ACT Government
Justice and Community Safety

Open Access release outcome decision – Full access granted

Document Category: Ministerial Briefs

Title of document: Minister for Human Rights – Quarter 1 2021 briefs

Description of the information: Question Time Briefs provided to the Minister for Human Rights between 1 January and 31 March 2021.

The original record of this document did not contain information, the release of which would be contrary to the public interest. As such, the information contained in this document has been released in full for the reasons outlined below.

Grounds for decision to release

As per the public interest test set out in section 17 of the FOI Act, I have assessed the information contained in the ministerial briefs as being suitable for full release.

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;

(iv) ensure effective oversight of expenditure of public funds;

(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.

Review rights

My decision to release or 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:

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

L. Callow

Lauren Callow
Information Officer
9 April 2026

ACT Government
Justice and Community Safety

OPEN ACCESS Q1 2021 SCHEDULE
PORTFOLIO: MINISTER FOR HUMAN RIGHTS

No.	Folio	Description	Date	Status	Reason for non-release or deferral
Question Time Briefs - Sitting Days 9-11 February 2021					
1	1	Question Time Briefs Index - 9-11 February 2021	February		
2	2-3	Funding for VOCAL	February		
3	4-5	Resourcing of the HRC and complaints handling	February		
4	6-7	Right to a healthy environment	February		
5	8-10	Right to housing	February		
6	11-14	Victims Rights Legislation Amendment Bill 2020	February		
7	15-17	Discrimination and Religious Freedom Bills	February		
8	18-19	Review of the Victim of Crime Financial Assistance Scheme, Victim Services Scheme and victim levies	February		
9	20-22	Work to further Voluntary Assisted Dying and territory rights	February		
2020-21 Budget Day - Sitting Day 9 February 2021					
10	23	Budget Day Index - 9 February 2021	February		
11	24-36	2020-21 Budget Summary (including summary of JACS Initiatives)	February		
12	37-38	2020-21 Budget Initiatives Summary - MHR	February		
13	39	More support for families and inclusion - Enhancing the Victims of Crime Financial Assistance Scheme (w AG)	February		
14	40	Victim Services Scheme: Therapeutic Support for Victims	February		
15	41	Additional resources for the Victims of Crime Commissioner	February		
16	42	Enhancing the Administration of Victims of Crime Financial Assistant Scheme	February		
17	43-46	Rollovers - MHR	February		
18	47	2020-21 Budget Staffing FTE by Ministerial Portfolio - MHR	February		
19	48-59	2019-20 Audited Outcome & 2020-21 Budget Variance - Controlled	February		
20	60-66	2019-20 Audited Outcome & 2020-21 Budget Variance - Territorial	February		
21	67-69	2020-21 Strategic and Accountability Indicators - Output 1.5 Human Rights Commission	February		
Question Time Briefs - Sitting Days 30-31 March 2021					
22	70	Question Time Briefs Index - 30-31 March 2021	March		
23	71-72	Funding for VOCAL	March		
24	73-74	Resourcing of the HRC and complaints handling	March		
25	75-76	Disability complaints to the Discrimination Health Services Disability and Community Services Commissioner	March		
26	77-78	Right to a healthy environment	March		
27	79-81	Right to housing	March		
28	82-84	Victims Rights Legislation Amendment Bill 2020	March		
29	85-86	Discrimination and Religious Freedom Bills	March		

No.	Folio	Description	Date	Status	Reason for non-release or deferral
30	87-88	Review of the Victim of Crime Financial Assistance Scheme, Victim Services Scheme and victim levies	March		
31	89-90	Claims to Victims of Crime Financial Assistance Scheme and Victims Services Scheme	March		
32	91	Protecting Vulnerable people (covering matters that arose in the Hearing QON)	March		
33	92-94	Implementation of the Charter of Rights for Victims of Crime	March		
34	95-96	Complaints to the Victims of Crime Commissioner	March		
35	97-99	Work to further Voluntary Assisted Dying and territory rights	March		
36	100	Privacy and data retention for Check in CBR	March		
37	101-103	Progress of Our Booris Our Way recommendations (including the Children's Commissioner)	March		
38	104-106	Progress of the Protection of Rights Services Review	March		
39	107	Employment of Gordon Ramsay (QTON response)	March		

