



**ACT**

Government

Justice and Community Safety

## Open Access release outcome decision – Partial access granted

**Document Category:** Ministerial Briefs

**Title of document:** Minister for Justice, Consumer Affairs and Road Safety – Quarter 3 2018

**Description of the information:** Question Time Briefs provided to the Minister for Justice, Consumer Affairs and Road Safety between 1 July to 30 September 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 it is taken to be contrary to the public interest under Schedule 1 of the *Freedom of Information Act 2016* (the FOI Act).

The relevant ground under Schedule 1 of the FOI Act is as follows:

#### 1.2 Information subject to legal professional privilege

Information that would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege.

Information that would reveal advice subject to legal professional privilege has been redacted.

I have also assessed the remaining information against the factors favouring disclosure and factors favouring non-disclosure in Schedule 2. On balance, I have decided that the information is in the public interest to disclose with some minor redactions.

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

#### 2.1 Factors favouring disclosure in the public interest

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

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

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

**2.2 Factors favouring non-disclosure in the public interest**

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

(xi) *prejudice trade secrets, business affairs or research of an agency or person.*

On balance, I consider the ministerial briefs to be in the public interest to release, with minor redactions applied. This includes redactions to information relating to third parties, the disclosure of which may prejudice their business affairs.

**Review rights**

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

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

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

**Further assistance**

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

**Authorised by**

*L. Callow*

Lauren Callow  
Information Officer  
4 October 2023



**ACT**  
Government

Justice and Community Safety

## OPEN ACCESS Q3 2018 SCHEDULE

### PORTFOLIO: MINISTER FOR JUSTICE, CONSUMER AFFAIRS AND ROAD SAFETY

No.	Folio	Description	Date	Status	Reason for non-release or deferral
<b>Sitting Week 31 July to 2 August 2018</b>					
1	1-2	Minister for Justice, Consumer Affairs and Road Safety Question Time and Oversight Brief Index 31 July to 2 August and 14-16 and 21-23 August 2018	July/August	Full release	
2	2-3	Summary of Budget Initiatives	July/August	Full release	
3	4-5	Reducing Recidivism	July/August	Full release	
4	6-7	Repeal of Civil Unions Act	July/August	Partial release	Schedule 1, s1.2
5	8-10	Outward Bound	July/August	Partial release	Schedule 2, s2.2(a)(xi)
6	11	Marriage Equality	July/August	Full release	
7	12	Review of Prostitution Act	July/August	Full release	
8	13	Drug and Alcohol Court	July/August	Full release	
9	14	Victim Charter Rights	July/August	Full release	
10	15	Vilification and Discrimination	July/August	Full release	
11	16	Restorative Justice	July/August	Full release	
12	17	Justice Reinvestment	July/August	Full release	
13	18	Aboriginal and Justice Partnership	July/August	Full release	
14	19	Retirement Villages	July/August	Full release	
15	20	Official Visitor Review	July/August	Full release	
<b>Sitting Weeks 14-16 and 21-23 August 2018</b>					
16	21	Minister for Justice, Consumer Affairs and Road Safety Question Time and Oversight Brief Index 14-16 and 21-23 August 2018	August	Full release	
17	22-23	Summary of Budget Initiatives	August	Full release	
18	24-25	Reducing Recidivism	August	Full release	
19	26-27	Repeal of Civil Unions Act	August	Partial release	Schedule 1, s1.2
20	28-30	Outward Bound	August	Partial release	Schedule 2, s2.2(a)(xi)
21	31	Marriage Equality	August	Full release	
22	32	Review of Prostitution Act	August	Full release	

No.	Folio	Description	Date	Status	Reason for non-release or deferral
23	33	Drug and Alcohol Court	August	Full release	
24	34	Victim Charter Rights	August	Full release	
25	35	Vilification and Discrimination	August	Full release	
26	36	Restorative Justice	August	Full release	
27	37	Justice Reinvestment	August	Full release	
28	38	Aboriginal and Justice Partnership	August	Full release	
29	39	Retirement Villages	August	Full release	
30	40	Official Visitor Review	August	Full release	

**MINISTER FOR JUSTICE, CONSUMER AFFAIRS AND ROAD SAFETY**  
**QUESTION TIME AND OVERSIGHT BRIEF INDEX**  
**31 July to 2 August and**  
**14-16 and 21-23 August 2018**

