



ACT

Government

Justice and Community Safety

Open Access release outcome decision – Partial access granted

Document Category: Ministerial Briefs

Title of document: Attorney General – Quarter 1 2018 briefs

Description of the information: Question Time Briefs provided to the Attorney General between 1 January and 31 March 2018.

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

Grounds for decision to withhold disclosure

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

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

2.1 Factors favouring disclosure in the public interest

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

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

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

2.2 Factors favouring non-disclosure in the public interest

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

- (ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

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

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

Open Access Decision – Quarter 1 2018 – Attorney General

73 of the Act within 20 working days from the day that my decision is published on the Justice and Community Safety Directorate website, or a longer period allowed by the Ombudsman.

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

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

Further assistance

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

Authorised by



Naveen Wijemanne
Information Officer
6 April 2023



OPEN ACCESS Q1 2018 SCHEDULE
PORTFOLIO: ATTORNEY GENERAL

No.	Pages	Description	Status	Reason for non-release or deferral
		Weekly sittings 13-15 and 20-22 February 2018		
1	1	Question Time and Oversight Brief Index 13-15 and 20-22 February 2018	Full release	
2	2-5	Greyhound Funding and Transition to end Industry	Full release	
3	6-10	Bail Laws	Partial release	Schedule 2 2.2(a)(ii)
4	11	Greyhounds	Full release	
5	12-14	DPP Resourcing	Full release	
6	15-19	Gaming Machine Harm Reduction Measures	Full release	
7	20-21	Moss Implementation - Coroner's Court	Full release	
8	22	Outlaw Motorcycle Gangs	Full release	
9	22-23	DPP Resourcing	Full release	
10	23-24	National Counter Terrorism	Full release	
11	25-26	Gaming Machine Harm Reduction Measures	Full release	
12	26-27	Child Abuse Royal Commission	Full release	
13	27-28	Drug and Alcohol Court	Full release	
14	28--28	Canberra Casino Redevelopment	Full release	
15	28-29	Holliday Matter	Partial release	Schedule 2 2.2(a)(ii)
16	29	Liquor Reforms	Full release	
17	30	Community Club Grants	Full release	
18	30-31	Community Legal Centres	Full release	
19	31-32	Commonwealth Funding (DV Women's safety)	Full release	
20	32	Moss Report	Full release	
21	32-32	ACT Policing Crime Statistics	Full release	
22	32-33	Eastman Update	Full release	
23	33-34	New Court Facilities	Full release	
		Weekly sittings 20 – 22 March 2018		

No.	Pages	Description	Status	Reason for non-release or deferral
24	35-36	Question Time and Oversight Brief Index 20-22 March 2018	Full release	
25	37	Rave Type Events	Full release	
26	38-42	Greyhound Funding and Transition to end Industry	Full release	
27	43-47	Bail Laws	Partial release	Schedule 2 2.2(a)(ii)
28	48-50	DPP Resourcing	Full release	
29	51-53	Coroner's Court Annual Report	Full release	
30	54-56	Child Abuse Royal Commission	Full release	
31	57-57	Redress	Full release	
32	58-59	First responders to Bonner Incident	Full release	
33	60-64	Whole of Government Response to Family Safety – PD&FV Brief	Full release	
34	65-67	Family Violence Policy	Full release	
35	68-69	Moss Implementation – Coroner's Court	Full release	
36	70-74	Residential Tenancies	Full release	
37	75-80	Gaming Machine Harm Reduction Measures	Full release	
38	81-82	The Bar association comments on the judicial appointment process	Full release	
39	83-84	Royal Commission Article -3/4 March 2018	Full release	
40	85-86	Fraud Incident at the Former Public Trustee for the ACT	Full release	
41	87	Greyhounds	Full release	
42	88	Outlaw Motorcycle Gangs	Full release	
43	89	DPP Resourcing	Full release	
44	90-91	National Counter Terrorism	Full release	
45	92-93	Gaming Machine Harm Reduction Measures	Full release	
46	94-95	Child Abuse Royal Commission	Full release	
47	96	Drug and Alcohol Court	Full release	
48	97	Canberra Casino Redevelopment	Full release	
49	98	Crimes (Consent) Amendment Bill 2018 Judicial Appointments	Full release	
50	99	Judicial appointments	Full release	
51	100	Holliday Matter	Full release	
52	101	Liquor Reforms	Full release	

No.	Pages	Description	Status	Reason for non-release or deferral
53	102	Community Club Grants	Full release	
54	103	Community Legal Centres	Full release	
55	104	Commonwealth Funding (DV Women's safety)	Full release	
56	105	Moss Report	Full release	
57	106	ACT Policing Crime Statistics	Full release	
58	107	Eastman Update	Full release	
59	108-109	New Court Facilities	Full release	

ATTORNEY-GENERAL
QUESTION TIME and OVERSIGHT BRIEF INDEX
13-15 and 20-22 February 2018

Question Time Briefs (updated for each Assembly Sitting Period)	
1.	Greyhound Funding and Transition to end Industry-SMOS
2.	Bail Laws
3.	DPP Resourcing
4.	Gaming Machine Harm Reduction Measures
5.	Moss Implementation – Coroner’s Court
Oversight Brief (updated weekly)	
	<p><i>Hot Issues</i></p> <ul style="list-style-type: none"> 6. Greyhounds - SMOS 7. Outlaw Motorcycle Gangs 8. DPP Resourcing 9. National Counter Terrorism 10. Gaming Machine Harm Reduction Measures 11. Child Abuse Royal Commission 12. Drug and Alcohol Court 13. Canberra Casino Redevelopment 14. Holiday Matter <p><i>Ongoing Issues</i></p> <ul style="list-style-type: none"> 15. Liquor Reforms 16. Community Club Grants 17. Community Legal Centres 18. Commonwealth Funding (DV Women’s safety) 19. Moss Report 20. ACT Policing Crime Statistics 21. Eastman Update 22. New Court Facilities

QUESTION TIME BRIEF
Sitting period beginning 13 February 2018

SUBJECT: **Greyhound Racing**

ISSUE: Transition to end industry

Talking Points

- This new year marks the next phase in the transition to end greyhound racing in the ACT.
- The passage of legislation in November 2017 saw the ACT Government fulfil our commitment to stop supporting this industry. Racing and trialling of greyhounds will be prohibited from 30 April this year.
- The Greyhound Industry Transition Taskforce is reminding all eligible people to apply for an individually tailored Transition Support Package.
- While some industry lobbyists have publicly stated that they do not intend to engage with the transition process, we strongly encourage individual members of the industry to consider their own futures and engage with the Taskforce while the opportunity is there.
- Those exiting the industry have until 30 June 2018 to apply for transition support, and the Government has extended the roll-out of the available funding for an extra three months to 30 September 2018.
- For more information about the transition, eligibility and the types of support available, people can call 62077525 or visit www.act.gov.au/greyhoundtaskforce. Conversations with the Taskforce about transition support options are treated confidentially.
- Free counselling is also available to anyone impacted by the end of greyhound racing in the ACT, whether or not they are pursuing a transition support package.
- This can be accessed by contacting Woden Community Service, who have been engaged by the Taskforce to provide dedicated support, case management, information and counselling services for those affected by greyhound industry transition and those

wishing to consider support package options. The dedicated number for this service is 6181 2895.

- After 30 April, it will still be lawful to breed, train and own racing greyhounds in the Territory, subject to a range of measures that will better protect greyhounds who will continue to race interstate.
- The new legal framework for monitoring and will give us a better line of sight on the entire lifetime of greyhounds here in the ACT. For example, registering new litters within seven days will mean every young greyhound is accounted for, whether or not it is later registered as a racing dog.
- More regular registration renewals, new licencing requirements on owners, trainers and breeders, and a mandatory Code of Practice for people who have day-to-day control of greyhounds registered for racing, will all improve our oversight of these practices in the ACT.
- The mandatory Code of Practice for the Keeping of Racing Greyhounds will be made under the *Animal Welfare Act 1992*. This will be the standard against which licence and registration applications and renewals will be assessed. It is currently being developed in consultation with the Animal Welfare Advisory Committee, the RSPCA, greyhound welfare organisations and industry participants, including interstate racing authorities.
- An ongoing review of greyhound breeding and training practices over the next two years will also help the Government assess whether any further intervention is warranted.
- The Canberra Greyhound Racing Club has commenced proceedings in the Supreme Court and the Federal Court to challenge various matters to do with the end of greyhound racing in the ACT. As these matters are before the Court, it is inappropriate to make any further comment.

Background Information

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

Durkin Report

- To assist with the transition to end the greyhound racing industry in the ACT, an independent consultant, Ms Mary Durkin, was engaged to provide an analysis of options to support the transition. The Government agreed with Ms Durkin’s recommendations.
- Over 50% (ten of eighteen) of the Durkin Report recommendations have been completed to date. They largely relate to the introduction of legislation to end greyhound racing and the scope of transition support to be made available. A further five recommendations (finalising the regulatory framework) are due for completion by 30 April 2018 and the remaining three (relating to the provision of transition support) are due to be finalised by 30 September 2018.

NSW position on greyhound racing

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

Canberra Greyhound Racing Club’s (CGRC) position

- The CGRC has publicly indicated that it will fight the intended ban including through legal action and advised that it will not engage with the Taskforce to transition industry participants or re-home animals.
- The CGRC has filed two legal challenges against the ACT Government to date.
- The first is an application to the ACT Supreme Court seeking a writ of mandamus. The current lease held by the CGRC is due to expire in 2027, and the Club applied to the ACT Planning and Land Authority on 18 April 2017 for the grant of a further lease. The Authority delayed its consideration of the application on the basis of public announcements regarding the transition to end the greyhound industry. On 16 October 2017, the CGRC filed an application in the ACT Supreme Court seeking an order to compel the Authority to grant a further conditional lease. The matter is listed for hearing on 8 and 9 February 2018.
- On 2 November 2017, the CGRC also filed an application in the Federal Court seeking damages in relation to an alleged breach of the CGRC lease; a declaration that laws relating to ACTTAB and the control of race field information are invalid; a declaration that the instruments made

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29 January 2018

under those laws are also or alternatively invalid; and a declaration that the Domestic Animals (Racing Greyhounds) Amendment Bill 2017 is invalid. The matter is next before the Federal Court for directions on 20 February 2018.

