While the ban on racing has commenced, it is still lawful for ACT residents to breed, train and own racing greyhounds here, subject to a range of measures designed to better protect ACT greyhounds who will continue to race interstate.
- An ongoing review of greyhound breeding and training practices over the next two years will also help the Government assess whether any further intervention is warranted. This includes a review of the Code of Practice after twelve months of operation.

Transition support

- The Attorney-General announced in July 2017 that the Government would provide \$1.033 million in transition support for the small number of people, businesses and dogs that would be impacted by the end of greyhound racing in Canberra.

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- The Greyhound Industry Transition Taskforce was established soon after the Government's announcement to assist the people and animals involved in the industry to transition out of it.
- In August 2017, the Taskforce opened the process for receiving applications for transition support.
- Those exiting the industry have until 30 June 2018 to apply for a Transition Support Package, with packages to be rolled out until 30 September 2018.
- The needs of each eligible applicant are considered on an individual basis and, through consultation, a package developed to address their specific circumstances.
- Transition Support Packages can be built from a range of options including training and re-skilling opportunities; short term financial support; business skills support; specialist advice, guidance and planning about future career options; financial counselling and planning services; no-interest or micro-credit loans.
- Free counselling is also available to anyone impacted by the end of greyhound racing in the ACT, whether or not they are pursuing a transition support package. This could include affected industry members, or those involved in re-homing retired racing greyhounds.
- ACT greyhounds who are leaving the racing industry as a result of the ban on racing in the Territory are also eligible for support to find new homes.
- To be eligible for re-homing assistance, an ex-racing greyhound must have been owned by an ACT resident, and have been surrendered on or after 23 June 2017 (which was the date on which the Government confirmed its intention to end the industry in the ACT).
- These parameters are designed to ensure that support funded by ACT taxpayers is directed to the greyhounds and people within this jurisdiction who have been directly affected by the end of greyhound racing in the Territory.
- While assistance provided by the ACT Government is directed to those people and greyhounds resident in the ACT, the Greyhound Industry Transition Taskforce will consider exceptional circumstances where it can be demonstrated that the ACT ban has significantly impacted the racing capacity of a greyhound in the wider Canberra region.

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Contract with Woden Community Services

- The Greyhound Industry Transition Taskforce engaged Woden Community Service to provide dedicated support, counselling, case management, and referral services to people affected by greyhound industry transition and people wishing to consider support package options.
- As part of the suite of services available to assist in transition support, Woden Community Service is also able to assist in the application and documentation process for those seeking financial support to re-home greyhounds.
- The contract with Woden Community Service, which is for a period of 11 months, came at a total cost of just under \$105,000.
- Woden Community Service were chosen as the provider of these services due to their depth of experience in providing support to members of our community at difficult times in their lives.
- They established a dedicated phone line and identified case manager to provide the most direct path for people wishing to access their services. They have made direct contact with industry members and their union representative, as well as people involved in greyhound re-homing.
- While Woden Community Service has had a range of conversations with affected parties, to date there have been no formal applications for either transition support packages or re-homing assistance.

Expenditure

Expense	Total YTD expenditure
Woden Community Service	\$52,456
Advertising	\$19,824
Meeting supplies	\$370
Senior manager salary	\$58,550 <i>*total employee salary cost is \$117,100</i>
Total	\$131,200
Known expenses (yet to be billed)	Expected expenditure

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BUDGET ESTIMATES BRIEF

Reimburse JACS for expenditure on greyhound matters before Racing Appeal Tribunal	\$6,000
Reimburse TCCS and Access Canberra for additional costs of increased monitoring and compliance activity	\$30,000
Woden Community Service (final payment)	\$52,456
Total	\$88,456

Total YTD expenditure	\$131,200
Total known expenses (not yet billed)	\$88,456
Grand total	\$219,656

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Portfolio/s: Attorney-General

Regulatory Services

ISSUE: RESIDENTIAL TENANCIES ACT 1997 – COMMERCIAL GUARANTEES**Talking points:**

- Through discussions with a range of stakeholders and examination of these products, the ACT Government identified a range of concerns with a commercial guarantee model allowing a financial product to be offered as an alternative to the payment of a full bond.
- Under this model, tenants would still pay claims against themselves for property damage, even though they have been paying a fee for the guarantee product over time.
- At least two providers of commercial guaranties are actively interested in offering such products to tenants renting in the ACT.
- Noting stakeholder comments, the *Residential Tenancies Amendment Act 2018* (which was passed on 5 June 2018) contained an amendment to reintroduce the legislative stay on offering alternatives to a bond in the ACT. The stay will operate until a written declaration by the Minister provides for the commencement of legislation to regulate bond alternatives.
- The 2017 stay amendments were introduced as an urgent action to protect consumers following an unsolicited approach in the ACT market involving the offer of these new commercial guarantee products.
- Consultations on subordinate legislation, particularly with groups who represent renters and people who face financial disadvantage, has shown that there is more work to do, including matters related to the protection of tenants.
- The Government will keep working to deliver amendments and services that support its housing priorities.
- Residential tenancy agreements need to operate without potential interference or negative effects on tenants' interests from third-party guarantors. For example:

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- liabilities of a tenant should be consistent with the tenancy agreement (not extended);
 - interests of guarantors should not affect or influence a tenancy agreement;
 - rights and remedies should remain between tenants and lessors; and
 - the independent role of ACAT in determining tenancy disputes should remain.
- The ACT Government welcomes innovation and broadened consumer choices. However, such innovations must respect our commitment to consumer protection. In this case, ensuring that tenants' rights are not diminished is a principal concern.

Key Information

- The Residential Tenancies Amendment Bill 2018 was introduced to the Legislative Assembly on 10 May 2018 and passed 5 June 2018.
- Related amendments were made to *Residential Tenancies Regulation 1998* commencing 7 May 2018 to meet a legislated deadline. Those amendments would also be subject to the stay on commercial guarantee offerings under the Bill, if agreed.

Background Information – may not be suitable for public disclosure

- The ACT Government reviewed product offerings of Sch 2 s 2.2 (a)(xi)
- Two rounds of community consultation occurred:
 - an open consultation on 20 October 2017 for three weeks; and
 - a targeted consultation with key sector stakeholders on an Exposure Draft Regulations, from 28 March 2018 to 17 April 2018.
- Targeted stakeholders approached for consultation included: ACTCOSS, ADACAS, ACT Shelter, CHC Australia, Northside Community Service, Woden Community Service, Tenants' Union, Real Estate Institute of the ACT, Property Council of Australia, ACT Bar Association, ACT Law Society, Canberra Community Law, CARE Financial Counselling and Consumer Law Centre, Aboriginal Legal Service, Legal Aid Commission and the Women's Legal Centre.
- Written submissions were received from Sch 2 s 2.2 (a)(xi)

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*2018*1910-001

Portfolio: Attorney-General**ISSUE: Public Trustee and Guardian for the ACT – Strategic and Accountability Indicators****Talking points:**

- The ACT Auditor-General released Report 2/2018 on her review of ACT Government Strategic Accountability Indicators.
- PTG responded to the ACT Auditor-General’s recommendations by undertaking a comprehensive review of its Strategic Accountability Indicators.
- PTG’s revised Strategic Accountability Indicators adopt traditional workload statistics facilitating comparison to the previous financial year/s and address issues in the Auditor-General’s report relating to Clarity and External Focus criteria.
- The revised Strategic Accountability Indicators track workload volumes, investment results and client satisfaction.
- PTG reviews the risk profile of its investment clients annually to ensure that their assets are invested appropriate to their needs.
- The revised Strategic Accountability Indicators form the basis of PTG’s 2018-19 Statement of Intent.

Key Information

Following the establishment of PTG, an interim review of Strategic Accountability Indicators was conducted on 28 June 2016 to reflect PTG’s consolidated functions.

These interim Strategic Accountability Indicators formed part of PTG’s Statement of Intent for 2017-18.

The figures in this briefing are as reported in PTG’s Budget Statement for 2018-19.

PTG’s Business Transformation Project will continue to form the basis of PTG’s Business Plan for 2018-19 focussing upon the following issues –

- Completion of the third and final stage of PTG’s Accommodation Project resulting in a new ten year lease and new fitout for the remainder of the office.

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- Further progress on the acquisition and implementation of a Customer Relationship Management (CRM) System using Microsoft Dynamic software in cooperation with the NSW Trustee and Guardian. Two modules have already been completed and implemented.
- Further progress towards completion of comprehensive manuals for the whole of PTG. Review of the Financial Management Services and Finance Manuals has already been completed.
- Finalisation of the review of PTG's structure including implementing recommendations contained in an independent review of Trust Officer classifications by Mercer and the establishment of a common ASO classification scheme for all PTG positions.
- Completion of the implementation of the recommendations made by PricewaterhouseCoopers following a review of PTG's Investment Strategy.
- Continue to raise awareness in the community of the role of the Public Trustee and Guardian including developing and undertaking a range of presentations and information seminars which highlight the importance of estate planning including a well drafted will and EPA as well as what happens in the event of incapacity.
- Participating in industry forums to identify and implement best practice. This will be achieved through close cooperation with state/territory trustee and guardian agencies as well as through membership of industry representative organisations such as AGAC. PTG will also work closely with ACAT and the Public Advocate of the ACT in co-hosting the National Conference of the Australian Guardianship and Administration Council (AGAC). PTG will also finalise the review of the National Standards for Financial Managers.

Background Information – may not be suitable for public disclosure

On 1 April 2016, the functions of Public Guardian and Public Trustee were merged to form the Public Trustee and Guardian for the ACT (PTG).

On 1 February 2018, the ACT Auditor-General released her Report 2/2018: *ACT Government Strategic and Accountability Indicators*, following a review of the ACT Government's Performance and Accountability Framework. The Report contained a number of recommendations, including that PTG should review its Strategic and Accountability Indicators to better address established Indicator criteria.

On 29 May 2018, the Minister approved PTG's revised Strategic and Accountability Indicators for 2018-19. These revised indicators formed the basis of PTG's Statement of Intent (Budget Paper) for 2018-19.

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Performance Indicators, measures and targets

Key Performance Indicators for 2018-19 to 2021-22

Table 3:

INDICATOR	Actual Outcome 2016-17	2017-18 Budget	Estimated Outcome 2017-18	Planned 2018-19	Planned 2019-20	Planned 2020-21	Planned 2021-22
Guardianship Orders - no. of people for whom PTG acted as Guardian appointed by the ACT Civil and Administrative Tribunal (ACAT) under the <i>Guardianship and Management of Property Act 1991</i> (GMPA) during the reported period ¹	N/A	N/A	N/A	225	230	235	240
No. of Guardianship orders appointing PTG made under the GMPA by ACAT during the reported period ²	198	160	220	N/A	N/A	N/A	N/A
Management Orders - no. of orders in which PTG was appointed as Manager by ACAT under the GMPA current at the end of the reported period by ACAT ³	473	495	490	495	500	505	510
<i>(this measure has been reworded)</i>							
Enduring Power of Attorney (EPA) - no. of EPA's appointing PTG for all matters made during the reported period ⁴	209	230	105	100	110	120	130
<i>(this measure has been reworded)</i>							
Enduring Power of Attorney (EPA) - no. of EPA's appointing PTG for financial and property matters under active management at the end of the reported period ⁵	37	40	35	37	37	39	39
<i>(this measure has been reworded)</i>							

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BUDGET ESTIMATES BRIEF

Enduring Power of Attorney (EPA) - no. of EPA's appointing PTG for personal and health care matters active at the end of the reported period ⁶	N/A	N/A	N/A	7	7	7	7
Police Call-outs - no. of responses to call outs by police and community following death during the reported period ⁷	17	14	3	3	3	3	3
<i>(this measure has been reworded)</i>							
Welfare funerals - no. arranged by PTG during the reported period ⁸	17	14	6	6	6	6	6
<i>(this measure has been reworded)</i>							
Examination of Accounts - no. examined by PTG during the reported period upon filing by External Managers appointed by ACAT for Protected Persons ⁹	568	500	540	550	560	570	580
<i>(this measure has been reworded)</i>							
Deceased Estate Administrations - no. of deceased estate administrations completed during the reported period ¹⁰	N/A	N/A	N/A	100	102	104	106
Number of deceased estate administrations completed <\$100,000 ¹¹	24	33	20	N/A	N/A	N/A	N/A
Number of deceased estate administrations completed >\$100,000 ¹²	45	43	45	N/A	N/A	N/A	N/A
Trusts (for all purposes) – no. held at end of reported period ¹³	N/A	N/A	N/A	585	590	595	600
Number of trusts held under legal disability <\$100,000 ¹⁴	340	344	355	N/A	N/A	N/A	N/A
Number of trusts held under legal disability >\$100,000 ¹⁴	59	59	59	N/A	N/A	N/A	N/A
Wills - no. of wills prepared by PTG during the reported period ¹⁵	549	520	400	410	420	430	440
<i>(this measure has been reworded)</i>							

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Percentage of expenditure over total income ¹⁶	92%	88%	90%	N/A	N/A	N/A	N/A
Customer Survey - % of clients responding to PTG's survey during the reported year that reported PTG met or exceeded their expectations ¹⁷	N/A	N/A	N/A	90%	90%	90%	90%

Notes:

1. This is a new indicator in 2018-19. The indicator has been established to report the number of people for whom PTG acted as Guardian during a reported year. The measure is seen as important as an appointment may be made for an individual in a financial year and revoked during the same year. This measures the true volume of work undertaken as opposed to merely the number of active accounts on hand at the end of the financial year.
2. This indicator will be discontinued in 2018-19, because it did not present a true picture of the number of orders under which PTG may have acted as guardian during the reported year.
3. This indicator has been re-worded from "No of current financial management orders made under the GMPA by ACAT" to clarify that the number of current financial management orders is taken at the end of the financial year.
4. This indicator has been re-worded from "Enduring Powers of Attorney" to clarify that the number of EPA's made is the total of all EPA's made during the financial year is taken at the end of the financial year. The number of EPA's made by PTG for all purposes decreased due to the number of people choosing either to make their own EPA, or to refrain from making an EPA in favour of an appointment by ACAT."
5. This indicator has been re-worded from "No. of active financial management accounts under EPA" to clarify that the number of EPA's appointing PTG for financial and property matters being reported relates to those which have become activated and are current at the end of the financial year. The number of EPA's under active management for financial and property matters has decreased in 2017-18 due to revocation, death of the person appointing PTG as Attorney and lower numbers of EPA's activated through loss of capacity.
6. This is a new indicator for 2018-19 and is established to provide consistency with the related indicator for active EPA's for financial and property matters.
7. This indicator has been re-worded from "No. of responses to community callouts following death" to clarify that the call-outs are made by police and community following a death and that the number of callouts is the number made during the reported/financial year. This measure has been retained as an indicator of Community Service Obligations. The re-worded indicator also addresses the External Focus criterion. Whilst PTG's performance in this regard is purely reactive following callout by ACT Policing or the community, PTG is however not compelled to respond to a police callout or to act as an administrator as a result. Reasons for refraining from responding to a police callout include that PTG may become liable for significant costs with no possibility of recovery.
8. This indicator has been re-worded from "No. of welfare funerals arranged by PTG" to clarify that the number relates to the number of welfare funerals arranged during the reported year. Whilst PTG's performance in this regard is purely reactive, PTG is however not compelled to respond to requests to arrange welfare funerals. Reasons for refraining from responding to requests for welfare funerals include that PTG may become liable for significant costs with no possibility of recovery.
9. This indicator has been re-worded from "No. of examinations of accounts provided from external managers under the GMPA" to clarify that the indicator relates to the number of examinations undertaken by PTG during the financial year.
10. This is a new indicator in 2018-19 replacing the previous indicators for estate administrations of above and below \$100,000 in value and now counts all estate administrations irrespective as to value.