<b><i>Question Time Briefs (updated for each Assembly Sitting)</i></b>	
1.	Summary of Budget Initiatives
2.	Reducing Recidivism
3.	Vulnerable Road User Reforms (incl. lane filtering and minimum passing laws)*
4.	Graduated Licencing Scheme*
5.	Repeal of Civil Unions Act
6.	Drug Driving*
7.	Outward Bound
<b><i>Oversight Brief (updated weekly)</i></b>	
	<p><b><i>Hot Issues</i></b></p> <ol style="list-style-type: none"> <li>1. Marriage Equality</li> <li>2. Review of Prostitution Act</li> <li>3. Drug and Alcohol Court</li> <li>4. Victim Charter of Rights</li> <li>5. Vilification and Discrimination</li> <li>6. Restorative Justice</li> <li>7. Speeding and road safety cameras*</li> </ol> <p><b><i>Ongoing Issues</i></b></p> <ol style="list-style-type: none"> <li>8. Justice Reinvestment</li> <li>9. Aboriginal and Justice Partnership</li> <li>10. Retirement Villages</li> <li>11. Official Visitor Review</li> </ol>

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

\*2018\*000083-031

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

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

Reducing recidivism by 25 per cent by 2025

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

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

- **\$14.2 million** over four years for supporting survivors of child sexual abuse by joining the National Redress Scheme to deliver a redress payment, counselling and psychological care, and a direct personal response. ACT Health will contribute \$0.184 million from the Health Central Provision to the administration of the scheme.

**Background Information**

- The ACT’s budget announcements included initiatives relating to:
  - Better Government – Human Rights Commission digital capability;

Cleared as complete and accurate: 23/07/2018  
Cleared by: Deputy Director-General Ext:53504  
Information Officer name: Richard Glenn  
Contact Officer name: Karen Schofield Ext: 54775  
Lead Directorate: Justice and Community Safety

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## QUESTION TIME BRIEF

- More support for families and inclusion – Reducing recidivism;
- More support for families and inclusion – Implementing the Commonwealth Redress; and
- Scheme for Institutional Child and Sexual Abuse.

Cleared as complete and accurate: 23/07/2018  
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TRIM Ref: 2018/000083-006

**Portfolio:** Justice, Consumer Affairs & Road Safety

**ISSUE:        REDUCING RECIDIVISM**

**Talking points:**

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

Cleared as complete and accurate: 24/07/2018  
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Lead Directorate: Justice and Community Safety

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## QUESTION TIME BRIEF

- Important to success in reducing recidivism in the ACT will be addressing the onset of offending and the cycles of offending.
- As a starting point we are looking to lessons from other Australian States and Territories, as well as internationally, to see what is relevant to consider in the ACT context. The Australian National University has been engaged to undertake a literature review on approaches to reducing recidivism which is expected to be available shortly.

### Key Information

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

### Background Information

- The Parliamentary Agreement for the Ninth Legislative Assembly commits to reducing recidivism by 25 per cent by 2025.
- The 2018-19 budget process provided \$0.434 for the continued development of, and operationalising of initiatives within the Justice Reinvestment Program which underpins the reducing recidivism approach.
- \$0.285m was provided in 2018-19 budget on continuing the Ainslie Avenue based High Density Housing Program and expanding it to Illawarra Court.
- \$0.150m on an Aboriginal and Torres Strait Islander Victim Liaison Officer (ASO6); and
- \$0.152m on a Warrumbul Court Coordinator & Cultural Advisor for the Children's Circle Court and core costs associated with Panel Member training, supervision, reimbursements (for expenses and cultural expertise) and ICT.

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TRIM Ref: 2018/000083-029

**Portfolio:** Justice, Consumer Affairs & Road Safety**ISSUE: REPEAL OF CIVIL UNIONS ACT****Talking points:**

- The Government is conscious that, since the Commonwealth has amended the Marriage Act to allow couples to marry regardless of their sex or gender, no one is now eligible to enter a Civil Union under ACT law.
- As I indicated in June during Budget Estimates hearings, the Government is presently considering whether it would be desirable to repeal the Civil Unions Act (the Act to prevent misapprehension that Civil Unions can still be validly entered or solemnised in the ACT).
- Should the Act be repealed, I expect the Government will continue to recognise all Civil Unions, past and present, that were entered in the ACT before 9 December 2017, that being the date from which marriage equality took effect.
- Legislation repealing the Act would also provide a timely opportunity to update gendered references to marriage across the ACT's statutebook. Such changes would enhance the equal recognition of same-sex marriages in ACT legislation.