ACT Government
Justice and Community Safety

MINISTER TARA CHEYNE MLA
MINISTER FOR HUMAN RIGHTS
QUESTION TIME BRIEFS PACK
9-11 FEBRUARY 2021

Question Time Briefs	
1.	Funding for VOCAL
2.	Resourcing of the HRC and complaints handling
3.	Right to a healthy environment
4.	Right to housing
5.	Victims Rights Legislation Amendment Bill 2020
6.	Discrimination and Religious Freedom Bills
7.	Review of the Victim of Crime Financial Assistance Scheme, Victim Services Scheme and victim levies
8.	Work to further Voluntary Assisted Dying and territory rights

QUESTION TIME BRIEF

JACS2021/48-001-001

Portfolio/s: Human Rights

ISSUE: FUNDING FOR VOCAL

Talking points:

- There is no doubt that victims of crime need access to services provided by the ACT Government, in particular access to appropriate and trauma-informed therapeutic services to assist in their recovery.
- Prior to 2012, the Victims of Crime Assistance League ACT (VOCAL) provided a volunteer victim support program with financial assistance from the ACT Government.
- However, when Victim Support ACT (VSACT) became part of the ACT Human Rights Commission in 2015-16, the volunteer program transitioned to operation by VSACT to improve its alignment with the Victim Services Scheme, which is administered by VSACT.
- The volunteer program is delivered by experienced and skilled volunteers at VSACT, which provides a single point-of-contact for both victim support and advocacy services.
- I am advised that VOCAL continue to provide a range of free support services to victims of crime in the ACT including emotional support, court support, and practical assistance; and work closely with VSACT including as a key referring agency.
- The ACT Government is committed to continuing to work in partnership with community agencies to support and improve services for victims of crime and other vulnerable groups in the ACT.

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QUESTION TIME BRIEF

Key Background Information

- VOCAL was formed in response to unmet need in the community and was contracted from 2000 to 2012 to deliver practical assistance to victims of crime. At that time, VOCAL was exempted from being required to participate in an open tender process because of its specialty expertise in delivering a volunteer victim support program.
- In October 2011 an open tender process was conducted for the provision of this service, reflecting that a number of not-for-profit organisations had built volunteer service capacity.
- A number of community agencies tendered for the volunteer victim support service, and the contract was awarded to Communities@Work who established the *Side by Side: Volunteers Assisting Victims* program. That contract was for entered into for up to three years to provide practical assistance and support to victims of crime, and to develop and conduct a community awareness program to promote the interests of victims.

Further Background information

- The Charter of Rights for Victims of Crime, established in the *Victims Rights Legislation Amendment Act 2020* which came into effect on 1 January 2021, will further improve the opportunities for victims of crime to receive information and participate in the justice system including in relation to access to information, supports and assistance.
- The Charter replaces the broad, aspirational 'governing principles for the treatment of victims of crime in the administration of justice' in the *Victims of Crime Act 1994* (under section 4) and details victim rights in areas including protection of privacy and safety; access to support services and assistance; provision of information and case updates; and opportunities to participate in the justice process.
- The *Victims of Crime Regulation 2000* (VOC Regulation) establishes the Victim Services Scheme (VSS) under the *Victims of Crime Act 1994* (VOC Act). The VSS outlines the eligibility criteria, levels of service provision and functions of the Victims of Crime Commissioner (VOCC) in relation to administering the scheme. This includes counselling and other therapeutic services, case coordination, and advocacy and assistance to victims as they navigate the criminal justice system.
- The review of the Victims of Crime Financial Assistance Scheme in the *Victims of Crime (Financial Assistance) Act 2016* (VOCFA Act), Victim Services Scheme established in the VOC Regulation and victim levies (in Part 5 of the VOC Act and Part 7 the VOCFA Act) will continue to ensure the ACT is meeting the recovery needs of victims through appropriate financial and therapeutic assistance, and to ensure that these schemes are administratively streamlined and appropriately offset.
- The ACT Government holds an annual community consultation process for individuals and organisations to give feedback on gaps in government funding.