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11. This indicator will be discontinued in 2018-19 given that the value of estates has increased to the point that there are few estates under \$100,000. Value of the estate is no longer a measure of performance as estates of low value may have an equal degree of complexity to estates over \$100,000.
12. This indicator will be discontinued in 2018-19 as value of the estate is no longer a measure of performance as estates of higher value may have an equal degree of complexity to estates of a value lower than \$100,000.
13. This is a new indicator for 2018-19 replacing the previous indicators measuring trusts by value under and over \$100,000 in value. The former categorisation no longer has any relevance as trusts of lower value can be equally complex or time-consuming to those over \$100,000. The new measure is the sum of all trusts for all purposes held at the end of the financial year.
14. These two indicators will be discontinued in 2018-19 given the significantly broader reasons for the establishment of trusts and that value of the trust is no longer a measure of performance as trusts of low value (under \$100,000) can be equally complex or time-consuming to those over \$100,000.
15. This indicator has been re-worded from “Wills” to clarify that the number reported is the number of Will made by PTG during the reported period. The 2017-18 estimated outcome is below budget due to PTG adopting a policy under which we will only make a Will for a person where appointed as primary executor or secondary/alternate executor to the spouse or partner. Previously PTG would make many more Wills however rarely became executor under these Wills.
16. This indicator will be discontinued in 2018-19. The Auditor-General commented in her report that this indicator may no longer have any relevance.
17. This is a new indicator for 2018-19. This indicator was previously reported annually as part of PTG’s Annual Report only, but has now been included in these indicators for the first time. It responds to the criterion requiring External Focus.

Assessment of performance against 2017-18 objectives

PTG pools client funds available for investment through its common funds operated under the *Public Trustee and Guardian Act 1985* and currently administers the Cash Common Fund, Australian Equities Common Fund, Australian Fixed Interest Common Fund, Australian Listed Property Trust Common Fund, Conservative Common Fund, Balanced Common Fund, High Growth Common Fund and International Equities Common Fund.

PTG will continue to roll out the recommendations of PricewaterhouseCoopers to implement the restructure of its investment strategy during 2018-19.

Fund sizes and performances for the period 1 April 2017 to 31 March 2018 are as follows:

PTG Common Funds

Cash Common Fund

Managed internally and invested in a range of bank and non-bank financial institution deposits, notes and bills of exchange. Interest returns vary with the market cash rate and, at 31 March 2018, the interest rate was 1.50%. Funds currently under investment total \$103.3m.

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Australian Equities Common Fund

Invested into a managed portfolio of stocks listed on the Australian Securities Exchange. Performance return after fees for the 12 months to 31 March 2018 has been 1.97 per cent. Funds currently under investment total \$33.2m.

Australian Fixed Interest Common Fund

Invested into a managed pooled trust of corporate and government bonds and floating rate notes. Performance return after fees for the 12 months to 31 March 2018 has been 2.20 per cent. Funds currently under investment total \$29.2m.

Australian Listed Property Trust Common Fund

Invested into a managed pooled trust holding listed property trusts across retail, industrial and commercial sectors. Performance return after fees for the 12 months to 31 March 2018 has been -0.68 per cent. Funds currently under investment total \$7.1m.

International Equities Common Fund

Invested in a hedged index trust. Performance return after fees for the 12 months to 31 March 2018 has been 4.06 per cent. Funds currently under investment total \$14m.

Conservative Common Fund

Invested in a diversified index trust. Performance return after fees for the four months to 31 March 2018 has been -0.47 per cent. Funds currently under investment total \$4.4m.

Balanced Common Fund

Invested in a diversified index trust. Performance return after fees for the four months to 31 March 2018 has been -1.34 per cent. Funds currently under investment total \$9.3m.

High Growth Common Fund

Invested in a diversified index trust. Performance return after fees for the four months to 31 March 2018 has been -0.92 per cent. Funds currently under investment total \$2.80m.

Investment Strategies

Investments reflect individual client risk profiles as assessed and reviewed annually under the 'prudent person trustee investment principle' in the *Trustee Act 1925*. Clients of similar risk profiles are grouped into four risk models, Conservative, Balanced, Growth and Capital Stable for investment in appropriate allocations into the common funds. Returns are in respect to the 12 months to 31 March 2018.

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Conservative Model Portfolio

The objective is to provide income return, moderate volatility and potential for some growth to protect the real value of the trust. It is suitable for trusts with income needs, shorter terms or conservative risk profiles. Performance return after fees for the 12 months to 31 March 2018 has been 1.77 per cent.

Balanced Model Portfolio

The objective is to provide a balance between income and capital return with moderate volatility. It is suitable for medium term trusts or those with a mix of income and capital needs for beneficiaries. Performance return after fees for the 12 months to 31 March 2018 has been 2.36 per cent.

Growth Model Portfolio

The objective is to attain higher long term returns in excess of inflation. A higher weighting in growth assets provides potential for superior long term returns for clients able to accept increased volatility in the short term and provides prospective tax efficiencies associated with franked dividends and capital growth. Performance return after fees for the 12 months to 31 March 2018 has been 2.30 per cent.

Capital Stable Portfolio

Accounts requiring stability of capital are invested through the cash common fund providing a market interest return on daily balances with funds available at call. The cash common fund is suitable for cash balances and trusts of uncertain term. Credit interest rate during the period has decreased from 1.60 per cent to 1.50 per cent in keeping with the reductions in the market cash rate.

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Changes to appropriation

Prior to the establishment of PTG on 1 April 2016, appropriation for the Guardianship function was made to the Public Advocate of the ACT (under the JACS budget).

Table 4: Changes to appropriation – Controlled Recurrent Payments

	2017-18 Estimated Outcome \$'000	2018-19 Budget \$'000	2019-20 Estimate \$'000	2020-21 Estimate \$'000	2021-22 Estimate \$'000
2017-18 Budget	2,184	2,200	2,221	2,141	2,141
2018-19 Budget Technical Adjustments					
Revised Indexation Parameters	0	0	0	13	-19
2018-19 Budget	2,184	2,200	2,221	2,154	2,122

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*2018*1910-002

Portfolio: Attorney-General**ISSUE: Public Trustee and Guardian for the ACT – Financial Report****Talking points:**

- Source of revenue – PTG’s revenue is sourced from non-Government user-charges, interest, Controlled Recurring Payments (CRP) and Community Service Obligation (CSO) funding.
- Financial arrangement - under a long-standing agreement with the ACT Treasurer, PTG pays the Chief Minister, Treasury and Economic Development Directorate (Treasury) an annual dividend of 50 per cent of any end-of-year operating surplus.
- Outcome - for 2017-18 - PTG has a revised estimated surplus of \$2,000 against a budget of \$397,000. The main decrease is related to higher employee expenses.
- Revenue - PTG estimated total revenue of \$7,590,000. Revenue is \$271,000 higher than budget due to higher User Charges.
- Expenses - PTG’s total estimated expenses are \$7,588,000. Expenses are \$666,000 higher than budget. The increase relates the accrual of back pay in relation to a new Enterprise Agreement and the cost of employing staff to replace staff on long service and maternity leave.
- Dividend to Government - PTG dividend payable to Government (being 50 per cent of end of year surplus) is estimated to be \$1,000.
- Funds Management - PTG operates seven externally managed statutory Common Funds and an internally managed Cash Common Fund. All external funds are under index or ‘passive style’ management. PTG’s external fund manager Vanguard, reported that PTG’s externally managed funds all achieved index and performed well against comparative indices.

Cash Common Fund - PTG’s internally managed Cash Common Fund achieved well, and in excess of all indices measured against by PTG’s asset/markets consultant PricewaterhouseCoopers (PWC). PTG’s administration of this fund was reviewed in 2016-17 by PWC.

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- In its report, PWC noted that the fund had out-performed all of the benchmark funds and recommended that PTG continue to manage the fund internally with a number of minor adjustments. These included extending the potential investment term from 180 to 365 days and increasing the proportion of funds invested with 'A rated' financial institutions from 25 per cent to 45 per cent.
- These adjustments have had the following effects:
 - higher yield on invested funds
 - more even spread on invested funds.
 - ability to place more funds with those financial institutions offering a higher return.
- Investment Strategy - PTG operates four risk models designed to maximise investment performance and overall return at client level. Returns compared to 2014-15 were - Growth 2.30 per cent to previous 5.42 per cent, Balanced 2.36 per cent to previous 4.89 per cent, Income Stable per cent to previous 1.77 per cent, Capital Stable percent to previous 1.50 per cent. This is entirely reflective of normal and expected financial market volatility.
- Government Funds - Government funds invested and managed by PTG decreased from \$180.60 to \$175.48
- Deposits to Confiscated Criminal Assets Trust Fund - PTG deposited \$793,760.29 to the fund compared to \$317,804 in 2016-17. This resulted from a higher number and value of forfeitures made by the Supreme Court under the *Confiscation of Criminal Assets Act 2003*.
- Unclaimed Money - The balance of funds held in the Unclaimed Money Trust Account grew from \$30.9m to \$36.02m in 2017-18.
- Perpetual Care Trusts - deposits made under the *Cemeteries and Crematoria Act 2003* grew from \$7.02m to \$8.68m.
- The corpus of funds held in GreaterGood (The Capital Region Community Foundation) increased from \$17m to \$19m.

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Key Information

2018-19 Initiatives

PTG's Business Transformation Project will continue to form the basis of PTG's Business Plan for 2018-19 focussing upon the following issues –

- Completion of the third and final stage of PTG's Accommodation Project resulting in a new ten year lease and new fitout for the remainder of the office.
- Further progress on the acquisition and implementation of a Customer Relationship Management (CRM) System using Microsoft Dynamics software and in cooperation with the NSW Trustee and Guardian. Two modules have already been completed and implemented.
- Further progress towards completion of comprehensive review of manuals for the whole of PTG. The Financial Management Services and Finance Manuals have been completed to date.
- Finalisation of the review of PTG's structure including implementing recommendations contained in a review of classifications by Mercer and establishment of a common Administrative Services Officer classification scheme for all PTG staff.
- Completion of the implementation of the recommendations made by PricewaterhouseCoopers following a review of PTG's Investment Strategy.
- Continue to raise awareness in the community of the role of the Public Trustee and Guardian including developing and undertaking a range of presentations and information seminars which highlight the importance of estate planning including an up to date and well-drafted will and EPA as well as what happens in the event of incapacity.
- Participating in industry forums to identify and implement best practice. This will be achieved through close cooperation with state/territory trustee and guardian agencies as well as through membership of industry representative organisations such as AGAC. PTG will also work closely with ACAT and the Public Advocate of the ACT in co-hosting the National Conference of the Australian Guardianship and Administration Council (AGAC). PTG will also finalise the review of the National Standards for Financial Managers.

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Background Information – may not be suitable for public disclosure

During 2015-16, the former Offices of Public Trustee for the ACT and Public Advocate of the ACT were abolished following a review of the structure of ACT's rights protection agencies. PTG was established on 1 April 2016 and brought together the responsibilities of the former Public Guardian and Public Trustee. Funding and expenses in relation to PTG were fully resolved during the 2016-17 financial year.

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The overall discrete assistance provided declined by 11 per cent whereas, online information provided by the website (70,289 as compared to 62,072 website hits in 2016-17) increased by 13 per cent.

Almost half of the discrete assistance services, 15,449 is delivered through the Helpline telephone services. This service continues an upwards trend - 13,356 helpline calls were received in 2013-14 (up 16 per cent in 2017-18). The expectation is that demand will continue to grow.

Duty Lawyer Services

Duty lawyer services are provided at the Magistrates (including both criminal and domestic violence) and Family/Federal Circuit Courts as well as at ACAT (where most matters are before the mental health tribunal). The estimated outcome for duty lawyer services in 2017-18 is 5,112 – which dramatically exceeds the target of 3,800 (and an increase of 35 per cent on 2016-17).

The duty services role is likely to continue to grow, and the commencement of the Family Advocacy Support Services (FASS) at the Federal Circuit/Family court in March 2017 which assists families dealing with family violence, is indicative of this trend. Indeed the linkages now being made between the Domestic Violence Unit (DVU) operating at the Magistrates' Court and the FASS are a crucial development in the Commissions' capacity to assist people in these difficult situations, particularly primary victims. The DVU has assisted 130 additional victims in the past year and the services increased 16 per cent overall compared to 2016-17.

Representation Services

Representation services is the number of legal assistance services provided for the ongoing representation of people at courts/tribunals, in dispute resolution processes and where the carriage of the matter requires ongoing casework assistance. This involves a grant of legal assistance, but clients may be represented more than once per grant. Representation services are expected to exceed the target for 2017-18 and be similar to in 2016-17.

The estimated number of grants of legal assistance for 2017-18 (2,401) has increased by 4 per cent against 2016-17 (2,318). This continues the trend of grants of legal assistance increasing in number over recent years.

One of the growth areas in the Commission is for Independent Children's Lawyers with 191 grants in these matters estimated for 2017-18 (up from 152 grants in 2016-17).

Another strong driver is family dispute resolution mediation, with the number of conferences held in 2017-18 (282 conferences) comparing favourably to 2016-17 of 261.

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Facilitated Resolution Processes

Facilitated Resolution services captures the work associated with running family dispute mediations, including intake screening, and assessment. The 2017-18 target of 350 will be exceeded with a forecast outcome of 404. Conferencing in complex post-litigation family law matters, including in family violence matters, has increased and overall numbers of conferences and parties involved have increased.

Community Legal Education

Community Legal Education services are the number of educational resources produced and the number of activities undertaken. Community Legal Education services are expected to be slightly higher than 2017-18 target due to the number of Community Legal Education activities conducted and new resources produced by the Commission.

Additional to the provision of services as assessed through the above five key outcomes is some further detail about how the Commission meets the needs of the most vulnerable and disadvantaged people in the community.

Website

Although not an accountability indicator, the number of website hits is forecast to be over 70,000 in 2017-18, up significantly from 2016-17 of around 62,000.

The increase in website hits may be a reason why some indicators within the Discrete Assistance indicator are low.

Delivery of Culturally Appropriate Services

The Commission also maintains a strong commitment to the Aboriginal and Torres Strait Islander community.

In the last year services increased (from 1,154 in 2016-17 to 1,336 in 2017-18); the recruitment of a fulltime liaison and support officer in February 2017 boosted the number of people assisted (we have also supported a 12 month traineeship position). This evidences the important work that non-legal support staff play in the overall delivery of services.

The Commission is expecting to provide non-legal support to around 250 Culturally and Linguistically Diverse clients (where the country of birth is not Australia or if an interpreter is required). While this is down from 300 in 2016-17, it nonetheless reflects a high level of service delivery.

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2018/1911-002

Portfolio: Attorney-General**ISSUE: Legal Aid ACT Financial Outcomes****Talking points:**

- The Legal Aid Commission (ACT) has a 2017-18 estimated end of year financial position which is weaker than the original budget.
- The operating statement estimated outcome is a deficit of \$0.607 million, compared to an original budget deficit of \$0.420 million. The out year deficits have increased from around \$0.500 million to \$0.600 million per year.
- The funding levels of the Commission are becoming tighter and will require careful management going forward, while continuing to deliver the same high quality service.
- Given the product of the Commission is people services (either through Commission staff or outsourcing to external legal firms), there are limited areas of efficiency that can be made without impacting the service delivery.
- The Commission is working towards managing its resources in the most efficient and effective manner, while still supporting the disadvantaged and vulnerable people in need of legal representation.
- The current *National Partnership Agreement on Legal Assistance Services* with the Commonwealth Government is due to cease on 30 June 2020. That agreement is under independent Review. The Commission expects a new agreement to be negotiated shortly, delivering the same, or similar, level of funding as current. The revenue and expenses associated with this NPA have been removed.

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Key Information

- Legal Aid received \$14.6 million funding from the following sources:
 - \$8.5 million from the ACT Government (including Eastman funding);
 - \$4.8 million from the Commonwealth Government; and
 - \$ 1.3 million from other sources (i.e. one-off grants, Statutory Interest Account, interest, client contribution).
- The major expenditure (\$15.2 million) lines are:
 - \$7.1 million in employee expenses (47 per cent of total expenses)
 - \$4.5 million in internal & external legal expenses (including Eastman) (29 per cent);
 - \$1.1million in superannuation (7.5 per cent); and
 - \$0.9 million in rent (6.3 per cent)
- The level of funding through the Statutory Interest Account (funding granted from the ACT Law Society) has reduced greatly in recent years. Since 2013-14 funding has decreased from \$1.4 million to just over \$0.6 million (a decrease of over 55 per cent).