**Key Information**

- Civil unions offer a legally recognised relationship for same-sex couples that is to be treated identically to a marriage for the purposes of territory laws.
- [Sensitive] In light of marriage equality, there are now a number of similarities between the Marriage Act and the Civil Unions Act, such that there is a risk that a court would find that the ACT legislation to be operating inconsistently with the Commonwealth law.
- As of 5 February 2018, 54 civil unions were registered in the ACT. Fifty are still registered, one was pending termination and three have been terminated.
- [Sensitive] During Estimates hearings on 26 June 2018, you indicated the ACT Government Solicitor (ACTGS) had advised that maintaining the *Civil Unions Act 2012* presents a risk that it could be deemed not consistent with the Commonwealth Marriage Act as that Act now covers the field.

Cleared as complete and accurate: 24/07/2018  
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Lead Directorate: Justice and Community Safety

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Sch 1 s 1.2

## Background Information

- The *Civil Unions Act 2012* (ACT) (Civil Unions Act) was introduced to enable couples who were unable to marry their same-sex partner under the *Marriage Act 1961* (Cwth) (Marriage Act) to enter into a legally recognised relationship.
- On 8 December 2017, the Commonwealth Parliament passed the *Marriage Amendment (Definition and Religious Freedoms) Act 2017* (Cwth) (Marriage Amendment Act). This Act amended the definition of marriage in the Marriage Act to enable same-sex couples to marry in Australia. It also introduced legal recognition of overseas same-sex marriages, including retrospective recognition of overseas same-sex marriages prior to 8 December 2017.
- Only natural persons who are not eligible to marry under the Marriage Act may enter into a civil union. Since the entry into force of the Marriage Amendment Act on 9 December 2017, persons of the same-sex have been eligible to marry under the Marriage Act. Therefore no one has been eligible to enter into a civil union since these amendments.

Cleared as complete and accurate: 24/07/2018  
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TRIM Ref: 2018/000083-032

**Portfolio:** Justice, Consumer Affairs & Road Safety**ISSUE:       OUTWARD BOUND****Talking points:**

- The Government is committed to delivering culturally appropriate Aboriginal and Torres Strait Islander justice services in the ACT and would welcome continuing to work with local community organisations on developing and delivering programs which seek to reduce peoples' contact with the criminal justice system.
- The 'Galambany Young Adults Self-Determining Training and Leadership Program' was conceived to provide the Galambany Court with an appropriate sentencing option for Aboriginal and Torres Strait Islander defendants attending Galambany Court.
- After an initial pilot program, Outward Bound was engaged to operate the program following a competitive tender process. Funding of \$110,000 (GST exc) was provided.
- While Outward Bound has experience in delivering services to Aboriginal and Torres Strait Islander communities, its contract still included a requirement to engage an Aboriginal and Torres Strait Islander consultant to assist with the design and delivery of the program to ensure any cultural elements of the program were appropriate.
- Decisions in relation to procurement are made by delegates within the public service, not at Ministerial level. I am, however, interested in exploring ways we can support smaller organisations in procurement processes being run for ACT Government contracts to improve their governance and meet compliance requirements.

**Key Information**

- Due to the lower take up rate, Outward Bound has not expended the funds from the contract. Given this, Outward Bound's contract was extend until December 2018 during which time it will work towards facilitating two further (three day) male camps and two further (one day) women's camps.

Cleared as complete and accurate: 26/07/2018  
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Lead Directorate: Justice and Community Safety

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## QUESTION TIME BRIEF

- Outward Bound and the Justice and Community Safety Directorate have discussed strategies to increase the take up rate for the program. Amongst other things this includes the potential for ‘buddies’ (positive role models) to accompany clients on any camp.
- At the completion of the program Outward Bound and the Justice and Community Safety Directorate will conduct a joint review of the program.