Taskforce engagement with stakeholders

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

Cleared as complete and accurate as at 29 January 2018

Deputy Director-General: Leesa Croke
Contact Officer: Belinda Barnard

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Portfolio/s Attorney-General

ISSUE: BAIL LAWS

Talking points:

- Over recent years the ACT has undertaken a number of reviews of our bail laws. In light of a number of high-profile incidents in recent years, bail issues have been reflected on and reconsidered.
- The Government is committed to ensuring that the *Bail Act 1992* operates effectively and appropriately within the criminal justice framework.
- The Government is committed to upholding the human rights of individuals, in particular, the presumption of innocence.
- Remanding people in custody should be used as a last resort in carefully confined circumstances, with a focus on reasonable and proportionate risk management.
- The Bail Act has appropriate safeguards protecting the rights of an accused person in the bail process.
- All bail decisions in the ACT must be made by a police officer, magistrate or judge.
- The presumption against bail for family violence and serious criminal offences is a legal mechanism signposting to a police officer that the protection and welfare of the community is one of the paramount considerations in relation to a bail decision.

Key Information

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

- The Bail Act has a presumption against any grant of bail by ACT Policing (ACTP) for family violence offences.
- Courts are required to consider a range of factors, including the likelihood that an accused person will harass or endanger the safety or welfare of anyone in making a decision about bail

Cleared as complete and accurate: 05/02/2018
Cleared by: Director Ext: 74780
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Lead Directorate: Justice and Community Safety

TRIM Ref: MIN: 2018/000083-010

- This Government has worked to ensure that the specific needs of people experiencing family violence are part of our bail laws, and it is committed to ensuring our laws remain up to date and effective to maintain community safety.

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

- The Bail Act provides for a presumption of bail, unless a person is accused of committing a serious offence (such as manslaughter, sexual assault, threatening to kill, stalking).
- The presumption means that bail should be granted unless there are sufficient reasons for it being refused.
- Remanding people in custody should be used as a last resort in carefully confined circumstances, with a focus on reasonable and proportionate risk management.
- The presumption in favour of bail being granted is subject to the court's consideration of a number of factors, including the nature and seriousness of the alleged crime, the person's risk of reoffending, the likelihood of the defendant being found guilty, the defendant's character, health, and whether they have any family members that are dependent on them.
- Legislation provides for a bail decision to be reviewed if the person is charged with a domestic violence or serious offence and there is evidence to demonstrate a high likelihood of the accused re-offending or harming another person.
- There is also an ability to apply for a review, or to vary or substitute a bail decision if there is a change in circumstances relevant to the granting of bail, the availability of fresh evidence, or on the court's own initiative if it is in the interests of justice.

Presumption against bail – terrorism

- At the June 2017 Council of Australian Governments (COAG) meeting, all state and territory first ministers agreed to ensure there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity.
- This commitment is being progressed through the Australia-New Zealand Counter Terrorism Committee (ANZCTC).

Offences committed while on bail

- Short of remanding every alleged offender in custody, there is always a risk that an alleged offender will reoffend. This risk is limited by our bail laws including presumptions about bail and the conditions of bail imposed by the court, and the role ACTP plays in ensuring that offenders comply with those conditions.
- While we do not have statistical evidence about the number of instances where a person offends on bail, the Government is satisfied on the basis of available information that the mechanisms currently in place are satisfactory.

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- The resources required to manually gather and collate information on the number of instances where offences are committed while on bail are prohibitive. The estimate for gathering this information over a three year period is approximately 6,800 hours.
- There will be increased capacity to draw out data about issues relating to bail once the Integrated Court Management System is implemented for the criminal jurisdiction in 2018. Care will need to be taken to understand this data in the context of the circumstances of individual cases, and how this information compares with the experience in other jurisdictions.

Bail review power

- The new bail review power commenced on 1 May 2017. Under this new power the Director of Public Prosecutions (DPP) has two hours to request a review of a bail decision made by a Magistrate or a Judge. The bail decision is stayed for up to 48 hours unless the DPP does not proceed with the review application, or the Supreme Court determines the application earlier. Non-sitting days for the court, including public holidays, are included in calculating the time allowed for the review.
- The review power is only available to the DPP for certain serious offences and family violence offences.
- The right to review will only be exercised in exceptional cases where it is in the public interest that a review of the bail decision should occur.
- The overriding consideration is the safety of the community, and in particular, the safety of a complainant or other witnesses.
- Since the review power commenced, the DPP has given oral notice of a proposed application twice. However, each time the DPP did not progress the application. Each time oral notice of a proposed application was provided, the accused was detained for less than two hours.
- The government is monitoring uses of the power and actively considering improvements to the process.
- The new bail review power will be reviewed after two years of operation in May 2019.

Bail Support Service

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

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- The trial supports Aboriginal and Torres Strait Islander people who, in the absence of bail support, would be ineligible for bail.

Background Information

Release on bail of alleged family violence offenders

Sch 2 s 2.2 (a)(ii)

Release on bail of alleged OMCG members

Sch 2 s 2.2 (a)(ii)

COAGs meeting presumption against bail – terrorism

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

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

Victorian review of bail

On 23 January 2017, the Victorian Government announced a review of bail laws following the Bourke Street incident the previous week.

On 8 May 2017 the Victorian Government announced reforms to the Victorian bail system as a result of the review. The reforms include (but are not limited to):

- requiring judicial officers to place greater weight on community safety when making bail decisions

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

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

Victoria's bail justice system is unique to Victoria. A bail justice is a Justice of the Peace who volunteers to hear after-hour bail applications. All bail decisions in the ACT must be made by a police officer, Magistrate or Judge.

Previous ACT Bail reviews

Inquiry into Sentencing, 2015

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

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

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

National review of bail laws, 2015-2016

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

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

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

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

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

TRIM Ref: MIN: 2018/000083-010

HOT ISSUES	TALKING POINTS
<p data-bbox="89 212 279 241">6. Greyhounds</p> <p data-bbox="89 248 456 277">Cleared by Karen Greenland</p> <p data-bbox="89 320 304 349">29 January 2018</p>	<ul data-bbox="571 241 1458 1688" style="list-style-type: none"> <li data-bbox="571 241 1458 472">• On 28 November 2017, the ACT Legislative Assembly passed the Racing (Greyhounds) Amendment Bill 2017 and the Domestic Animals (Racing Greyhounds) Amendment Bill 2017 to expressly prohibit the racing and trialling of greyhounds and remove recognition of greyhound racing from the <i>Racing Act 1999</i> from 30 April 2018. <li data-bbox="571 510 1458 658">• Breeding, training and ownership of racing greyhounds will still be permitted in the Territory and will be monitored against a new mandatory Code of Practice, to be developed in consultation with industry and animal welfare experts. <li data-bbox="571 696 1458 844">• The Government has taken this step to ensure that the documented and acknowledged failures in NSW cannot happen in the ACT. We know that greyhounds raced in Canberra are almost all from elsewhere in the region. <li data-bbox="571 882 1458 1075">• Those exiting the industry will have until 30 June 2018 to apply for transition support through the Greyhound Industry Transition Taskforce, and the Government has extended the roll-out of the available funding for an extra three months to 30 September 2018. <li data-bbox="571 1113 1458 1458">• The Taskforce has also made arrangements with Woden Community Service (WCS) to provide dedicated support, case management, information and counselling services to greyhound industry participants. Free counselling is also available to anyone impacted by the end of greyhound racing in the ACT, whether or not they are pursuing a transition support package. This counselling service is completely confidential and can be accessed by calling the Greyhound Transition Program at WCS on 6181 2895. <li data-bbox="571 1496 1458 1688">• The Canberra Greyhound Racing Club has commenced proceedings in the Supreme Court and the Federal Court to challenge various matters to do with the end of greyhound racing in the ACT. As these matters are before the Court, it is inappropriate to make any further comment.

Portfolio Attorney-General

ISSUE: DPP resourcing

Talking points:

- In the 2017-18 budget, the Government provided additional funding to increase the capacity of the Office of the Director of Public Prosecutions (ODPP) to better support prosecutions in the Territory.
- This funding will assist the DPP to keep pace with demand and respond to the needs of the court, police, other investigative agencies and the criminal justice sector more broadly.
- This initiative also provides one-off funding in the 2017-18 financial year for costs associated with the retrial of Mr David Eastman and other related proceedings. Funding is provided for an additional three positions in the DPP, external counsel costs, witness expenses and other administrative costs.
- Mr Eastman's re-trial is now scheduled to commence on 4 April 2018. The DPP is undertaking significant preparation for the pre-trial and trial.

DPP Strategic Review:

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

Cleared as complete and accurate: 18/01/2018
Cleared by: Executive Director Ext: 70522
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Lead Directorate: Justice and Community
Safety

Key Information2017-18 Budget:

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

DPP Review:

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

Background InformationDPP Strategic Review

- Nous Group noted in its report that cultural pressures include growing numbers of complex and time-consuming cases (i.e. sexual assaults, appeals, confiscation of asset referrals), introduction of new pre-trial evidence and procedures and changing community expectations (i.e. employing special approaches for vulnerable witnesses).

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Lead Directorate: Justice and Community Safety

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

Previous budget increases:

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

WorkSafe Prosecutions

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

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QUESTION TIME BRIEF

Portfolio/s Attorney-General

ISSUE: **GAMING MACHINE HARM REDUCTION MEASURES**

Talking points:

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

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

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

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- Based on current numbers, it is expected that approximately 984 authorisations will be subject to compulsory surrender.
- Canberrans were encouraged to have their say on the ACT Government's YourSay website on options to achieve this maximum limit.
- The Government has held a number of meetings with club representatives on the most appropriate model and timeframes to achieve this reduction, and is currently considering the pathway to reach 4,000 authorisations.

Community contributions

- The Parliamentary Agreement includes a commitment to review the current community contribution scheme, with a view to maximising the direct benefit to the community from the scheme. Appendix 2.6c of the Parliamentary Agreement also includes a commitment to establish an independent charitable fund to distribute nominated community funds to charitable and community causes levied on venues operating electronic gaming machines in the ACT.
- The review of the existing community contributions scheme will commence in 2018, and will include engagement with the industry and the community on the current scheme and any proposed changes and improvements.
- As part of the review, the Government will consider relevant reports and models for these types of schemes which operate in other jurisdictions, to identify any opportunities to maximise the benefits to the community from the scheme. The review will also consider issues such as the appropriate distribution of community contributions for the purpose of gambling harm reduction and other community purposes, as well as the transparency of these arrangements.

