



ACT

Government

Justice and Community Safety

Open Access release outcome decision – Partial access granted

Document Category: Ministerial Briefs

Title of document: Minister for Justice, Consumer Affairs and Road Safety – Quarter 2 2018

Description of the information: Question Time and Estimates Hearing Briefs provided to the Minister for Justice, Consumer Affairs and Road Safety 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 I 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:

- (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 applied to the names of organisations that participated in the ACT budget community consultation process where there may have been 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.

Open Access Decision – Quarter 2 2018 – Minister for Justice, Consumer Affairs and Road Safety

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

**OPEN ACCESS Q2 2018 SCHEDULE****PORTFOLIO: MINISTER FOR JUSTICE, CONSUMER AFFAIRS AND ROAD SAFETY**

No.	Folio	Description	Date	Status	Reason for non-release or deferral
Sitting Week 10-12 April 2018					
1	1	Question Time and Oversight Brief Index 10-12 April 2018	April	Full release	
2	2-3	Drug and Alcohol Court	April	Full release	
3	4-5	Reducing Recidivism	April	Full release	
4	6	FOI Act 2016	April	Full release	
5	7	Marriage Equality	April	Full release	
6	8	Review of Prostitution Act	April	Full release	
7	9	Drug and Alcohol Court	April	Full release	
8	10	Victim Charter of Rights	April	Full release	
9	11	Vilification and Discrimination	April	Full release	
10	12	Justice Recidivism	April	Full release	
11	13	Restorative Justice	April	Full release	
12	14	Justice Reinvestment	April	Full release	
13	15	Aboriginal and Justice Partnership	April	Full release	
14	16	Retirement Villages	April	Full release	
15	17	Public Advocate Annual Report/Funding	April	Full release	
16	18	Official Visitor Review	April	Full release	
Sitting Weeks 8 -10 May 2018					
17	19	Question Time and Oversight Brief Index 8-10 May 2018	May	Full release	
18	20-21	Reducing Recidivism	May	Full release	
19	22-23	Question on Notice Costings	May	Full release	
20	24	FOI Act 2016	May	Full release	

No.	Folio	Description	Date	Status	Reason for non-release or deferral
21	25	Marriage Equality	May	Full release	
22	26	Review of Prostitution	May	Full release	
23	27	Drug and Alcohol Court	May	Full release	
24	28	Victim Charter of Rights	May	Full release	
25	29	Vilification and Discrimination	May	Full release	
26	30	Justice Recidivism	May	Full release	
27	31	Restorative Justice	May	Full release	
28	32	Justice Reinvestment	May	Full release	
29	33	Aboriginal and Justice Partnership	May	Full release	
30	34	Retirement Villages	May	Full release	
31	35	Public Advocate Annual Report/Funding	May	Full release	
32	36	Official Visitor Review	May	Full release	
Sitting Weeks 5 – 7 June 2018					
33	37	Question Time and Oversight Brief Index 5-7 June 2018	June	Full release	
34	38-39	Reducing Recidivism	June	Full release	
35	40	FOI Act 2016	June	Full release	
36	41	Marriage Equality	June	Full release	
37	42	Review of Prostitution	June	Full release	
38	43	Drug and Alcohol Court	June	Full release	
39	44	Victim Charter of Rights	June	Full release	
40	45	Vilification and Discrimination	June	Full release	
41	46	Justice Recidivism	June	Full release	
42	47	Restorative Justice	June	Full release	
43	48	Justice Reinvestment	June	Full release	
44	49	Aboriginal and Justice Partnership	June	Full release	
45	50	Retirement Villages	June	Full release	

No.	Folio	Description	Date	Status	Reason for non-release or deferral
46	51	Public Advocate Annual Report/Funding	June	Full release	
47	52	Official Visitor Review	June	Full release	
Estimates Committee Hearings June 2018					
48	53-54	Estimates Committee Hearings Index 26 June 2018	June	Full release	
49	55-56	2017-18 Budget Summary (including summary of JACS Initiatives)	June	Full release	
50	57-58	ACT Budget Media Release	June	Full release	
51	59-61	ACT Budget Community Consultations	June	Partial release	Schedule 2 2.2(a)(xii)
52	62-64	Indexation Parameters	June	Full release	
53	65-66	2018-19 Fees and Charges	June	Full release	
54	67-75	Staffing Breakdown	June	Full release	
55	76-78	Workforce Issues (incl. Bullying and Harassment, sexual harassment and misconduct statistics)	June	Full release	
56	79-80	Staff Survey	June	Full release	
57	81-82	Freedom of Information	June	Full release	
58	83-84	More support for families and inclusion – Reducing recidivism	June	Full release	
59	85	Better Government – Human Rights Commission digital capability	June	Full release	
60	86	Improving the timeliness of adoptions and permanency (CSD Budget Initiative)	June	Full release	
61	87-89	Output Class 1.5: Protection of Rights	June	Full release	
62	90-91	Financial Summary Output 1.1	June	Full release	
63	92	Financial Summary Output 1.5	June	Full release	
64	93-94	FMA Section 16B Rollovers (2016-17 to 2017-18)	June	Full release	
65	95-96	2018-19 Budget Rollovers (2017-18 to 2018-19)	June	Full release	
66	97-99	Reducing Recidivism	June	Full release	
67	100-105	Restorative Justice	June	Full release	

MINISTER FOR JUSTICE, CONSUMER AFFAIRS AND ROAD SAFETY
QUESTION TIME AND OVERSIGHT BRIEF INDEX
10-12 April 2018

<i>Question Time Briefs (updated for each Assembly Sitting)</i>	
1.	Drug and Alcohol Court
2.	Reducing Recidivism
3.	Vulnerable Road User Reforms (incl. lane filtering and minimum passing laws) *
4.	Graduated Licencing Scheme *
<i>Oversight Brief (updated weekly)</i>	
	<p><i>Hot Issues</i></p> <ul style="list-style-type: none"> 5. Freedom of Information Act 2016 6. Marriage Equality 7. Review of Prostitution 8. Drug and Alcohol Court 9. Victim Charter of Rights 10. Vilification and Discrimination 11. Justice Recidivism 12. Restorative Justice 13. Speeding and road safety cameras * <p><i>Ongoing Issues</i></p> <ul style="list-style-type: none"> 14. Justice Reinvestment 15. Aboriginal and Justice Partnership 16. Retirement Villages 17. Public Advocate Annual Report / Funding 18. Official Visitor Review 19. Drug Driving *

* In accordance with section 35 of the Territory Records Act 2002, this brief has been transferred to Transport Canberra and City Services (TCCS) as the current record owner. Refer to the TCCS website (www.cityservices.act.gov.au) for further information on the release of this brief under Open Access.

Portfolio: Justice, Consumer Affairs & Road Safety

ISSUE: DRUG AND ALCOHOL COURT

Talking points:

- The Government committed to establishing a Drug and Alcohol Court (DAC) in the Parliamentary Agreement for the 9th Assembly.
- A DAC takes a therapeutic problem-solving approach to achieving behavioural change in offenders who are addicted to drugs and/or alcohol. This aims to reduce recidivism, and improve the health and well-being of offenders.
- The ACT Supreme Court, supported by a working group of key stakeholders including the Justice and Community Safety Directorate (JACS), has developed proposals which are being considered by Government.
- The proposals were informed by stakeholder responses to the Supreme Court's *'Issues and draft proposals paper for consultation'* which was released in October 2017.
- JACS commissioned the Drug Policy Modelling Program (National Drug and Alcohol Research Centre, University of New South Wales) to develop an evaluation framework for the DAC. This work included identifying key program and system issues that need to be considered, and recommendations for addressing those issues.
- The DAC will require a range of services to be provided directly to the court and to offenders. These services will need to interact well to achieve an effective DAC.
- JACS is working closely with other directorates including Health and the Community Services Directorate and other business units within JACS including ACT Corrective Services and ACT Courts and Tribunal.
- This work has included identification of roles and responsibilities and development of costings.

Cleared as complete and accurate:	05/04/2018	
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	

Key Information

- It is the aim to establish a DAC in this term of government.
- There are a number of key considerations to resolve, such as clearly identifying the appropriate cohort of offenders who should receive this form of intensive intervention, and establishing clear pathways into treatment. These considerations require a whole of government approach to ensure the chosen model operates effectively.
- An operational DAC requires a significant investment in terms of resourcing across government and non-government services. The Government will be considering the resource needs of DAC through the budget process.
- There is strong support across the wide range of stakeholders for a DAC. All 10 submissions received to the Supreme Court's draft proposals paper were supportive of the DAC in principle. All stakeholders who participated in consultation with the Drug Modelling Policy Program (who were drawn from government and non-government organisations, including the alcohol and drug service sector) also indicated strong support for a DAC.

Background Information

- The Annual Report (2016-17) for JACS states that 'supporting the design and costing of a Drug and Alcohol Court' as a key priority for 2017-18.
- Funding to support the development work for the DAC was provided through the 2017-18 budget process and the 2017-18 mid-year budget process.
- The Supreme Court for the ACT issued a strategic statement for 2016-17 which gave as one its judicial priorities as 'To explore the potential for a Drug and Alcohol Court'.

Cleared as complete and accurate: 05/04/2018
Cleared by: Deputy Executive Director Ext: 76244
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Lead Directorate: Justice and Community
Safety

Portfolio: Justice, Consumer Affairs & Road Safety

ISSUE: REDUCING RECIDIVISM

Talking points:

- The Government has set a goal to reduce recidivism by 25 per cent by 2025.
- Developing a Recidivism Plan to achieve this ambitious target will require a package of work to effectively change the life trajectories of some of Canberra's most complex and vulnerable citizens.
- Reducing recidivism in the ACT is a shared responsibility across the justice and human service system. The government will work closely with government stakeholders, the community sector, academia and those with lived experience to develop the Recidivism Plan.
- The Justice and Community Safety Directorate is preparing an approach to reducing recidivism by 25 per cent by 2025. The approach will draw on the ACT evidence base developed as part of Justice Reinvestment.
- Important to success in reducing recidivism in the ACT will be addressing the onset of offending and the cycles of offending.
- It will be important to set clear targets in collaboration with a broad range of stakeholders that have responsibility for meeting the targets.
- As a starting point we will look to lessons from other Australian States and Territories, as well as internationally, to see what is relevant to consider in the ACT context. The Australian National University has been engaged to undertake a literature review on approaches to reducing recidivism which is expected to be available by May 2018.

Key Information

- The Government traditionally measures recidivism using the Report on Government Services. ROGS measures one part of the justice system, whether a person has received a conviction in a court and whether they have received a second conviction within a two year period.

Cleared as complete and accurate:	13/03/2018	
Cleared by:	Executive Director	Ext: 70522
Information Officer name:	Tamsyn Harvey	
Contact Officer name:	Mimi Dyll	Ext: 78611
Lead Directorate:	Justice and Community Safety	

- The measure does not include other considerations such as police discretion when dealing with offenders, using diversion options (such as restorative justice) or court responses that may prove an offence but not record a conviction.
- The 2016 Prisoners in Australia publication by the ABS found that 74 per cent of ACT prisoners have previously been imprisoned under sentence, the largest proportion of any State or Territory.
- The ACT consistently has the lowest imprisonment rate in Australia per head of population. In 2016 the adult imprisonment rate was 144 prisoners per 100,000 adult population compared to the national imprisonment rate of 208 prisoners per 100,000 population.
- This suggests that offenders sentenced to periods in prison may have more endemic offending behaviour.