### Background Information

- Galambany Circle Court is a culturally sensitive and specialist sentencing process for eligible Aboriginal and Torres Strait Islander defendants within the ACT Magistrates Court. Aboriginal and Torres Strait Islander panel members assist in the sentencing process by making recommendations to the presiding Galambany Court Magistrate. Since its inception in 2004, it has become a permanent fixture of the ACT criminal justice system.
- The ‘Galambany Young Adults Self-Determining Training and Leadership Program’ is designed to provide a culturally appropriate sentencing option for Aboriginal and Torres Strait Islander defendants attending Galambany Court. The program involves outdoor training camps that build resilience, self-awareness, self-confidence, teamwork skills and leadership qualities among participants.
- The program was initially conceived and delivered by Outward Bound as a pilot project in the financial year 2015-16 and received further funding through the 2016-17 Aboriginal and Torres Strait Islander Omnibus Budget Bid process.
- Eight organisations were invited to tender for this contract; five were Aboriginal-controlled. Three applications were received from ACT organisations including one from an Aboriginal owned and operated organisation (Outward Bound, [Sch 2 s 2.2 \(a\)\(xi\)](#)). JACS chaired the procurement process in accordance with Government procurement guidelines, and selected Outward Bound.
- Given a less than expected uptake rate for the program, the Directorate worked with Outward Bound and justice stakeholders (such as ACT Corrective Services, ACT Policing etc) to maximise referral pathways for the program.
- Also due to the lower take up rate, Outward Bound had not expended all the funds from the contract. Given this, Outward Bound and JACS agreed to extend the length of the contract (without additional funding) for a further six months taking the expiration date to 6 December 2018. During which time Outward Bound would work towards facilitating two further (three day) male camps and two further (one day) women’s camps. Proposed dates for these camps are:
  - Skills for Life - Women 1 - Friday 28 September
  - Skills for Life – Women 2 - Friday 16 November
  - Skills for Life – Men 1 - Monday 24 – Wednesday 26 September
  - Skills for Life – Men 2 - Monday 12 – Wednesday 14 November

Cleared as complete and accurate: 26/07/2018  
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## QUESTION TIME BRIEF

- Outward Bound has agreed to expand if necessary the Aboriginal and Torres Strait Islander consultant base and utilise these consultants on a stronger basis as required to encourage client participation.
- Strategies to increase the take up rate have also been discussed and include:
  - The use of buddies (ideally identified positive role model) to accompany clients on any camp.
  - JACS facilitating further Outward Bound presentations with AMC Case Managers, Community Corrections Officers & Throughcare Transition Staff to have them aware of the program running to December 2018 and the need for their support to gain interest and client participation and ask them to identify potential participants over the next 6 months.
  - JACS Aboriginal and Torres Strait Islander Social Justice team becoming the central point for Outward Bound referrals and to coordinate those referrals and the manager of the team participating in at least of one of the 3 day camps during 2018, and encouraging other agency staff from referring entities to participate in camps where practicable.

Cleared as complete and accurate: 26/07/2018  
Cleared by: Executive Director Ext: 70522  
Information Officer name: Tamsyn Harvey  
Contact Officer name: Andrew McIntosh Ext: 70550  
Lead Directorate: Justice and Community Safety

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## 1. Marriage Equality

- The ACT is carefully considering the effect on the *Civil Union Act 1994* following the legalisation of same-sex marriage at the Federal level.
- People are unable to enter into new civil unions under the Civil Unions Act.
- The Government has expressed its strong support of marriage equality but the legislation does require the Government to consider the impact on ACT laws. The Government is considering how best to ensure the impact on existing civil unions is minimised.

Cleared by: Daniel Ng

Date: 27 July 2018

## 2. Review of Prostitution Act

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

Cleared by: Daniel Ng

Date: 1 June 2016



### 3. Drug and Alcohol Court

- The Government is undertaking phase one, scoping and design work of a Drug and Alcohol Court (DAC) in collaboration with the justice, drug and alcohol service sectors.
- A DAC requires a range of services both in the court context and to provide treatment, supervision and support in the community. As such this is a complex program of work and requires the planning phase to be very carefully considered.
- Alcohol and other drug treatment services in particular need to be planned to ensure appropriate therapeutic treatment pathways are clearly identified for DAC participants. The Government is in the process of conducting consultation workshops with the alcohol and other drug service sector to support this planning process.
- The effectiveness of DAC in achieving long-term behavioural change in offenders is supported by a substantial body of research. Results include reductions in re-offending (recidivism), reduced incarceration rates, and improved community safety outcomes.
- The problem-solving approach taken by drug courts involves key principles to achieve the best outcomes including: an integrated approach by all parts of the justice system, prompt access to treatment and related services & a high level of judicial intervention.
- The Supreme Court has developed proposals for Government in relation to the model, assisted by a working group of key stakeholders, chaired by Justice John Burns. These proposals are under consideration.