Investigation by the Gambling and Racing Commission into Patron Complaint

- The allegation is that the Raiders Belconnen Club failed to comply with the *Gambling and Racing Control (Code of Practice) Regulation 2002*, which is itself a breach of the *Gaming Machine Act 2004*.
- The Gambling and Racing Commission has taken disciplinary action against the Club, finding that the club did not record signs that a patron had a gambling problem, as required under the Code of Practice.

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- As the Club has lodged an appeal against the decision to the ACT Civil and Administrative Tribunal, it would be improper to talk about the matter in detail at this time.
- The Government will continue to work with gaming machine licensees and the club sector to develop a range of strategies and measures to reduce harm caused by the playing of gaming machines. The Government's examination of gaming machine harm reduction measures will also consider the issues raised by the recent complaint.

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

Mandatory Pre-commitment and Bet Limits

- The Government has committed to exploring harm reduction measures, including mandatory pre-commitment systems and bet limits for gaming machines. These policy options are being explored alongside a number of other harm reduction strategies as part of a program of continuous improvement to the territory's gaming regulations. The Government will continue to work to ensure we have a robust suite of harm reduction measures in place.
- Mandatory pre-commitment and betting limits for gaming machines would require changes to the software on each machine, or in some instances a substantial upgrade or new machine. Additionally, the creation of a Central Monitoring System (a database for all gaming machine usage in the ACT) would be required to register these pre-commitments so that it can be maintained across all licensees in the Territory.
- The *Casino (Electronic Gaming) Act 2017* was passed by the Assembly on 2 November 2017, and ensures the Territory has the most robust harm minimisation measures in the country, with respect to electronic gaming machines in the casino. The Act requires that any gaming machines the casino operates must be able to connect to an approved mandatory pre-commitment system. The Act also includes a maximum bet limit of \$2 a spin, or lower amount set by regulation. Community and expert input was taken into account in setting this limit.

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

Problem Gambling Assistance Levy

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

Key Information

Gambling Harm key statistics (as at 2014)

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

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Background Information

Parliamentary Agreement

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

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

Consultation on reducing gaming machine authorisations

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

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

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

Community Contributions

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

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

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Portfolio/s Attorney-General

ISSUE: Moss Review – Coroner’s Court**Talking points:**

- Coroner Robert Cook is undertaking the coronial inquest into the death of Mr Steven Freeman on 27 May 2016 at the Alexander Maconochie Centre (AMC).
- The coronial inquest will determine the manner and cause of Mr Freeman’s death. It is open for the Coroner to also make comments about matters of public safety.
- The coronial inquest is has concluded and the coronial report is expected in April 2018.
- The ACT Government is working to develop a safer environment for detainees, and is paying particular attention to the needs of Aboriginal and Torres Strait Islander detainees.
- The Government has established an Inspectorate of Corrections which will strengthen oversight of the AMC, and is implementing the recommendations of the independent review of Mr Freeman’s care and supervision, which were handed down on 10 November 2016.
- The Government is also examing options for supporting the operation of the Coroner’s court through administrative and legislative reforms.
- As part of this consideration, the Government is working with families to make sure that any reforms to coronial processes support the needs of people affected by a death.

Key Information

- On 27 May 2016, Mr Freeman died while in custody at the AMC. The Minister for Corrections announced the death on the day and that inquiries into the death would be undertaken by ACT Policing and by the Coroners Court.
- Following the death in custody of Mr Freeman, the Minister for Corrections also announced a review into Mr Freeman’s care and supervision at the AMC on 2 June 2016.

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- The Government engaged Mr Philip Moss AM, former Australian Law Enforcement Integrity Commissioner, to undertake an independent review into the treatment of Mr Freeman while in custody.
- The review report, *So Much Sadness in our Lives* (the Moss report) was publicly released on 10 November 2016. The Government responded to the Moss report on 16 February 2017 agreeing, or agreeing in principle, to eight of the nine recommendations.
- The Moss Review was precluded from examining matters relating to Mr Freeman's death, as this is a matter for the Coroner.

Background Information – may not be suitable for public disclosure

- In October 2017, the Attorney-General met with families of three young men whose deaths have been subject of extensively delayed coronial inquests.
- This group of family representatives has been advocating for reforms to the coronial process including changes to address lengthy delays throughout all stages of the coronial inquest, and to improve communications with family members about the progress of inquests, Government responses and actions taken to address recommendations.
- *The Canberra Times* reported on the families' concerns on 27 January 2018 (*Losing Paul: Canberra mothers push for ACT coronial reforms, funding boost*).
- The Chief Coroner considers that the appointment of an additional full-time magistrate would go some way towards providing her with the flexibility to use judicial resources for coronial matters as appropriate.
- Having an additional coroner would improve efficiency and timeliness, coordination and oversight of those matters, and would contribute to the development of specific coronial expertise.
- A business case for 2018-19 has been prepared seeking funding for the appointment of an 8th magistrate.
- The business case also includes funding for a temporary coronial Project Officer to develop strategies and information products to better inform and support court users by enhancing online information, resources and access to the Magistrates Court and Coroner's Court.

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<p>7. Outlaw Motorcycle Laws</p> <p>Cleared by Karen Greenland</p> <p>15 January 2018</p>	<ul style="list-style-type: none"> • While Canberra remains a very safe city to live in, we are not immune to the presence and activities of Outlaw Motorcycle Gangs (OMCGs), including those who travel from interstate. • The Government passed the Crimes (Police Powers and Firearms Offence) Amendment Bill 2017 in November to assist police to target serious and organised crime. The Bill includes: <ul style="list-style-type: none"> ○ a new offence directly addressing drive-by shootings to ensure this behaviour is subject to an appropriate penalty; and ○ new crime scene powers. • The Government also introduced fortification removal laws in November 2017. • In August 2016, the ACT Government committed an additional \$6.4 million in Taskforce Nemesis funding over four years to employ eight additional staff. • The ACT Government approach to OMCG activity has to date focused on strengthening traditional law enforcement responses to any threat posed to the community by OMCGs. This includes the application of bail and sentencing laws that allow courts to impose conditions, such as association and place restrictions on accused people and offenders to prevent further offending. • The ACT Government continues to work with ACT Policing to ensure our police have the necessary tools at their disposal to effectively deal with serious and organised crime entities and, wherever possible, to confiscate their criminal assets and put offenders before the courts.
<p>8. DPP Resourcing</p> <p>Cleared by Tamsyn Harvey</p> <p>1 February 2018</p>	<ul style="list-style-type: none"> • The ACT Government will boost support for the ACT Office of the Director of Public Prosecutions (DPP) to enable the seizing of criminal assets to help tackle criminal gangs. • The \$970,000 commitment over two years will enable the DPP to employ four additional staff – including three prosecutors – to specialise in seizing criminal assets. This will assist in depriving criminals and criminal organisations of the financial proceeds of crime. • By allowing greater capacity to confiscate criminal assets that are identified through ACT Policing investigations, we are ensuring

	<p>that offenders won't benefit financially from their criminal activities.</p> <ul style="list-style-type: none"> • It was also an initiative in the 2017-18 budget provided an ongoing increase in base funding for the DPP to maintain services and to keep pace with demand. • This initiative also provided one-off funding in the 2017-18 financial year for costs associated with the retrial of Mr David Eastman and other related proceedings. Funding is provided for an additional three Full Time Equivalent positions in the DPP, external counsel costs, witness expenses and other administrative costs. • Early last year, I agreed to undertake a review of the DPP to assess its capacity to deliver services on behalf of the ACT Government and broader community into the future. • The review has been finalised and is currently under consideration by Government. • The Government will continue to work closely with the DPP to consider its future funding model in light of the recommendations of the review and the funding of the justice system more broadly.
<p>9. National Counter Terrorism – Cleared by Bren Burkevics 12 January 2018</p>	<ul style="list-style-type: none"> • Australia faces national security challenges that continue to evolve, so we need to keep our legislation and capabilities under constant review to meet these emerging issues. • The ACT Government is committed to ensuring the safety and security of our community and continues to work closely with ACT Policing and other law enforcement and intelligence agencies to combat terrorism, and to implement the special Counter Terrorism COAG agreements. • The ACT continues to support community leaders and activities that help promote the vibrant, inclusive and culturally diverse nature of the ACT community while maintaining the rule of law and protecting human rights. <p><u>If asked about current terrorism threat level</u></p> <ul style="list-style-type: none"> • Australia's National Terrorism Threat level remains at PROBABLE.

(Continued)

National Counter Terrorism –

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

If asked about Facial Biometric Matching Capability

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

Countering Violent Extremism

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

10. Gaming Machine Harm Reduction Measures

Cleared by Karen Greenland
1 February 2018

Reducing gaming machine authorisations to 4,000

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

Casino legislation

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

<p>(Continued) Gaming Machine Harm Reduction Measures</p>	<p>the current one in four that applies to clubs. In addition, at least half the authorisations acquired must come from small or medium clubs.</p> <ul style="list-style-type: none"> • No new authorisations will be issued to the casino – they will all come from within the existing Territory maximum number. The ACT Government remains committed to reducing the number of poker machines to 4,000 by 2020. • The Act will commence by default on 13 May 2018. If circumstances mean there is a pressing case to commence the legislation at an earlier point in time, the Government has the power to do so before May by written notice.
<p>11. Child Abuse Royal Commission</p> <p>Updated by Mel Moss 8 Feb 2018</p> <p>Cleared by Tamsyn Harvey</p> <p>12 January 2018</p>	<ul style="list-style-type: none"> • The ACT Government acknowledges the significant trauma that survivors of child sexual abuse suffer. The ACT Government is committed to protecting children from child abuse and providing a fairer response to victims. • The ACT Government will issue a formal response to the Royal Commission Final Report before 15 June 2018. The report comprises 22 volumes, including some released previously, and a total of 409 recommendations. 103 of the new recommendations are within the power of state and territory governments like ours to act upon and we have already started assessing how we may implement them. • We have already implemented a Reportable Conduct Scheme, which the Final Report recommends for all states and territories. It has been active since 1 July 2017 providing independent oversight, through the ACT Ombudsman, of the way Canberra’s workplaces report, investigate and handle allegations of misconduct involving children. • A strong criminal justice response to child sexual abuse is also important, not just for victims and survivors but also for the entire community. • The Royal Commission recommended a sweep of legislative and policy changes in the Criminal Justice Report (August 2017). Many of the areas of reform are relevant to sexual offending more broadly, and not just to child sexual abuse committed in an institutional context. • The recommendations include reform to: <ul style="list-style-type: none"> ○ police and prosecution responses ○ evidence of complainants ○ sentences and appeals