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2018/001911-004

Portfolio: Attorney-General

ISSUE: Legal Aid ACT 2018-19 Budget Initiatives
Talking points:

- The ACT Government has committed additional support to Legal Aid, in order to provide assistance to the most vulnerable in the community, by introducing four new initiatives in the 2018-19 Budget.
- Legal Aid received funding for the following:
 - More support for families and inclusion – Additional Magistrate
 - More support for families and inclusion – Drug and Alcohol Court
 - More support for families and inclusion – Preventing and responding to elder abuse
 - More support for families and inclusion – Retrial of Mr David Eastman.

Key Information

As a result of the 2018-19 ACT Budget, Legal Aid received funding for the following initiatives:

More support for families and inclusion – Additional Magistrate

The ACT Government will provide additional baseline funding to improve access to justice in the Territory to assist disadvantaged and vulnerable people in need of legal representation. This initiative supports cost pressures associated with the increased demands of an expanded judiciary including the proposed appointment of an eighth magistrate.

	2018-19		2019-20		2020-21		2021-22		Total	
	\$'000	FTE	\$'000	FTE	\$'000	FTE	\$'000	FTE	\$'000	FTE
Additional Magistrate	\$ 296	2	\$ 313	2	\$ 333	2	\$ 352	2	\$ 1,294	2

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BUDGET ESTIMATES BRIEF

More support for families and inclusion – Drug and Alcohol Court

The ACT Government will provide funding for the preparatory work to establish a drug and alcohol court with a view to reducing or eliminating drug and alcohol dependency, and reducing related criminal activities.

	2018-19		2019-20		2020-21		2021-22		Total	
	\$'000	FTE	\$'000	FTE	\$'000	FTE	\$'000	FTE	\$'000	FTE
Drug & Alcohol Court	\$ 37	0.25	\$ -	0	\$ -	0	\$ -	0	\$ 37	0.25

More support for families and inclusion – Preventing and responding to elder abuse

The Government will establish a 'Seniors Rights Service' as part of the Legal Aid Commission (ACT) to provide targeted services to older Canberrans who are experiencing, or are vulnerable to, elder abuse.

	2018-19		2019-20		2020-21		2021-22		Total	
	\$'000	FTE	\$'000	FTE	\$'000	FTE	\$'000	FTE	\$'000	FTE
Elder Abuse	\$ 100	0.5	\$ 175	1	\$ 180	1	\$ 185	1	\$ 640	1

More support for families and inclusion – Retrial of Mr David Eastman

The ACT Government will provide funding to Legal Aid ACT to cover the retrial of the matter of Mr David Eastman for the murder of Mr Colin Winchester.

	2018-19		2019-20		2020-21		2021-22		Total	
	\$'000	FTE	\$'000	FTE	\$'000	FTE	\$'000	FTE	\$'000	FTE
Eastman retrial	\$ 1,025	0	\$ -	0	\$ -	0	\$ -	0	\$ 1,025	0

- In relation to the Eastman retrial, of the \$1,025,000 funding received in 2018-19, \$770,000 was 'rolled over' from unspent funds in 2017-18.

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Portfolio: Attorney-General

ISSUE: CASINO

Talking points:

Provision of Key Information by Aquis

- On 13 April 2018 the Head of Service Ms Kathy Leigh wrote to Aquis Entertainment Chairman, Mr Tony Fung, the current licensee of Casino Canberra. The correspondence advised Aquis Entertainment that the company had until 14 May 2018 to progress the unsolicited bid that was first announced in 2015.
- The letter outlined that the Territory had been waiting since mid-2017 for key financial information to confirm the viability and capacity of Aquis Entertainment to undertake the proposed redevelopment, and that if the requested information was not received by 14 May 2018, the Territory would have no option but to assume Aquis Entertainment no longer wished to proceed with the proposal.
- The Government subsequently announced on 14 May 2018 that Aquis has been granted an extension of time to provide the requested information. There will be ongoing dialogue between the parties during this time.

Casino Advisory Panels

- The *Casino and Other Gaming Legislation Amendment Act 2018* was passed on 5 June 2018 and took effect on 15 June 2018. This Act provides for the establishment of a Casino Advisory Panel, when required, to make a recommendation to me on key decisions relating to the ownership or leasing of the casino, the grant or transfer of the casino licence, and the conversion of restricted authorisations to allow the operation of casino gaming machines or casino Fully Automated Table Game (FATG) terminals.

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- A Casino Advisory Panel will consist of people with significant experience in relevant areas such as governance, law, integrity and probity assessments, finance, risk, urban design and property development.
- The Panel will provide for an increased level of transparency and independence in relation to the regulation of casino gaming in the Territory.
- The independent Panel's advice will be in addition to the technical advice provided by the ACT Gambling and Racing Commission and the ACT Planning and Land Authority. The Panel's report will be tabled in the Legislative Assembly.
- The Government is ensuring the community benefits from any increased gambling products being introduced at the casino. Any future application to operate gaming machines at the casino would be contingent on a substantial investment in the precinct and associated community benefit.

Staging of Casino Legislation (not a 'piecemeal' approach)

- A framework of interlinked Acts and Regulations regulates gaming in the Territory. Each Act or Regulation has its place in addressing particular matters and at any given time, there are a range of issues under consideration in the policy development cycle, some of which will require legislative changes to implement.
- When introducing the Casino (Electronic Gaming) Bill 2017, the Government foreshadowed that more legislative and regulatory changes were underway.
- The *Casino (Electronic Gaming) Act 2017* allows the casino to start the process of buying gaming machine authorisations from other venues subject to certain requirements, and contribute to reducing the overall number of electronic gaming machine authorisations in the ACT.
- The *Casino and Other Gaming Legislation Amendment Act 2018* provides further details about the specific requirements for, matters to be addressed by, and information to be given by the casino in a Social Impact Assessment (SIA). An SIA is required under the *Casino (Electronic Gaming) Act 2017* before any authorisations can be acquired.

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- There are a number of administrative, operational and technical matters that will be addressed through future provisions. These include taxation provisions; specific rules and control procedures for operating gaming machines; approval processes; and certification and technical standards for gaming machines and FATG terminals, the centralised monitoring system and the pre-commitment system.
- The suite of harm minimisation measures applicable to casino electronic gaming will be informed by the Social Impact Assessment process and the community feedback received as part of that process.
- Some provisions are not required until the casino has successfully completed a redevelopment stage and is seeking to bring casino gaming machines and FATG terminals into operation.
- Casino gambling is a highly regulated activity for harm minimisation, consumer protection and industry integrity reasons and I make no apology for an approach that has the right legislation in place at the right time.

Reduction to 4,000 Authorisations

- Under amendments introduced by the *Casino (Electronic Gaming) Act 2017*, any authorisations held by the casino are counted within the overall maximum number of authorisations in the Territory.
- Before acquiring any authorisations, the casino must undertake a Social Impact Assessment involving community consultation, and be issued with the appropriate authorisation certificates by the Gambling and Racing Commission.
- Once these regulatory processes are completed, the casino could acquire up to 390 authorisations from existing gaming machine licensees, for a total of up to 200 casino gaming machines and 60 FATG terminals (after 1-in-3 of the authorisations is forfeited to the Territory).
- Under the legislation, 50 per cent of the authorisations must be acquired from small or medium clubs/club groups, or hotels.

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- The Government will reduce the maximum number of authorisations in the Territory to 4,000 by May 2020. Depending on the the timing of the acquisitions, forfeiture associated with the casino acquiring authorisations may or may not contribute to the reduction to 4,000 authorisations.
- The Government commissioned an independent expert, Mr Neville Stevens AO, to undertake the Club Industry Diversification Support Analysis during April and May 2018. The Government is now considering Mr Stevens' report, which will inform decisions about the pathway to reach 4,000 authorisations.

Key Information

- In August 2015 Aquis Entertainment submitted a Stage 1 proposal to Government for the redevelopment of Canberra Casino and the surrounding precinct.
- In June 2017 Aquis was advised that the Government had given in-principle support for the proposal to progress to Stage 3 of the Investment Proposal Guidelines process, subject to the provision of certain information including financial information.
- The *Casino (Electronic Gaming) Act 2017* was passed on 2 November 2017 and commenced on its default commencement date of 13 May 2018. Under the Act, casino gaming machines are restricted to a maximum bet limit of \$2 and are subject to mandatory pre-commitment. All casino gaming machines and FATG terminals must be connected to a central monitoring system. The Act provides that a Social Impact Assessment is required as part of an application for an authorisation certificate for casino gaming machines or casino FATG terminals.
- The *Casino and Other Gaming Legislation Act 2018* was passed on 5 June 2018 and commenced on 15 June 2018. In addition to providing for Casino Advisory Panels, the Act also:
 - provides for the introduction, through the making of a regulation, of the requirements and information that must be provided in a social impact assessment (SIA) for the casino. The casino SIA must include details of the proposed redevelopment of the casino and its precinct.
 - provides that gaming machines operated within 200 metres of the boundary of the casino by a gaming machine licensee that is related to the casino licensee will be subject to the same harm minimisation measures as casino gaming machines – including \$2 maximum bet limits, mandatory pre-commitment and the requirement to be connected to a central monitoring system.

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- amends the *Gaming Machine (Reform) Amendment Act 2015* to delay the commencement of Phase 2 of the gaming machine trading scheme until 31 August 2019 to allow time for a revised approach to be finalised to achieve the Parliamentary Agreement commitment to reducing the number of gaming authorisations to 4,000 by 2020.

Background Information

- Following the correspondence from the Head of Service of 13 June 2017, Government officials communicated with Aquis Entertainment in the form of a meeting between Deputy Director-General Enterprise Canberra Kareena Arthy and Aquis Entertainment Chief Executive Officer Jessica Mellor on 17 July 2017, and further letters from the Head of Service to Aquis Entertainment Chairman Tony Fung on 30 June 2017 and 16 January 2018.
- On 16 April 2018 Aquis provided the following statement to the ASX: 'Aquis lodged the detailed business case for the project in June 2016 and did not receive advice from the Government for some 17 months.' 17 months is the period from June 2016 to November 2017 (when the *Casino (Electronic Gaming) Act 2017* was passed). However, there had been ongoing communication with Aquis during this time as outlined above, and the legislation itself was tabled in the Assembly on 24 August 2017.

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Portfolio/s Regulatory Services

Transport & City Services

ISSUE: GREYHOUND RACING**Talking points:****Racing ban**

- As of 30 April, the ACT has become the first jurisdiction in Australia to prohibit the racing and trialling of greyhounds.
- This follows our earlier decision to cease providing funding to the industry, and the passage of legislation in the Assembly in November 2017.
- The ACT Government has taken these steps in response to the documented and acknowledged animal welfare failures in the greyhound racing industry in NSW.
- NSW owners and trainers represented a significant majority of participants in greyhound racing in the ACT. As the Durkin Report showed, it's impossible to divorce the NSW industry from racing in the ACT. We wanted to do what we could to prevent these kinds of abuses from coming across the border to ACT.

Breeding, training and registration

- While the ban on racing has commenced, it is still lawful for ACT residents to breed, train and own racing greyhounds here, subject to a range of measures designed to better protect ACT greyhounds who will continue to race interstate.
- More regular racing registration renewals, new licencing requirements on owners, trainers and breeders and a mandatory Code of Practice for people who have day-to-day control of greyhounds registered for racing, are now in place to improve our oversight of these practices in the ACT.

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- The new legal framework for monitoring is designed to give us a better line of sight on the entire lifetime of greyhounds here in the ACT. For example, registering new litters within seven days now means that every young greyhound is to be accounted for, whether or not it is later registered as a racing dog.

Code of practice

- The new mandatory *Code of Practice for the Keeping and Breeding of Racing Greyhounds* commenced on 30 April.
- Over a dozen stakeholders (including the Animal Welfare Advisory Committee, the RSPCA, the Canberra Greyhound Racing Club, the Australian Veterinary Association, greyhound welfare organisations and interstate racing authorities) provided feedback during consultation on the Code.
- All feedback was carefully considered in the Code's development. The ACT Government will continue to monitor the implementation of the Code, and the development of similar codes in other jurisdictions. Ongoing conversations with the industry will be part of this monitoring process.
- An ongoing review of greyhound breeding and training practices over the next two years will also help the Government assess whether any further intervention is warranted. This includes a review of the Code of Practice after twelve months of operation.

Fees for racing greyhounds in the ACT

- The ACT Government has been clear that ACT residents will be able to continue to own, breed and train greyhounds for racing elsewhere only on the basis that it is at no cost to the broader ACT community.
- The new fees that have been determined for registering a racing greyhound and obtaining a racing greyhound controller licence reflect this decision. They account for the cost of monitoring the welfare of greyhounds who are involved in racing, including tracking of greyhounds, regular inspections of premises and any necessary compliance activity.
- The ACT registration and licensing fees for racing greyhounds are distinct from the licencing required by greyhound racing controlling bodies. People who wish to race their ACT based dogs outside the Territory will still need

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to comply with the requirements of the relevant controlling body (such as Greyhound Racing NSW).

- Anyone with questions about registration, licensing and compliance and the Code of Practice, can contact Domestic Animal Services via Access Canberra on 13 22 81 to discuss their individual circumstances.

Collaborative approach to compliance

- The Transport Canberra and City Services (TCCS) Directorate, in collaboration with Access Canberra, is responsible for ensuring that any illegal conduct at the premises of the Canberra Greyhound Racing Club in Symonston is detected, investigated and appropriate action taken.
- Now that the ban has commenced, TCCS and Access Canberra are implementing a comprehensive approach to engage, educate and enforce the legislation and ensure that illegal activity does not take place.
- A range of written information has been provided to industry participants, including key contacts for people who wish to seek further information on the detail of the ban and its implementation. Information on the racing ban and the ACT's new regulatory framework for racing greyhounds is also available at www.act.gov.au/greyhound.
- An information session was held at Canberra Greyhound Racing Club on 2 May 2018 with representatives from TCCS and Access Canberra present to explain the new legislation and answer questions about how participants are expected to conduct themselves as they pursue the legally permissible aspects of owning, breeding and training greyhounds.
- At the information session, participants were strongly encouraged to make contact with regulatory officers within TCCS to enable a case-specific approach to be taken and ensure that all industry participants are aware of and compliant with the requirements.
- This approach is already proving successful, with a number of participants making contact with TCCS in the days following this information session.

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Participant and animal welfare

- This government's priority is the welfare of greyhounds, which are put at unacceptable risk through racing and the people who will be affected by the end of racing in the ACT.
- That's why the Government established the Greyhound Industry Transition Taskforce and why the Taskforce has engaged Woden Community Service which is so experienced in providing support to members of our community at a difficult times in their lives.
- The Government strongly encourages anyone affected by the end of greyhound racing in the ACT to contact either the Transition Taskforce or Woden Community Service to access this support.
- Free counselling is also available to anyone impacted by the end of greyhound racing in the ACT, whether or not they are pursuing a transition support package.
- This can be accessed by contacting Woden Community Service, who have been engaged to provide dedicated support, case management, information and counselling services for those affected by greyhound industry transition and those wishing to consider support package options.
- As part of the suite of services available to assist in transition support, Woden Community Service is able to assist in the application and documentation process for those seeking support to re-home greyhounds.
- To be eligible for transition support, an ex-racing greyhound must have been owned by an ACT resident, and have been surrendered on or after 23 June 2017 (which was the date on which the Government confirmed its intention to end the industry in the ACT).
- These parameters are designed to ensure that support funded by ACT taxpayers is directed to the greyhounds and people within this jurisdiction who have been directly affected by the end of greyhound racing in the Territory.
- While it is essential that assistance provided by the ACT Government is directed to those people and greyhounds resident in the ACT, the

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Greyhound Industry Transition Taskforce will consider exceptional circumstances where it can be demonstrated that the ACT ban has significantly impacted the racing capacity of a greyhound in the Canberra region. This would include a significant proportion of their races having occurred in Canberra. Any such circumstances can be discussed with Woden Community Service as the case managers for greyhound industry transition.

- Anybody seeking assistance should contact [Sch 2 s 2.2 \(a\)\(ii\)](#) from the Greyhound Industry Transition Program, on (02) 6181 2895 or via email at [Sch 2 s 2.2 \(a\)\(ii\)](#)
- While some industry lobbyists have publicly stated that they do not intend to engage with the transition process, we strongly encourage individual members of the industry to consider their own futures and engage with the Taskforce while the opportunity is available.
- Conversations with the Taskforce or with Woden Community Service are confidential.