Background Information

- The Parliamentary Agreement for the Ninth Legislative Assembly commits to reducing recidivism by 25 per cent by 2025.
- Resourcing the approach to reducing recidivism is the subject of a 2018-19 budget business case.

Cleared as complete and accurate: 13/03/2018
Cleared by: Executive Director Ext: 70522
Information Officer name: Tamsyn Harvey
Contact Officer name: Mimi Dyll Ext: 78611
Lead Directorate: Justice and Community
Safety

HOT ISSUES	TALKING POINTS
<p>5. Freedom of Information Act 2016 Cleared by Sean Costello 12 January 2018</p>	<ul style="list-style-type: none"> • The new FOI Act strengthens the community's right to access government held information unless, on balance, releasing the information would be contrary to the public interest. It commenced on 1 January 2018. • The Act is a significant change from the current legislation as it requires a greater proactive and routine release of information via an Open Access Scheme. Those in charge of agencies must appoint Information Officers to make decisions under the legislation. • The Justice and Community Safety Directorate (JACS) is responsible for implementation broadly, while the Chief Minister, Treasury and Economic Development Directorate is progressing operational matters, like designing appropriate publishing mechanisms for open access material. • A new Open Access scheme is operational, with agencies proactively releasing information online. • The new Act introduces a substantial role for the ACT Ombudsman under a significantly different structure. • The 2017-18 Budget includes funding for the Ombudsman to perform its new functions under the new FOI Act. This funding provides approximately \$900,000 per year to the Ombudsman for two years, with future funding to be determined on the basis of a review of the volume of work undertaken. • Since its introduction, the ACT has been amended to clarify the scope of agencies that must comply with the Act, allow delegation of support functions to administrative staff and confirm the Act's interaction with other access regimes, like that in the Adoptions Act.

<p>6. Marriage Equality Cleared by Sean Costello 12 January 2018</p>	<ul style="list-style-type: none">• The ACT is carefully considering the effect on the <i>Civil Union Act 1994</i> following the legalisation of same-sex marriage at the Federal level.• The Government is considering how best to ensure that existing civil unions are not affected.• As the legislation is currently drafted, it is unlikely that same-sex couples living in the ACT will be able to enter a civil union in the future. However, this raises complex legal and constitutional issues that I am also seeking legal advice on.
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7. [Review of Prostitution Act](#)
Cleared by Julie Beddoe
14 March 2018

- In 2017 I agreed to progress proposed amendments to the Prostitution Act including:
 - renaming the Act the ‘Sex Work Act’ to bring the title of the Act in line with appropriate terminology
 - repealing sections 24 and 25 to remove the offences regarding sexually transmissible infections (because such offences are covered in division 6.1 of the *Public Health Act 1997*, and to make clear that separate offences specifically for sex workers is discriminatory)
 - amending section 27 to require an operator to make available a range of prescribed safety equipment
 - amending the Act to remove any requirement for sole operators to register or provide annual notices to the Commissioner, or otherwise have obligations regarding registration under the Act, and
 - amending section 20(4) to prevent a person charged with causing a child to provide sexual services from using a defence of mistake of fact, and instead requiring them to establish that they took reasonable steps to ascertain the age of the child concerned.
- Feedback from all key stakeholders since July indicated broad agreement on these proposed amendments.
- As a result, the Chief Minister and I have agreed to JACS developing a bill for introduction to the Legislative Assembly in 2018.

8. [Drug and Alcohol Court](#)
Cleared by Karen Greenland
15 January 2018

- The Government has committed to establishing a Drug and Alcohol Court (DAC) and associated support programs for the ACT. This is part of a goal to reduce recidivism by 25 per cent by 2025 [Parliamentary Agreement for the 9th Assembly for the Australian Capital Territory].
- 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.
- Drug courts operate in most other Australian jurisdictions with the exception of the Northern Territory and Queensland. Queensland's new Drug Court, based in Brisbane, was due to commence in November 2017 but is on hold pending the Queensland elections on 25 November 2017.
- 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 & a high level of judicial intervention.
- The Supreme Court is developing proposals for Government in relation to the model, assisted by a working group of key stakeholders including Director of Public Prosecution and Legal Aid ACT.

9. [Victims Charter of Rights](#)

Cleared by
Tamsyn Harvey
12 January 2018

- All other states and territories in Australia have introduced victims' rights as principles or guidelines. The Government is seeking to transform the ACT's guiding principles for the treatment of victims into obligatory rights through legislative reform. Other options will also be considered.
- The victims Charter can cover, among other things, the rights of victims of crime and the obligations that agencies and others have when dealing with victims of crime, and establish a complaints resolution process for when the charter is breached.
- The Government is currently working closely with stakeholders including the Victims Advisory Board, Victims of Crime Commissioner, individual victims of crime and justice system agencies to identify options and the best approach for implementing a Victims Charter of Rights for the ACT.
- Wider stakeholder and public consultation will occur in early 2018 with the release of an options for implementation paper.

10. [Vilification and Discrimination](#)

Cleared by Sean Costello
12 January 2018

- In the ACT, the *Discrimination Act 1991* makes it unlawful for someone to discriminate against another person because of their sexual orientation or race in a range of areas of public life including education, employment and in receiving goods and services. Sexual orientation includes a person being gay, lesbian, bisexual, or heterosexual.
- It is also against the law to vilify a person or group of people on the grounds of sexuality or race. Vilification means to publicly incite hatred towards a person or group of people which is likely to offend, insult, humiliate or intimidate that person or group of people.
- If anyone is subject to this behaviour in the ACT, I encourage them to contact the ACT Human Rights Commission to talk through the complaints process.

11. [Justice](#)
[Recidivism](#)

Cleared by Karen
Greenland
15 January 2018

- The Justice and Community Safety Directorate is preparing an approach for developing a long term recidivism plan, to set a pathway for achieving recidivism targets for the justice system.
- The recidivism plan requires an understanding of ‘what works’ backed up by planning, innovation, efficiency and community engagement.
- The plan will need to be carefully balanced to ensure that public safety is maintained and further improved.
- Reducing recidivism in the ACT requires shared responsibility across the justice system so that a change in one part of the justice system does not negatively impact another part of the justice system.
- By taking a balanced and shared approach to reducing recidivism the targets can not only be achieved but sustained. Reducing recidivism also requires the support of the human services system.

12. [Restorative Justice](#)

Cleared by Karen Greenland
15 January 2018

- From July 2018 the RJ Scheme will include domestic and family violence and sexual offence matters.
- The Restorative Justice Unit has previously consulted and drafted guidelines for managing domestic and family violence.
- It is now consulting and constructing guidelines for the management of sexual offences. It is acknowledged that these highly sensitive matters will involve additional supports and expertise.
- If people would like to provide comments as part of phase three, they can contact the ACT Restorative Justice Unit on 6207 3992.

ONGOING ISSUES	TALKING POINTS
<p>14. Justice Reinvestment Cleared by Karen Greenland 12 January 2018</p>	<ul style="list-style-type: none"> • The Justice Reinvestment, or JR Strategy is about developing a smarter, more cost-effective approach to improving criminal justice outcomes by reducing crime and diverting offenders, and those at risk of becoming offenders, from the justice system. • The ACT's approach to JR is multi-faceted. Rather than undertaking a single intervention to achieve cost savings, a cumulative approach is being developed. • The development of the JR Strategy currently involves six key projects: <ul style="list-style-type: none"> ○ justice reinvestment family trial – Yarrabi Bamirr ○ justice reinvestment bail support program trial ○ justice system costing model ○ justice services and programs map ○ justice and human services system data snapshots and ○ an evaluation framework consisting of program evaluations containing justice reinvestment measures • The development of the JR Strategy also reinforces a number of strategic cross government initiatives including the Aboriginal and Torres Strait Islander Agreement and Justice Partnership, the Human Services Blueprint and the Blueprint for Youth Justice in the ACT.

15. [Aboriginal and Justice Partnership](#)

Cleared by Karen Greenland
12 January 2018

- The Partnership takes a targeted approach to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system and includes detailed actions, measures and areas of accountability.
- The three key objectives of the Partnership are to:
 - reduce over-representation by reducing recidivism and increasing access to diversionary programs
 - improve access to justice services and
 - improve data collection and reporting.
- The Partnership consists of a total of 21 actions areas with 38 key measures that in some instances are jointly addressed by lead agencies bringing the total number of reportable action items to 79.
- As at 28 September 2017:
 - 13 action items have been completed and
 - 49 are on track.

16. [Retirement Villages](#)

Cleared by Julie Beddoe
26 February 2018

- The 2016 review of the Retirement Villages Act included first and second stage recommendations.
- The first stage reforms commenced on 16 December 2016.
- The second stage of the review included recommendations for the following:
 - removing administrative duplication under the Retirement Villages Act and Unit Titles (Management) Act 2011 for unit titled retirement villages
 - giving consideration to voting rights
 - and
 - developing standard documents including the general inquiry document, village contract, village budget, condition report and safety and security report.
- Any additional issues raised by stakeholders can also be considered in the second stage of the reforms.
- During 2017 the Review Advisory Group reconvened to consider the second stage of recommendations.
- A sub-group of the Review Advisory Group was also convened to consider issues relating to unit titled retirement villages.
- The Justice and Community Safety Directorate (JACS) is continuing to engage with stakeholders representing residents and operators of unit titled retirement villages.
- I intend to consult further with key stakeholders on proposed second tranche amendments this year.

17. [Public Advocate Annual Report/Funding](#)
Cleared by Sean Costello
12 January 2018

- I am aware of calls for additional funding to support the Public Advocate’s oversight role.
- The 2017-18 Budget provides \$631,000 over 4 years in additional funding for the Public Advocate.
- This initiative will provide funding for an additional Senior Advocate to respond to recent and anticipated changes to legislative and service systems within the ACT.
- The restructure of the HRC was aimed at ensuring that the functions of the Commissioners could be undertaken in the most efficient manner and to free up resources for service delivery. It included expanding the Commission to include the advocacy functions of the Public Advocate.
- I am working with the Public Advocate to determine how to further support her ability to deal with increasing work demand and expanded functions resulting from recent government reforms.
- The 2017-18 initiative also provides funding for a review to assess whether resources directed towards the Public Advocate adequately support the Public Advocate's oversight role.
- In the Government response to the Glanfield Review the ACT Government committed to reviewing the resources of the Public Advocate and Children and Young People Commissioner, as well as the resources in the Community Services Directorate required to respond to oversight requests (such as Child and Youth Protection Services).
- The Government has engaged an independent reviewer, Spring Green Consulting, to undertake this review of resources.
- This is in advance of the broader review of protection of rights services legislation which is required by legislation as soon as practicable after 1 April 2019.
- The statutory review will assess if the new structure is effective in delivering the objects of the Act. Following the restructure of the HRC, which took effect on 1 April 2016, the President has responsibility for managing the budget for all work areas of the HRC (s 18(1)(a)&(b) HRC Act).