	<ul style="list-style-type: none"> ○ grooming offences ○ persistent child abuse offences ○ new offences, including ‘failure to report’ and ‘failure to protect’. <ul style="list-style-type: none"> ● The Government has already responded directly to recommendations in the Royal Commission’s Criminal Justice report, by introducing legislation in the November 2017 sittings (CLAB 2017 No 2) criminalising ongoing sexual abuse, rather than just individual sexual acts; broadening grooming offences to criminalise any contact with a child that is intended to make a sexual offence more likely and extending grooming offences to the grooming of persons other than the child; and excluding good character from reducing a sentence for a child sex offender where that good character is what enabled them to gain access to the victim. ● In the coming weeks, the Government will also release a discussion paper which addresses the further Royal Commission recommendations for criminal justice system legislative reform and invite key stakeholders and the broader community to provide their views on these proposals.
<p>12. Drug and Alcohol Court</p> <p>Cleared by Karen Greenland</p> <p>15 January 2018</p>	<ul style="list-style-type: none"> ● The Government is undertaking phase one, scoping and design work of a Drug and Alcohol Court (DAC) in collaboration with the justice, drug and alcohol service sectors. ● The effectiveness of DAC in achieving long-term behavioural change in offenders is supported by a substantial body of research. Results include reductions in re-offending (recidivism), reduced incarceration rates, and improved community safety outcomes. ● The problem-solving approach taken by drug courts involves key principles to achieve the best outcomes including: an integrated approach by all parts of the justice system, prompt access to treatment and related services and a high level of judicial intervention. ● The Supreme Court is developing proposals to Government in relation to the model, assisted by a working group of key stakeholders, chaired by Justice John Burns.

<p>13. Canberra Casino Redevelopment Cleared by Karen Greenland 15 January 2018</p>	<ul style="list-style-type: none"> • Aquis Entertainment has proposed a \$307 million redevelopment of Casino Canberra, involving overhauling and up-scaling the casino, new high-end restaurants, bars, retail boutiques and entertainment options, and two new luxury hotels. • The Government has not made any final decisions or committed to any aspect of the proposed development. • Media reports that the development has been approved are not true. Several processes are being worked through in consultation with Aquis Entertainment. • Until such time as a final decision is made the process remains commercial in confidence. • The Government’s progression of the <i>Casino (Electronic Gaming) Act 2017</i> is a separate legislative process to the Aquis proposal. The framework established by the Act will apply in relation to any proposal for the introduction of electronic gaming machines in the casino, as part of any casino redevelopment proposal.
<p>14. Holliday Matter Cleared by Karen Greenland 15 January 2018</p>	<ul style="list-style-type: none"> • The Government has introduced amendments following the recent High Court decision concerning the operation of the ACT Criminal Code, and specifically the scope of provisions dealing with the offence of incitement. • The Crimes Legislation Amendment Bill 2017 (no 2) was introduced on 30 November 2017 and will amend section 47 of the <i>Criminal Code 2002</i> to provide that the offence of incitement (section 47(1)), includes an offence a person is taken to have committed pursuant to section 45 (complicity and common purpose) of the Criminal Code. • The Criminal Code currently makes it an offence to incite someone else to commit an offence (section 47(1)). This means by aiding, abetting, counselling, procuring, or being knowingly concerned in or a party to, the commission of an offence by someone else. • In the case of <i>The Queen v Holliday</i> [2017] HCA the accused, Holliday, while in prison awaiting trial Sch 2 s 2.2 (a)(ii), urged another inmate to organise a third person to kidnap two Crown witnesses who were brothers of the complainants. A financial incentive was offered. The purpose of the kidnapping was to force the witness to recant their evidence against Holliday. The inmate did not act as Holliday urged, but rather reported Holliday’s proposal to prison authorities.

	<ul style="list-style-type: none"> The High Court held in the case of <i>Holliday</i> that procuring the commission of an offence by a third party, as Mr Holliday did, does not constitute the offence of incitement under the Criminal Code. The Bill rectifies this so that inciting another person to procure a third person to commit a substantive offence will be captured by the offence of incitement.
ONGOING ISSUES	TALKING POINTS
<p>15 Liquor Reforms Cleared by Karen Greenland</p>	<ul style="list-style-type: none"> The Government is committed to developing a regulatory regime that supports Canberra businesses, helps develop this community's vibrant night life and does so while ensuring public safety. Following extensive policy development and stakeholder consultation relating to liquor issues in 2015 and 2016, in 2017 the ACT Government made amendments to the <i>Liquor Act 2010</i> to cut unnecessary red tape and reduce alcohol-related harm. On 8 January 2018 <i>The Canberra Times</i> reported that the Commissioner for Fair Trading is yet to impose any conditions on Canberra's bars or nightclubs eight months after introduction of the new powers through the <i>Liquor Act 2010</i>. The article also stated that the controlled purchase operation powers were yet to be used. These powers were intended to be available for use where a compliance issue is identified. As this has not been the case, the powers are yet to be drawn upon. The Liquor Advisory Board serves to bring together stakeholders to advise the Attorney-General about matters relating to the operation and effectiveness of the <i>Liquor Act 2010</i> and support harm minimisation and community safety principles. The Board's diversity will be enhanced with an additional member to represent the late night economy to be appointed in 2018. An Expression of Interest will be released on Friday 2 February (subject to approval from the Attorney-General). The safety measures introduced by the <i>Liquor Amendment Act 2017</i> have been enhanced by additional funding of \$4.866 million included in the 2017-18 Budget most of which will cover six additional police officers for night-time patrols.

<p>16. Community Club Grants Cleared by Karen Greenland 15 January 2018</p>	<ul style="list-style-type: none"> • The Government is implementing a range of measures to assist small and medium clubs, including to help them to diversify their income streams. These include, from 2017-18: <ul style="list-style-type: none"> ○ introducing a small and medium club gaming tax rebate to allow smaller clubs to keep 50 per cent of their gaming taxes on up to \$4 million of gross gaming machine revenue to re-invest into their organisation ○ the option to make quarterly (rather than monthly) gaming machine tax and Problem Gambling Assistance Fund (PGAF) payments ○ the availability of a \$10,000 community club grant for the purpose of diversification towards alternative income streams. • In August the Legislative Assembly passed amendments to the <i>Gaming Machine Act 2004</i> which implemented the tax rebate and more flexible gaming tax payment arrangements. These changes apply in relation to gaming tax payable from 1 July 2017. • Thirteen applications have been received by the Justice and Community Safety Directorate for the community club grant. The grant is available to help clubs diversify their business away from reliance on gaming machine revenue. • Uses proposed for the grant have included: new, and refurbishments to, kitchens, function areas, and entertainment spaces such as dance floors; and consultancy fees for alternative land use applications. • The Justice and Community Safety Directorate is in the process of entering into Deeds of Grants with eligible clubs.
<p>17. Community Legal Centres (CLCs) Cleared by Tamsyn Harvey 12 January 2018</p>	<p><u>Tenant's Union evaluation:</u></p> <ul style="list-style-type: none"> • The Tenants Union receives \$445,000 annually from ACT Government trust money. • As a result of changes to Commonwealth reporting requirements under the NPA, the Government has undertaken a re-evaluation of our legal assistance sector. • The ACT Government's priority is to ensure that all service delivery funding is routinely evaluated and supported by

	<p>appropriate performance indicators in order to maximise frontline service delivery.</p> <ul style="list-style-type: none"> • The TU has not had an evaluation of its funding arrangements in some time. The Government is working with the TU Board to both evaluate the current arrangement and formulate a framework for future funding arrangements. • This work is being undertaken by an independent evaluator and will ensure that appropriate and fair outcome-based measures are in place moving forward. <p><u>CLC funding generally:</u></p> <ul style="list-style-type: none"> • This initiative will assist the ACT legal assistance sector to continue to provide core services to the most vulnerable members of the community. • This funding is provided in the context of the National Partnership Agreement on Legal Assistance Services 2015-20 (NPA), under which the Territory is responsible for managing Commonwealth funding to the Legal Aid Commission and Community Legal Centres (CLCs) and for facilitating service planning for the ACT legal assistance sector. • Under the NPA, the Commonwealth reduced core funding to ACT CLCs by 25 per cent from 1 July 2017.
<p>18. Commonwealth Funding – DV/ Women’s Safety Cleared by Tamsyn Harvey 12 January 2018</p>	<ul style="list-style-type: none"> • I am pleased that the Commonwealth Government has invested in community legal services for family violence matters, including by funding the Women’s Legal Centre and Legal Aid ACT to establish dedicated domestic violence legal services in the ACT. • I also welcome the Commonwealth’s Budget initiative to transform the family law system, which includes an additional \$39 million over three years under the National Partnership Agreement (NPA) on Legal Assistance Services for Community Legal Centres (CLCs) to deliver family law and family violence related services. • Along with the ACT Government’s own initiatives for supporting the ACT legal assistance sector, this additional commonwealth funding responds to the Productivity Commission’s recommendation for governments to increase funding to legal assistance providers. <p><u>If asked about 2017 Commonwealth funding for domestic violence units</u></p>

	<ul style="list-style-type: none"> • On 16 October 2017, the Commonwealth announced \$3.4 million in funding to establish six new specialist domestic violence units. • The ACT was not successful in securing funding for a second domestic violence unit in this round.
<p>19. Moss Report Cleared by Tamsyn Harvey 12 January 2018</p>	<ul style="list-style-type: none"> • Mr Moss' Review was provided to the Minister for Corrections on 7 November 2016 and released to the public on 10 November 2016. The report notes that Mr Freeman spent considerable time on remand in the Alexander Maconochie Centre (AMC) before he was sentenced. • The Minister for Corrections Shane Rattenbury tabled the Government's response on 16 February 2017. • The inquest into Mr Freeman's death began on 27 February 2017, undertaken by Coroner Robert Cook. The inquest has heard that Mr Freeman died from aspiration pneumonia due to methadone toxicity. • The Coroner's Inquest has concluded, a decision is anticipated in April 2018.
<p>20. ACTP Crime Statistics Cleared by Tamsyn Harvey 12 January 2018</p>	<ul style="list-style-type: none"> • ACT Policing and other ACT Government agencies do excellent work on a daily basis to keep the Canberra community safe and our low crime rates are a testament to this. • We know that Aboriginal and Torres Strait Islander people are over represented in the criminal justice system and we are committed to addressing this. • We are investing in programs and partnering with community-based organisations to keep Aboriginal and Torres Strait Islander people out of the criminal justice system. • The government is also committed to reducing recidivism by 25 per cent by 2025, under the Parliamentary Agreement.
<p>21. Eastman Update Cleared by Tamsyn Harvey 12 January 2018</p>	<ul style="list-style-type: none"> • The retrial of Mr Eastman demonstrates that the ACT judicial system is functioning independently and appropriately. The system has upheld a defendant's right to a fair trial. • The Government has shown absolute commitment to due process in support of the Inquiry and subsequent legal processes. • Mr Eastman's retrial had been scheduled to commence on 12 February 2018. However, this trial date has now been vacated.