Cleared by: Karen Greenland

Date: 15 January 2018

#### 4. Charter of Rights for Victims of Crime

- All other states and territories in Australia have introduced victims' rights as principles or guidelines.
- The Government is seeking to transform the ACT's guiding principles for the treatment of victims into obligatory rights through legislative reform. Other options will also be considered.
- The Charter of Rights for Victims of Crime can cover, among other things, the rights of victims of crime and the obligations that agencies and others have when dealing with victims of crime, and establish a complaints resolution process for when the charter is breached.
- The Government is currently working closely with stakeholders including the Victims Advisory Board, Victims of Crime Commissioner, individual victims of crime and justice system agencies to identify options and the best approach for implementing a Charter of Rights for Victims of Crime for the ACT.
- Wider stakeholder and public consultation is underway from 22 June until 6 August and a range of flexible consultation and engagement options are being provided. .
- Final recommendations on the Charter will be developed in close consultation with justice stakeholders.

Cleared by: [Laura Pound](#)

Date: 27 July 2018

## 5. Vilification and Discrimination

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

Cleared by: Sean Costello

Date: 12 January 2018

## 6. Restorative Justice

- The RJ Scheme will be broadened later in 2018 to include domestic and family violence and sexual offence matters.
- The Restorative Justice Unit is finalising a merged guideline for the management of family violence and sexual offences. It is acknowledged that these highly sensitive matters will involve additional supports and expertise.
- A Crimes (Restorative Justice) Amendment Bill 2018 has been drafted for cabinet approval following consultation with key stakeholders. These amendments are designed to remove barriers to referrals by all referring entities, including the Victims of Crime Commissioner.
- If people would like to provide comments as part of phase three, they can contact the ACT Restorative Justice Unit on 6207 3992.

Cleared by: [Amanda Lutz](#)

Date: [24 July 2018](#)

## 8. Justice Reinvestment

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

Cleared by: Tamsyn Harvey

Date: 1 June 2018

## 9. Aboriginal and Justice Partnership

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

Cleared by: Karen Greenland

Date: 12 January 2018

## 10. Retirement Villages

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

Cleared by: Julie Beddoe

Date: 27 July 2018

## 11. Official Visitor Review

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

Cleared by: Julie Beddoe

Date: 1 June 2018



**MINISTER FOR JUSTICE, CONSUMER AFFAIRS AND ROAD  
SAFETY QUESTION TIME AND OVERSIGHT BRIEF INDEX  
14-16 and 21-23 August 2018**

<b><i>Question Time Briefs (updated for each Assembly Sitting)</i></b>	
1.	Summary of Budget Initiatives
2.	Reducing Recidivism
3.	Vulnerable Road User Reforms (incl. lane filtering and minimum passing laws)*
4.	Graduated Licencing Scheme *
5.	Repeal of Civil Unions Act
6.	Drug Driving*
7.	Outward Bound
<b><i>Oversight Brief (updated weekly)</i></b>	
	<p><b><i>Hot Issues</i></b></p> <ol style="list-style-type: none"> <li>1. Marriage Equality</li> <li>2. Review of Prostitution Act</li> <li>3. Drug and Alcohol Court</li> <li>4. Victim Charter of Rights</li> <li>5. Vilification and Discrimination</li> <li>6. Restorative Justice</li> <li>7. Speeding and road safety cameras*</li> </ol> <p><b><i>Ongoing Issues</i></b></p> <ol style="list-style-type: none"> <li>8. Justice Reinvestment</li> <li>9. Aboriginal and Justice Partnership</li> <li>10. Retirement Villages</li> <li>11. Official Visitor Review</li> </ol>

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

\*2018\*000083-031

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

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

Reducing recidivism by 25 per cent by 2025

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

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

- **\$14.2 million** over four years for supporting survivors of child sexual abuse by joining the National Redress Scheme to deliver a redress payment, counselling and psychological care, and a direct personal response. ACT Health will contribute \$0.184 million from the Health Central Provision to the administration of the scheme.

**Background Information**

- The ACT’s budget announcements included initiatives relating to:
  - Better Government – Human Rights Commission digital capability;

Cleared as complete and accurate: 23/07/2018  
Cleared by: Deputy Director-General Ext:53504  
Information Officer name: Richard Glenn  
Contact Officer name: Karen Schofield Ext: 54775  
Lead Directorate: Justice and Community Safety

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## QUESTION TIME BRIEF

- More support for families and inclusion – Reducing recidivism;
- More support for families and inclusion – Implementing the Commonwealth Redress; and
- Scheme for Institutional Child and Sexual Abuse.