18. [Official Visitor](#)**[Review](#)**

Cleared by Sean
Costello 12
January 2018

- The Official Visitor scheme has been in place for three years.
- A number of reforms are changing the way official visitors do their work, including:
 - the rollout of the National Disability Insurance Scheme
 - increased procedural safeguards in the *Mental Health Act 2015*
 - the development of an ACT Inspectorate for Custodial Services and
 - the expected ratification of the Optional Protocol for the Convention Against Torture by the Australian Government
- It is therefore timely to consider a formal review of the scheme. The review is being undertaken by a project officer located in JACS.
- The Review is completed and the Government is considering the recommendations.

MINISTER FOR JUSTICE, CONSUMER AFFAIRS AND ROAD SAFETY
QUESTION TIME AND OVERSIGHT BRIEF INDEX
8-10 May 2018

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	<p><i>Hot Issues</i></p> <p>4. Freedom of Information Act 2016</p> <p>5. Marriage Equality</p> <p>6. Review of Prostitution</p> <p>7. Drug and Alcohol Court</p> <p>8. Victim Charter of Rights</p> <p>9. Vilification and Discrimination</p> <p>10. Justice Recidivism</p> <p>11. Restorative Justice</p> <p>12. Speeding and road safety cameras</p> <p><i>Ongoing Issues</i></p> <p>13. Justice Reinvestment</p> <p>14. Aboriginal and Justice Partnership</p> <p>15. Retirement Villages</p> <p>16. Public Advocate Annual Report / Funding</p> <p>17. Official Visitor Review</p> <p>18. Drug Driving</p>

Portfolio: Justice, Consumer Affairs & Road Safety

ISSUE: REDUCING RECIDIVISM

Talking points:

- The Government has set a goal to reduce recidivism by 25 per cent by 2025.
- Developing a Recidivism Plan to achieve this ambitious target will require a package of work to effectively change the life trajectories of some of Canberra's most complex and vulnerable citizens.
- Reducing recidivism in the ACT is a shared responsibility across the justice and human service system. The government will work closely with government stakeholders, the community sector, academia and those with lived experience to develop the Recidivism Plan.
- The Justice and Community Safety Directorate is preparing an approach to reducing recidivism by 25 per cent by 2025. The approach will draw on the ACT evidence base developed as part of Justice Reinvestment.
- Important to success in reducing recidivism in the ACT will be addressing the onset of offending and the cycles of offending.
- It will be important to set clear targets in collaboration with a broad range of stakeholders that have responsibility for meeting the targets.
- As a starting point we will look to lessons from other Australian States and Territories, as well as internationally, to see what is relevant to consider in the ACT context. The Australian National University has been engaged to undertake a literature review on approaches to reducing recidivism which is expected to be available by May 2018.

Key Information

- The Government traditionally measures recidivism using the Report on Government Services. ROGS measures one part of the justice system, whether a person has received a conviction in a court and whether they have received a second conviction within a two year period.

Cleared as complete and accurate:	26/04/2018	
Cleared by:	Executive Director	Ext: 70522
Information Officer name:	Tamsyn Harvey	
Contact Officer name:	Mimi Dyal	Ext: 78611
Lead Directorate:	Justice and Community Safety	

- The measure does not include other considerations such as police discretion when dealing with offenders, using diversion options (such as restorative justice) or court responses that may prove an offence but not record a conviction.
- The 2017 Prisoners in Australia publication by the ABS found that 75 per cent of ACT prisoners have previously been imprisoned under sentence, the largest proportion of any State or Territory (the national average was 57 per cent).
- The ACT consistently has the lowest imprisonment rate in Australia per head of population. In 2017 the adult imprisonment rate was 141 prisoners per 100,000 a decrease from 144 prisoners per 100,000 (2016) adult population compared to the national imprisonment rate of 215.9 prisoners per 100,000 population.
- This suggests that offenders sentenced to periods in prison may have more endemic offending behaviour.

Background Information

- The Parliamentary Agreement for the Ninth Legislative Assembly commits to reducing recidivism by 25 per cent by 2025.
- Resourcing the approach to reducing recidivism is the subject of a 2018-19 budget business case.

Cleared as complete and accurate: 26/04/2018
Cleared by: Executive Director Ext: 70522
Information Officer name: Tamsyn Harvey
Contact Officer name: Mimi Dyal Ext: 78611
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:

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:

HOT ISSUES	TALKING POINTS
<p>4. Freedom of Information Act 2016 Cleared by Sean Costello 12 January 2018</p>	<ul style="list-style-type: none"> • The new FOI Act strengthens the community's right to access government held information unless, on balance, releasing the information would be contrary to the public interest. It commenced on 1 January 2018. • The Act is a significant change from the current legislation as it requires a greater proactive and routine release of information via an Open Access Scheme. Those in charge of agencies must appoint Information Officers to make decisions under the legislation. • The Justice and Community Safety Directorate (JACS) is responsible for implementation broadly, while the Chief Minister, Treasury and Economic Development Directorate is progressing operational matters, like designing appropriate publishing mechanisms for open access material. • A new Open Access scheme is operational, with agencies proactively releasing information online. • The new Act introduces a substantial role for the ACT Ombudsman under a significantly different structure. • The 2017-18 Budget includes funding for the Ombudsman to perform its new functions under the new FOI Act. This funding provides approximately \$900,000 per year to the Ombudsman for two years, with future funding to be determined on the basis of a review of the volume of work undertaken. • Since its introduction, the ACT has been amended to clarify the scope of agencies that must comply with the Act, allow delegation of support functions to administrative staff and confirm the Act's interaction with other access regimes, like that in the Adoptions Act.

<p>5. Marriage Equality Cleared by Sean Costello 12 January 2018</p>	<ul style="list-style-type: none">• The ACT is carefully considering the effect on the <i>Civil Union Act 1994</i> following the legalisation of same-sex marriage at the Federal level.• The Government is considering how best to ensure that existing civil unions are not affected.• As the legislation is currently drafted, it is unlikely that same-sex couples living in the ACT will be able to enter a civil union in the future. However, this raises complex legal and constitutional issues that I am also seeking legal advice on.
--	--

6. [Review of Prostitution Act](#)
Cleared by Julie Beddoe
14 March 2018

- In 2017 I agreed to progress proposed amendments to the Prostitution Act including:
 - renaming the Act the 'Sex Work Act' to bring the title of the Act in line with appropriate terminology
 - repealing sections 24 and 25 to remove the offences regarding sexually transmissible infections (because such offences are covered in division 6.1 of the *Public Health Act 1997*, and to make clear that separate offences specifically for sex workers is discriminatory)
 - amending section 27 to require an operator to make available a range of prescribed safety equipment
 - amending the Act to remove any requirement for sole operators to register or provide annual notices to the Commissioner, or otherwise have obligations regarding registration under the Act, and
 - amending section 20(4) to prevent a person charged with causing a child to provide sexual services from using a defence of mistake of fact, and instead requiring them to establish that they took reasonable steps to ascertain the age of the child concerned.
- Feedback from all key stakeholders since July indicated broad agreement on these proposed amendments.
- As a result, the Chief Minister and I have agreed to JACS developing a bill for introduction to the Legislative Assembly in 2018.

7. 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 & a high level of judicial intervention.
- The Supreme Court has developed proposals for Government in relation to the model, assisted by a working group of key stakeholders, chaired by Justice John Burns. These proposals are under consideration.

8. Victims Charter of Rights

Cleared by
Tamsyn Harvey
12 January 2018

- All other states and territories in Australia have introduced victims' rights as principles or guidelines. The Government is seeking to transform the ACT's guiding principles for the treatment of victims into obligatory rights through legislative reform. Other options will also be considered.
- The victims Charter can cover, among other things, the rights of victims of crime and the obligations that agencies and others have when dealing with victims of crime, and establish a complaints resolution process for when the charter is breached.
- The Government is currently working closely with stakeholders including the Victims Advisory Board, Victims of Crime Commissioner, individual victims of crime and justice system agencies to identify options and the best approach for implementing a Victims Charter of Rights for the ACT.
- Wider stakeholder and public consultation will occur in early 2018 with the release of an options for implementation paper.

9. Vilification and Discrimination

Cleared by Sean Costello

12 January 2018

- In the ACT, the *Discrimination Act 1991* makes it unlawful for someone to discriminate against another person because of their sexual orientation or race in a range of areas of public life including education, employment and in receiving goods and services. Sexual orientation includes a person being gay, lesbian, bisexual, or heterosexual.
- It is also against the law to vilify a person or group of people on the grounds of sexuality or race. Vilification means to publicly incite hatred towards a person or group of people which is likely to offend, insult, humiliate or intimidate that person or group of people.
- If anyone is subject to this behaviour in the ACT, I encourage them to contact the ACT Human Rights Commission to talk through the complaints process.

10. Justice
Recidivism

Cleared by Karen
Greenland
15 January 2018

- The Justice and Community Safety Directorate is preparing an approach for developing a long term recidivism plan, to set a pathway for achieving recidivism targets for the justice system.
- The recidivism plan requires an understanding of ‘what works’ backed up by planning, innovation, efficiency and community engagement.
- The plan will need to be carefully balanced to ensure that public safety is maintained and further improved.
- Reducing recidivism in the ACT requires shared responsibility across the justice system so that a change in one part of the justice system does not negatively impact another part of the justice system.
- By taking a balanced and shared approach to reducing recidivism the targets can not only be achieved but sustained. Reducing recidivism also requires the support of the human services system.

11. Restorative Justice
Cleared by Karen Greenland
15 January 2018

- The RJ Scheme will be broadened later in 2018 include domestic and family violence and sexual offence matters.
- The Restorative Justice Unit has previously consulted and drafted guidelines for managing domestic and family violence.
- It is now consulting and constructing guidelines for the management of sexual offences. It is acknowledged that these highly sensitive matters will involve additional supports and expertise.
- If people would like to provide comments as part of phase three, they can contact the ACT Restorative Justice Unit on 6207 3992.

ONGOING ISSUES	TALKING POINTS
<p>13. Justice Reinvestment Cleared by Karen Greenland 12 January 2018</p>	<ul style="list-style-type: none"> • The Justice Reinvestment, or JR Strategy is about developing a smarter, more cost-effective approach to improving criminal justice outcomes by reducing crime and diverting offenders, and those at risk of becoming offenders, from the justice system. • The ACT's approach to JR is multi-faceted. Rather than undertaking a single intervention to achieve cost savings, a cumulative approach is being developed. • The development of the JR Strategy currently involves six key projects: <ul style="list-style-type: none"> ○ justice reinvestment family trial – Yarrabi Bamirr ○ justice reinvestment bail support program trial ○ justice system costing model ○ justice services and programs map ○ justice and human services system data snapshots and ○ an evaluation framework consisting of program evaluations containing justice reinvestment measures • The development of the JR Strategy also reinforces a number of strategic cross government initiatives including the Aboriginal and Torres Strait Islander Agreement and Justice Partnership, the Human Services Blueprint and the Blueprint for Youth Justice in the ACT.

14. [Aboriginal and Justice Partnership](#)

Cleared by Karen Greenland
12 January 2018

- The Partnership takes a targeted approach to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system and includes detailed actions, measures and areas of accountability.
- The three key objectives of the Partnership are to:
 - reduce over-representation by reducing recidivism and increasing access to diversionary programs
 - improve access to justice services and
 - improve data collection and reporting.
- The Partnership consists of a total of 21 actions areas with 38 key measures that in some instances are jointly addressed by lead agencies bringing the total number of reportable action items to 79.
- As at 28 September 2017:
 - 13 action items have been completed and
 - 49 are on track.