	<ul style="list-style-type: none"> • The Supreme Court will finish hearing the remaining pre-trial issues initially identified by the parties, as well as some other outstanding issues that had not previously been identified, by the end of the year. • The retrial will commence on 4 April 2018 and is expected to run for approximately six months. <p><u>If asked - What funding has been provided in the 2017-18 budget?</u></p> <ul style="list-style-type: none"> • In 2017-18, the total funding for the Eastman matter is \$7.360 million, including funding for the courts and Legal Aid. • In addition, funding of \$2.257 million is also provided to the Office of the Director of Public Prosecutions (DPP).
<p>22. New Courts Facilities Cleared by Melissa Tierney 15 January 2018</p>	<ul style="list-style-type: none"> • The New ACT Court Facilities is being delivered by a 25-year Public Private Partnership (PPP) and the Territory issued a Major Default Notice to Juris Partnership on the 3rd of November. • Juris Partnership says that construction of the new facility will be delayed due to structural complexities with the pre-cast ordering and installation, restricted working hours from noise and vibration delays in excavation, and complications in finalising engineering solutions for linking to the existing Magistrates Court due to Building Code of Australia requirements. • Phase one (new wing and refurbishment of Magistrates Court building) is now due for completion mid- 2018 with Phase two (refurbishment of heritage building) due for at the end of 2018. • Construction and timing risk rests with Juris Partnership. The Territory has entered into an agreement with fixed price for the design, construction, maintenance and operations of the facility for 25 years. • The end date of this agreement is static. Payment by the Territory does not commence until the building has been completed and accepted by the Territory. • The Notice issued to Juris as a result of delays is largely a technical contractual issue. • However, the benefit of issuing the notice is that Juris is required to submit a remedy program which then becomes a commitment against which failure to deliver has the potential to trigger a Default Termination Event.

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

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

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

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

ATTORNEY-GENERAL**QUESTION TIME and OVERSIGHT BRIEF INDEX****20-22 March 2018**

Question Time Briefs (updated for each Assembly Sitting Period)	
1.	Rave type events
2.	Greyhound Funding and Transition to end Industry - SMOS
3.	Bail Laws
4.	DPP Resourcing
5.	Coroner's Court Annual Report
6.	Child Abuse Royal Commission
7.	Redress
8.	First responders to Bonner Incident
9.	Whole of Government Response to Family Safety – PD&FV Brief
10.	Family Violence Policy
11.	Moss Implementation – Coroner's Court
12.	Residential Tenancies
13.	Gaming Machine Harm Reduction Measures
14.	The Bar association comments on the judicial appointment process
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Oversight Brief (updated weekly)	
	<p>Hot Issues</p> <ol style="list-style-type: none">17. Greyhounds -SMOS18. Outlaw Motorcycle Gangs19. DPP Resourcing20. National Counter Terrorism21. Gaming Machine Harm Reduction Measures22. Child Abuse Royal Commission23. Drug and Alcohol Court24. Canberra Casino Redevelopment25. Crimes (Consent) Amendment Bill 2018 Judicial Appointments26. Judicial appointments <p>Ongoing Issues</p> <ol style="list-style-type: none">27. Holliday Matter28. Liquor Reforms29. Community Club Grants30. Community Legal Centres31. Commonwealth Funding (DV Women's safety)32. Moss Report33. ACT Policing Crime Statistics34. Eastman Update35. New Court Facilities

Portfolio Attorney-General

ISSUE: RAVES**Talking points:**

- The ACT has a range of criminal offences which deal with the manufacture, trafficking, cultivation, sale or supply and possession of controlled drugs and prohibited substances.
- For example, section 164 of the *Drugs of Dependence Act 1989* makes it an offence in relation to a drug of dependence for a person to sell or supply, participate in the sale or supply or possess for the purpose of the sale or supply of that drug. The maximum penalty is five years imprisonment and/or 500 penalty units.
- The offences apply whether they occur in public or in private places.
- In terms of the use of drugs, the ACT Government's guiding principle is harm minimisation. The Government is always looking to explore ways that the legal system can minimise the harm to society resulting from drug use.
- An example of this approach is the current work to establish a Drug and Alcohol Court in the ACT which will provide a treatment focus for people whose crimes are the result of drug use and addiction.

Key Information

- The *Canberra Times* reported on 18 March 2018 that a 'rave' had taken place in Fyshwick where "at least four people were treated for suspected drug overdoses".
- ACT Policing responded to complaints of excessive noise at an address in Fyshwick on 18 March 2018.
- Following police attendance, the noise was reduced to an acceptable level.

Background Information

- There is no criminal law which deals specifically with the use of drugs at events such as raves.
- While the testing of pills at festivals has been explored, with the work being led by ACT Health, this approach would not be appropriate for events such as raves which are typically privately arranged via social media without the prior involvement of the authorities.

Cleared as complete and accurate: 19/03/2018
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Lead Directorate: Justice and Community
Safety

Portfolio Attorney-General

ISSUE: TRANSITION TO END GREYHOUND RACING**Talking points:**

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

Cleared as complete and accurate: 07/03/2018
Cleared by: Director Ext:50468
Contact Officer Name: Belinda Barnard Ext: 77525
Lead Directorate: Chief Minister, Treasury and Economic Development

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

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

Key Information

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

Background Information – may not be suitable for public disclosure

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

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Durkin Report

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

NSW position on greyhound racing

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

Canberra Greyhound Racing Club's (CGRC) position

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

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Taskforce engagement with stakeholders

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

Cleared as complete and accurate: 07/03/2018
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Portfolio Attorney-General

ISSUE: BAIL LAWS**Talking points:**

- The Government is committed to ensuring that the Territory's Bail laws operate effectively and appropriately within the criminal justice framework.
- This includes protecting the community, ensuring that people charged with offences are held to account and upholding the human rights of individuals, in particular, the presumption of innocence.
- Remanding people in custody should be used as a last resort in carefully confined circumstances, with a focus on reasonable and proportionate risk management.
- The Bail Act has appropriate safeguards protecting the rights of an accused person in the bail process.
- All bail decisions in the ACT must be made by a police officer, magistrate or judge.
- The presumption against bail for family violence and serious criminal offences is a legal mechanism signposting that the protection and welfare of the community is one of the paramount considerations in relation to a bail decision.

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

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

Cleared as complete and accurate: 15/03/2018
Cleared by: Director Ext: 74780
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Lead Directorate: Justice and Community Safety

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TRIM Ref: MIN: 2018/000083-010

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

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

Presumption against bail – terrorism

- At the June 2017 Council of Australian Governments (COAG) meeting, all state and territory first ministers agreed to ensure there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity.
- This commitment is being progressed through the Australia-New Zealand Counter Terrorism Committee (ANZCTC).

Offences committed while on bail

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

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TRIM Ref: MIN: 2018/000083-010

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Bail review power

- The new bail review power commenced on 1 May 2017. Under this new power the Director of Public Prosecutions (DPP) has two hours to request a review of a bail decision made by a Magistrate or a Judge. The bail decision is stayed for up to 48 hours unless the DPP does not proceed with the review application, or the Supreme Court determines the application earlier. Non-sitting days for the court, including public holidays, are included in calculating the time allowed for the review.
- The review power is only available to the DPP for certain serious offences and family violence offences.
- The right to review will only be exercised in exceptional cases where it is in the public interest that a review of the bail decision should occur.
- Since the review power commenced, the DPP has given oral notice of a proposed application twice. However, each time the DPP did not progress the application. Each time oral notice of a proposed application was provided, the accused was detained for less than two hours.
- The new bail review power will be reviewed after two years of operation in May 2019.

Bail Support Service

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

Background Information

Release on bail of alleged family violence offenders

Sch 2 s 2.2 (a)(ii)

Cleared as complete and accurate:	15/03/2018	
Cleared by:	Director	Ext: 74780
Contact Officer Name:	Madelon Rosenberg	Ext: 53310
Lead Directorate:	Justice and Community Safety	

Release on bail of alleged OMCG members

Sch 2 s 2.2 (a)(ii)

COAGs meeting presumption against bail – terrorism

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

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

Victorian review of bail

On 23 January 2017, the Victorian Government announced a review of bail laws following the Bourke Street incident the previous week.

On 8 May 2017 the Victorian Government announced reforms to the Victorian bail system as a result of the review. The reforms include (but are not limited to):

- requiring judicial officers to place greater weight on community safety when making bail decisions
- expanding the range of offences where an accused is required to demonstrate exceptional circumstances to include aggravated home invasion and aggravated carjacking
- creating a presumption against bail for a number of offences including rape, kidnapping, armed robbery, culpable driving causing death, dangerous or negligent driving while pursued by police and persistent contravention of a family violence intervention order
- requiring an accused to demonstrate exceptional circumstances to be released on bail for serious indictable offences committed while on bail, summons or parole.

Cleared as complete and accurate: 15/03/2018
Cleared by: Director Ext: 74780
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Lead Directorate: Justice and Community Safety

TRIM Ref: MIN: 2018/000083-010

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

Victoria's bail justice system is unique to Victoria. A bail justice is a Justice of the Peace who volunteers to hear after-hour bail applications. All bail decisions in the ACT must be made by a police officer, Magistrate or Judge.