The role of Woden Community Service

- Mr Redmond, the CEO of Woden Community Service (WCS), is not a member of the ACT Government's Greyhound Industry Transition Taskforce. The Taskforce is made up of senior executives from across ACT Government.
- WCS has provided support to members of the ACT community for 49 years.
- Given the range of services that WCS is able to offer (including counselling, personal support and linkage with a wide range of Canberra's community services) together with their long and respected history in supporting the people of Canberra, the Taskforce engaged their services to assist those Canberra residents who are affected by the end of greyhound racing in the Territory.
- Among the range of programs they offer the people of the ACT, they have experience in assisting people in times of change and personal distress – as shown by their work with people affected by the presence of Mr Fluffy

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asbestos in their homes, and those affected by the Canberra bushfires in 2003.

- WCS worked with the ACT Asbestos Taskforce in its early stages, offering to host members of the personal support team and to offer support to homeowners and residents of affected houses. This included holding a support group for affected residents, particularly older people who had lived in their houses for decades.
- Their volunteer coordinator also engaged a number of volunteers who worked closely with people seeking assistance with transport, packing boxes and liberating plants for their moves to new homes.
- Woden Community Service's CEO, Chris Redmond, has been an active member of the Asbestos Taskforce Community and Expert Reference Group since its inception in 2015, attending many community meetings following the announcement of the buy-back scheme and working with home owners affected by the scheme over the last three years
- In 2016, WCS also worked with nine individuals who lost their homes to produce a digital story telling project called, "Surrender" which helped these participants deal with their loss and find some closure and healing through sharing their personal stories.
- WCS also worked with the Bushfire Recovery Taskforce in the days immediately following the January 2003 bushfires and worked intensively with people living in the three forestry settlements of Pierces Creek, Uriarra and Stromlo for a number of years following the fires. This work extended to providing personal support to residents and their families displaced by the bushfires, many of them Housing ACT residents, as they resettled in other parts of the ACT or moved interstate.
- WCS also worked with the communities as they were redeveloped as public/private developments, having previously been Housing ACT settlements.
- WCS was a member of the Bushfire Recovery Community and Expert Reference Group. WCS hosted the ACT Government funded counsellor who operated out of the community centre for a number of years.

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- WCS continued to host monthly “forestry settlement gatherings” for 10 years at Lanyon Homestead which assisted residents to maintain contact with one another and assist their recovery. WCS also worked with those communities. For years WCS volunteered at the Tharwa Fair, a senior outside school hours care coordinator ran a weekly program at the Tharwa primary school for children whose families were affected by the bushfires, and WCS delivered Home and Community Care services to people in these regions during the recovery period.

Advertising relating to the ban

- Noting the regional interest and previous travel to the ACT region by NSW greyhound industry for racing, regional advertising took place to inform of the racing ban and changed requirements as at 30 April 2018
- This was to ensure that the regional industry and community had awareness of the changes and any associated compliance activities
- This advertising was predominantly print-based with the advertisements informing of the racing ban, of transition support for those in the ACT industry and directing interested parties to www.act.gov.au/greyhound where they could find additional information.
- It complemented information provided through other channels, including direct engagement with those impacted by the changes in the local industry.
- This advertising came in at about \$30,000 and included approximately 26 publications and three radio stations. As the advertising was under \$40,000 it did not require review by the Government Campaign Independent Reviewer.
- The advertising was a one-off and intensive campaign.

Legal proceedings

- The Canberra Greyhound Racing Club has proceedings before the Supreme Court and the Federal Court to challenge various matters to do with the end of greyhound racing in the ACT. As these matters are still before the Court, it is inappropriate to make any further comment.

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Key Information

- Those exiting the industry have until 30 June 2018 to apply for transition support, and the Government has extended the roll-out of the available funding for an extra three months to 30 September 2018.
- To assist with the transition to end the greyhound racing industry in the ACT, an independent consultant, Ms Mary Durkin, was engaged to provide an analysis of options to support the transition. The Government agreed with Ms Durkin's recommendations.
- According to the Durkin Report, 94% of the greyhounds that raced in the ACT in 2016 were based in NSW.
- The Durkin Report also indicated that at the time there were approximately 70 Canberra residents who were active participants (i.e. owners, breeders and trainers) in greyhound racing in the ACT. Approximately 52 racing greyhounds were both owned by ACT residents and based here.
- Significant penalties now apply for the conduct of racing and trialling, those penalties being a maximum monetary penalty of \$15,000 and/or maximum 1 year imprisonment.
- Further, the penalties for anyone involved with arranging, conducting or knowingly participating in illegal betting activities are significant and, similar to the penalties for racing and trialling, involve significant financial penalties and/or a period of imprisonment.
- The new fees include a 12 month registration fee for a racing greyhound set at \$612; and an annual application fee for a greyhound racing controller licence at \$640.
- Racing greyhound owners no longer need to obtain a specific permit to keep their dogs sexually entire, as this is provided for as part of the annually renewable racing greyhound registration.
- Some additional fees may apply, consistent with the provisions of the Domestic Animals Act that apply to all dogs, for example a licence is required to breed a litter from any dog (\$397.80 for two years), and a multiple dog license is required for keeping of 4 or more dogs (\$117.30 initially and \$32.70 to renew annually).
- Given the length of time involved in the transition to implement the ban on greyhound racing, trialling and betting, the ACT Government is proposing a strong regulatory response to any individual or association that is found to be knowingly engaging in conduct that constitutes an offence in this regard.
- In order to maximise inspection activity and ensure that all relevant agencies are represented, a joint agency initiative incorporating Access Canberra and the Transport

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Canberra and City Services Directorate has been established to provide for an appropriate coverage of inspection activity and ensure that any response to unlawful conduct is timely and dealt with by the appropriate agency.

- The specific provisions in the mandatory Code of Practice and the fee regime have been finalised and made public recently. The final version of the Code and fee instruments were notified on 30 April 2018. These are matters of great relevance and impact on industry participants and consistent with the Government's concern for people affected by the legislative changes, the focus of compliance activities in this regard will be on engaging and educating in the first instance. Nonetheless, in accordance with established regulatory approaches, wilful or recidivist non-compliance will be dealt with in a rigorous manner.

Background Information – may not be suitable for public disclosure

- Parliamentary Agreement Commitment 13.1 is to end Government funding for greyhound racing at the expiry of the current Memorandum of Understanding and take active steps to transition to end the operation of greyhound racing in the ACT.
- The 2016-17 Budget Review stated that:

“The Government will cease grant funding for the greyhound industry in the ACT, effective from the expiry of the current Memorandum of Understanding on 30 June 2017. The grant funding of \$1.033 million in 2017-18 will be redirected to a transition program to assist workers to re-skill, as well as rehome and care for the greyhounds”.
- The ban on racing has seen significant media interest and this is likely to continue. Inspection activity may also reach the spotlight dependent on the frequency of any news agencies attending the venue.
- The ACT is the only Australian jurisdiction to have implemented a ban on greyhound racing, which may lead to nation-wide interest.

Durkin Report

- To date, 16 of the 18 recommendations in the Durkin Report have been completed. They largely relate to the introduction of legislation to end greyhound racing, the scope of transition support to be made available and finalising the regulatory framework. Two recommendations, relating to the provision of transition support will be finalised by 30 September 2018.

NSW position on greyhound racing

- Greyhound racing will continue in NSW. The NSW Government will spend \$41 million over the next five years to implement the recommendations of its Greyhound Industry Reform Panel. Of this, \$11 million is allocated towards the establishment of the integrity commission with the remainder to improve animal welfare standards.

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- The NSW reforms are being phased in over 18 months, with the Greyhound Welfare Integrity Commission expected to commence operation later in 2018. A statutory review of the new legislation will take place after three years.
- This followed an earlier inquiry by the Honourable Michael McHugh AC QC into the greyhound industry in NSW which exposed wide-spread live baiting practices and animal cruelty. A subsequent ban of greyhound racing announced by the NSW Government, which was to take effect from 1 July 2017, was reversed on 11 October 2016.

Canberra Greyhound Racing Club's (CGRC) position

- The CGRC has two legal challenges against the ACT Government on foot.
- On 23 February 2018, the ACT Supreme Court handed down its decision in a matter brought by the Canberra Greyhound Racing Club (CGRC) against the ACT Planning and Land Authority (ACTPLA) regarding the lease over the greyhound track at Symonston. The Court found that ACTPLA should have made a decision in regard to CGRC's application for a renewal of its current lease (due to expire in 2027) and that it was unreasonable to delay making a decision because of the possibility of legislative change that would ban greyhound racing. However, the Court found that ACTPLA should not now be ordered to make a decision regarding the leave because legislation has now been passed that will ban racing from 30 April 2018. The Court found that to require ACTPLA to act with regard to the lease renewal would be futile given the impending ban on the industry, and that their existing lease, which expires in 2027, provided CGRC all the certainty and protection that it needed to conduct its affairs until the ban commences.
- The CGRC has filed an appeal in this matter, but a hearing date for the appeal has not yet been set. The CGRC were also successful in obtaining an award of costs against the ACT in this matter until 29 November 2018 (the date on which the laws banning greyhound racing were passed in the Assembly). From that date, each party is to bear their own costs.
- On 2 November 2017, the CGRC also filed an application in the Federal Court seeking damages in relation to an alleged breach of the CGRC lease; a declaration that laws relating to ACTTAB and the control of race field information are invalid; a declaration that the instruments made under those laws are also or alternatively invalid; and a declaration that the *Domestic Animals (Racing Greyhounds) Amendment Act 2017* is invalid. A date for hearing has not yet been set.

Recent media

- The CGRC have made public statements about the timeframe provided for comment on the draft mandatory code of practice. TCCS received written feedback on the draft code from the CGRC, the Animal Welfare Advisory Committee, RSPCA Australia, RSPCA ACT, ACT Greyhound Support Network, Canberra Region Greyhound Connections, Australian Veterinary Association, the ACT Veterinary Surgeons Board, Greyhound Racing NSW and the NSW Greyhound Welfare and Integrity Commission.
- Following a media release from the CGRC, the *Canberra Times* reported on 25 April 2018 that Chris Redmond, CEO of Woden Community Service, had mistakenly sent an email intended for a colleague to an industry participant who had approached the service to discuss support for rehoming greyhounds. The report stated that the industry participant was offended and upset

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by the tone of the email and the CGRC media release mistakenly identified Mr Redmond as a Taskforce official. Mr Redmond has publicly apologised for the incident.

- On 1 May 2018, the Australian Workers Union released a media release that was used as the basis for a news item by the Canberra Times on 2 May 2018, claiming incorrectly that aspects of training such as use of lures and starting boxes were unlawful. These claims were addressed in the TCCS/AC information session with industry participants on 1 May 2018. Further clarification will be provided to industry participants in the week beginning 7 May 2018 to ensure all participants are aware of what is required.

Re-homing support for ex-racing greyhounds

- In October 2017, the Taskforce met separately with the three main organisations who work to re-home greyhounds in the ACT – Canberra Region Greyhound Connections (CRGC), the ACT Greyhound Support Network (ACTGSN) and the RSPCA (ACT). These were general discussions about the about options for providing support to greyhounds being rehomed in the event that there was an influx of dogs surrendered due to the incoming ban on greyhound racing in the ACT.
- Establishment of the re-homing support application process was assisted by information about re-homing arrangements and the needs of ex-racing greyhounds, provided in these face to face meetings and in addition information provided by ACTGSN via email.
- The numbers of greyhounds owned by ACT residents that have been surrendered to date appears low, and there is no evidence of an influx of surrenders associated with the ban on racing.
- In May, Woden Community Service have worked on making direct contact with organisations involved re-homing greyhounds in the ACT to advise of the availability of transition support and their capacity to support people making applications. This has included writing directly to organisations and attending a greyhound socialisation event.

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Portfolio: Attorney-General**ISSUE: BAIL LAWS****Talking points:**

- The Government is committed to ensuring that the Territory's bail laws operate effectively and appropriately within the criminal justice framework.
- Bail is a long established practice in the criminal law which allows, in appropriate cases, accused people to remain in the community until their charges can be determined by a court of law.
- The purposes of the *Bail Act 1992* (Bail Act), include ensuring that accused persons turn up for trial and managing the risks that might arise while an accused person is on bail.
- The Bail Act operates to both protect the community and uphold the administration of justice, recognising the operation of the presumption of innocence and an accused person's human rights under the *Human Rights Act 2004*. It takes account of a variety of competing rights, interests and expectations.
- The Bail Act requires decision makers to consider the likelihood of the person appearing in court in relation to the offence, the likelihood of the person committing further offences while on bail, harassing or endangering the safety or welfare of members of the public, interfering with evidence and witnesses or otherwise obstructing the course of justice, and the interests of the person.
- All bail decisions in the Territory must be made by a police officer, magistrate or judge. There are restrictions on the powers of police officers to grant bail in certain circumstances (for example, section 9F of the Bail Act prescribes limitations on police officers granting bail for persons accused of family violence offences).
- Remanding people in custody should be used as a last resort in carefully confined circumstances, with a focus on reasonable and proportionate risk management.

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- It is untenable from a practical point of view, and undesirable from a principled viewpoint, to simply remand more and more people. There is always a risk that an alleged offender will reoffend, but this risk is taken into consideration under our bail laws, including through presumptions against bail for certain offences and conditions of bail which can be imposed, and the role of ACT Policing in ensuring that offenders comply with their bail conditions.
- The presumption against bail for family violence and serious criminal offences reflects that the protection and welfare of the community is to be one of the paramount considerations in relation to a bail decision.

Key Information

Release on bail for certain offences

- The Bail Act provides for a presumption of bail, unless a person is accused of committing a serious offence (such as manslaughter, sexual assault, threatening to kill, stalking). There is also a presumption against any grant of bail by ACT Policing (ACTP) for family violence offences.
- Courts are required to consider a range of factors, including the likelihood that an accused person will harass or endanger the safety or welfare of anyone, in making a decision about bail.

Offences committed while on bail

- Short of remanding every alleged offender in custody, there is always a risk that an alleged offender will reoffend.
- While there is no statistical evidence available about the number of instances where a person offends on bail, the Government is satisfied on the basis of available information that the mechanisms currently in place to determine the issue of bail and management of people on bail are satisfactory.
- The resources required to manually gather and collate information on the number of instances where offences are committed while on bail are prohibitive. The estimate for gathering this information for a three year period is approximately 6,800 hours.
- There will be increased capacity to draw out data about issues relating to bail once the Integrated Court Management System is implemented for the criminal jurisdiction later this year.

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Care will need to be taken to understand this data in the context of the circumstances of individual cases, and how this information compares with the experience in other jurisdictions.

Bail review power

- The *Crimes (Serious and Organised Crime) Legislation Amendment Act 2016* introduced an own-motion bail review power for the Director of Public Prosecutions (DPP) to seek review of a decision of a court to grant bail if DPP considers that exceptional circumstances exist and it is in the public interest to make the application.
- The review power is contained in section 44 of the Bail Act and commenced operation on 1 May 2017. It was the intention of the legislature that this power is to be exercised sparingly and only in circumstances where there is likely to be a safety risk to the community if the person is released on bail.
- Since 1 May 2017, the DPP has given oral notice of a proposed application only twice and on both occasions the DPP ultimately did not proceed to make an application to the Supreme Court. The accused persons were held in custody for periods of less than two hours by ACT Corrective Services (ACTCS) prior to being released on bail.
- Under this power, the DPP is required to give immediate oral notice of a proposed application to seek review of the decision of a magistrate in relation to bail and has two hours to make the application to the Supreme Court and provide written notice to the accused. The bail decision is stayed for up to 48 hours unless the DPP does not proceed with the review application, or the Supreme Court determines the application earlier. Non-sitting days for the court, including public holidays, are included in calculating the time allowed for the review.
- The review power is only available to the DPP for certain serious offences and family violence offences.
- The Government is currently considering appropriate amendments to section 44 clarifying aspects of the operation of the provision to support efficient operational arrangements.
- The new bail review power will be reviewed after two years of operation in May 2019.

Bail Support Service

- The ACT government started a trial Bail Support Program at the end of 2017 as part of the ACT's Justice Reinvestment Strategy.
- This program will contribute to the Government's commitment set out in the Parliamentary Agreement to reduce recidivism by 25 per cent by 2025.