15. [Retirement Villages](#)

Cleared by Julie Beddoe
26 February 2018

- The 2016 review of the Retirement Villages Act included first and second stage recommendations.
- The first stage reforms commenced on 16 December 2016.
- The second stage of the review included recommendations for the following:
 - removing administrative duplication under the Retirement Villages Act and Unit Titles (Management) Act 2011 for unit titled retirement villages
 - giving consideration to voting rights
 - and
 - developing standard documents including the general inquiry document, village contract, village budget, condition report and safety and security report.
- Any additional issues raised by stakeholders can also be considered in the second stage of the reforms.
- During 2017 the Review Advisory Group reconvened to consider the second stage of recommendations.
- A sub-group of the Review Advisory Group was also convened to consider issues relating to unit titled retirement villages.
- The Justice and Community Safety Directorate (JACS) is continuing to engage with stakeholders representing residents and operators of unit titled retirement villages.
- I intend to consult further with key stakeholders on proposed second tranche amendments this year.

16. [Public Advocate Annual Report/Funding](#)

Cleared by Julie Beddoe
9 April 2018

- I am aware of calls for additional funding to support the Public Advocate's oversight role.
- The 2017-18 Budget provides \$631,000 over 4 years in additional funding for the Public Advocate.
- This initiative will provide funding for an additional Senior Advocate to respond to recent and anticipated changes to legislative and service systems within the ACT.
- The restructure of the HRC was aimed at ensuring that the functions of the Commissioners could be undertaken in the most efficient manner and to free up resources for service delivery. It included expanding the Commission to include the advocacy functions of the Public Advocate.
- I am working with the Public Advocate to determine how to further support her ability to deal with increasing work demand and expanded functions resulting from recent government reforms.
- The 2017-18 initiative also provides funding for a review to assess whether resources directed towards the Public Advocate adequately support the Public Advocate's oversight role.
- In the Government response to the Glanfield Review the ACT Government committed to reviewing the resources of the Public Advocate and Children and Young People Commissioner, as well as the resources in the Community Services Directorate required to respond to oversight requests (such as Child and Youth Protection Services).
- The Government has engaged an independent reviewer, Spring Green Consulting, to undertake this review of resources.
- This is in advance of the broader review of protection of rights services legislation which is required by legislation as soon as practicable after 1 April 2019.
- The statutory review will assess if the new structure is effective in delivering the objects of the Act. Following the restructure of the HRC, which took effect on 1 April 2016, the President has responsibility for managing the budget for all work areas of the HRC (s 18(1)(a)&(b) HRC Act).
- A consultant (Springgreen) is undertaking an independent review of the oversight resources of the Public Advocate and Children and Young People Commissioner, and the resources to respond in the Community Services Directorate. The final report is due in April 2018.

17. Official Visitor

Review

Cleared by Sean

Costello 12

January 2018

- The Official Visitor scheme has been in place for three years.
- A number of reforms are changing the way official visitors do their work, including:
 - the rollout of the National Disability Insurance Scheme
 - increased procedural safeguards in the *Mental Health Act 2015*
 - the development of an ACT Inspectorate for Custodial Services and
 - the expected ratification of the Optional Protocol for the Convention Against Torture by the Australian Government
- It is therefore timely to consider a formal review of the scheme. The review is being undertaken by a project officer located in JACS.
- The Review is completed and the Government is considering the recommendations.

MINISTER FOR JUSTICE, CONSUMER AFFAIRS AND ROAD SAFETY
QUESTION TIME AND OVERSIGHT BRIEF INDEX
5-7 June 2018

<i>Question Time Briefs (updated for each Assembly Sitting)</i>	
1.	Reducing Recidivism
2.	Vulnerable Road User Reforms *
3.	Graduated Licencing Scheme *
4.	
5.	
6.	
<i>Oversight Brief (updated weekly)</i>	
	<p><i>Hot Issues</i></p> <ol style="list-style-type: none"> 1. Freedom of Information Act 2016 2. Marriage Equality 3. Review of Prostitution 4. Drug and Alcohol Court 5. Victim Charter of Rights 6. Vilification and Discrimination 7. Justice Recidivism 8. Restorative Justice 9. Speeding and road safety cameras * 10. Justice Reinvestment 11. Aboriginal and Justice Partnership 12. Retirement Villages 13. Public Advocate Annual Report / Funding 14. Official Visitor Review 15. Drug Driving *

* In accordance with section 35 of the *Territory Records Act 2002*, this brief has been transferred to Transport Canberra and City Services (TCCS) as the current record owner. Refer to the TCCS website (www.cityservices.act.gov.au) for further information on the release of this brief under Open Access.

Portfolio: Justice, Consumer Affairs & Road Safety

ISSUE: REDUCING RECIDIVISM

Talking points:

- The Government has set a goal to reduce recidivism by 25 per cent by 2025.
- Developing a Recidivism Plan to achieve this ambitious target will require a package of work to effectively change the life trajectories of some of Canberra's most complex and vulnerable citizens.
- Reducing recidivism in the ACT is a shared responsibility across the justice and human service system. The government will work closely with government stakeholders, the community sector, academia and those with lived experience to develop the Recidivism Plan.
- The Justice and Community Safety Directorate is preparing an approach to reducing recidivism by 25 per cent by 2025. The approach will draw on the ACT evidence base developed as part of Justice Reinvestment.
- Important to success in reducing recidivism in the ACT will be addressing the onset of offending and the cycles of offending.
- It will be important to set clear targets in collaboration with a broad range of stakeholders that have responsibility for meeting the targets.
- As a starting point we will look to lessons from other Australian States and Territories, as well as internationally, to see what is relevant to consider in the ACT context. The Australian National University has been engaged to undertake a literature review on approaches to reducing recidivism which is expected to be available by June 2018.

Key Information

- The Government traditionally measures recidivism using the Report on Government Services. ROGS measures one part of the justice system, whether a person has received a conviction in a court and whether they have received a second conviction within a two year period.

Cleared as complete and accurate:	18/05/2018	
Cleared by:	Executive Director	Ext: 70522
Information Officer name:	Tamsyn Harvey	
Contact Officer name:	Mimi Dyal	Ext: 78611
Lead Directorate:	Justice and Community Safety	

- The measure does not include other considerations such as police discretion when dealing with offenders, using diversion options (such as restorative justice) or court responses that may prove an offence but not record a conviction.
- The 2017 Prisoners in Australia publication by the ABS found that 75 per cent of ACT prisoners have previously been imprisoned under sentence, the largest proportion of any State or Territory (the national average was 57 per cent).
- The ACT consistently has the lowest imprisonment rate in Australia per head of population. In 2017 the adult imprisonment rate was 141 prisoners per 100,000 a decrease from 144 prisoners per 100,000 (2016) adult population compared to the national imprisonment rate of 215.9 prisoners per 100,000 population.
- This suggests that offenders sentenced to periods in prison may have more endemic offending behaviour.

Background Information

- The Parliamentary Agreement for the Ninth Legislative Assembly commits to reducing recidivism by 25 per cent by 2025.
- Resourcing the approach to reducing recidivism is the subject of a 2018-19 budget business case.

Cleared as complete and accurate: 18/05/2018
Cleared by: Executive Director Ext: 70522
Information Officer name: Tamsyn Harvey
Contact Officer name: Mimi Dyal Ext: 78611
Lead Directorate: Justice and Community
Safety

OVERSIGHT BRIEF

1. Freedom of Information Act 2016

- The new FOI Act strengthens the community's right to access government held information unless, on balance, releasing the information would be contrary to the public interest. It commenced on 1 January 2018.
- The Act is a significant change from the current legislation as it requires a greater proactive and routine release of information via an Open Access Scheme.
- Those in charge of agencies must appoint Information Officers to make decisions under the legislation.
- The Justice and Community Safety Directorate (JACS) is responsible for implementation broadly, while the Chief Minister, Treasury and Economic Development Directorate is progressing operational matters, like designing appropriate publishing mechanisms for open access material.
- A new Open Access scheme is operational, with agencies proactively releasing information online.
- The new Act introduces a substantial role for the ACT Ombudsman under a significantly different structure.
- The 2017-18 Budget included funding for the Ombudsman to perform its new functions under the new FOI Act.
- This funding provides approximately \$900,000 per year to the Ombudsman for two years, with future funding to be determined on the basis of a review of the volume of work undertaken.
- Since its introduction, the ACT has been amended to clarify the scope of agencies that must comply with the Act, allow delegation of support functions to administrative staff and confirm the Act's interaction with other access regimes, like that in the Adoptions Act.

Cleared by: Sean Costello

Date: 12 January 2018

OVERSIGHT BRIEF

2. Marriage Equality

- The ACT is carefully considering the effect on the *Civil Union Act 1994* following the legalisation of same-sex marriage at the Federal level.
- The Government is considering how best to ensure that existing civil unions are not affected.
- As the legislation is currently drafted, it is unlikely that same-sex couples living in the ACT will be able to enter a civil union in the future. However, this raises complex legal and constitutional issues that I am also seeking legal advice on.

Cleared by: Sean Costello

Date: 12 January 2018

OVERSIGHT BRIEF

3. Review of Prostitution Act

- This week I will be introducing a Bill that makes proposed amendments to the Prostitution Act including:
 - renaming the Act the 'Sex Work Act' to bring the title of the Act in line with appropriate terminology
 - repealing sections 24 and 25 to remove the offences regarding sexually transmissible infections and instead inserting a reference to section 21 of the *Public Health Regulation 2000* (because having separate offences specifically for sex workers at a higher standard to the rest of the community is discriminatory)
 - amending section 27 to require an operator to make available a range of appropriate personal protective and safety equipment, including prophylactics, to sex workers free of charge
 - amending the Act to remove any requirement for sole operators to register or provide annual notices to the Commissioner for Fair Trading, or otherwise have obligations regarding registration under the Act, and
 - amending section 20(4) to make the offence of causing, permitting, offering or procuring a child to provide commercial sexual services an absolute liability offence, no matter the age of the child, which will remove the availability of 'mistake of fact' defence.
- Feedback from all key stakeholders since July indicated broad agreement on these proposed amendments, however ACT Policing does not support the amendment to remove registration requirements for sole operators.
- Sex work is a valid occupation and workers are entitled to the same protection of their health, safety and rights as any other profession.
- Sex workers should also be free from discrimination and we have a responsibility to reduce the stigma associated with the industry.
- The Government is committed to a progressive and socially responsible approach to the commercial sex industry.

Cleared by: Julie Beddoe

Date: 1 June 2016

OVERSIGHT BRIEF

4. 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 & a high level of judicial intervention.
- The Supreme Court has developed proposals for Government in relation to the model, assisted by a working group of key stakeholders, chaired by Justice John Burns. These proposals are under consideration.

Cleared by: Karen Greenland

Date: 15 January 2018

OVERSIGHT BRIEF

5. Victims Charter of Rights

- All other states and territories in Australia have introduced victims' rights as principles or guidelines.
- The Government is seeking to transform the ACT's guiding principles for the treatment of victims into obligatory rights through legislative reform. Other options will also be considered.
- The Victims Charter can cover, among other things, the rights of victims of crime and the obligations that agencies and others have when dealing with victims of crime, and establish a complaints resolution process for when the charter is breached.
- The Government is currently working closely with stakeholders including the Victims Advisory Board, Victims of Crime Commissioner, individual victims of crime and justice system agencies to identify options and the best approach for implementing a Victims Charter of Rights for the ACT.
- Wider stakeholder and public consultation will occur in the coming weeks.