Previous ACT Bail reviews

Inquiry into Sentencing, 2015

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

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

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

National review of bail laws, 2015-2016

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

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

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

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

Cleared as complete and accurate: 15/03/2018
Cleared by: Director Ext: 74780
Contact Officer Name: Madelon Rosenberg Ext: 53310
Lead Directorate: Justice and Community Safety

TRIM Ref: MIN: 2018/000083-010

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Portfolio Attorney-General

ISSUE: DPP resourcing**Talking points:**

- In the 2017-18 budget, the Government provided additional funding to increase the capacity of the Office of the Director of Public Prosecutions (ODPP) to better support prosecutions in the Territory.
- The Government also provided four full time additional staff to support the work of the Confiscation of Criminal Assets scheme as part of the 2107/18 mid-year budget review.
- That funding will assist the DPP to keep pace with demand and respond to the needs of the court, police, other investigative agencies and the criminal justice sector more broadly.
- It also provides funding in the 2017-18 financial year for costs associated with the retrial of Mr David Eastman and other related proceedings. Funding is provided for an additional three positions in the DPP, external counsel costs, witness expenses and other administrative costs.
- Mr Eastman's re-trial is now scheduled to commence on 29 May 2018, with a further directions hearing scheduled for 26-29 March and a final pre-trial hearing on 14 May 2018. It is expected to run for 4 – 6 months.
- The DPP is undertaking significant preparation for the pre-trial and trial.

DPP Strategic Review:

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

Cleared as complete and accurate: 18/01/2018
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Safety

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Key Information2017-18 Budget:

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

DPP Review:

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

Background InformationDPP Strategic Review

- Nous Group noted in its report that cultural pressures include growing numbers of complex and time-consuming cases (i.e. sexual assaults, appeals, confiscation of asset referrals), introduction of new pre-trial evidence and procedures and changing community expectations (i.e. employing special approaches for vulnerable witnesses).

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

Previous budget increases:

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

WorkSafe Prosecutions

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

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Portfolio Attorney-General

ISSUE: CORONER'S COURT ANNUAL REPORT**Talking points:**

- I tabled the Coroners Annual Report under s 102 of the *Coroner's Act 1997* in February 2018. I thank the Chief Coroner for her report.
- I am pleased that a number of procedural and policy changes across the Coroner's jurisdiction have seen improvements for a range of aspects of the inquiry and inquest processes.
- For example, more post-mortems are being conducted by CT-scan external examination, more matters are being finalised in-chambers without hearing, delegation of fire inquiry work to the Deputy Coroner continues to be efficient, and the Legal Manager is routinely providing in-house Counsel Assisting services where appropriate, rather than briefing external Counsel.
- The Courts and Other Justice Legislation Amendment Bill 2018, which was introduced in the Assembly in the February sittings, will support non-invasive finalisation of cases by making processes for conduct of ancillary examinations, establishing coronial investigation scenes and provision of medical records more flexible.
- The Coroner's Court appears to be managing its case load well, achieving a clearance rate of 102 per cent in 2016/17. I understand that staffing pressures, technical limitations and operational pressures in other integral sections of the coronial jurisdiction, including in the Forensic Medical Centre and the ACT Government Analytical Laboratory (ACTGAL) have affected the timeliness of case resolution.
- The workload of the Coroner's Court and whether a dedicated coroner should be appointed is a matter for the Chief Coroner who is responsible for ensuring the orderly and expeditious discharge of the business of the court.
- It is important to recognise that decisions about organisation of the Coroner's Court and how many resources within the Magistrates Court

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are provided for coronial hearings are ultimately a matter for the Chief Coroner and Chief Magistrate.

- The Government is continuing to examine the resourcing of the Magistrates Court comprehensively as part of the 2018-19 Budget process. Resourcing decisions about the court are made in the context of its overall workload and the justice system as a whole. Two special magistrates were appointed in 2017-18 in addition to the 7 full time Magistrates, and one of those appointments was supported by the Chief Magistrate on the basis of their ability to assist with coronial matters.
- The Government is conscious of the benefits that could come from building specialist coronial expertise among the Magistrates who all hold an active coronial case load.
- Benefits would include increased public awareness of the role and public significance of the coronial jurisdiction and improved co-ordination and collaboration across government in resolving inquiries and inquests and implementing recommendations.
- I recently met with family representatives in relation to a number of complex cases where the timeliness of the Coronial process, transparency of case progress and communication with families could have been better.
- After hearing the experiences of these family members I have asked the Justice and Community Safety Directorate (JACS) to explore options to improve the support provided to the operations of the Coroner's Court, in particular, to better focus on and meet the needs of families affected by a death subject to an inquiry.
- I anticipate that reforms, including legislative amendments, will be announced later this year, to address the issues identified by these family representatives, so that family members affected by coronial process in the future, will have more timely and considerate closure.

Key Information

- There was a very slight increase in cases lodged to 299 from 292 in 2015/16, but the Government's suite of legislative reforms in 2014 continues to mean this is much lower than the more than 1100 cases lodged in 2013/14 and 2012/13.

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- The workload of the Court can fluctuate depending on the circumstances of particular cases. For example the Court received two uncommon notices relating to deaths in the Jervis Bay and Australian Antarctic Territories that it will deal with by agreement with the Commonwealth Government.
- Just as workload can fluctuate, some complex or sensitive cases take longer to hear and resolve. In 2016-17 the median number of days to finalise a case was 94, up from 75, which exceeded the target of 85 days. This was in part due to a number of long and complex coronial matters being finalised.

JACS is working with the Health Directorate to focus on recruitment of pathology candidates as a priority this year.

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

Background Information

- A business case for 2018-19 has been prepared seeking funding for the appointment of an 8th Magistrate.
- The Chief Coroner considers that the appointment of an additional full-time Magistrate would go some way towards providing her with the flexibility to use judicial resources for coronial matters as appropriate.
- Having an additional Coroner would improve efficiency and timeliness, coordination and oversight of those matters, and would contribute to the development of specific coronial expertise.
- The business case also included funding for a temporary Coronial Project Officer to develop strategies and information products to better inform and support court users by enhancing online information, resources and access to the Magistrates Court and Coroner's Court. The outcome of Budget Cabinet is not known.

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Portfolio Attorney-General

ISSUE: CHILD ABUSE ROYAL COMMISSION**Talking points:**

- The ACT Government is committed to protecting people from sexual abuse and ensuring that those who commit sexual offences are appropriately held to account.
- The Royal Commission into Institutional Responses to Child Sexual Abuse has highlighted the need for more to be done to protect children from sexual abuse and to make sure our criminal justice system responds appropriately where child sex abuse occurs.

Criminal justice recommendations

- We are strongly committed to addressing the Royal Commission recommendations, including a number which are for changes to our criminal justice system.
- The Royal Commission recommends a range of legislative and policy changes. Many of the areas recommended for reform are relevant to sexual offending more broadly, and not just to child sexual abuse committed in an institutional context.
- In a number of respects, the ACT's legislative regime for the prosecution of sexual offences sets a national benchmark. A number of the measures recommended by the Royal Commission were already in place in the ACT, including provisions to support children and others giving evidence in sexual assault matters and the removal of statutory limitation periods on prosecution of historic sexual offences.
- In response to the Royal Commission's criminal justice reform recommendations, amendments to ACT grooming and maintaining a sexual relationship with a child offences were passed in the Crimes Legislation Amendment Bill on 20 February 2018.
- A strong criminal justice response to sexual offending is important, not just for victims and survivors but also for the entire community.

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- The ACT Government welcomes the opportunity to consider potential improvements to our criminal laws and is now seeking the community's views on a range of further criminal justice legislative reforms.
- Information about potential reforms was released on ACT Government websites this week, outlining the issues, the reforms the Commission has put forward and inviting views on how the ACT Government will proceed.
- I will also be consulting directly with a range of key stakeholders in the justice system and more broadly, to inform the Government's next tranche of legislative reform in this space.

Redress scheme

- The Commonwealth led redress scheme is an important step in acknowledging harm, accepting responsibility and enabling a survivor to move forward. A national scheme is the most effective way to ensure equal access for survivors.
- The Commonwealth led redress scheme will commence on 1 July 2018 and will include psychological counselling, personal and direct redress and payments for up to \$150,000.
- On Friday 9 March, Prime Minister Malcolm Turnbull, Victorian premier Daniel Andrews and NSW premier Gladys Berejiklian, announced that Victoria and NSW were committing to the Redress Scheme. Victoria and New South Wales are the first states to join the scheme.

Only if Announcement is made on 19 March:

- The Chief Minister announced that the ACT would join the redress scheme on 19 March 2018.
- The ACT Government will be working closely with the Commonwealth and other jurisdictions to continue progressing the national redress scheme in a manner that ensures that it meets the needs of survivors.

Key Information

Criminal Justice recommendations

- Fact sheets about the criminal justice recommendations were made publically available on the JACS website on 19 March 2018 and submissions have been requested by 20 April 2018.

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- The Royal Commission’s final Criminal Justice Report, with 85 recommendations, was released in August 2017.
- The Crimes Legislation Amendment Bill 2018 implemented three reforms recommended by the Commission:
 - broadening the grooming offence to include grooming of parents or other adults to facilitate access to a child;
 - amending the way a maintain a sexual relationship with a young person offence is charged to enable repeated but largely indistinguishable occasions of child sexual abuse to be charged effectively; and
 - amending sentencing laws to prevent good character of the defendant being taken into account as a mitigating factor when sentencing for child sexual abuse offences, where that good character facilitated the offending.

Redress Scheme

- Victoria and NSW have committed to implement the redress scheme.
- Western Australia and Queensland have publically announced that they will not implement the national redress scheme for child sexual abuse until critical issues are resolved by the Commonwealth.
- South Australia has agreed in-principle to the redress scheme, although acknowledging that remaining issues will need to be resolved.