Cleared as complete and accurate: 23/07/2018  
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TRIM Ref: 2018/000083-006

**Portfolio:** Justice, Consumer Affairs & Road Safety**ISSUE: REDUCING RECIDIVISM****Talking points:**

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

Cleared as complete and accurate: 24/07/2018  
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Lead Directorate: Justice and Community Safety

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## QUESTION TIME BRIEF

- Important to success in reducing recidivism in the ACT will be addressing the onset of offending and the cycles of offending.
- As a starting point we are looking to lessons from other Australian States and Territories, as well as internationally, to see what is relevant to consider in the ACT context. The Australian National University has been engaged to undertake a literature review on approaches to reducing recidivism which is expected to be available shortly.

### Key Information

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

### Background Information

- The Parliamentary Agreement for the Ninth Legislative Assembly commits to reducing recidivism by 25 per cent by 2025.
- The 2018-19 budget process provided \$0.434 for the continued development of, and operationalising of initiatives within the Justice Reinvestment Program which underpins the reducing recidivism approach.
- \$0.285m was provided in 2018-19 budget on continuing the Ainslie Avenue based High Density Housing Program and expanding it to Illawarra Court.
- \$0.150m on an Aboriginal and Torres Strait Islander Victim Liaison Officer (ASO6); and
- \$0.152m on a Warrumbul Court Coordinator & Cultural Advisor for the Children's Circle Court and core costs associated with Panel Member training, supervision, reimbursements (for expenses and cultural expertise) and ICT.

Cleared as complete and accurate: 24/07/2018  
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TRIM Ref: 2018/000083-029

**Portfolio:** Justice, Consumer Affairs & Road Safety**ISSUE: REPEAL OF CIVIL UNIONS ACT****Talking points:**

- The Government is conscious that, since the Commonwealth has amended the Marriage Act to allow couples to marry regardless of their sex or gender, no one is now eligible to enter a Civil Union under ACT law.
- As I indicated in June during Budget Estimates hearings, the Government is presently considering whether it would be desirable to repeal the Civil Unions Act (the Act to prevent misapprehension that Civil Unions can still be validly entered or solemnised in the ACT).
- Should the Act be repealed, I expect the Government will continue to recognise all Civil Unions, past and present, that were entered in the ACT before 9 December 2017, that being the date from which marriage equality took effect.
- Legislation repealing the Act would also provide a timely opportunity to update gendered references to marriage across the ACT's statutebook. Such changes would enhance the equal recognition of same-sex marriages in ACT legislation.

**Key Information**

- Civil unions offer a legally recognised relationship for same-sex couples that is to be treated identically to a marriage for the purposes of territory laws.
- [Sensitive] In light of marriage equality, there are now a number of similarities between the Marriage Act and the Civil Unions Act, such that there is a risk that a court would find that the ACT legislation to be operating inconsistently with the Commonwealth law.
- As of 5 February 2018, 54 civil unions were registered in the ACT. Fifty are still registered, one was pending termination and three have been terminated.
- [Sensitive] During Estimates hearings on 26 June 2018, you indicated the ACT Government Solicitor (ACTGS) had advised that maintaining the *Civil Unions Act 2012* presents a risk that it could be deemed not consistent with the Commonwealth Marriage Act as that Act now covers the field.

Cleared as complete and accurate: 24/07/2018  
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Lead Directorate: Justice and Community Safety

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**Background Information**

- The *Civil Unions Act 2012* (ACT) (Civil Unions Act) was introduced to enable couples who were unable to marry their same-sex partner under the *Marriage Act 1961* (Cwth) (Marriage Act) to enter into a legally recognised relationship.
- On 8 December 2017, the Commonwealth Parliament passed the *Marriage Amendment (Definition and Religious Freedoms) Act 2017* (Cwth) (Marriage Amendment Act). This Act amended the definition of marriage in the Marriage Act to enable same-sex couples to marry in Australia. It also introduced legal recognition of overseas same-sex marriages, including retrospective recognition of overseas same-sex marriages prior to 8 December 2017.
- Only natural persons who are not eligible to marry under the Marriage Act may enter into a civil union. Since the entry into force of the Marriage Amendment Act on 9 December 2017, persons of the same-sex have been eligible to marry under the Marriage Act. Therefore no one has been eligible to enter into a civil union since these amendments.