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

6. Vilification and Discrimination

- In the ACT, the *Discrimination Act 1991* makes it unlawful for someone to discriminate against another person because of their sexual orientation or race in a range of areas of public life including education, employment and in receiving goods and services.
- Sexual orientation includes a person being gay, lesbian, bisexual, or heterosexual.
- It is also against the law to vilify a person or group of people on the grounds of sexuality or race.
- Vilification means to publicly incite hatred towards a person or group of people which is likely to offend, insult, humiliate or intimidate that person or group of people.
- If anyone is subject to this behaviour in the ACT, I encourage them to contact the ACT Human Rights Commission to talk through the complaints process.

Cleared by: Sean Costello

Date: 12 January 2018

OVERSIGHT BRIEF

7. Reducing Recidivism

- The Justice and Community Safety Directorate is preparing an approach for developing a long term recidivism plan, to set a pathway for achieving recidivism targets for the justice system.
- The recidivism plan requires an understanding of ‘what works’ backed up by planning, innovation, efficiency and community engagement.
- The plan will need to be carefully balanced to ensure that public safety is maintained and further improved.
- Reducing recidivism in the ACT requires shared responsibility across the justice system so that a change in one part of the justice system does not negatively impact another part of the justice system.
- By taking a balanced and shared approach to reducing recidivism the targets can be achieved and sustained. Reducing recidivism also requires the support of the human services system.

Cleared by: Tamsyn Harvey

Date: 1 June 2018

OVERSIGHT BRIEF

8. Restorative Justice

- The RJ Scheme will be broadened later in 2018 include domestic and family violence and sexual offence matters.
- The Restorative Justice Unit has previously consulted and drafted guidelines for managing domestic and family violence.
- It is now consulting and constructing guidelines for the management of sexual offences. It is acknowledged that these highly sensitive matters will involve additional supports and expertise.
- If people would like to provide comments as part of phase three, they can contact the ACT Restorative Justice Unit on 6207 3992.

Cleared by: Karen Greenland

Date: 15 January 2018

OVERSIGHT BRIEF

10. Justice Reinvestment

- The Justice Reinvestment, or JR Strategy is about developing a smarter, more cost-effective approach to improving criminal justice outcomes by reducing crime and diverting offenders, and those at risk of becoming offenders, from the justice system.
- The ACT's approach to JR is multi-faceted. Rather than undertaking a single intervention to achieve cost savings, a cumulative approach is being developed.
- The development of the JR Strategy currently involves six key projects:
 - justice reinvestment family trial – Yarrabi Bamirr (Ngunnawal words for 'Walk Tall')
 - justice reinvestment bail support program trial- Ngurrambai (Ngunnawal words for 'perceive, I see, I listen, I understand')
 - justice system costing model
 - justice services and programs map
 - justice and human services system data snapshots and
 - an evaluation framework consisting of program evaluations containing justice reinvestment measures
- The development of the JR Strategy reinforces a number of strategic cross government initiatives including the Aboriginal and Torres Strait Islander Agreement and Justice Partnership, the Human Services Blueprint and the Blueprint for Youth Justice in the ACT.
- As a plan for reducing recidivism is developed it will draw on the ACT evidence base developed as part of the JR Strategy.

Cleared by: Tamsyn Harvey

Date: 1 June 2018

OVERSIGHT BRIEF

11. Aboriginal and Justice Partnership

- The Partnership takes a targeted approach to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system and includes detailed actions, measures and areas of accountability.
- The three key objectives of the Partnership are to:
 - reduce over-representation by reducing recidivism and increasing access to diversionary programs
 - improve access to justice services and
 - improve data collection and reporting.
- The Partnership consists of a total of 21 actions areas with 38 key measures that in some instances are jointly addressed by lead agencies bringing the total number of reportable action items to 79.
- As at 28 September 2017:
 - 13 action items have been completed and
- 49 are on tracks.

Cleared by: Karen Greenland

Date: 12 January 2018

OVERSIGHT BRIEF

12. Retirement Villages

- The 2016 review of the Retirement Villages Act included first and second stage recommendations.
- The first stage reforms commenced on 16 December 2016.
- The second stage of the review included recommendations for the following:
 - removing administrative duplication under the Retirement Villages Act and Unit Titles (Management) Act 2011 for unit titled retirement villages
 - giving consideration to voting rights; and
 - developing standard documents including the general inquiry document, village contract, village budget, condition report and safety and security report.
- Any additional issues raised by stakeholders can also be considered in the second stage of the reforms.
- During 2017 the Review Advisory Group reconvened to consider the second stage of recommendations.
- A sub-group of the Review Advisory Group was also convened to consider issues relating to unit titled retirement villages.
- The Justice and Community Safety Directorate is continuing to engage with stakeholders representing residents and operators of unit titled retirement villages.
- I intend to consult further with key stakeholders on proposed second tranche amendments this year.

Cleared by: Julie Beddoe

Date: 26 February 2018

OVERSIGHT BRIEF

13. Public Advocate Annual Report/Funding

- I am aware of calls for additional funding to support the Public Advocate's oversight role.
- The 2017-18 Budget provides \$631,000 over 4 years in additional funding for the Public Advocate.
- This initiative will provide funding for an additional Senior Advocate to respond to recent and anticipated changes to legislative and service systems within the ACT.
- The restructure of the HRC was aimed at ensuring that the functions of the Commissioners could be undertaken in the most efficient manner and to free up resources for service delivery.
- I am working with the Public Advocate to determine how to further support her ability to deal with increasing work demand and expanded functions resulting from recent government reforms.
- The 2017-18 initiative also provides funding for a review to assess whether resources directed towards the Public Advocate adequately support the Public Advocate's oversight role.
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- This is in advance of the broader review of protection of rights services legislation which is required by legislation as soon as practicable after 1 April 2019.
- The statutory review will assess if the new structure is effective in delivering the objects of the Act. Following the restructure of the HRC, which took effect on 1 April 2016, the President has responsibility for managing the budget for all work areas of the HRC (s 18(1)(a)&(b) HRC Act).
- A consultant (Springgreen) is undertaking an independent review of the oversight resources of the Public Advocate and Children and Young People Commissioner, and the resources to respond in the Community Services Directorate. The final report has been received and is being considered by Government .

Cleared by: Julie Beddoe

Date: 1 June 2018

OVERSIGHT BRIEF

14. Official Visitor Review

- The Official Visitor scheme has been in place for three years.
- A number of reforms are changing the way official visitors do their work, including:
 - the rollout of the National Disability Insurance Scheme
 - increased procedural safeguards in the *Mental Health Act 2015*
 - the development of an ACT Inspectorate for Custodial Services and
 - the expected ratification of the Optional Protocol for the Convention Against Torture by the Australian Government
- It is therefore timely to consider a formal review of the scheme. The review is being undertaken by a project officer located in JACS.
- The Review is completed and the Government is considering the recommendations.

Cleared by: Julie Beddoe

Date: 1 June 2018



ACT
Government

Justice and Community Safety

53

MINISTER FOR JUSTICE, CONSUMER AFFAIRS AND ROAD SAFETY

Estimates Committee Hearings

26 June 2018

4:30 to 5:30pm

Brief no	Title
JACS Corporate	
1.	2017-18 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
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 – Reducing recidivism
11.	Better Government – Human Rights Commission digital capability
12.	Improving the timeliness of adoptions and permanency (CSD Budget Initiative)
Strategic and Accountability Indicators	
13.	Output Class 1.1: Road Safety *
14.	Output Class 1.5: Protection of Rights

Financial Summaries	
15.	Financial Summary Output 1.1
16.	Financial Summary Output 1.5
Rollovers	
17.	<p>FMA Section 16B Rollovers (2016-17 to 2017-18)</p> <ul style="list-style-type: none"> • Implement Strategic Priorities • Workers' Compensation Acquittal • Victims of Crime Financial Assistance Scheme Reforms <p style="text-align: center;">AND</p> <p>2018-19 Budget Rollovers (2017-18 to 2018-19)</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander Driver Licensing Evaluation • Interlock Evaluation • Implement Strategic Priorities • Learning Management System • Strategic Asset Management Plan • Better Infrastructure Fund
Question Time Briefs	
18.	Reducing Recidivism
19.	Restorative Justice
20.	Vulnerable Road User Reforms *
21.	Graduated Licencing Scheme *

* In accordance with section 35 of the Territory Records Act 2002, this brief has been transferred to Transport Canberra and City Services (TCCS) as the current record owner. Refer to the TCCS website (www.cityservices.act.gov.au) for further information on the release of this brief under Open Access.

2018/1896-013

Portfolio: Justice, Consumer Affairs & Road Safety**ISSUE: 2018-19 Budget Summary – Minister for Justice, Consumer Affairs and Road Safety**

Talking points:Human Rights Commission

- **\$557,000** over two years will be invested to upgrade the Human Rights Commission digital capabilities and implement a single case management system.

Reducing recidivism by 25 per cent by 2025

- **\$1 million** in 2018-19 to reduce recidivism by supporting initiatives which prevent crime and address offending behaviour, including:
 - **\$84,000** Aboriginal Victim Liaison Officer for the Victims of Crime Office
 - **\$285,000** to expand the High Density Housing Community and Safety Program
 - **\$152,000** to establish Warrumbul Court in the Children’s Court to provide a culturally appropriate sentencing process for Aboriginal and Torres Strait Islander youth in the justice system
 - **\$434,000** for the continued development of, and operationalising initiatives within the justice reinvestment program

The Government will also protect and support the victims of crime through the justice system by investing:

- **\$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. ACT Health will contribute \$0.184 million from the Health Central Provision to the administration of the scheme.

Background

The ACT’s budget announcements will include initiatives relating to:

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[Return to Index](#)

- Better Government – Human Rights Commission digital capability;
- More support for families and inclusion – Reducing recidivism;
- More support for families and inclusion – Implementing the Commonwealth Redress; and
- Scheme for Institutional Child and Sexual Abuse.

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[Return to Index](#)



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

Portfolios: Justice, Consumer Affairs & Road Safety

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 to highlight the demand on 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 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 Abuse. Implementing the Commission’s recommendations will improve the criminal justice system through increased protection and support for child victims of sexual abuse.
 - In 2017-18 Budget Review, the Government contributed \$0.293 million to the implementation of the scheme. The Government also provided additional resources for the Canberra Rape Crisis Centre to help meet increased demand for its services.

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- In the 2018-19 Budget, as part of the scheme the ACT will fund \$14.2 million over four year 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.
- Advocacy for Inclusion proposes 22 recommendations in two broad categories: funding for the advocacy services particularly in light of the launch of the National Disability Insurance Scheme and providing support from the legislative and justice system perspective.
- Sch 2 s 2.2 (a)(xii) seeks funding for the Socio-Legal Practice Clinic as the program is currently only funded through philanthropic sources until 30 June 2018.
 - The Government will provide \$0.580 million to continue develop a Disability Justice Strategy to recognise and responds 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.
- Sch 2 s 2.2 (a)(xii) have raised issues concerning homelessness and housing affordability particularly in relation to the needs of children and young people.
 - The Government will provide \$1.021 million in 2018-19 to continue and expand the High Density Housing Community and Safety Program which facilitates programs that prevent and reduce crime and antisocial behaviour through community building at public housing sites in the ACT.
 - Aboriginal and Torres Strait Islander victims will be further supported by the ACT Government through funding an Aboriginal Victim Liaison Officer as part of Victim Support ACT.
 - The Government will also establish Warrumbul Court in the Children’s Court to provide a culturally appropriate sentencing process to help address the overrepresentation of Aboriginal and Torres Strait Islander people in the justice system.