Background Information

- Following extensive consultation on

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Attorney-General

ISSUE: COMMONWEALTH REDRESS SCHEME FOR SURVIVORS OF INSTITUTIONAL SEXUAL ABUSE**Talking points:**

- The ACT Government acknowledges that the nature and impact of the abuse suffered by victims of child sex sexual abuse. Many survivors of child sexual abuse suffer long lasting and severe injuries that can affect them for the rest of their lives.
- The Commonwealth led Redress scheme will commence on 1 July 2018. Through it, eligible survivors will be able to access psychological counselling, a direct personal response, and payments of up to \$150,000.
- A dedicated telephone helpline and website is now available to provide information to survivors and their families about the Scheme.
- Survivors will be able to access legal and community support services to assist through the redress application process.
- The ACT Government is working closely with the Commonwealth and other jurisdictions to continue progressing the Redress scheme in a manner that ensures that it meets the needs of survivors.

Key Information

- The Redress Scheme will commence 1 July 2018.
- The Redress Scheme will include psychological counselling, a direct personal response and payments for up to \$150,000

Background Information

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

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Portfolios Police & Emergency Services

Attorney-General

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

- In line with incident management protocols, the ACT Emergency Services Agency's standard approach is to not provide any public comment in relation to an incident once it is clear that fatalities are involved.
- Further public comment immediately becomes a matter for Police and the Coroner noting the sensitivities involved.

If asked about ESA messages communicated to the public

- While our thoughts and prayers are with the three individuals who lost their lives, and their family and friends, there are some matters that have arisen from this incident, particularly in relation to communications.
- I understand that the ESA Commissioner has clarified these matters in a message published on the ESA website (below).

Background Information – ESA Commissioner's Message

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

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

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

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

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

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

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

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

Dominic Lane
ESA Commissioner

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Lead Directorate:	Justice and Community Safety	

Prevention of Domestic & Family Violence

ISSUE: Whole of Government Response to Family Safety (incl. progress on commitments)**Talking points:*****Graham Dillon court case (death of Bradyn Dillon)***

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

Key Information***ACT Government Response***

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

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Family Safety Hub co-design process

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

Front-line training

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

Information sharing

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

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

Risk assessment capability

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

Child and Youth Protection – Reviewable Decisions

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

Commitments generally

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

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

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

Background Information – may not be suitable for public disclosure

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

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

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

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

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

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

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

Context

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

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Portfolio Attorney-General

ISSUE: FAMILY VIOLENCE POLICY**Talking points:**

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

What is the Government doing to prevent family violence?

- Domestic and family violence is a difficult and complex problem which has no simple solutions.
- To prevent domestic and family violence we need to change the way Australians think and act in their homes. This means the whole community needs to be engaged in the job of changing attitudes and social norms.
- It was in recognition of this complexity that the ACT Government refocused its efforts to combat domestic and family violence in 2016. The commitment was to a comprehensive and long term reform agenda. The Safer Families package was the largest action to address family violence in Canberra's history.
- The investment in Safer Families is continuing. In the 2017-18 Budget the commitment has grown to \$23.5 million over four years.
- The reform program involves a new model for integration across Government, the community sector and the community. The work is being led by the first full-time Coordinator-General for Family Safety, who commenced in October 2016.

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Death Review

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

Key Information

Death Review

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

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Background Information

Family Violence Policy

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

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Portfolio Attorney-General

ISSUE: MOSS REVIEW – CORONERS COURT**Talking points:**

- Coroner Robert Cook is undertaking the coronial inquest into the death of Mr Steven Freeman on 27 May 2016 at the Alexander Maconochie Centre (AMC).
- The coronial inquest will determine the manner and cause of Mr Freeman’s death. It is open for the Coroner to also make comments about matters of public safety.
- The coronial inquest has concluded and the coronial findings are expected to be delivered on 11 April 2018.
- The ACT Government is working to develop a safer environment for detainees, and is paying particular attention to the needs of Aboriginal and Torres Strait Islander detainees.
- The Government has established an Inspector of Corrections which will strengthen oversight of the AMC, and is implementing the recommendations of the independent Moss Review of Mr Freeman’s care and supervision, which were handed down on 10 November 2016.
- The Government is also examining options for supporting the operation of the Coroner’s court through administrative and legislative reforms.
- As part of this consideration, the Government is working with families to make sure that any reforms to coronial processes support the needs of people affected by a death.

Key Information

- On 27 May 2016, Mr Freeman died while in custody at the AMC. The Minister for Corrections announced the death on the day and that inquiries into the death would be undertaken by ACT Policing and by the Coroners Court.
- Following the death in custody of Mr Freeman, the Minister for Corrections also announced a review into Mr Freeman’s care and supervision at the AMC on 2 June 2016.

Cleared as complete and accurate: 18/01/2018
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- The Government engaged Mr Philip Moss AM, former Commissioner of the Australian Law Enforcement Integrity Commission, to undertake an independent review into the treatment of Mr Freeman while in custody.
- The review report, *So Much Sadness in our Lives* (the Moss report) was publicly released on 10 November 2016. The Government responded to the Moss report on 16 February 2017 agreeing, or agreeing in principle, to eight of the nine recommendations.
- The Moss Review was precluded from examining matters relating to Mr Freeman's death, as this is a matter for the Coroner.

Background Information – may not be suitable for public disclosure

- In October 2017, the Attorney-General met with families of three young men whose deaths have been subject of extensively delayed coronial inquests.
- This group of family representatives has been advocating for reforms to the coronial process including changes to address lengthy delays throughout all stages of the coronial inquest, and to improve communications with family members about the progress of inquests, Government responses and actions taken to address recommendations.
- The *Canberra Times* reported on the families' concerns on 27 January 2018 (*Losing Paul: Canberra mothers push for ACT coronial reforms, funding boost*).
- Officers from the Justice and Community Safety Directorate have arranged a follow up meeting with the families to discuss potential legislative reforms in early March 2018.
- The Chief Coroner considers that the appointment of an additional full-time magistrate would go some way towards providing her with the flexibility to use judicial resources for coronial matters as appropriate.
- A business case for 2018-19 has been prepared seeking funding for the appointment of an 8th magistrate.
- The business case also includes funding for a temporary coronial Project Officer to develop strategies and information products to better inform and support court users by enhancing online information, resources and access to the Magistrates Court and Coroner's Court.

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Portfolio Attorney-General
Attorney-General

ISSUE: RESIDENTIAL TENANCIES

Talking points:

Victorian reforms - Keeping pets in rental properties

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

Victorian reforms – other proposals

- The Victorian Government proposes to cap bonds at one month’s rent where the rent is twice the current median weekly rent.
 - In the ACT, the Residential Tenancies Act already provides that a landlord may only require or accept a maximum bond of four weeks’ rent in all circumstances.
- The Victorian Government has announced proposed changes to the bond release process, including a 14 day automatic bond release process if there is no dispute.

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

Occupancy Agreements

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

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

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Commercial Guarantees

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

Key Information

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

Background Information

- The report on the review of the Residential Tenancies Act was tabled in the June 2016 Legislative Assembly sittings.
- The report included first and second tranche recommendations.
- The *Residential Tenancies Legislation Amendment Act 2016* gave effect to the first tranche recommendations, including:
 - requirements for smoke alarms
 - changes to bond release provisions
 - mechanisms allowing a person experiencing personal or domestic violence to apply to ACAT for changes to their tenancy arrangements.
- Second tranche recommendations include giving further consideration to the following issues:

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- conditional termination and possession orders (CTPOs)
- occupancy agreements
- share house tenancies and subletting
- early termination of a fixed term lease by a tenant who has accepted accommodation in social housing premises or aged care
- reducing the maximum rent payable in advance to two weeks
- ACAT issuing notices about additional inconsistent terms
- tenant termination of a lease containing unlawful inconsistent terms
- removing or modifying the requirement for a 'detriment to the lessor's interest in the premises' when terminating a lease on the grounds that a tenant has used the premises for illegal purposes
- minimum standards for reasonable security.

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Portfolio Attorney-General

ISSUE: GAMING MACHINE HARM REDUCTION MEASURES**Talking points:**

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

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

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

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- Based on current numbers, it is expected that approximately 984 authorisations will be subject to compulsory surrender.
- Canberrans were encouraged to have their say on the ACT Government's YourSay website on options to achieve this maximum limit.
- The Government has held a number of meetings with club representatives on the most appropriate model and timeframes to achieve this reduction, and is currently considering the pathway to reach 4,000 authorisations.

Community contributions

- The Parliamentary Agreement includes a commitment to review the current community contribution scheme, with a view to maximising the direct benefit to the community from the scheme. Appendix 2.6c of the Parliamentary Agreement also includes a commitment to establish an independent charitable fund to distribute nominated community funds to charitable and community causes levied on venues operating electronic gaming machines in the ACT.
- The review of the existing community contributions scheme will commence in 2018, and will include engagement with the industry and the community on the current scheme and any proposed changes and improvements.
- As part of the review, the Government will consider relevant reports and models for these types of schemes which operate in other jurisdictions, to identify any opportunities to maximise the benefits to the community from the scheme. The review will also consider issues such as the appropriate distribution of community contributions for the purpose of gambling harm reduction and other community purposes, as well as the transparency of these arrangements.

Investigation by the Gambling and Racing Commission into Patron Complaint

- The allegation is that the Raiders Belconnen Club failed to comply with the *Gambling and Racing Control (Code of Practice) Regulation 2002*, which is itself a breach of the *Gaming Machine Act 2004*.
- The Gambling and Racing Commission has taken disciplinary action against the Club, finding that the club did not record signs that a patron had a gambling problem, as required under the Code of Practice.

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- The Club lodged an appeal against the decision to the ACT Civil and Administrative Tribunal that was referred for a mediation hearing. I have been advised that a resolution was not able to be reached and that the matter has been referred back to the Tribunal to be heard in June. As this matter is still ongoing, it would be improper to talk about the matter in detail at this time.
- The Government will continue to work with gaming machine licensees and the club sector to develop a range of strategies and measures to reduce harm caused by the playing of gaming machines. The Government's examination of gaming machine harm reduction measures will also consider the issues raised by the recent complaint.

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

Mandatory Pre-commitment and Bet Limits

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

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

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

Problem Gambling Assistance Levy

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

Key Information

Gambling Harm key statistics (as at 2014)

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

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- 10 per cent (7.9 per cent in 2009) of gamblers had at least one symptom of problem gambling, with 2.9 per cent (2.9 per cent in 2009) being classified as moderate risk or problem gamblers.
- In 2014, 19.9 per cent of the ACT adult population gambled on gaming machines, down from 30.2 per cent in 2009.