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QUESTION TIME BRIEF

JACS2021/48-001-002

Portfolio/s: Human Rights

Issue: ACT Human Rights Commission – Complaints handling and resourcing

Talking points:

- The ACT Human Rights Commission provides a range of important service to our Canberra community to ensure that people's rights are protected
- The Commission provides independent and impartial complaint handling for a range of complaints, including complaints about discrimination, health services, disability services, services for children and young people and services for older people.
- Recently, the Commission's jurisdiction has been expanded to allow the Commission to consider complaints about retirement villages and about abuse and neglect of vulnerable people. Further amendments will commence during 2021 giving the Commission jurisdiction to handle complaints about occupancy agreements, victims rights and prohibited conversion practices.
- These changes recognise the excellent work that the Commission does in handling complaints fairly and impartially, and the trust that the community has in the Commission to consider and seek to resolve difficult issues.
- An independent review is currently being conducted, as required under the Human Rights Commission Act, regarding changes that were made to the Human Rights Commission, including the bringing together of a range of complaints handling roles under one Commissioner. The review report is required to be tabled by June 2021.
- The Government will continue to monitor the resourcing needs of the Human Rights Commission to ensure that it is well placed to perform its important functions.

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- The protection of rights services reforms made changes that came into effect on 1 April 2016. These reforms consolidated all complaints handling under one Commissioner (the Discrimination, Health Services and Disability and Community Services Commissioner), with a view improving efficiencies and consistency.
- The effectiveness of these reforms is one of the matters being considered by an independent review being conducted by Insight Consulting Inc. The review has sought the views of a range of stakeholders.
- The Commission has also been given a range of new complaints handling functions. Any additional resourcing required for these functions has been and will be considered by the Government as part of its normal budget processes to ensure that the Commission is able to properly discharge its functions.

Background Information - new functions

- From 1 July 2019 the Commission was given additional jurisdiction to conciliate complaints about retirement villages.
- From 14 May 2020 the Commission was given additional jurisdiction to consider complaints about the abuse and neglect of vulnerable people, as part of the response to the COVID-19 pandemic. These measures are temporary, expiring 12 months after the end of the emergency declaration, but will be reviewed by the Government before that date to determine whether the measures should be extended or made permanent.
- From 1 January 2021, the Commission will have jurisdiction to consider complainst about victims rights.
- From 4 March 2021, the Commission will have jurisdiction to consider complainst about occupancy agreements and prohibited conversion practices.
- The extent to which these new roles create additional work for the Commisison will be monitored, and any need for additional resources will be considered in the Government's normal budget processes.

QUESTION TIME BRIEF

JACS2021/48-001-003

Portfolio/s: Human Rights

RIGHT TO A HEALTHY ENVIRONMENT

Talking points:

- The Parliamentary and Governing Agreement for the 10th Assembly commits the ACT Government to giving consideration to the inclusion of a 'right to a healthy environment' in the *Human Rights Act 2004*.