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- The Bail Support Program is designed to reduce the number of Aboriginal and Torres Strait Islander people on remand, and the time spent on remand while maintaining public safety.
- The trial supports Aboriginal and Torres Strait Islander people who, in the absence of bail support, would be ineligible for bail.

Victorian review of bail

- On 23 January 2017, the Victorian Government announced a review of bail laws. Advice was provided in two reports by the Honourable Paul Coghlan QC on how Victoria's bail system could be reformed to best manage risk and to maximise community safety.
- On 8 May 2017 the Victorian Government announced reforms to the Victorian bail system as a result of the review consisting of the *Bail Amendment (Stage One) Act 2017* and *Bail Amendment (Stage Two) Act 2017*. The first tranche of reforms commenced operation on 21 May 2018, with the second set of amendments due to commence operation on 1 July 2018. The reforms include (but are not limited to):
 - requiring judicial officers to place greater weight on community safety when making bail decisions
 - expanding the range of offences where an accused is required to demonstrate exceptional circumstances justifying a grant of bail, to include aggravated home invasion and aggravated carjacking
 - creating a presumption against bail for a number of offences including rape, kidnapping, armed robbery, culpable driving causing death, dangerous or negligent driving while pursued by police and persistent contravention of a family violence intervention order
 - requiring an accused to demonstrate exceptional circumstances to be released on bail for serious indictable offences committed while on bail, summons or parole.
- Victoria's bail justice system is unique to Victoria and involves bail justices who hear after-hour bail applications. All bail decisions in the ACT must be made by a police officer, Magistrate or Judge. The ACT Government is currently not considering the introduction of bail justices in the Territory. Bail justices received some scrutiny from the community following the Bourke Street incident, although Mr Coghlan QC stated that their role was 'largely uncontroversial' as they only consider bail in a very small number of cases and mostly refuse bail.

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Statement of incompatibility: section 9B of the Bail Act and comments made at the ceremonial sitting to mark the retirement of her Honour Justice Penfold

- At the ceremonial sitting to mark her Honour Justice Penfold's retirement on 23 March 2018, the President of the Bar Association Ken Archer spoke of some of her Honour's key judgments, including the decision of *In the matter of an application for bail by Islam* [2010] ACTSC 147 (*Islam*).
- In *Islam*, her Honour made a declaration that section 9C of the Bail Act was not consistent with section 18(5) of the *Human Rights Act 2004* (which provides that 'Anyone who is awaiting trial must not be detained in custody as a general rule'). Section 9C of the Bail Act creates a presumption against bail being granted in cases where a person is charged with murder (including ancillary offences) and specified serious drug offences. It requires that the court find that special or exceptional circumstances exist before considering whether bail should be granted. Section 9C was developed following the ACT Law Reform Commission's Report on Bail (2001) and additional stakeholder consultation by the government.
- At the ceremonial sitting, Mr Archer referred to the decision in the process of commenting on the "relative toothless-ness of the declaration of incompatibility process".
- On 28 June 2011 the Government tabled an interim response to the declaration of incompatibility. At the time of the interim response being tabled, the Government had commenced an appeal against the decision in *Islam* in the ACT Court of Appeal. The appeal was adjourned pending the decision of the High Court of Australia in the case of *Momcilovic* as it dealt with similar interpretation issues under the *Victorian Charter of Human Rights and Responsibility Act 2006*. As a result, the then Attorney-General undertook to provide a final Government response six months after the proceedings in *Islam* were resolved.
- Upon receipt of the *Momcilovic* judgment, the Attorney-General withdrew the appeal in *Islam*. The Government tabled the final government response in the Legislative Assembly on 1 May 2012. In this response, the Government restated its commitment to bail laws that properly balance the presumption of innocence on the one hand and the right of the community to be safe and for justice to be done on the other. The final response also proposed options for minor and important amendments to the Bail Act. In tabling the final government response, the Government requested community views on the options proposed. Due to the diverse views received during consultation on the final Government response to the 2010 declaration of incompatibility in *Islam*, the ACT Government elected not to pursue any of the three options originally proposed.

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Police discretion in dealing with failures to comply with bail conditions (recent [media](#))

On 8 June 2018, ACT Policing dealt with a failure to ensure timely compliance with bail conditions by arresting the accused person without a warrant. Section 56A of the *Bail Act 1992* applies if a person has been granted bail and a police officer believes on reasonable grounds that the person has failed to comply with one of the conditions of bail. In the case reported in the *Canberra Times*, the accused person reported to the Woden Police Station 39 minutes later than required by her conditions. The Magistrate presiding over the bail hearing the next day requested the prosecutor to remind ACT Policing it had discretionary powers that meant it did not have to jail people and alluded to the possibility of the accused having grounds for a false imprisonment claim.

Background Information – may not be suitable for public disclosure

Recent media on bail decisions for certain offences

Sch 2 s 2.2 (a)(ii)

Previous ACT Bail reviews

Inquiry into Sentencing, 2015

In 2015, the Standing Committee on Justice and Community Safety published an Inquiry into Sentencing.

Recommendation 43 recommended the ACT Government conduct a review of arrangements for bail in the ACT, and introduce in the Legislative Assembly legislative amendments to the Bail Act which, if passed, would introduce a focus on risk management, with reasonable and proportionate bail conditions.

The Government noted this recommendation citing work occurring nationally and within the Justice Reform Strategy.

National review of bail laws, 2015-2016

In 2015, the COAG tasked the former Law, Crime and Community Safety Council with implementing a number of recommendations from the 2015 Joint Commonwealth-NSW Review into the Martin Place Siege.

On 31 August 2016, the Working Group for this work concluded that, while each jurisdiction faces unique challenges and absolute uniformity is not sought, common issues to consider are that:

- consistency between jurisdictions is desirable in relation to terrorism

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- the appropriateness of bail provisions that apply to children should be continually assessed
- powers of arrest for breach of interstate bail conditions are sufficient and a uniform approach is not required
- jurisdictions should continue to investigate alternatives to remand.

The Working Group's conclusions have not been released publicly.

Proposed amendments to Bail Act

A recent bid for a Crimes Legislation Amendment Bill includes proposed amendments to improve clarity and consistency in the operation of bail laws for the ACT, including section 44 (prosecution's right of review power).

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Portfolio: Attorney-General**ISSUE: DPP RESOURCING****Talking points:**

Immediate resourcing following the NOUS Strategic Review in 2018-18 Budget review

- The Government is committed to supporting the vital work of the DPP.
- This commitment can be seen in the increases in funding immediately following the NOUS Group Strategic Review of the DPP and in recent announcements of baseline funding increases coming into effect over the mid to long term.
- The 2017-18 Budget allocated three full time prosecutors for the Eastman matter in the 2017-18 year and one ongoing prosecutor to increase the capacity of the DPP. Furthermore, the 2017-18 Budget Review provided resource allocations for four full time additional staff in 2017-18 and 2018-19 to support the work of the Confiscation of Criminal Assets scheme.
- This built on funding of \$1.363 million over four years from 2016-17 through the Safer Families funding package to strengthen criminal justice responses to alleged perpetrators of family violence.

2018-19 Budget staff and resources for the DPP

- In April 2018 the Government announced that the DPP will be provided with \$987,000 over four years from 2018-19 for additional staff to support the increased capacity of the Magistrates Court.
- The Magistrates Court in turn will receive an extra \$3.1 million for an eighth magistrate. Additional funding of \$1.3m for Legal Aid ACT was also provided as part of this package.
- The Government has also announced in the 2018-19 Budget that an additional \$6.922 million funding will be provided over the next four years for additional prosecutorial and paralegal staff.

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- This funding will be provided progressively with an additional 6FTE from 2018-19.
- In 2021-22 there will be a total of 12 additional FTE for the DPP.
- This staffing increase will be supplemented by a one off capital injection of \$350,000 for expanded accommodation.
- I am confident that the appointment of an eighth magistrate, the additional funding for Legal Aid and the DPP, the re-appointment of special magistrates, and recent amendments to justice legislation across the statute book aimed at building efficiency will improve the efficiency of the justice system and the timeliness of proceedings in the Magistrates Court.

If asked about separate administration and direct appropriation for the DPP -

- Another important outcome of the NOUS review was a set of recommendations for more efficient management of the DPP's budget resources. NOUS consulting put forward that both for reasons of independence and for efficiency, a different model of budgeting should be in place, including direct appropriation for the DPP.
- The Government's approach to date has been to use the administrative resources of the Justice and Community Safety Directorate (JACS) to offer economies of scale to smaller, independent agencies. Services like human resources and finance are provided by a centralised team in JACS to other agencies, including the Human Rights Commission and the Emergency Services Agency.
- The analysis by NOUS consulting provides a basis for considering a different approach. The Government is considering this recommendation and will work with the DPP to ensure that our model of appropriation and funding is as efficient as possible.

Key Information

- In the 2017-18 Budget, the Government provided additional funding (1 FTE ongoing) to increase the capacity of the Office of the Director of Public Prosecutions (DPP) to better support prosecutions in the Territory. It also provided funding for costs associated with the retrial of Mr David Eastman and other related proceedings.

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Funding was provided for an additional three positions in the DPP, external counsel costs, witness expenses and other administrative costs.

- Mr Eastman's re-trial has commenced. It is expected to run for four – six months.
- The DPP has undertaken significant preparation for the pre-trial and trial.
- The Government also provided four full time additional staff (in 2017-18 and 2018-19 only) to support the work of the Confiscation of Criminal Assets scheme as part of the 2017-18 Budget Review.
- That funding will assist the DPP to keep pace with demand and respond to the needs of the court, police, other investigative agencies and the criminal justice sector more broadly.

If asked for specifics about the 2018-19 baseline business case -

- Base level funding: \$6.922 million over four years plus \$350,000 one off capital injection for accommodation
- Full Time equivalent (FTE) additions
 - One Prosecutor Grade 4; two Prosecutors Grade 3; one Paralegal Grade 4; two Paralegals Grade 3 ongoing from 2018-19
 - One Prosecutor Grade 5; one Administrative Officer Grade 5 ongoing from 2019-20
 - Two Executive (Crown Prosecutors) ongoing from 2020-21
 - One Prosecutor Grade 4; one Paralegal Grade 3 ongoing from 2021-22
- The NOUS review recommended a 30% increase in grade 3, 4 and five prosecutors within 12 months. Nous' basis for concluding that FTE positions for prosecutors will need to increase by 30 per cent at a minimum, is unclear.
- The additional baseline FTE in 2021-22 will represent an increase of new prosecutors plus new executives of 17.4% on 2016 -2017 FTE levels (according to Agency Profile Table, DPP Annual Report 2016-17, p 49).

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- Additional FTE from 2018-19 through out-years is shown below:

Position Level	2018-19 FTE	2019-20 FTE	2020-21 FTE	2021-22 Total extra FTE
Executive / Crown Prosecutor			2	2
Prosecutor Gr 5		1	1	1
Prosecutor Gr 4	1	1	1	2
Prosecutor Gr 3	2	2	2	2
Para Legal Gr 4	1	1	1	1
Para Legal Gr 3	2	2	2	3
Admin Officer Gr 5		1	1	1
Total	6	8	10	12

2017-18 Budget:

- Recurrent: (\$3.028 million over four years):
 - three additional resources and other operational costs relating to retrial of Mr David Eastman and related proceedings (\$2.257 million) in 2017-18 only
 - one Prosecutor Grade 4 over four years (\$0.771 million).
- Full-time equivalent (FTE):
 - one Prosecutor Grade 1 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 3 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 4 in 2017-18 only (Eastman matter)
 - one Prosecutor Grade 4 over four years.

DPP Review:

- The Nous Group delivered its report on the DPP Strategic Review on 9 August 2017.
- The Report notes the DPP efficiently performs a wider range of functions relative to its equivalents in other jurisdictions. Nous believes growing pressures, both in culture and practice, will likely threaten the DPP's capacity to meet its workload in the near future.
- Noting demand projections, the Report makes five broad recommendations:
 - provide increased funding to the DPP immediately and in the mid to long-term
 - apply a unified resourcing justice strategy to the ACT justice system as a whole

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- directly appropriate funding to the DPP, rather than via the Justice and Community Safety Directorate appropriation
- allow paralegals to appear in simple applications in the Magistrates Court
- develop a more efficient platform to share information between courts, law enforcement, corrective services and the DPP.

Background Information

DPP Strategic Review

- Nous Group noted in its report that cultural pressures include growing numbers of complex and time-consuming cases (i.e. sexual assaults, appeals, confiscation of asset referrals), introduction of new pre-trial evidence and procedures and changing community expectations (i.e. employing special approaches for vulnerable witnesses).
- Structural pressures include the recent introduction of a fifth ACT Supreme Court Judge, additional financial staff for organised crime investigations by the Australian Federal Police and expansion of the Supreme Court, which will reduce trial listing periods to five weeks (down from an average of nine weeks) and provide two additional courtrooms for jury trials.
- On 16 October 2017, the DPP published its 2016-17 annual report. The Director's overview broadly outlined the Review's findings, including the cultural and structural pressures facing the ODPP. The DPP called for additional senior prosecutors to meet the trends of increasing workload on complex criminal matters. The DPP also emphasised his concern that the new Supreme Court facility will significantly increase the number of jury trials, and that the ODPP will be unable to meet this growth without a corresponding increase in funding.
- *The Canberra Times* reported on the DPP's comments in the annual report on 17 October 2017.

Previous budget increases:

- In the 2016-17 ACT Budget, the DPP received funding of \$1.363 million over four years through the Safer Families funding package to strengthen criminal justice responses to alleged perpetrators of family violence (three FTE in 2016-17 and 2017-18, 2.5 ongoing).
- The 2016-17 Budget provided \$2.325 million for a specific team in the DPP (3 FTE) to represent the office to progress the retrial of Mr David Eastman for the murder of Mr Colin Winchester and other related proceedings.

This funding follows previous years' supplementation to the DPP totalling \$1.7 million from 2012-13 to 2015-16 for the Eastman matter.

- In the 2014-15 Budget, the Government provided \$1.158 million over four years to establish a Work Safety Prosecutions Unit supported by 2 FTE, as well as \$0.027 million in one-off capital funding for fit-out and fixtures to accommodate the new unit

WorkSafe Prosecutions

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QUESTION TIME BRIEF

- The Industrial Court Magistrate, Chief Magistrate Lorraine Walker, criticised the prosecutions of several work safety matters. On 6 December 2016 and 14 July 2017, *The Canberra Times* reported comments made by the Chief Magistrate that were strongly critical of the DPP handling of workplace health and safety matters. She also expressed concern that resources in the DPP are generally not being provided for industrial court matters.
- On 8 November 2017, during annual report hearings the DPP answered a question about what could be done to increase the chances of success in industrial prosecutions. The DPP noted the question was difficult to answer concisely. He explained that industrial deaths are difficult to investigate and require a criminal standard of investigation from a very early stage. He also noted the need for ‘unimpeachably high quality’ expert reports.
- The DPP suggested that deaths on Canberra construction work sites be treated as criminal investigations. *The Canberra Times* reported on the DPP’s comments on the same day.

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Portfolio: Attorney-General

ISSUE: RESOURCING OF MAGISTRATES AND CORONER'S COURTS

Talking points:

Eighth Magistrate

- On 9 April I announced that the 2018-19 budget will provide an additional \$3.1 million over four years in funding to support the appointment of an eighth full time resident Magistrate.
- In addition, Legal Aid will receive an additional \$1.3 million and the Director of Public Prosecutions will be provided with \$987,000 for additional staff to support the increased capacity of the Magistrates Court.
- An eighth Magistrate means our courts can build on their excellent work from recent years, and also provide the resources it needs to meet increasing demand.
- I am confident that the appointment of an additional Magistrate, additional funding for Legal Aid and the DPP and recent amendments to justice legislation across the statute book will improve the efficiency of the justice system and the timeliness of proceedings in the Magistrates Court.

If asked about the recruitment of the 8th Magistrate -

- The Justice and Community Safety Directorate is currently undertaking recruitment of a new magistrate following the Government providing \$3.1million over four years for the appointment of an eighth magistrate.
- This process is being conducted in accordance with the requirements of the Magistrates Court (Magistrates Appointment Requirements) Determination 2009.
- Nominations have been sought from the local legal profession, including the Law Society and Bar Association, and community legal centres, and also from my counterparts interstate.