Cleared as complete and accurate: 24/07/2018  
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TRIM Ref: 2018/000083-032

**Portfolio:** Justice, Consumer Affairs & Road Safety**ISSUE:       OUTWARD BOUND****Talking points:**

- The Government is committed to delivering culturally appropriate Aboriginal and Torres Strait Islander justice services in the ACT and would welcome continuing to work with local community organisations on developing and delivering programs which seek to reduce peoples' contact with the criminal justice system.
- The 'Galambany Young Adults Self-Determining Training and Leadership Program' was conceived to provide the Galambany Court with an appropriate sentencing option for Aboriginal and Torres Strait Islander defendants attending Galambany Court.
- After an initial pilot program, Outward Bound was engaged to operate the program following a competitive tender process. Funding of \$110,000 (GST exc) was provided.
- While Outward Bound has experience in delivering services to Aboriginal and Torres Strait Islander communities, its contract still included a requirement to engage an Aboriginal and Torres Strait Islander consultant to assist with the design and delivery of the program to ensure any cultural elements of the program were appropriate.
- Decisions in relation to procurement are made by delegates within the public service, not at Ministerial level. I am, however, interested in exploring ways we can support smaller organisations in procurement processes being run for ACT Government contracts to improve their governance and meet compliance requirements.

**Key Information**

- Due to the lower take up rate, Outward Bound has not expended the funds from the contract. Given this, Outward Bound's contract was extend until December 2018 during which time it will work towards facilitating two further (three day) male camps and two further (one day) women's camps.

Cleared as complete and accurate: 26/07/2018  
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## QUESTION TIME BRIEF

- Outward Bound and the Justice and Community Safety Directorate have discussed strategies to increase the take up rate for the program. Amongst other things this includes the potential for ‘buddies’ (positive role models) to accompany clients on any camp.
- At the completion of the program Outward Bound and the Justice and Community Safety Directorate will conduct a joint review of the program.

### Background Information

- Galambany Circle Court is a culturally sensitive and specialist sentencing process for eligible Aboriginal and Torres Strait Islander defendants within the ACT Magistrates Court. Aboriginal and Torres Strait Islander panel members assist in the sentencing process by making recommendations to the presiding Galambany Court Magistrate. Since its inception in 2004, it has become a permanent fixture of the ACT criminal justice system.
- The ‘Galambany Young Adults Self-Determining Training and Leadership Program’ is designed to provide a culturally appropriate sentencing option for Aboriginal and Torres Strait Islander defendants attending Galambany Court. The program involves outdoor training camps that build resilience, self-awareness, self-confidence, teamwork skills and leadership qualities among participants.
- The program was initially conceived and delivered by Outward Bound as a pilot project in the financial year 2015-16 and received further funding through the 2016-17 Aboriginal and Torres Strait Islander Omnibus Budget Bid process.
- Eight organisations were invited to tender for this contract; five were Aboriginal-controlled. Three applications were received from ACT organisations including one from an Aboriginal owned and operated organisation (Outward Bound, [Sch 2 s 2.2 \(a\)\(xi\)](#)). JACS chaired the procurement process in accordance with Government procurement guidelines, and selected Outward Bound.
- Given a less than expected uptake rate for the program, the Directorate worked with Outward Bound and justice stakeholders (such as ACT Corrective Services, ACT Policing etc) to maximise referral pathways for the program.
- Also due to the lower take up rate, Outward Bound had not expended all the funds from the contract. Given this, Outward Bound and JACS agreed to extend the length of the contract (without additional funding) for a further six months taking the expiration date to 6 December 2018. During which time Outward Bound would work towards facilitating two further (three day) male camps and two further (one day) women’s camps. Proposed dates for these camps are:
  - Skills for Life - Women 1 - Friday 28 September
  - Skills for Life – Women 2 - Friday 16 November
  - Skills for Life – Men 1 - Monday 24 – Wednesday 26 September
  - Skills for Life – Men 2 - Monday 12 – Wednesday 14 November

Cleared as complete and accurate: 26/07/2018  
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## QUESTION TIME BRIEF

- Outward Bound has agreed to expand if necessary the Aboriginal and Torres Strait Islander consultant base and utilise these consultants on a stronger basis as required to encourage client participation.
- Strategies to increase the take up rate have also been discussed and include:
  - The use of buddies (ideally identified positive role model) to accompany clients on any camp.
  - JACS facilitating further Outward Bound presentations with AMC Case Managers, Community Corrections Officers & Throughcare Transition Staff to have them aware of the program running to December 2018 and the need for their support to gain interest and client participation and ask them to identify potential participants over the next 6 months.
  - JACS Aboriginal and Torres Strait Islander Social Justice team becoming the central point for Outward Bound referrals and to coordinate those referrals and the manager of the team participating in at least of one of the 3 day camps during 2018, and encouraging other agency staff from referring entities to participate in camps where practicable.