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Background

The Community Budget Consultation Process closed on 24 October 2017.

Minister briefing – TRIM MIN:2017/003802

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[Return to Index](#)

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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[Return to Index](#)

- 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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- 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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[Return to Index](#)

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.

Sue Vroombout, Executive Director
Economic and Financial Group

- 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

Portfolios: 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

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[Return to Index](#)

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

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Lead Directorate: Justice and Community Safety

[Return to Index](#)

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

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[Return to Index](#)

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

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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](#).

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BUDGET ESTIMATES BRIEF

Attachment A

<u>2018-19 Budget Initiatives</u>	Total	FTE	LPP	SEMB	GSO	DPP	HRC	Courts	ACTCS	ESA	Corp
Attorney-General											
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									
Corrections											
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		
Justice											
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				
Emergency Services											
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								
Community Services											
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	

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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
 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

Attachment B

<u>2018-19 Budget Initiatives</u>	Total	LPP	SEMB	GSO	DPP	HRC	Courts	ACTCS	ESA	Corp
	FTE									
Attorney-General										
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								
Corrections										
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		
Justice										
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				
Emergency Services										
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							
Community Services										
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
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 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
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 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](#)

- As at 25 June 2018 JACS has received three allegations of unauthorised disclosures of confidential information for the 2017-18 financial year. This is an increase of one from the previous financial year.
- Of these, no formal investigations were undertaken, each case was managed via an internal review. As at 25 June 2018, JACS has received two allegations of fraud, each containing multiple allegations.
- Of these, one investigation was commenced during 2017-18 and an additional investigation is pending. This is a decrease of one from the previous financial year.
- 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.

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

- 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

[Return to Index](#)

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*1901-016

Portfolio: Justice, Consumer Affairs & Road Safety

(JACS E12) More support for families and inclusion – Reducing recidivism

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	1,021	0	0	0	1,021
Offset - Expenses	-66	0	0	0	-66
Net Expenses	955	0	0	0	955
<i>Total Additional FTE</i>	<i>2.5</i>				

The Government will expand the High Density Housing Community and Safety Program, which facilitates programs that reduce crime and antisocial behaviour through community building at public housing sites in the ACT.

We will also deliver a dedicated Liaison Officer through Victim Support ACT to better support Aboriginal and Torres Strait Islander victims of crime, and establish Warrumbul Court in the Children's Court to provide a culturally appropriate sentencing process to help address the overrepresentation of young Aboriginal and Torres Strait Islander people in the justice system.

Expenses: (\$1.021m in 2018-19 only)

The initiative will provide funding for the following:

- \$0.434m for the continued development of, and operationalising of initiatives within, the justice reinvestment program;
- \$0.285m on continuing the Ainslie Avenue based High Density Housing Program expanding it to Illawarra Court;
- \$0.150m on an Aboriginal and Torres Strait Islander Victim Liaison Officer (ASO6); and
- \$0.152m on a Warrumbul Court Coordinator & Cultural Advisor for the Children's Circle Court and core costs associated with Panel Member training, supervision, reimbursements (for expenses and cultural expertise) and ICT.

Offset: (\$0.06m in 2018-19 only)

Victim Support will provide offset for 0.5 x ASO6 Aboriginal and Torres Strait Islander Victim Liaison Officer.

Cleared as complete and accurate: 31/05/2018
 Cleared by: Executive Director Ext:70522
 Information Officer name: Tamsyn Harvey
 Contact Officer name: Nova Inkpen Ext:54786
 Lead Directorate: Justice and Community Safety

BUDGET ESTIMATES BRIEF

Further Information:

Through a combination of prevention, diversion and system-level interventions, the initiative will fund resources to reduce recidivism among all offenders and target effort to reducing the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system, as both offenders and victims.

High Density Housing Program has been independently evaluated by the Australian Institute of Criminology and it has confirmed that the program reduces violent crime by 50 per cent; reduces property crime by 60 per cent and reduces disturbance incidents by 49 per cent.

Estimated Timing:

The initiative will commence in 1 July 2018 and will be funded for one year before comeback in next budget process in an omnibus bid with AMC Accommodation and Restorative City.

Cleared as complete and accurate:	31/05/2018	
Cleared by:	Executive Director	Ext:70522
Information Officer name:	Tamsyn Harvey	
Contact Officer name:	Nova Inkpen	Ext:54786
Lead Directorate:	Justice and Community Safety	

*2018*1898-002

Portfolio: Justice, Consumer Affairs & Road Safety

(JACS CW03) Better Government – Human Rights Commission digital capability

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Capital	465	92	0	0	557
Depreciation	0	95	95	95	285
<i>Total additional FTE</i>	<i>0.3</i>				

The Government will continue to strengthen the Human Rights Commission by replacing a number of existing IT systems with a single new case management system. This investment will improve administrative efficiency and service delivery by allowing staff to spend more time delivering frontline services to clients.

Capital: (\$0.557m over two years)

The initiative will fund:

- \$0.056m for project resourcing and governance;
- \$0.250m for external consulting for project management, analysis & design, functional configuration, infrastructure assistance, testing, UAT, documentation, staff training and deployment;
- \$0.140m for licence fees for 2018-19;
- \$0.065m for Shared Services ICT charges, legal fees and other; and
- \$0.046m for project contingency.

Further Information:

The existing systems are at end of life and have resulted in administrative inefficiencies due to unreliability.

Implementing a single information management system will enable the Human Rights Commission to improve service delivery to its clients by eliminating inefficient administrative tasks that are currently being undertaken, and allowing staff to be redirected to front line service delivery.

Estimated Timing:

The project targeting go live July 2019 to coincide with new annual reporting periods. A detailed project plan will be developed once the vendor is engaged.

Cleared as complete and accurate: 30/05/2018
 Cleared by: Chief Finance Officer Ext:54389
 Information Officer name: Dragana Cvetkovski
 Contact Officer name: Melissa Tierney Ext:53196
 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

More support for families and inclusion – Adoption and permanency

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Community Services Directorate – Expenses	376	635	651	667	2,329
Justice and Community Safety Directorate – Expenses	218	300	305	309	1,132
Net Expenses	594	935	956	976	3,461

Summary Description

The Government will provide new dedicated resources within Child and Youth Protection, and more resources to the Justice and Community Safety Directorate for legal services to improve the adoption and permanency process for vulnerable children in the ACT.

Key Points

- The ACT finalised seven known adoptions in 2016-17 which is higher pro rata than in Victoria, Tasmania, South Australia and the Northern Territory. However, this outcome reflected the finalisation of some cases that had been underway for a considerable time, and there are currently more than 300 children eligible for adoption or Enduring Parental Responsibility Orders (EPR) in out of home care in the ACT.
- The long term average of known adoptions in the ACT is approximately three to four a year. With additional funding, CSD would look to achieve a steady rate of two to three times the historic levels of adoptions, in addition to increasing the number of EPRs achieved for children, young people and families for whom adoption is not an appropriate or viable option.
- *A Step Up for Our Kids* has a focus on permanency options, including adoption, based on both community consultation and substantial evidence of the benefits of a permanent, secure home for children and young people.
- Amendments were made to the *Children and Young People Act 2008* with the introduction of the Strategy in 2015 that support timely decisions about permanency, reducing the timeframe a child needs be in care before a decision about permanency can be made from two years to 12 months. This change in legislation is in line with recent changes made in NSW that have received considerable media attention.
- The initiative will also provide funding to the ACT Government Solicitor for advice, representation and support of the important work of CSD Case Workers and the Director-General CSD.

Directorate Contact Officer: Helen Pappas, A/g Executive Director, Children, Youth and Families
Phone Number: 6205 6922

Subject to Budget Embargo until 3pm, 5 June 2018

*2018*1909-001

Portfolio: Justice, Consumer Affairs & Road Safety
ISSUE: ACT Human Rights Commission – Strategic and Accountability Indicators.
Context

Strategic and Accountability Indicators for the ACT Human Rights Commission are published on page 9 and 17 of the JACS 2018-19 Budget Statement.

Promotion and Protection of Rights and Interests

The ACT Human Rights Commission, now including the Public Advocate of the ACT and Victim Support ACT, protects the rights of vulnerable members of the community. The Commission provides community engagement, information, support and/or advice in relation to the roles and functions of their Commissioners, including how members of the community can access and protect their rights. Additionally, as required under the *Human Rights Act 2004*, the Directorate seeks to ensure that all legislation is compatible with human rights.

Table 5: Strategic Indicator 5: Awareness and Compliance with Human Rights and Interest

Success	Strategic Indicator	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
Increased community awareness of how to access and protect rights	Number of community members made aware of their rights in the area of responsibility for victim support ¹	900	1,412	1,400
	Number of community engagement activities undertaken by:			
	- Human Rights Commission in area of human rights and service provision	50	50	50

Note:

- The higher than target 2017-18 estimated outcome is attributed to a change in how the strategic indicator is measured. In previous years the indicator was based on the number of pamphlets that were provided to community members. The indicator is now based on the total number of individuals who receive information or support from Victim Support ACT. The target for 2018-19 has been increased to align with the new measure.

Cleared as complete and accurate: 01/06/2018
 Cleared by: Commissioner Ext:52222
 Information Officer name: Dr Helen Watchirs
 Contact Officer name: Kumudini Kulatunga Ext: 54300

[Return to Index](#)

Accountability Indicators

Output 1.5: Protection of Rights

Table 20: Accountability Indicators Output 1.5

	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
Human Rights Commission			
High level of client satisfaction with Human Rights Commission complaints process:			
- Percentage of survey respondents who consider the process fair, accessible and understandable	75%	80%	75%
- Percentage of complaints concluded within Commission standards	75%	75%	75%
High level of community education, information and advice in relation to human rights and (i) services for children and young people, (ii) disability services, (iii) discrimination, (iv) health services, and (v) services for older people:			
- Number of community engagement activities undertaken by the Commission ¹	30	50	50
Public Advocate			
The Public Advocate of the ACT's actions towards achieving a caring community where the rights and interests of vulnerable people are protected:			
- Proportion of client survey respondents for whom advocacy services are provided by the Public Advocate of the ACT where a high level of satisfaction is reported	75%	75%	75%
<i>Public Advocacy</i>			
a. Individuals, excluding guardianship clients, brought to the attention of the Public Advocate:			
- Proportion of individuals brought to the attention of the Public Advocate for whom direct advocacy is provided	25%	25%	25%
- Percentage of clients referred to the Public Advocate for whom a review of the documentation was undertaken	75%	75%	75%
Victim Support ACT			
Percentage of referrals to Victim Support ACT or the Victims of Crime Commissioner-actioned within five working days	95%	95%	95%

Note:

- The 2017-18 target relates to community engagement activities undertaken by the Human Rights Commission, not including the Public Advocate and the Victim Support ACT. The higher than target 2017-18 estimated outcome is due to a more active period of community engagement associated with the formation of the new Commission. The 2018-19 target has been increased to reflect the inclusion of the Public Advocate and the Victim Support ACT community engagement activities within the broader Human Rights Commission's Accountability indicator.