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- I understand that the Government may be in a position to announce the successful candidate in the second half of the year.

Dedicated full time ACT Forensic Pathologist

- The 2018-19 Budget also provides \$1.9 million for the recruitment of a resident full-time ACT Forensic Pathologist which will ensure efficient and dedicated provision of pathology services to support the Coroner's Court.
- This is partly offset by rollover from the current fee for service budget for a part time pathologist, and by revenue for non-complex autopsy work done on a contract, fee for service basis by the ACT Forensic Medical Centre for the Queanbeyan and Goulburn Coroners.
- The Government is confident this new capability will support the timely provision of manner and cause of death information to expedite the release of the deceased to their family and findings by the Coroner.

If asked about the Chief Magistrate's views

- I acknowledge the Chief Magistrate's view that further resources are needed for the Magistrates Court.
- As Attorney-General, I will continue to consider resourcing of the justice system as a whole, and to make sure that each component is working effectively to support an effective justice system in the ACT.

Special Magistrates

- The Government has also re-appointed two Special Magistrates to continue sitting within the Court as required until the end of 2018, working at a little over half an FTE each.
- Special Magistrates provide the Court with flexibility and adaptability in its listing practices and allow it to cope with unexpected absences.
- The eighth Magistrate combined with the re-appointment of the special Magistrates expands the Magistrates Court capacity from its current levels.

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Magistrates Court Initiatives

- I particularly want to thank the Magistrates, court staff and supporting prosecution and legal aid practitioners for their patience and professionalism in providing the Canberra community with outstanding service.
- I acknowledge it has been a challenging period with the Court redevelopment, registry process overhaul and implementation of the Integrated Case Management System.
- I acknowledge that these important initiatives have placed additional pressure on the work of Court staff and practitioners.
- I am confident that these initiatives will deliver support for the Bench and staff to undertake their vital work while increasing the efficiency of the Court as a whole.
- The sustained investment by the ACT Government in this transformational work demonstrates our commitment to deliver an accessible, fair and efficient justice system.
- The Government is committed to working with the Chief Magistrate, Chief Justice and Courts and Tribunal administration staff to leverage efficient block and over-listing practices.

Dedicated Coroner

- It is important to recognise that decisions about organisation of the Magistrates and Coroner's Court, and how many resources are provided for coronial hearings are ultimately a matter for the Chief Magistrate.
- I am pleased that the Chief Magistrate has indicated that she will consider utilising the additional judicial resource to dedicate one magistrate to coronial work part time ('Chief Magistrate says eighth magistrate 'not enough', Canberra Times, 10 April 2018).
- The Government is conscious of the benefits that could come from building specialist coronial expertise among the Magistrates who all hold an active coronial case load.
- Benefits would include increased public awareness of the role and public significance of the coronial jurisdiction and improved co-ordination and

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collaboration across government in resolving inquiries and inquests and implementing recommendations.

- I am pleased that a number of procedural and policy changes across the Magistrates and Coroner’s jurisdiction have seen efficiency improvements.
- For example, in the coroner’s jurisdiction more post-mortems are being conducted by CT-scan external examination, more matters are being finalised in-chambers without hearing, delegation of fire inquiry work to the Deputy Coroner continues to be efficient, and the Legal Manager is routinely providing in-house Counsel Assisting services where appropriate, rather than briefing external Counsel.
- The availability of a resident full time forensic pathologist will also support more timely post-mortem and autopsy investigations which will mean that the deceased will be able to be released to their loved ones sooner, and the Coroner will be better supported in investigating the manner and cause of death.
- The *Courts and Other Justice Legislation Amendment Act 2018*, which was passed in the Assembly in the March sittings, will support non-invasive finalisation of cases by making processes for conduct of ancillary examinations, establishing coronial investigation scenes and provision of medical records more flexible.
- That Act also made changes to streamline jury processes and enforcement of ACT Civil and Administrative Tribunal orders in the Magistrates Court.

Key Information

- The criminal jurisdiction of the Magistrates Court has struggled to meet demand with a 15 per cent increase in lodgements leading to a 23 percent increase in pending matters and 15 per cent increase in cases pending for more than 12 months (excluding failure to vote charges resulting from the 2016 ACT election).
- There was a very slight increase in coronial cases lodged to 299 from 292 in 2015/16, but the Government’s suite of legislative reforms in 2014 continues to mean this is much lower than the more than 1100 cases lodged in 2013/14 and 2012/13.

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- The workload of the Coroner's Court can fluctuate depending on the circumstances of particular cases. For example the Court received two uncommon notices relating to deaths in the Jervis Bay and Australian Antarctic Territories that it will deal with by agreement with the Commonwealth Government.
- Just as workload can fluctuate, some complex or sensitive cases take longer to hear and resolve. In 2016-17 the median number of days to finalise a case was 94, up from 75, which exceeded the target of 85 days. This was in part due to a number of long and complex coronial matters being finalised.

Background Information

- The Chief Coroner considers that the appointment of an additional full-time Magistrate would go some way towards providing her with the flexibility to use judicial resources for coronial matters as appropriate.
- Having an additional Coroner would improve efficiency and timeliness, coordination and oversight of those matters, and would contribute to the development of specific coronial expertise.
- You have asked the Justice and Community Safety Directorate to explore options to improve the support provided to the operations of the Coroner's Court, in particular, to better focus on and meet the needs of families affected by a death subject to an inquiry.
- The Justice and Community Safety Directorate recently met with family representatives in relation to a number of complex cases where the timeliness of the Coronial process, transparency of case progress and communication with families could have been better.
- There are a range of supports and networks across government for those affected by the sudden and unexpected death of a loved one, including the ACT Coronial Counselling Service which is available to bereaved families, friends and community members. The service is provided by ACT Health and Relationships Australia and is designed to provide free support and counselling to anyone affected by a death being investigated by the ACT Coroners Court.

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Portfolio: Attorney-General**ISSUE: REFORMS TO THE OPERATION OF THE CORONERS COURT****Talking points:**Budget Announcement

- The Government is focused on improving the coronial system to ensure that cases are finalised as quickly and as sensitively as possible and that the benefits to the community of coronial recommendations for public health and safety improvements are realised effectively.
- The 2018-19 Budget provides \$1.9 million for the recruitment of a resident full-time ACT Forensic Pathologist which will ensure efficient and dedicated provision of pathology services to support the Coroner's Court.
- The Government is confident this new capability will support the timely provision of manner and cause of death information to expedite the release of the deceased to their family and findings by the Coroner.
- The Government recently announced the 2018-19 budget will provide \$3.1 million in funding over the next four years to appoint an eighth full time resident magistrate.
- I am pleased that the Chief Magistrate has indicated that she will consider utilising the additional judicial resource to dedicate one magistrate to coronial work part time.

Improvements to support families

- The Government is examining options for supporting the operation of the Coroner's court through administrative and legislative reforms.
- The Government is also continuing to consider reforms to better deliver the justice needs of families, affected people and the community through the coronial process.
- As part of this consideration, the Government is working with families to make sure that any reforms to coronial processes support the needs of people affected by a death.

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- In October 2017, I met with families of three young men whose deaths have been subject of extensively delayed coronial inquests.
- This group of family representatives has been advocating for reforms to the coronial process including changes to address lengthy delays throughout all stages of the coronial inquest, and to improve communications with family members about the progress of inquests, Government responses and actions taken to address recommendations.
- After hearing the experiences of these family members I have asked the Justice and Community Safety Directorate to explore options to improve the support provided to the operations of the Coroner's Court, in particular, to better focus on and meet the needs of families affected by a death subject to an inquiry.
- Officers from the Justice and Community Safety Directorate met with the families to discuss potential legislative reforms on 21 March 2018.
- I anticipate that the process of consulting with stakeholders to consider and develop reforms, including legislative amendments, will begin in the coming months.

Background Information – may not be suitable for public disclosure

- The Chief Coroner considers that the appointment of an additional full-time magistrate would go some way towards providing her with the flexibility to use judicial resources for coronial matters as appropriate.

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Portfolio: Attorney-General**ISSUE: JUDICIAL APPOINTMENTS PROCESS****Talking points:**

- I am aware that the Bar Association has called for greater consultation with the local legal profession in the making of judicial appointments.
- The ACT Government recognises the importance of, and adheres to, a transparent process for selecting judicial officers.
- The process and criteria for selecting a new judge are set out in the *Supreme Court (Resident Judges Appointment Requirements) Determination 2015 (No 1)* which is available online.
- The ACT's legislative framework ensures a transparent, merit-based selection process for judges. The Government advertises judicial positions publicly and evaluates applications according to clear selection criteria.
- The ACT Government recognises the importance of views of the local legal profession, and seeks nominations from the ACT Law Society and the ACT Bar Association each time a judicial selection process is conducted.
- Evaluation of applicants is conducted independently and the Government is required to choose appointments based on the published selection criteria.
- The Government values the input of the local profession and will continue to engage with them in the context of the statutory framework.

If asked about the recruitment of the 8th Magistrate -

- The Justice and Community Safety Directorate is currently undertaking recruitment of a new magistrate following the Government providing \$3.1million over four years for the appointment of an eighth magistrate.
- This process is being conducted in accordance with the requirements of the Magistrates Court (Magistrates Appointment Requirements) Determination 2009.

Cleared as complete and accurate: 21/06/2018
Cleared by: Executive Director Ext: 70522
Information Officer name: Tamsyn Harvey
Contact Officer name: Alex Jorgensen Ext:70534
Lead Directorate: Justice and Community Safety

- Nominations have been sought from the local legal profession, including the Law Society and Bar Association, and community legal centres, and also from my counterparts interstate.
- I understand that the Government may be in a position to announce the successful candidate in the second half of this year.

Key Information

- Selection processes and criteria for Judges, Magistrates and Special Magistrates, and Presidential Members of the ACT Civil and Administrative Tribunal are all set out online.
- Selection criteria for the judiciary include intellectual capacity, personal qualities, an ability to understand and deal fairly, efficiency and authority, communication, leadership and management skills.
- Before any appointment to the Supreme Court is recommended the Attorney-General must consult the current Chief Justice about possible appointees (other than for the Chief Justice).
- For temporary appointments or re-appointments there are more flexible provisions which support the continuity of services provided to the ACT community, but the experience, skills and qualifications of candidates are paramount considerations.

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- This includes, for example, measures to support vulnerable witnesses to give evidence in a way which protects against re-traumatising them.
- On 22 March 2018, I opened a consultation process to seek stakeholder views on further reforms to respond to the Royal Commission's criminal justice recommendations.
- That consultation process closed on 4 May 2018, and the ACT Government is currently considering the responses to the consultation.
- The major reforms the Government sought feedback on concern new legislation for failing to report offences, failing to protect at-risk children, the way victims and witnesses provide their evidence, and changes to trial and sentencing procedures for child sexual abuse offences.
- The Royal Commission's recommendations around abuse disclosed in the context of religious confessions form an important part of the Report.
- The question of how to treat religious confession is currently part of a national conversation.
- The consideration of confession is an important one and a discussion which must be had with community and religious leaders.
- The Government will continue to work with stakeholders and the ACT community as we progress the implementation of the ACT Government's Response.

Key Information

Criminal justice reforms

- The Government's full response to the Royal Commission's recommendations was released on 15 June 2018. It is publicly available at <https://www.act.gov.au/childabuseroyalcommission> . All states and territories are currently releasing their responses to the Royal Commission's recommendations.
- A consultation process in relation to criminal justice reforms arising from the Royal Commission was opened on 22 March 2018 and closed on 4 May 2018. The consultation process was supported by a series of factsheets and information available on the ACT Government's YourSay website and the Justice and Community Safety Directorate website.

Cleared as complete and accurate: 21/06/2018
Cleared by: Deputy Executive Director Ext: 76244
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Contact Officer name: Katherine Reimers Ext: 52396
Lead Directorate: Justice and Community Safety

QUESTION TIME BRIEF

- The Justice and Community Safety Directorate has been consulting directly with a range of key stakeholders in the justice system and more broadly to inform the Government's approach to legislative reform in this space. This includes consultation with the Sexual Assault Reform Program (SARP) Reference Group.
- Legislative reforms will be progressed later in 2018 and in 2019 to implement further recommendations made by the Royal Commission.
- Implementing the recommendations relating to creating a failure to report offence and the extension of this to religious confessions has been a contentious topic in the ACT since legislation was introduced to expand the ACT's Reportable Conduct Scheme to religious confessions. It is also a contentious issue at a national level, and discussions with community and religious leaders, particularly the Catholic Church, are ongoing.

Cleared as complete and accurate: 21/06/2018
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Lead Directorate: Justice and Community
Safety

Portfolio: Attorney-General**ISSUE: COMMONWEALTH REDRESS SCHEME FOR SURVIVORS OF INSTITUTIONAL SEXUAL ABUSE****Talking points:**

- The ACT Government acknowledges the nature and impact of the abuse suffered by victims of child sex sexual abuse. Many survivors of child sexual abuse suffer long lasting and severe injuries that can affect them for the rest of their lives.
- All jurisdictions have now announced they will join the Redress scheme.
- The ACT was one of the first jurisdictions to sign up to the Intergovernmental Agreement, another significant step forward to the commencement of the Redress Scheme.
- In addition, a number of non-government institutions have announced their participation in the scheme. The Commonwealth has indicated this will achieve coverage of over 90 per cent of anticipated claimants.
- The Redress Scheme will start on 1 July 2018, and will offer access to psychological counselling, a direct personal response from the responsible institution and a monetary payment of up to \$150,000.
- Survivors will be able to access legal and community support services to assist through the redress application process.
- The Commonwealth has established a dedicated telephone helpline and website to provide information for survivors and their families about the Scheme.
- The ACT Government is working closely with the Commonwealth and other jurisdictions to continue progressing the Redress scheme in a manner that ensures that it meets the needs of survivors.
- It is estimated that there will be 225 applications with ACT Government liability out of an estimated total of 830 across the ACT over the 10 years of the scheme. The Commonwealth will be responsible for claims pre self-government (11 May 1989) and non-government institutions will be liable for the balance.

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Lead Directorate: Justice and Community Safety

Key Information

- The Redress Scheme will commence 1 July 2018.
- The Redress Scheme will include psychological counselling, a direct personal response and payments for up to \$150,000.
- The ACT, NSW, Queensland, Northern Territory, Victoria, South Australia, Tasmania, Western Australia and the Commonwealth have publically announced they will join the Redress scheme.
- The Catholic Church, Scouts Australia, the YMCA, the Salvation Army, the Uniting Church and the Anglican Church have announced they will participate in the Scheme.
- The ACT, Commonwealth, Victorian and New Wales Governments have signed the Intergovernmental Agreement.

Background Information

The Redress Scheme will begin operating on 1 July 2018. Through the scheme survivors can access counselling and psychological services, a direct personal response from the institution where the abuse occurred and monetary payments of up to \$150,000.

New South Wales and Victoria have passed their respective referral Bills: *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 (Vic) and (NSW)*

The Commonwealth legislation was passed by the Parliament on 19 June 2018.

The 2019-20 Budget provides \$13.979 over 4 years for the Redress Scheme.

Meetings have taken place between the jurisdictions that have opted in and the Commonwealth, to progress the operational aspects of the scheme.

The ACT has formed a whole of government Redress Implementation group to progress the operational aspects of Redress for a 1 July commencement.

The average payment of Redress is estimated at \$76,350.

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Lead Directorate:	Justice and Community Safety	

Portfolio: Attorney-General**ISSUE: RESIDENTIAL TENANCIES****Talking points:**Progress on residential tenancy reforms

- Ensuring that our residential tenancies legislation supports vulnerable people to be secure in their homes is a key Government priority.
- The Deputy Chief Minister is currently leading the development of a new Housing Strategy for the ACT. Its focus will be on assisting those who need help most.
- Improving the operation of the Residential Tenancies Act forms part of this work.
- The legislation introduced on 10 May 2018 and passed on 5 June 2018 is just one piece in the Government's ongoing commitment to reform Residential Tenancy laws in the ACT.
- That amending legislation addresses the self-executing component of conditional termination and possession orders. It also suspends the use of commercial guarantees as an alternative to a rental bond, to provide further opportunity to consider the legal policy implications and conduct further stakeholder consultation.
- Further, the government has been working with stakeholders to develop amendments to the occupancy agreement provisions in the Residential Tenancies Act.
- Three groups – established in 2017 – have been examining issues around caravan parks and mobile homes, issues facing students in on and off campus accommodation, and a boarding house and crisis accommodation group is examining issues relating to this sector.
- I expect to introduce amendments addressing these issues later this year.
- The working groups are made up of key stakeholders including advocacy groups, people living in occupancy agreement accommodation and providers of occupancy agreement accommodation.