Key Information

- There is no standalone right to a healthy environment in the international human rights treaties to which Australia is a party (including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights).
- The right to a healthy environment may be seen as an aspect of the right to health under the International Covenant on Economic, Social and Cultural Rights. In particular, the right to health includes the right to live in conditions that promote a healthy life (such as access to safe drinking water, adequate sanitation, healthy occupational and environmental conditions).
- The right to a healthy environment may also be seen as an aspect of the right to life, which is already protected under section 9 the *Human Rights Act*. This is because the right to life includes an obligation to address the general conditions in society that may give rise to threats to the right to life (including conditions such as environmental pollution).
- Similarly, the degradation of the environment may adversely affect the well-being of individuals and have direct repercussions on a person's private and family life and the home and may therefore be relevant to the right to privacy in section 12 of the *Human Rights Act.*
- Where the right to a healthy environment has been recognised, the content of that right has been expressed in different ways, including as entailing a procedural obligation (such as the right to access environmental information held by authorities), a substantive obligation (such as an obligation to protect against environmental harm), or a combination of both.
- In jurisdictions where a right to a healthy environment is recognised, it has been relevant in challenging administrative decisions that have environmental impacts.

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Background Information

- In the statutory review of the Human Rights Act after its first 12 months of operation, it was noted that at the time the Act was introduced the government did not support incorporating a free-standing environmental right directly into law. It considered that many of the civil and political rights protected in the Human Rights Act would apply to environmental matters.[1] The recommendation from that report was that the Government should not consider specific mechanisms to protect environment-related rights before other recommendations were addressed.
- However, since that time a number of reforms have occurred to strengthen the Act and other rights have been added to the Human Rights Act, including cultural rights of Aboriginal and Torres Strait Islander Peoples, the right to education and the right to work.
- The Parliamentary and Governing Agreement for the 10th Assembly foreshadows consideration of the inclusion of a 'right to a healthy environment' in the *Human Rights Act 2004*.

[1] ACT Department of Justice and Community Safety, *Human Rights Act 2004, Twelve-Month Review Report* (2006).

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QUESTION TIME BRIEF

JACS2021/48-001-004

Portfolio/s: Human Rights

RIGHT TO HOUSING

Talking points:

- The *Human Rights Act 2004* (HRA) does not contain a specific right to housing.
- A number of stakeholders have called for the HRA to be amended to include a human right to housing.
- There is already some protection of housing related rights in the HRA:
    - Section 12 of the HRA provides for the right not to have one's home interfered with unlawfully or arbitrarily. This protects a person's home from trespass, harassment, nuisance, searches or surveillance.
    - Other human rights in the HRA such as the rights of children and families to protection and the right to equality will also be relevant considerations in decision-making by public authorities regarding public or community housing.
- The ACT Government has also taken practical steps to provide for more secure housing in the ACT including through amendments to the *Residential Tenancies Act 1997*. The ACT Government has also committed to progressing reforms to end no cause evictions from residential tenancies.
- The Government has undertaken measures during the COVID-19 pandemic to alleviate the impact of the public health emergency on access to adequate and appropriate housing. This included a six-month moratorium on eviction for non-payment of rent and on rent increases (from April to October 2020), a continued ability (until 30 April 2021) for landlords and tenants to negotiate reduced rent if the tenant is suffering from financial hardship due to the pandemic.

Key Information

- Other jurisdictions in Australia with human rights legislation do not yet have a freestanding right to housing in their respective human rights Acts.

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- The right to housing is established in international law by article 11(1) of the *International Covenant on Economic, Social and Cultural Rights* and recognises the 'right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions'.
- The right to housing is not merely a right to have shelter, it encompasses adequate privacy, space, security, lighting, ventilation, basic infrastructure, and location – all at a reasonable cost.[1]
- The right to housing applies to everyone. Individuals as well as families are entitled to adequate housing regardless of age, economic status, group or other affiliation or status. Enjoyment of the right must not be subject to any form of discrimination.[2]