Background Information

Parliamentary Agreement

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

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

Consultation on reducing gaming machine authorisations

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

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

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

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Community Contributions

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

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

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Portfolio Attorney-General

ISSUE: JUDICIAL APPOINTMENTS PROCESS**Talking points:**

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

Key Information

- Selection processes and criteria for Judges, Magistrates and Special Magistrates, and Presidential Members of the ACT Civil and Administrative Tribunal are all set out online.
- Selection criteria for the judiciary include intellectual capacity, personal qualities, an ability to understand and deal fairly, efficiency and authority, communication, leadership and management skills.

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- Before any appointment to the Supreme Court is recommended the Attorney-General must consult the current Chief Justice about possible appointees (other than for the Chief Justice).
- For temporary appointments or re-appointments there are more flexible provisions which support the continuity of services provided to the ACT community, but the experience, skills and qualifications of candidates are paramount considerations.

Background Information

- [Sensitive] The President of Civil Liberties Australia (CLA), Kristine Klugman wrote to the former Attorney-General in September and October 2015 about the appointment processes for judicial, statutory office holder and head of government body appointments. CLA put forward the view that such important positions should be filled in an open and transparent matter, meaning the selection, tenure and evaluation of performance should be a matter for public scrutiny and debate in advance of appointments. JACS does not recommend adopting this process.

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Portfolio Attorney-General

**ISSUE: RESPONSE TO ROYAL COMMISSION – MEDIA REPORT THAT ACT
GOVERNMENT NOT READY****Talking points:**

- A *Canberra Times* report on 4 March 2018, asserted that the recent advertising of positions to work on implementing recommendations of the Royal Commission on Institutional Child Sexual Abuse (the Royal Commission) meant that the ACT Government was not ready to respond to the Royal Commission's recommendations. This claim is entirely baseless.
- The Royal Commission has recommended a significant number of reforms to criminal justice legislation and practice. A number of the measures recommended by the Royal Commission have been in place in the ACT for some time – for example measures to support vulnerable witnesses to give evidence in a way which does not re-traumatise them.
- The ACT Government is committed to protecting children from child abuse and providing a fairer response to victims and is responding swiftly to the Royal Commission's recommendations.
- Amendments to ACT grooming and maintaining a sexual relationship with a child offences, as well as sentencing reforms for child sex offenders, in response to the Royal Commission's recommendations, were introduced in the Legislative Assembly late last year (2017) and passed in February this year (2018).
- Shortly, we will be releasing a discussion paper seeking stakeholder views on further reforms to respond to the Royal Commission's recommendations for criminal law reform.
- The Commonwealth led Redress Scheme is an important step in acknowledging harm, accepting responsibility and enabling a survivor to move forward.
- The ACT Government is working closely with the Commonwealth and other jurisdictions to continue progressing the national redress scheme in a manner that ensures that it meets the needs of survivors.

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- The Government will be responding to the totality of the Royal Commission's report by the end of June this year.

Key Information

- Officials within the Justice and Community Safety Directorate, the Chief Minister, Treasury and Economic Development Directorate and elsewhere within ACT Government have been supporting the Government in responding to the Royal Commission's findings and recommendations for the last several months. This has included the development of the criminal law reforms and the development of the discussion paper which will shortly be released, as well as undertaking work on the ACT's participation in a redress scheme.
- The positions which were recently advertised reflect, in part, staff movements and the Government's commitment to ensure that it is well placed to proceed with further reforms once it has consulted with stakeholders and the community through the discussion paper which will shortly be released.

Background Information

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

Royal Commission Implementation (JACS E02a)

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	181	366	0	0	547

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

Commonwealth Redress Scheme Implementation (JACS E02b)

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	293	0	0	0	293

The Government will contribute to the implementation of the Commonwealth Redress Scheme for Survivors of Child Sexual Abuse in Institutions, which will commence on 1 July 2018. The Government will also provide additional resources for the Canberra Rape Crisis Centre as a result of increased demand for its services. This is for funding for two FTE and CRCC funding until July 2018. These positions have recently been advertised.

A 2018-19 Budget Business case for ongoing funding has been prepared.

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Portfolio Attorney-General

ISSUE: FRAUD INCIDENTS AT THE FORMER PUBLIC TRUSTEE FOR THE ACT

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

Talking points:

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

Cleared as complete and accurate: 16/03/2018
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Background Information

Between March 2010 and September 2013, two tradesmen accepted money from two employees of the Public Trustee for maintenance work on properties belonging to the Public Trustee's clients that they did not do. Some of the money was allegedly split with the two employees.

The tradesmen pleaded guilty and were sentenced in 2016 and 2017. All of the four persons have now pleaded guilty, three have been sentenced and the fourth is awaiting sentencing.

The sentencing hearing for the fourth person has been re-listed for 16 March 2018.

The 2016-17 PTG Annual Report notes in this regard:

- PTG revised its Risk Register during the reported year. PTG re-engaged KPMG in May 2017 to consider two specific elements focussed at mitigating potential fraud risk within the PTG.
- Reviewing the business process improvements implemented since the issuing of the KPMG Forensic report in relation to control issues surrounding the suspected fraud involving two former Public Trustee and Guardian Trust Officers.
- The process for the reimbursement of expenses for services provided to protected persons by third parties who were not nominated service providers on the PTG's vendor master file. These concerns are associated with claims for reimbursements made against funds held in trust by the PTG on behalf of persons who are unable to manage their own affairs. The specific aspect of this process requiring review is where a claimant advises that they have expended money in relation to the person under PTG's supervision and are seeking to be reimbursed.
- PTG has established a mail-out of client statements through an external service provider.

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Hot Issues

17. Greyhounds

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

Cleared by: Karen Greenland

Date: 29 January 2018

OVERSIGHT BRIEF

18. Outlaw Motorcycle Laws

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

Cleared by: Karen Greenland

Date: 15 January 2018

OVERSIGHT BRIEF

19.DPP Resourcing

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

Cleared by: Tamsyn Harvey

Date: 1 February 2018

OVERSIGHT BRIEF

20. National Counter Terrorism

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

If asked about current terrorism threat level

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

If asked about Facial Biometric Matching Capability

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

OVERSIGHT BRIEF

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

Cleared by: Bren Burkevics

Date: 12 January 2018

21. Gaming Machine Harm Reduction Measures

Reducing gaming machine authorisations to 4,000

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

Casino legislation

- The *Casino (Electronic Gaming) Act 2017* was passed by the Assembly on 2 November 2017 and ensures the Territory has the most robust harm minimisation measures in the country with respect to electronic gaming machines in casinos.
- The Act requires that any gaming machines the casino operates must be able to connect to an approved mandatory pre-commitment system.
- The Act also includes a maximum bet limit of \$2 a spin, or lower amount set by regulation. Community and expert input was taken into account in setting this limit.
- The casino will be limited to a maximum of 200 gaming machines and 60 Fully Automated Table Game (FATG) terminals. It must acquire authorisations through the existing trading scheme, but surrender one in three authorisations rather than the current one in four that applies to clubs. In addition, at least half the authorisations acquired must come from small or medium clubs.
- No new authorisations will be issued to the casino – they will all come from within the existing Territory maximum number. The ACT Government remains committed to reducing the number of poker machines to 4,000 by 2020.

OVERSIGHT BRIEF

- The Act will commence by default on 13 May 2018. If circumstances mean there is a pressing case to commence the legislation at an earlier point in time, the Government has the power to do so before May by written notice.

Cleared by: Karen Greenland

Date: 1 February 2018

OVERSIGHT BRIEF

22. Child Abuse Royal Commission

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

OVERSIGHT BRIEF

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

Cleared by: Tamsyn Harvey

Date: 16 March 2018

23. Drug and Alcohol Court

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

Cleared by: Karen Greenland

Date: 15 January 2018

OVERSIGHT BRIEF

24. Canberra Casino Redevelopment

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

Cleared by: Karen Greenland

Date: 15 January 2018

OVERSIGHT BRIEF

25. Crimes (Consent) Amendment Bill

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

Cleared by Karen Greenland

23 February 2018

OVERSIGHT BRIEF

26. Judicial Appointments

- The ACT Government recognises the importance of, and adheres to, a transparent process for selecting judicial officers.
- The ACT's legislative framework ensures a transparent, merit-based selection process for judges.
- The judicial appointments process is transparent and de-politicised. The Government advertises judicial positions publicly and evaluates applications according to clear selection criteria.
- The ACT Government recognises the importance of local views, and seeks nominations from the ACT Law Society and the ACT Bar Association each time a judicial selection process is conducted.

Cleared by: Karen Greenland

Date: 23 February 2018

OVERSIGHT BRIEF

Ongoing Issues

27.Holliday Matter

- The Government has introduced amendments following the recent High Court decision concerning the operation of the ACT Criminal Code, and specifically the scope of provisions dealing with the offence of incitement.
- The Crimes Legislation Amendment Bill 2017 (no 2) passed in February 2018 amended section 47 of the *Criminal Code 2002* to provide that the offence of incitement (section 47(1)), includes an offence a person is taken to have committed pursuant to section 45 (complicity and common purpose) of the Criminal Code.
- Under the new law, inciting another person to procure a third person to commit a substantive offence will be captured by the offence of incitement.

Cleared by: Enter name

Date: 27 February 2018

OVERSIGHT BRIEF

28. Liquor Reforms

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

Cleared by: Karen Greenland

Date: 2 March 2018

OVERSIGHT BRIEF

29. Community Club Grants

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

Cleared by: Karen Greenland

Date: 15 January 2018

OVERSIGHT BRIEF

30. Community Legal Centres (CLCs)

Tenant's Union evaluation:

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

CLC funding generally:

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

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

31. Commonwealth Funding – DV/Women’s Safety

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

If asked about 2017 Commonwealth funding for domestic violence units

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

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

32. Moss Report

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

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

33. ACTP Crime Statistics

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

Cleared by: Sch 2 s 2.2

Date: 12 January 2018

OVERSIGHT BRIEF

34. Eastman Update

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

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

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

Cleared by: Tamsyn Harvey

Date: 12 January 2018

OVERSIGHT BRIEF

35. New Courts Facilities

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

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

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

OVERSIGHT BRIEF

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

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

Cleared by: [Melissa Tierney](#)

Date: [26 February 2018](#)