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- Further, the government is actively considering all recommendations in the review of the Residential Tenancies Act along with the residential tenancy reforms announced in Victoria in October 2017.

Victorian reforms - Keeping pets in rental properties

- I am aware the Victorian Government has announced plans to amend the Victorian Residential Tenancies Act to make it easier for tenants to keep pets in rental properties.
- I understand that tenants in Victoria will be given the right to keep pets if they obtain the landlord's written consent, and that landlords will not be able to unreasonably refuse. I look forward to seeing this legislation when it is introduced.
- In the ACT, it is up to individual landlords to decide whether a tenant may have pets in a rental property. The standard residential tenancy terms do not refer to keeping pets in rental properties. However, on 29 April 2009 the ACT Civil and Administrative Tribunal (ACAT) issued a Practice Direction stating that due to the right of exclusive possession, tenants have an implied right to keep pets unless otherwise stated in the lease. It is therefore the obligation of Landlords to put in a specific clause to prohibit pets, or restrict the type and number of pets.

Victorian reforms – other proposals

- The Victorian Government proposes to cap bonds at one month's rent where the rent is twice the current median weekly rent.
- In the ACT, the Residential Tenancies Act already provides that a landlord may only require or accept a maximum bond of four weeks' rent in all circumstances.
- The Victorian Government has announced proposed changes to the bond release process, including a 14 day automatic bond release process if there is no dispute.
- In the ACT, amendments were made to the bond release process in 2016 following the review of the *Residential Tenancies Act 1997*. These amendments modified the mechanism for releasing the bond money to allow an early opportunity to resolve any dispute before an application is made for release of the bond.

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Lead Directorate: Justice and Community
Safety

There is a positive obligation on the landlord to give the tenant an application for payment of the bond money out of the trust account within three working days after the termination of the residential tenancy. If the landlord wishes to make a deduction from the bond, the landlord must include in the form the reason for the deduction.

- The ACT Government is monitoring developments in other Australian jurisdictions, including Victoria. While Victorian residential tenancy law does not currently expressly prohibit rental bidding, the Victorian Government has stated it will introduce legislative amendments to restrict the practice.
- Other reforms proposed by the Victorian Government include abolishing 'no specified reason' notices to vacate, making it easier for tenants to make minor modifications to a property and creating a landlord and real estate agent blacklist. The Justice and Community Safety Directorate (JACS) will consider these reforms as part of the second tranche of the review of the Residential Tenancies Act.

Key Information

Issues raised by Caroline Le Couteur MLA

- In a media release dated Thursday 10 May 2018, Caroline Le Couteur MLA of the ACT Greens expressed concern that the second tranche recommendations in the 2016 review of the *Residential Tenancies Act 1997* had not yet been implemented.
- Ms Le Couteur referred to the following recommendations from the report:
 - reducing the maximum rent payable in advance to two weeks, instead of the current four weeks, consistent with NSW;
 - allowing tenants to give 14 days notice to leave a rental property if they have been offered social housing;
 - giving tenants the power to terminate a lease if the terms are inconsistent with the RTA;
 - placing greater focus on sustainability and energy efficiency;
 - implementing minimum standards for safety and security.

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Victorian proposals

Victoria announced a number of reforms to residential tenancies law in October 2017. Legislation has not yet been introduced.

The proposals include:

- residential properties Victoria will be given the right to keep pets if they obtain the landlord's written consent, and that landlords will not be able to unreasonably refuse
- cap bonds at one month's rent where the rent is twice the current median weekly rent
- abolishing 'no specified reason' notices to vacate
- making it easier for tenants to make minor modifications to a property
- creating a landlord and real estate agent blacklist.

Background Information

- EPSD have policy carriage of examining energy efficiency in rental properties. They have advised that the work is scheduled for a second tranche of reforms.
- The report on the review of the Residential Tenancies Act was tabled in the June 2016 Legislative Assembly sittings.
- The report included first and second tranche recommendations.
- The Residential Tenancies Legislation Amendment Act 2016 gave effect to the first tranche recommendations, including:
 - requirements for smoke alarms
 - changes to bond release provisions
 - mechanisms allowing a person experiencing personal or domestic violence to apply to ACAT for changes to their tenancy arrangements.
- Second tranche recommendations include giving further consideration to the following issues:
 - conditional termination and possession orders (CTPOs)
 - occupancy agreements
 - share house tenancies and subletting
 - early termination of a fixed term lease by a tenant who has accepted accommodation in social housing premises or aged care
 - reducing the maximum rent payable in advance to two weeks
 - ACAT issuing notices about additional inconsistent terms
 - tenant termination of a lease containing unlawful inconsistent terms

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Lead Directorate: Justice and Community
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- removing or modifying the requirement for a ‘detriment to the lessor’s interest in the premises’ when terminating a lease on the grounds that a tenant has used the premises for illegal purposes
- minimum standards for reasonable security.

Occupancy Agreements

- Occupancy agreements cover a wide variety of different living arrangements for either short or long term accommodation, including boarding houses, student accommodation and residential home parks.
- The review of the Residential Tenancies Act in 2016 found that issues with occupancy agreements were complex and affect a diverse range of stakeholders.
- These issues included: a lack of awareness for parties to an occupancy agreement about their rights and responsibilities; collection of bonds which are not required to be lodged with the Office of Rental Bonds; termination of the occupancy and eviction from premises; application of occupancy agreements to community housing residents; and a grantor’s rights of entry to occupied areas.
- Given the complexity, the 2016 review of the Residential Tenancies Act recommended the Government consider establishing a working group to consider the issues relating to occupancy agreements and develop recommendations.

The working group would be asked to consider the development of standard occupancy terms, with particular emphasis on providing occupants with protections similar to those enjoyed by tenants as far as possible while retaining flexibility.

- On 19 July 2017, JACS hosted an occupancy agreements discussion forum with independent facilitator Design Managers Australia.
- During the forum, key stakeholders identified important issues relating to occupancy agreements. Forum attendees included grantors and occupants of different kinds of occupancy accommodation, advocacy groups and representatives of associations for students and occupants of residential parks. Based on the discussions in the forum JACS established working groups focussing on different types of occupancy accommodation.
- The following working groups will provide advice and help develop recommendations for Government:
 - a caravan park group that will look at short term solutions that can assist residents and also consider whether caravan parks should be regulated separately
 - a student group that will look at issues facing students in both on and off campus accommodation as long as the agreement could be characterised as an occupancy agreement and
 - a boarding house and crisis accommodation group that will look at whether a standard agreement term is needed, how to work with the ACT and Commonwealth obligations for the providers in this group, and whether further regulation is needed.
- The working groups last met in March 2018.

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Conditional termination and possession orders (CTPOs)

- The report on the review of the Residential Tenancies Act recommended that consideration be given to amending the CTPO provisions.
- CTPOs can be ordered by ACAT in situations where the tenant has failed to pay rent. Instead of making a termination and possession order to terminate the tenancy, ACAT may make a CTPO to give the tenant a further opportunity to address rental arrears. If the tenant fails to comply with the CTPO, the tenancy automatically terminates at a stated time after any rent becomes payable and is not paid.
- Automatic termination occurs even in circumstances where rent was paid late for reasons outside the control of the tenant, such as Centrelink processing delays.
- Automatic termination occurs even if the lessor does not want the tenancy to end.
- During the review, key stakeholders expressed concern about the automatic termination and its impact on vulnerable social housing tenants.
- The Government passed amendments to the Residential Tenancies Act on 5 June 2018 to resolve these issues (the Residential Tenancies Amendment Act 2018). These amendments:
 - replace the CTPO provisions with a new concept of a payment order
 - provide that there is no self-executing component of the new payment order provisions so that a breached order will not automatically end a tenancy
 - give the lessor the right to apply for a termination and possession order and a warrant for eviction within 60 days if a breach of a payment order occurs
 - provide that if the lessor does not pursue a breach of a payment order within 60 days of the breach occurring, the tenancy continues and the debt remains with the tenancy, with this rule applying to further breaches of the payment order, and
 - automatically deem CTPOs in force immediately before the commencement day to be payment orders.

Commercial Guarantees

- The Residential Tenancies Act allows a lessor to accept a guarantee or indemnity instead of a bond
- This is a promise to pay the lessor for damages that occur during a tenancy. The guarantee or indemnity is only enforceable to the maximum amount a bond would have been.
- The Residential Tenancies Act was amended in 2017 to improve consumer protections for tenants and lessors who enter into a commercial guarantee or indemnity contract.
- A Lessor can only accept a commercial guarantee if the standard guarantee contract is registered.
- The provider of commercial guarantee must apply to the Commissioner for Fair Trading for registration. The registration process is prescribed by regulation. The regulation prescribing this process commenced on 7 May 2018.

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QUESTION TIME BRIEF

- Commencement of the provisions relating to registration were delayed to allow the Government time to consider the implications of commercial guarantee products, including consumer protection issues. These provisions commenced operation on 7 May 2018.
- The Residential Tenancies Amendment Act 2018 introduced the following amendments to the commercial guarantee provisions:
 - The Bill extends the delay on the use of commercial guarantees as an alternative to a rental bond to give the Government further opportunity to consider the legal policy implications and conduct further stakeholder consultation
 - The Bill proposes amendments to the Act to provide that a person may only apply to the Commissioner for Fair Trading to register a standard guarantee contract for a commercial guarantee on or after a day declared by the Minister.
 - Any applications for registration of a standard guarantee contract made before this time that have not been decided by the Commissioner or have been refused by the Commissioner are deemed not to have been made. If any contracts have been registered before this date, the registration is deemed to have ended.
 - Any guarantees entered into before the legislation commences will continue to be in force.

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Safety

Portfolio: Attorney-General**ISSUE: CRIMINAL GANGS**

Outlaw Motorcycle Gangs (OMCGs) are involved in criminal activities across Australia such as drug production and trafficking, vehicle rebirthing, firearms offences, money laundering, extortion and serious assaults.

TALKING POINTS

- The ACT Government is strongly committed to responding to the criminal activities of OMCGs.
- ACT Policing has established an OMCG Taskforce – Taskforce Nemesis – to focus on operational and investigative responses to OMCG activity.
- The Taskforce is supported by a suite of criminal laws developed by the ACT Government over a number of years, and continued investment to ensure that ACT Policing has the resources it needs to combat criminal gangs in the ACT.

Fortification removal laws

- Fortifications are structures designed to stop or hinder uninvited entry to premises.
- The *Crimes (Fortification Removal) Amendment Bill 2017* commenced in March 2018.
- The Bill provides the Chief Police Officer with the power to apply to the Magistrates Court for an order that the occupier of the premises remove fortifications on the premises. The Bill also prohibits the establishment of fortifications on certain premises.
- These laws will help make the ACT a hostile environment for criminal gangs to prevent the establishment of fortified premises such as OMCG club houses.

Crime scene powers and drive-by shootings

- The *Crimes (Police Powers and Firearms Offence) Amendment Act 2017* commenced on 8 December 2017.

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Cleared by: Deputy Executive Director
Information Officer name: Tamsyn Harvey
Contact Officer name: Chantel Potter
Lead Directorate: Justice and Community Safety

- The Act introduced statutory crime scene powers to allow police officers to preserve evidence in a timely manner at crime scenes in both public and private places while taking the least restrictive approach to limiting a person's right to privacy.
- The Act also created a new offence of 'drive by shooting' which deals with people shooting at a building, including a home, whether from a car or otherwise. The offence is punishable by a maximum of 10 years imprisonment.
- These new laws have already been used by ACT Policing to support its work to combat criminal groups in the ACT.

Background

At the most recent meeting of the Council of Attorneys-General held on 8 June 2018, participants agreed that organised crime is a serious and pervasive threat to the community. In recognition of this, participants agreed to have regard to the statement of guiding principles when developing legislative responses to combat organised crime.

ACT Policing has identified three OMCGs that operate in the ACT (the Rebels, the Nomads and the Comancheros).

The ACT Government remains strongly committed to embracing practical legislative measures to address serious and organized crime in order to keep Canberra a safe and secure community.

Private Members Bill – Crimes (Criminal Organisation Control) Bill 2017

- On 1 November 2017 the Shadow Attorney-General, Mr Jeremy Hanson MLA CSC, introduced the Bill in the Legislative Assembly. The Bill proposed the introduction of criminal organisation laws in the ACT. The Bill was debated in the same month but was not supported by the ACT Government.
- The Bill was based on NSW criminal organisation laws, however was less restrictive of human rights.
- To make a control order, the Bill required the court to be satisfied that it would be reasonably necessary to restrict, or impose conditions on the activities of a person in order to end, prevent or reduce a serious threat to public safety and order.
- There are significant human rights implications associated with criminal organisation laws and to date the ACT has not supported their introduction.

Cleared as complete and accurate:	20/06/2018
Cleared by:	Deputy Executive Director
Information Officer name:	Tamsyn Harvey
Contact Officer name:	Chantel Potter
Lead Directorate:	Justice and Community Safety

Portfolio: Minister for Police & Emergency Services

Attorney General

ISSUE: OUTLAW MOTOR CYCLE GANGS – TASKFORCE NEMESIS

Talking Points:

- Canberra remains a very safe city, and although we are not immune to the presence of criminal gangs, police actively monitor their activities.
- ACT Policing continues to actively target the criminal activities of criminal gangs through Taskforce Nemesis.
- In August 2016, the ACT Government provided \$6.4 million over four years to ACT Policing for the expansion of Taskforce Nemesis.
- ACT Policing has a focus on countering organised crime by criminal gang members, which remains a primary focus for ACT Policing.
- The criminal gang environment can be highly dynamic, with individual members and even chapters changing allegiances at short notice.

What are police doing about criminal gangs in the ACT?

- Taskforce Nemesis was established in 2014 and has delivered significant operational results and continues to play a key role in ACT Policing's response to criminal gangs, through successful prosecutions, seizures of firearms and weapons, explosives, cash and illicit drugs.
- Targeting criminals associated with criminal gangs is a priority for ACT Policing.
- Taskforce Nemesis is a dedicated ACT Policing team focused on targeting, disrupting and apprehending those members of criminal gangs involved in criminal activities.
- Taskforce Nemesis works closely with counterpart Australian Gang Taskforces, as part of the national Operation Morpheus established by the Serious and Organised Crime Coordination Committee, and is supported by the National Anti-Gangs Squad.

Cleared as complete and accurate: 02/05/2018
Cleared by: DCPO-C
Information Officer name:
Contact Officer name: ACT Policing
Lead Directorate: Justice and Community
Safety

- As part of a National Day of Action on Outlaw Motorcycle Gangs (OMCGs) in March, detectives from Taskforce Nemesis executed 10 search warrants on residences across the ACT.
- Police seized 12 firearms along with associated ammunition, \$57,000 in Australian currency and small amounts of illicit drugs including cocaine, methamphetamine and cannabis.

Is a new criminal gang being established in the ACT?

- As at 19 April 2018, the advice to my office from ACT Policing is that there have been no new OMCG chapters established in the ACT since 2016.
- ACT Policing works closely with police in other jurisdictions to share intelligence and work together to disrupt these criminal gangs.

How many Outlaw Motorcycle Gangs have established chapters in the ACT?

- ACT Policing has advised my office that there are three known OMCGs with chapters currently established in the ACT:
 - 1) Rebels
 - 2) Comanchero
 - 3) Nomads

Does the Chifley shooting (in March 2018) involve criminal gang members?

- ACT Policing's Taskforce Nemesis detectives are investigating the shooting in Chifley on 19 March 2018. At this time, police believe the incident is related to criminal gangs.
- This is an ongoing investigation and it would not be appropriate to make any further comment as to the identification of suspects or the involvement of any of the seized firearms in any criminal activity.

Is this the result of a feud? Which criminal gang is involved?