Cleared as complete and accurate: 26/07/2018  
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Lead Directorate: Justice and Community Safety

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## 1. Marriage Equality

- The ACT is carefully considering the effect on the *Civil Union Act 1994* following the legalisation of same-sex marriage at the Federal level.
- People are unable to enter into new civil unions under the Civil Unions Act.
- The Government has expressed its strong support of marriage equality but the legislation does require the Government to consider the impact on ACT laws. The Government is considering how best to ensure the impact on existing civil unions is minimised.

Cleared by: Daniel Ng

Date: 27 July 2018

## 2. Review of Prostitution Act

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

Cleared by: Daniel Ng

Date: 1 June 2016

### 3. Drug and Alcohol Court

- The Government is undertaking phase one, scoping and design work of a Drug and Alcohol Court (DAC) in collaboration with the justice, drug and alcohol service sectors.
- A DAC requires a range of services both in the court context and to provide treatment, supervision and support in the community. As such this is a complex program of work and requires the planning phase to be very carefully considered.
- Alcohol and other drug treatment services in particular need to be planned to ensure appropriate therapeutic treatment pathways are clearly identified for DAC participants. The Government is in the process of conducting consultation workshops with the alcohol and other drug service sector to support this planning process.
- The effectiveness of DAC in achieving long-term behavioural change in offenders is supported by a substantial body of research. Results include reductions in re-offending (recidivism), reduced incarceration rates, and improved community safety outcomes.
- The problem-solving approach taken by drug courts involves key principles to achieve the best outcomes including: an integrated approach by all parts of the justice system, prompt access to treatment and related services & a high level of judicial intervention.
- The Supreme Court has developed proposals for Government in relation to the model, assisted by a working group of key stakeholders, chaired by Justice John Burns. These proposals are under consideration.

Cleared by: Karen Greenland

Date: 15 January 2018

#### 4. Charter of Rights for Victims of Crime

- All other states and territories in Australia have introduced victims' rights as principles or guidelines.
- The Government is seeking to transform the ACT's guiding principles for the treatment of victims into obligatory rights through legislative reform. Other options will also be considered.
- The Charter of Rights for Victims of Crime can cover, among other things, the rights of victims of crime and the obligations that agencies and others have when dealing with victims of crime, and establish a complaints resolution process for when the charter is breached.
- The Government is currently working closely with stakeholders including the Victims Advisory Board, Victims of Crime Commissioner, individual victims of crime and justice system agencies to identify options and the best approach for implementing a Charter of Rights for Victims of Crime for the ACT.
- Wider stakeholder and public consultation is underway from 22 June until 6 August and a range of flexible consultation and engagement options are being provided. .
- Final recommendations on the Charter will be developed in close consultation with justice stakeholders.

Cleared by: [Laura Pound](#)

Date: 27 July 2018

## 5. Vilification and Discrimination

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

Cleared by: Sean Costello

Date: 12 January 2018

## 6. Restorative Justice

- The RJ Scheme will be broadened later in 2018 to include domestic and family violence and sexual offence matters.
- The Restorative Justice Unit is finalising a merged guideline for the management of family violence and sexual offences. It is acknowledged that these highly sensitive matters will involve additional supports and expertise.
- A Crimes (Restorative Justice) Amendment Bill 2018 has been drafted for cabinet approval following consultation with key stakeholders. These amendments are designed to remove barriers to referrals by all referring entities, including the Victims of Crime Commissioner.
- If people would like to provide comments as part of phase three, they can contact the ACT Restorative Justice Unit on 6207 3992.

Cleared by: [Amanda Lutz](#)

Date: [24 July 2018](#)



## 8. Justice Reinvestment

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

Cleared by: Tamsyn Harvey

Date: 1 June 2018

## 9. Aboriginal and Justice Partnership

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

Cleared by: Karen Greenland

Date: 12 January 2018

## 10. Retirement Villages

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

Cleared by: Julie Beddoe

Date: 27 July 2018

## 11. Official Visitor Review

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

Cleared by: Julie Beddoe

Date: 1 June 2018