Cleared as complete and accurate: 01/06/2018
 Cleared by: Commissioner Ext:52222
 Information Officer name: Dr Helen Watchirs
 Contact Officer name: Kumudini Kulatunga Ext: 54300

Talking points:

- Strategic Indicator ‘Number of community members made aware of their rights in the area of responsibility for victim support’:
 - The higher than target 2017-18 estimated outcome is attributed to a change in how the strategic indicator is measured. In previous years for Victim Support the indicator was based on the number of pamphlets that were provided to community members. Similarly to the rest of the Human Rights Commission, the indicator is now based on the total number of individuals who receive information or support from Victim Support ACT. The target for 2018-19 has been increased to align with the new measure.
- Some indicators have higher estimated outcome than anticipated 2017-18 targets due to the promotion of the restructured Commission and wider reach of frontline services, eg cross referrals of clients.
- Strategic Indicator ‘Number of community engagement activities’:
 - The Human Rights Commission has exceeded its target due to increased community engagement activities being undertaken since the merger of the HRC in 2016 to incorporate the Public Advocate and Victims of Crime Commissioner to ensure the community is aware of the functions and services available from the HRC.
 - This strategic indicator was discontinued in 2017-18 as the Public Advocate activities are now incorporated into the overall Human Right Commission community engagement activities.
- The Public Advocate new accountability indicator (1.5 c) Proportion of individuals brought to the attention of the Public Advocate for whom direct advocacy is provided in 2017-18 as the proportional figure is a more relevant measure in representing the advocacy services provided by the Public Advocate.
- The Public Advocate accountability indicator (1.5 c) Total number of individuals provided with direct advocacy has been discontinued from 2017-18 given that the Public Advocate has no control over the number of clients brought to the attention of the office, eg statutory notifications.

Cleared as complete and accurate: 01/06/2018
Cleared by: Commissioner Ext:52222
Information Officer name: Dr Helen Watchirs
Contact Officer name: Kumudini Kulatunga Ext: 54300

2018/1896-006

Portfolio: Justice, Consumer Affairs & Road Safety

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

Cleared as complete and accurate: 15/06/2018
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 Lead Directorate: Justice and Community Safety

[Return to Index](#)

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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2018/1896-007

Portfolio: Justice, Consumer Affairs & Road Safety

ISSUE: Output 1.5 Protection of Rights Controlled Recurrent Payments and Total Cost Variances

Output 1.5: Protection of Rights (page 11, 2018-19 Budget Statements)

	2017-18 Budget \$'000	2017-18 Estimated Outcome \$'000	2018-19 Budget \$'000
Total Cost	8,995	9,069	9,629
Controlled Recurrent Payments	8,167	8,167	8,738

Talking points:

- **Total Costs:** the increase of \$0.560 million in the 2018-19 Budget from the 2017-18 Estimated Outcome is mainly due to new initiatives *More support for families and inclusion - Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse* and *More support for families and inclusion - Reducing recidivism* (\$0.232 million), net step-up in funding for the prior year initiatives (\$0.080 million) and other net adjustments (\$0.248 million).
- **Controlled Recurrent Payments:** the increase of \$0.571 million in the 2018-19 Budget from the 2017-18 Estimated Outcome is mainly due to new initiatives *More support for families and inclusion - Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse* and *More support for families and inclusion - Reducing recidivism* (\$0.232 million), net step-up in funding for the prior year initiatives (\$0.080 million) and other net adjustments (\$0.259 million).
 - Other net adjustments include revised wages parameters, indexation, savings and other net adjustments partially offset by superannuation parameters.

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[Return to Index](#)

2018/1896-025

Portfolio: Justice, Consumer Affairs & Road Safety**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 1996 (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; amounts rolled and revised completion dates.
- There are 11 project rollovers totalling \$4.939 million:
 - \$2.554m of capital funding, of which \$2.176m directly related to your portfolio, \$0.378m relating to yours and other Minister's portfolio; and
 - \$2.385m of recurrent funding, of which \$0.570m 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 11 re-profiled projects totalling \$11.670 million:
 - \$9.193m of capital funding; and
 - \$2.477m of recurrent funding, of which \$1.562m directly related to your portfolio, \$0.915m relating to yours and other Minister's portfolio.

If asked about significant re-profiling to 2019-20 year

Capital works projects by their very nature experience variations in delivery. The Capital Works Funding Framework provides flexibility to respond to slower or faster delivery of individual projects. The Directorate has re-profiled significant capital funding to 2018-19 and 2019-20 years to better reflect financial completion of projects.

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.

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[Return to Index](#)

- A Whole of Government re-profiling exercise has resulted in a significant proportion of 2017-18 funding being re-profiled to 2018-19 and 2019-20 years. This has created a misalignment between physical completion date and the financial re-profiling.
- In particular, this is evident for the Digital Canberra – New Digital Radio Communication System where majority of re-profiled funding was moved to 2019-20 while the project is expected to be physically completed in December 2018.
- 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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[Return to Index](#)

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	2	1	ACT Corrective Services Information Management Solution	The rollover was required to finalise project payments.	70	Jun-17	Jun-18	MoC
R	R	2	2	AMC Electronic Security System	The rollover was required to support the activities under the new contract with Chubb Fire & Security.	250	Jun-17	Jun-18	MoC
R	R	2	3	Moss Inquiry Implementation project	The rollover was required to undertake works as a result of the Moss Inquiry. These include facilitating workshops, developing Heads of Agreement between JACS and ACT Health and providing support to the Moss Steering Committee.	250	Jun-17	Jun-18	MoC
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 2 3 4	5	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						2,385			
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	1	2	Victims of Crime Financial Assistance Scheme Reforms	The fit out component of this project is complete. The rollover was required to finalise the ICT component of the project and access funds for invoices already paid.	68	Jun-16	Oct-17	MoC
C	C	2	3	AMC Detainee Industries	This project is physically complete. The rollover was required to address matters arising through the defect liability period and remaining invoices to financially complete the project.	682	Jan-17	Dec-17	MoC
C	C	2	4	ACT Corrective Services - Accommodation fit out	The rollover was required to finalise 2016-17 accrued invoices and matters arising during the defects liability period.	793	Mar-17	Dec-17	MoC
C	I	2	5	ACT Corrective Services Information Management Solution	The rollover was required to finalise 2016-17 accrued invoices and for continued work on this project.	500	Jun-18	Jun-18	MoC
C	I	2	6	Digital Canberra - New Digital Radio Communications System	The rollover was required to finalise 2016-17 accrued invoices and for continued work on this project.	133	Jun-18	Jun-18	MoC
TOTAL CAPITAL S16B ROLLOVER (Excluding BIF)						2,554			
Breakdown						Across Ministers		Total	
Total s16B - Capital						2,176	378	2,554	
Total s16B - Recurrent						570	1,815	2,385	
Total 16B						2,746	2,193	4,939	

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	2	1	Better Support When It Matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre	A design consultant is currently being sourced to produce the designs required for the provision of the Temporary accommodation solution. Project is expected to complete in 2018-19.	-732	732		Jun-18	Jun-19	MoC
R	R	1	2	ATSI Driver License Evaluation	The project is still being finalised, report will not be delivered by later next financial year. Therefore, payment will be made until delivery of the final report.	-6	6		Jun-18	Jun-19	MoJ
R	R	1	3	Interlock Evaluation	Project is still being finalised whilst awaiting for report from consultant.	-13	13		Jun-18	Jun-19	MoJ
R	R	2	4	Implementation of Moss Review Recommendations	<u>\$476k - Feasibility review to inform the strategic accommodation needs for detainees in the ACT.</u> Rollover required to allow ACTCS continues to progress accommodation options with the environmental survey and temporary bed planning work to address the continued pressure on AMC bed capacity. <u>\$335k - Inspector of Correctional Services</u> Delays in engagement have resulted in the rollover requirement.	-811	811		Jun-18	Jun-19	MoC
R	R	1 2 4	5	Strategic Asset Management Plan	To allow for project continuity and completion.	-200	200		Jun-18	Jun-19	MPES MoC AG
R	R	1 2 3 4	6	Learning Management System	To allow for project continuity and completion.	-235	235		Jun-18	Jun-19	MPES MoC AG
R	R	1 2 3 4	7	Implement Strategic Priorities	To allow for project continuity and completion.	-480	480		Jun-18	Jun-19	MPES MoC AG
Total Recurrent Re-profiling						-2,477	2,477	0			
Capital Injection Re-profiling											
Reason for rollover						\$'000	\$'000	\$'000			
C	C	2	1	Better Support When It Matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre	A Project manager has been engaged from Infrastructure Finance Capital Works. Engagement of an architect has been completed. First draft design brief for both the health centre refurbishment and the floor plan of the modular building is with Justice Health within ACT Health for approval. The rollover is required to align the project's expected cash flows with the program of work.	-2,011	-1,400	3,411	Jun-19	Jun-20	MoC
C	C	2	2	Alexander Maconochie Centre – Detainee Industries and Activities Enforcement Project	The 2017-18 funding is to complete oval rectification and to address any matters arising in the defects liability period. The oval was completed in April 2018. Current identified defects include the impact of waste through additional cells. This increased capacity adversely affected the liquid trade waste from the AMC and its subsequent impact on the sewer network. A rollover is required to align the cash flow with expected work program with the liquid waste solution.	-731	731		Jan-17	Jun-19	MoC
C	I	2	3	ACT Corrective Services – Information Management	The solution design and sandbox stage have been delayed due to changes in key resources within the vendor's project team. The rollover is required to align the project's expected cash flows with the contract milestones.	-6,002	998	5,004	Jun-18	Jun-19	MoC
C	I	2	4	Digital Canberra – New Digital Radio Communication System	Roll over due to the delay of procurement and establishment of the WHOG contract for mobile radio devices.	-449	90	359	Jun-18	Dec-18	MoC
Total Capital Re-profiling						-9,193	419	8,774			
BREAKDOWN											
Direct											
Total Re-profiling (Capital)						-9,193	419	8,774			
Total Reprofiling (Recurrent)						-1,562	1,562	0			
Across Ministers											
Total Re-profiling (Capital)						0	0	0			
Total Reprofiling (Recurrent)						-915	915	0			
TOTAL						-11,670	2,896	8,774			

Portfolio: Justice, Consumer Affairs & Road Safety

ISSUE: REDUCING RECIDIVISM

Talking points:

- The Government has set a goal to reduce recidivism by 25 per cent by 2025.
- In the 2018-19 budget the government provided \$0.955m of support for families to reduce their contact with the justice system.
- Through a combination of prevention, diversion and system-level interventions, funding has been provided to reduce recidivism among offenders and target effort to reducing the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system, as both offenders and victims.
- The Government will also expand the High Density Housing Community and Safety Program, which facilitates programs that reduce crime and antisocial behaviour through community building at public housing sites in the ACT.
- We will also deliver a dedicated Liaison Officer through Victim Support ACT to better support Aboriginal and Torres Strait Islander victims of crime, and establish Warrumbul Court in the Children's Court to provide a culturally appropriate sentencing process to help address the overrepresentation of young Aboriginal and Torres Strait Islander people in the justice system.
- These initiatives feed into the government's broader commitment to develop a recidivism plan.
- *Recidivism Plan* Developing a Recidivism Plan to achieve this ambitious target will require a package of work to effectively change the life trajectories of some of Canberra's most vulnerable citizens who have complex needs.