- This will form part of ACT Policing's ongoing investigation.

Cleared as complete and accurate: 02/05/2018
Cleared by: DCPO-C
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Lead Directorate: Justice and Community
Safety

Do police know what the motive is for this latest shooting?

- That will form part of ACT Policing's enquiries.

Does this latest shooting have anything to do with the previous incidents involving criminal gangs?

- That will form part of ACT Policing's investigations.

Cleared as complete and accurate: 02/05/2018
Cleared by: DCPO-C
Information Officer name:
Contact Officer name: ACT Policing
Lead Directorate: Justice and Community
Safety

Portfolio: Chief Minister

ISSUE: Costing of Questions on Notice**Talking points:**

- The government recognises the vital role that Questions on Notice (QoN) play in the functioning of the Legislative Assembly. We must also acknowledge that, in some cases, QoNs can require significant resources to respond to and may impact delivery of services to the community.
- To transparently communicate the level of resourcing needed to respond to each QoN, each response will now include details of the time taken and approximate cost to prepare the response.
- This will also support an understanding of why, on rare occasions, some questions may not be answered due to the unreasonable diversion of resources needed to prepare a response.

Key Information

- This practise began with Questions on Notice Paper No. 16 (23 February 2018).
- Times reflect the total time taken to prepare and provide each response. Where applicable, this includes time spent by administrative support staff to identify and coordinate input from other business units, as well as time taken during review and clearance processes.
- Costings are approximate and are based on the the hourly rates corresponding to the classification/level of the particular staff members involved in preparing each response.
- Times and costings are calculated using a standardised whole of government tool that is compelled for each QON. Aside from time taken to prepare the original tool there is no additional time or cost required to calculate or include times or costings with responses to QONs.
- Guidance on how directorates should handle QONs that they believe will have an impact on their ability to deliver services for the community is published openly on the CMTEDD website.

Cleared as complete and accurate: 01/05/2018
Cleared by: Executive Director Ext: 50230
Contact Officer Name: Sam Engele Ext: 50230
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref:

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Background Information – may not be suitable for public disclosure

- The volume of QONs taken during the Ninth Assembly has increased significantly compared to previous Assemblies. More QONs were received during the first 11 months of the Ninth Assembly than during the entirety of the Eight Assembly. The average number of separate questions within each QON has also increased.
- Of the 59 QONs from QON Paper 15 that were answered, the median time required to respond was 3.5 person-hours. Weighted by staff classification, this equated to a median cost of approximately \$329 per question.
- One in seven questions from NP15 required more than 10 person-hours to answer. The most resource intensive question required 55 person-hours. In two instances a Minister decided not to answer a QON due to the diversion of resources that would be required. JACSD estimated that responding to those two QONs would have required 300 person-hours each.

Cleared as complete and accurate: 01/05/2018
Cleared by: Executive Director Ext: 50230
Contact Officer Name: Sam Engele Ext: 50230
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref:

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Prevention of Domestic & Family Violence

ISSUE: Whole of Government Response to Family Safety (incl. progress on commitments)**Talking points:*****Graham Dillon court case (death of Bradyn Dillon)***

- The recent court proceedings are a reminder of this tragic event. I know some people have again experienced trauma as a result of the reports and none of us can imagine the pain being felt by Bradyn's family.
- The circumstances of Bradyn's death are incredibly tragic and the ACT Government has worked to do everything possible across government and community services to ensure it cannot happen again.
- While it is not appropriate to comment on the specifics of the case, I will unequivocally say that preventing domestic and family violence, including sexual assault, is, and continues to be, a high priority for the ACT Government.

Key Information***ACT Government Response***

- \$23.5m in funding was included in the 2017-18 ACT Budget. This amount built on the 2016-17 Safer Families Budget package to provide a cohesive, whole of government response to family violence.
- A comprehensive report was included in Appendix J of Budget Paper 3 for the 2017-18 financial year and can be accessed online at <https://apps.treasury.act.gov.au/budget/budget-2017-2018/budget-papers>
- The Office of the Coordinator-General is leading the work on key whole of government commitments, including:
 - the co-design of the Family Safety Hub;
 - the development of a consistent approach to frontline worker training;
 - improving information sharing; and
 - building risk assessment capability.

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Family Safety Hub co-design process

- The proposal for a Family Safety Hub for the ACT was a signature initiative under the ACT Government Response to Family Violence.
- The co-design principles are:
 - Be directly informed by the experiences of people affected by domestic and family violence and the frontline staff working to support them.
 - Give priority to groups of people who are most vulnerable to domestic and family violence and those who are hardest to reach with existing services.
 - Focus on improving the early intervention, pre crisis and non-justice responses to domestic and family violence.
 - Explore how existing services and government investment can be better integrated to meet the needs of people affected by domestic and family violence.
 - Recognise that those affected by domestic and family violence will seek help through services they trust, and those trusted services need to be central to an integrated response.
- The co-design process will begin with an in depth understanding of the direct user experience for the following vulnerable groups: Aboriginal and Torres Strait Islander women and families, Culturally and Linguistically Diverse women, women with disability, LGBTIQ people and adult male children with lived experience of family violence.

Front-line training

- Family and domestic violence training for frontline workers was identified as a gap in the three ACT family violence reports with \$770,000 allocated to fund the provision of training to frontline workers.
- The Coordinator-General for Family Safety is leading work across directorates to design a common approach for training of frontline workers that is sufficiently flexible to meet the diverse needs across Government.

Information sharing

- On 8 September 2016, the then Attorney-General Simon Corbell released an issues paper on Information Sharing to Improve the Response to Family Violence in the ACT. The issues paper outlines the current information sharing arrangements in the ACT, and explores the privacy issues facing the family violence sector.
- The Coordinator-General for Family Safety led an extensive community consultation process until 16 December 2016, including hosting four information sessions.
- A clear message from the consultations is that a change in culture and practice in is at least as important as improving the legislative framework.

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- The outcome from the consultations will inform future work across Directorates.

Risk assessment capability

- The Safer Families package funded \$50,000 in 2016-17 to support the development of a common risk assessment capability.
- Work on the development of the risk assessment tool has primarily focused on researching Australian and International best practice. Research indicates that one tool is unlikely to meet the diverse needs of families in the ACT.
- Core risk assessment capability will be developed and incorporated through the co-design of the Family Safety Hub.

Child and Youth Protection – Reviewable Decisions

- The Government committed to undertaking a review of what decisions made by Child and Youth Protection Services (CYPS) should be subject to either internal or external merits review (Government response commitment 5.5).
- A working group has been established with members from the Justice and Community Safety Directorate and the Community Services Directorate. The group first met in December 2016.
- The working group is chaired by the Executive Director of Legislation, Policy and Programs and includes the Coordinator-General for Family Safety in the Justice and Community Safety Directorate.
- The working group is exploring decisions made by CYPS under the *Children and Young People Act 2008* to identify those that could most appropriately be reviewed, while recognising the need for prompt resolution of disputes around care and protection matters to protect the interests of children and young people.
- The working group is also looking at other possible reforms and supports around decisions made by CYPS.

Commitments generally

- The Government has made great progress on other key commitments:
 - Rolled out funding to front-line services including the Domestic Violence Crisis Service, Canberra Rape Crisis Centre, Beryl Women’s Refuge, Doris Women’s Service, The Tara Costigan Foundation, ACT Policing, Director of Public Prosecutions, Legal Aid, and the Courts.
 - Started delivering increased funding to key domestic violence services to enable greater access to translating and interpreting services.
 - The Room4Change program was launched in April this year and is an innovative residential behaviour change program for men who use or are at risk of using violence.
 - The Safer Families grants program was launched in late 2016 which provides

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practical financial assistance to women leaving violence to allow them space to establish a private rental tenancy.

- The ACT Public Service Family Violence Toolkit was launched in August 2016 and is designed to provide awareness-raising and support materials for employees, managers and human resources practitioners to support employees who are experiencing domestic or family violence.

Background Information – may not be suitable for public disclosure

On 7 June 2016 the ACT Government announced the Safer Families package as part of the ACT Budget to provide a cohesive, whole of government response to family violence. The package includes the full time position of Coordinator General for Family Safety, to be supported by a small team.

On 28 June 2016 the Government released a response to the three family violence reports:

- Report of the Inquiry: Review into the system level responses to family violence in the ACT by Mr Laurie Glanfield AM (Glanfield Inquiry);
- Findings and Recommendations from the Review of Domestic and Family Violence Deaths in the ACT by the Domestic Violence Prevention Council (Death Review); and
- The ACT Domestic Violence Service System Final Gap Analysis Report (Gap Analysis).

The reports were publicly released by the ACT Government in May 2016. Since the tabling of the reports in May 2016, the ACT Government released the comprehensive ACT Government Response to the Family Violence Report (Government Response).

The intention from the commitments in the Government Response is that the Office of the Coordinator-General for Family Safety will drive cultural change and lead reform in partnership with government agencies, non-government services and the Canberra community. The Coordinator-General's core functions, supported by an EA and team of two permanent officers, include:

- primary support for the Minister for the Prevention of Domestic and Family Violence including extensive stakeholder engagement;
- coordinating annual whole of government budget bids on family violence matters and developing methodologies for reporting on family violence expenditure;
- providing strategic policy advice to the government on an ongoing basis to continually refine the whole of government response to family violence;
- raising awareness about family violence in ACT communities, particularly the non-physical dimensions of family violence, including through communications campaigns, events, partnerships, sponsorships, research and stakeholder forums;
- managing legislative change, developing an information sharing awareness campaign and driving an information-sharing culture across directorates and service providers;
- working with Directors-General and mainstream service providers to promote cultural change and more effective and collaborative responses to domestic and family violence;
- working with directorates and service providers to shift current contractual arrangements to an outcomes focus and ensure future contracts include outcomes not outputs as performance indicators;
- working with community and government partners, including members of the Aboriginal and Torres Strait Islander community to ensure that services provided are culturally

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- appropriate;
- leading development of a capability framework and training strategy for frontline workers, including managing procurement of a training package and roll-out across ACT Government;
 - working with the private sector and the professions to encourage investment in training for frontline staff;
 - developing an outcomes framework to measure the impact of the reform agenda over time;
 - developing performance measures for Director-General performance agreements;
 - representing the ACT Government at the national level, including cross-jurisdictional forums established under the National Plan to Reduce Violence Against Women and Their Children 2010-2022, Our WaTCh and ANROWS;
 - monitoring implementation of, and reporting on, the 38 Safer Families Package commitments;
 - establishing a data framework, coordinating data collection and sharing across Directorates, and developing new data sources as required to inform future policy and measure performance;
 - drive a shift in approach across Government the community from a crisis-driven response to early intervention and prevention;
 - facilitate a codesign process for access and referral to services for children and young people affected by family violence; and
 - membership of the Child and Youth Protection Quality Assurance and Improvement Committee to provide arms length quality assurance and ensure compliance by statutory services.

Context

- The *ACT Government Response to Family Violence* report was released in June 2016. Commitments focus on supporting a whole of Government approach to domestic and family violence. This work is being overseen by the Coordinator-General for Family Safety.

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Portfolio: Attorney-General

ISSUE: FAMILY VIOLENCE POLICY

Talking points:

- Family violence is a serious issue that the Government remains absolutely committed to addressing. All Canberrans have the right to feel safe, and to be safe.
- The experience of domestic and family violence causes enduring damage to individuals and to society as a whole.
- The financial cost of family violence in our community is measured in the billions of dollars.
- The ACT Government views acts of family violence as intolerable and is actively working to make changes to protect the safety of all members of our community.

What is the Government doing to prevent family violence?

- Domestic and family violence is a difficult and complex problem which has no simple solutions.
- To prevent domestic and family violence we need to change the way Australians think and act in their homes. This means the whole community needs to be engaged in the job of changing attitudes and social norms.
- It was in recognition of this complexity that the ACT Government refocused its efforts to combat domestic and family violence in 2016. The commitment was to a comprehensive and long term reform agenda. The Safer Families package was the largest action to address family violence in Canberra's history.
- The investment in Safer Families is continuing. In the 2017-18 Budget the commitment has grown to \$23.5 million over four years.

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- The reform program involves a new model for integration across Government, the community sector and the community. The work is being led by the first full-time Coordinator General for Family Safety, who commenced in October 2016.
- On 11 May 2018 the Government launched the Family Safety Hub, which will be a catalyst for change within the existing ACT service system. The Hub was developed through a co-design process led by the Coordinator General for Family Safety. It will bring together people with expertise to help find and test new solutions before allowing them to be scaled-up and merged into the broader justice and service systems. The Hub's first focus is on how to build better early intervention support for pregnant women and new parents.

Death Review

- The Government has committed to introducing a family violence death review scheme for the ACT.
- This commitment was in response to the first and only ACT Death Review in 2016, which analysed 14 family violence deaths in the ACT between 2000 and 2012.
- A death review scheme will analyse information relating to family violence deaths in the ACT and make recommendations for system wide improvements to services to prevent similar deaths occurring in the future.
- Death reviews will help to improve family violence responses by examining the ways in which our systems and services performed when they were most challenged.
- The Justice and Community Safety Directorate (JACS) will consult with key stakeholders with a view to introducing legislation to implement a death review scheme in 2019-20.
- Comprehensive stakeholder engagement will be important to ensure establishment of a death review process that is consistent with best practice principles and appropriate for the ACT context.

Key Information

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Background Information – may not be suitable for public disclosureDeath Review

- The ACT Death Review, published in May 2016, provided 28 recommendations for action, including the recommendation that the ACT establish a legislative scheme to enable future family violence death reviews.
- In June 2016, the Government published the ACT Government Response to Family Violence, which included a commitment to ‘legislate for the Attorney-General to order a future family violence death review and provide powers for those undertaking such a review’.
- An ACT death review model will require funding. Costing for a death review model is yet to be determined. Legislation, Policy and Programs (LPP) will prepare a detailed costing for the 2019-20 budget process.
- LPP is preparing to consult key family violence stakeholders on two draft death review models, in anticipation for implementation in 2019-20.
- All jurisdictions, except Tasmania, the Northern Territory and the ACT, have a family violence death review function.

Sentencing of Graham Dillon

- On 4 June 2018 Graham Dillon was sentenced to 41 years in jail, including 36 years for the murder of his 9-year-old son, Bradyn. Bradyn was killed on 15 February 2016 following months of abuse by Dillon. On the day of his death, Bradyn was beaten by Dillon, causing fresh brain injuries and causing older brain injuries to re-bleed. Bradyn died in hospital.
- In response to this tragedy, a week after Bradyn’s death, the ACT Government launched a review into system level responses to family violence in the ACT, also known as the Glanfield Inquiry. The Glanfield Inquiry considered the interactions between ACT Government Directorates, agencies and service providers to identify areas where the Government can improve support for families experiencing violence. A report was published in April 2016 and all 31 recommendations were accepted by the ACT Government.
- One of the key areas of reform identified by the Glanfield Inquiry is about information sharing between family violence agencies to ensure women and children receive the assistance they need. An ACT family violence death review scheme would address this issue as it will aim to facilitate better information sharing in the family violence context.
- The ACT Children and Young People Death Review Committee (the Committee) reviews information about the deaths of children and young people to help prevent similar deaths from happening in the future. This would include review of Bradyn’s death. An ACT family violence death review scheme would have a similar function to

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the Committee, and LPP will consult with the Committee in developing a family violence death review model.

Family Violence Policy

- On 6 June 2016, the ACT Government announced the Safer Families package which included \$21.42 million in funding and highlighted four key priority actions for the ACT Government, including:
 - appointing the first, full-time Coordinator-General for Family Safety to lead change and provide accountability across the service system;
 - implementing a collaborative and integrated approach to services through a dedicated Family Safety Hub;
 - authorising information sharing and collaborative practices via a new legislative framework; and
 - developing a skilled and educated workforce, especially frontline staff, to respond to the needs of adults and children experiencing family violence.

Family Safety Hub

- The Family Safety Hub was a key commitment in the ACT Government's Response to Domestic and Family Violence. The Coordinator General for Family Safety has spent the last 12 months co-designing the final hub design with input from government, community services and front-line workers, experts and victims of domestic and family violence.
- The Family Safety Hub is funded at \$5.96 million over four years through the Safer Families Levy which sees each household contribute \$30 per year through their rates.

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