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- Reducing recidivism in the ACT is a shared responsibility across the justice and human service system. The government will work closely with government stakeholders, the community sector, academia and those with lived experience to develop the Recidivism Plan.
- Important to success in reducing recidivism in the ACT will be addressing the onset of offending and the cycles of offending.
- As a starting point we are looking to lessons from other Australian States and Territories, as well as internationally, to see what is relevant to consider in the ACT context. The Australian National University has been engaged to undertake a literature review on approaches to reducing recidivism which is expected to be available shortly.

Key Information

- The Government traditionally measures recidivism using the Report on Government Services. ROGS measures one part of the justice system, whether a person has received a conviction in a court and whether they have received a second conviction within a two year period.
- The measure does not include other considerations such as police discretion when dealing with offenders, using diversion options (such as restorative justice) or court responses that may prove an offence but not record a conviction.
- The 2017 Prisoners in Australia publication by the ABS found that 75 per cent of ACT prisoners have previously been imprisoned under sentence, the largest proportion of any State or Territory (the national average was 57 per cent).
- The ACT consistently has the lowest imprisonment rate in Australia per head of population. In 2017 the adult imprisonment rate was 141 prisoners per 100,000 a decrease from 144 prisoners per 100,000 (2016) adult population compared to the national imprisonment rate of 215.9 prisoners per 100,000 population.
- This suggests that offenders sentenced to periods in prison may have more endemic offending behaviour.

Background Information

- The Parliamentary Agreement for the Ninth Legislative Assembly commits to reducing recidivism by 25 per cent by 2025.
- The 2018-19 budget process provided \$0.434 for the continued development of, and operationalising of initiatives within the Justice Reinvestment Program which underpins the reducing recidivism approach.

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QUESTION TIME BRIEF

- \$0.285m was provided in 2018-19 budget on continuing the Ainslie Avenue based High Density Housing Program and expanding it to Illawarra Court.
- \$0.150m on an Aboriginal and Torres Strait Islander Victim Liaison Officer (ASO6); and
- \$0.152m on a Warrumbul Court Coordinator & Cultural Advisor for the Children's Circle Court and core costs associated with Panel Member training, supervision, reimbursements (for expenses and cultural expertise) and ICT.

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*2018*1901-020

Portfolio: Justice, Consumer Affairs & Road Safety**ISSUE: Restorative Justice Statistics****Talking points:**

- **Restorative Justice (RJ)** supports people who are affected by crime to come together to address their unmet justice needs in a safely guided voluntary process. RJ conferences may be face-to-face or indirect depending on the needs and wishes of participants. Convenors guide a structured dialogue to assist a meaningful and beneficial discussion about the offence, its impact on those harmed and what is needed to repair the harm done and prevent it from happening again.
- **The Restorative Justice Unit (RJU)** is funded by the ACT Government and operates in accordance with the *Crimes (Restorative Justice) Act 2004*. The RJU began operation in ‘phase one’ in January 2005 beginning with juvenile less serious offences, moving to ‘phase two’ in February 2016 including adult offences and more serious offences and will move to ‘phase three’ towards the end of 2018 accepting referrals for family violence and sexual offences.
- **Referrals** – In 2017-18 up to 31st May 2018, the RJU received a total of 241 referrals relating to 510 offences, 447 victims, and 259 offenders.
- ACT Policing and the Courts remain the most frequent referring entities to date this financial year.
- Of the offences referred, 450 were considered less serious offences and 60 serious offences. Serious offences are defined in the *Crimes (Restorative Justice) Act 2004* as an offence punishable by imprisonment for a term longer than 14 years for offences that relate to money or other property or 10 years in any other case.
- 142 adult and 117 young offenders have been referred to date this financial year.
- 22 adult and 21 young offenders identified as Aboriginal and or Torres Strait Islander people.

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[Return to Index](#)

- 53 offenders and 60 victims referred so far this financial year, remain under assessment.
- **Conferences** – In 2017-18 up to 31st May 2018, the RJU convened 81 conferences. Of those conferences, 64 were face-to-face conferences and 17 through indirect means such as exchanges of information through letters or messages passed on by the convenor.
- These conferences involved 95 victims, 27 victim supporters, 82 offenders, 73 offenders’ supporters, 1 invited participant and 7 observers.
- Of the 43 referred Aboriginal and Torres Strait Islander offenders, 5 remain under assessment, 7 participated in conferences and 31 did not participate. This is a higher ratio of non-participation relative to referrals than for non-Aboriginal and Torres Strait Islander offenders and possible factors influencing this will be considered, together with steps that can be taken to improve participation rates where Aboriginal and Torres Strait Islander offenders are suitable for RJ.
- **Agreements and Compliance** – Of the 103 agreements finalised in 2017-18 up to 31st May 2018, 61 were complied or substantially complied with, for 28 the conference itself satisfied participants needs and 14 were not complied with. Resulting in an overall 86% compliance rate.
- Of the 7 agreements for Aboriginal and Torres Strait Islander offenders, 1 is still being monitored, 1 was complied or substantially complied with, for 5 the conference itself satisfied participants’ needs and none have not been complied with. This results in a 100% compliance rate.
- Of the agreements due to be completed in the current financial year, outcomes completed or partly completed by offenders thus far include:
 - 20 hours worked by offenders for the benefit of victims;
 - 81 hours worked by offenders for the benefit of the community;
 - \$21,109 compensation paid to victims for damages and losses incurred as a result of offences;
 - \$480 in donations by offenders to community or charitable organisations; and
 - 40 hours completed by offenders at counseling, educational programs or other pro-social activities.

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- **Satisfaction Rates** – The RJU continues to be a process that victims, offenders and their respective supporters find satisfying, maintaining a satisfaction rate of 98 percent to date in 2017-18.
- The 2017-18 performance target of 97 percent 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 per cent of respondents felt they were treated with respect
 - 99 per cent of responses felt they were able to have their say
 - 95 per cent of all respondents did not felt pressure to participate
 - 99 per cent of all respondents felt the process respected their rights
 - 95 per cent of all respondents felt they were able to have their say in the outcome
 - 98 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
 - 98 per cent of all respondents would participate in the process again; and
 - 99 per cent of all respondents would recommend the process to someone else.

Key Information

- **Participation** - There can be many reasons why a matter does not proceed to conference in a voluntary scheme, including: victims or offenders being unlocatable or unsuitable, victims or offenders declining to participate, victims or offenders being unable to participate.
- The community and stakeholders are steadily gaining awareness that for victims RJ is a safe and potentially beneficial experience. The RJU is continually looking to strategies to encourage awareness and access to this form of justice process and is continually challenging the traditional adversarial justice culture.

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- The RJU is engaged in media and community awareness activity to provide information to the general public about the unique possibilities that restorative justice can offer, when matters and participants are suitable.
- **Aboriginal and Torres Strait Islander Participation** – The RJU continues to look at ways to increase the participation rate of Aboriginal and Torres Strait Islander offenders referred to RJ.
- Two Indigenous Guidance Partners are employed to ensure that Aboriginal and Torres Strait Islander people receive a culturally appropriate service and maximise the positive benefits that participation in RJ can provide.
- **Recidivism Rates** – RJ is a community response to crime, giving voice to the experiences and personal impacts of crime, through shared insight, acknowledgement and reparation. The ACT scheme is a victim-centric process with a primary focus on meeting the needs of victims of crime.
- An offenders' participation in RJ provides opportunities for them to take responsibility for their actions and gain insight into the impact caused. It can involve diversionary opportunities and reduced contact with the formal criminal justice system for offenders of less serious offences.
- Some offenders' present with serious social, economic and educational issues that contribute to their vulnerability and offending behaviours. RJ is not equipped to address all of these issues in its relatively short time working with offenders. It can be, and often is however, a conduit for referral to other relevant interventions and support agencies.
- A current ANU-AIC study into phase one of the RJ scheme will address these issues and is likely to be concluded in the near future.

Background Information – may not be suitable for public disclosure

- **Funding** - In the 2004-05 financial year, the ACT Government announced funding for the RJU which began operating in January 2005 under the legislative guidance of the *Crimes (Restorative Justice) Act 2004* (the Act). It operated in phase one for 11 years managing referrals for less serious offences committed by juvenile offenders.
- In the 2011-12 budget, the ACT Government announced funding of \$607,000 over four years for the Indigenous Guidance Partner (IGP) ASO6 position and leased vehicle for transport and outreach needs. The position had been identified by a number of stakeholders, including the ACT Aboriginal and Torres Strait Islander community and the RJU in 2007-08.
- In the 2015-16 budget, the Government announced funding of \$2.058 over four years for the expansion of RJ to include offences committed by adults as well as serious offences for both adults and juveniles. The expanded staffing included four new positions, three convenors and an administrative and court liaison officer. The funding also provided professional supervision of convenors and training to build the RJU's capacity to manage family violence and sexual offences which will become eligible towards the end of 2018.

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- In the 2016-17 budget, the Government announced funding for a second ASO6 Indigenous Guidance Partner who could assist with the increase in referrals following the expansion of the RJU.
- The RJU's total staffing component is now 11 FTE.
- **Referrals** – Referrals are made by 'referring entities' at their discretion in accordance with the Act and can involve multiple offences, offenders and victims. The current operational phase, phase two, involves the referral of adult and young offenders aged between 10 and 17 years in relation to less serious offences and serious offences but excluding family violence and sexual offences.
- **Conferences** - Restorative justice conferences involve an exchange of information between the people most affected by a crime – the victim, offender and their respective supporters. These exchanges can happen through face-to-face meetings or indirectly by way of information exchanged through other methods such as letters or recorded messages.
- During conferences participants discuss what happened, who has been affected and what needs to happen to make things better. Most conferences result in an agreement whereby the offender agrees to undertake certain tasks to repair the harm caused and make commitments to address their offending behaviour.
- **Agreements and Compliance** - The aim of a restorative justice conference is the formation of an agreement between the victim and offender whereby the offender agrees to undertake certain tasks try to repair the harm caused by the offence, either directly for a victim or the community benefit, and make commitments to try to change their offending behaviour. Therefore, it is an important measure of restorative justice outcomes whether offenders comply with their agreements.
- Offenders can participate in multiple conferences with multiple victims which result in multiple agreements for a single referral. They may also participate in a single conference involving multiple victims either resulting in one combined agreement or multiple individual agreements with each victim.
- At the end of a restorative justice conference some victims elect not to enter into a formal agreement with the offender as the opportunity to meet with them has addressed their needs. These outcomes are recorded as agreements whereby the conference itself satisfied the victims' needs.

Satisfactions Rates - Following participants involvement in a restorative justice conference, surveys are administered to each offender, victim and where they participated, a main supporter for each. The core reasons for undertaking the surveys are to understand participants' experiences and to monitor convenors' delivery of the process for quality assurance purposes. They are collected by an independent agency.

- Many contributing factors influence participants' satisfaction with the process. These 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;

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- on-going review and improvement of processes and practices.

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[Return to Index](#)