Background Information

- In 2010 an Australian Research Council linkage project between the Australian National University and the Justice and Community Safety Directorate examined the feasibility of introducing economic, social and cultural rights into the HRA. The report from that project was published in 2010 and recommended that the HRA be amended to include economic, social and cultural rights in the HRA, including the right to housing. [3]
- The Government response to that report noted that an incremental approach to the adoption of economic, social and cultural rights was preferred, with the right to education being the initial focus but with the potential for further economic, social and cultural rights to be considered over time.
- In 2014, the Government undertook a statutory review into the operation of the Human Rights Act focusing on the including of economic, social and cultural rights in the HRA. This report was tabled by the Attorney-General in the Legislative Assembly on 27 November 2014.
- The review concluded that the right to housing was substantially satisfied by existing policy, initiatives and services and given effect by laws including *Residential Tenancies Act 1997* (ACT), the *Housing Assistance Act 1997* (ACT), the *Discrimination Act 1991* (ACT) and the *Utilities Act 2000* (ACT).

[1] UN Committee on Economic, Social and Cultural Rights, *General Comment No.4: The Right to Adequate Housing (Art. 11(1) of the Covenant),* 13 December 1991, E/1992/23.
[2] UN Committee on Economic, Social and Cultural Rights, *General Comment No.4: The Right to Adequate Housing (Art. 11(1) of the Covenant),* 13 December 1991, E/1992/23, [6].
[3] Australian Capital Territory Economic Social and Cultural Rights Research Project, Australian Research Council Linkage Project LP0989167 Report September 2010.

- In September 2020 the ACT Council of Social Services (ACTCOSS), supported by Canberra Community Law and the Women's Legal Centre, called for the ACT Government to enshrine the right to housing in the HRA.[4]

[4] https://www.canberratimes.com.au/story/6918107/social-services-call-for-more-act-human-rights-protections/

QUESTION TIME BRIEF

JACS2021/48-001-005

Portfolio/s: Human Rights

ISSUE: CHARTER OF RIGHTS FOR VICTIMS OF CRIME

Talking points:

- The *Victims Rights Legislation Amendment Act 2020* commenced on 1 January 2021, meeting the ACT Government's commitment to establish a Charter of Rights for Victims of Crime.
- The Charter builds on the ACT's strong history of supporting victims and upholding human rights.
- The ACT led Australian jurisdictions with the introduction of legislated governing principles for the treatment of victims of crime in the administration of justice in 1994; the establishment of the *Human Rights Act 2004*; the introduction of the statutory Victims of Crime Commissioner role in 2010, and the integration of that position into the HRC in 2016.
- The ACT's Charter of Rights for Victims of Crime now credits the important role of victims in the justice system, ensures that victims are treated with respect, and that the risk of their further trauma is minimised.
- The Charter was developed in close consultation with key stakeholders including the Victims Advisory Board, the Victims of Crime Commissioner, individual victims of crime and justice agencies.
- The Charter details victim rights in areas including protection of privacy and safety; access to support services and assistance; provision of information and case updates; and opportunities to participate in the justice process.
- An accountability framework for the Charter will ensure that justice agencies uphold victims' rights.
- Implementation of the Charter is underway to support victims to access rights set out in the Charter and to support justice agencies to uphold rights, including through the development of new information materials.

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Key Background Information

- The Charter is accompanied by practical implementation initiatives. In addition to information resources, staff resources for key justice agencies and a flexible Victims of Crime Commissioner fund (as outlined in the below table), implementation activities include:
    - Three victims registers will relocate to Victim Support ACT to improve information flow and provide wrap-around support and advocacy for victims when engaging with the justice system. The adult, youth justice and affected persons registers provide information to victims about an offender's sentence and treatment so victims can make decisions about their safety and participate in justice processes.
    - Justice agencies must develop guidelines about how they will support victims' rights, to be published on their website by 1 January 2022.
    - The Victims Advisory Board will monitor the implementation and impact of the Charter.
    - The accountability framework for the Charter enables victims to approach a justice agency directly, the Victims of Crime Commissioner (VOCC) or the ACT Human Rights Commission (HRC) with a complaint about a victim right.

Timeframe	Initiative
July 2020	Development of community education and information resources about the Charter and justice processes, managed by the Victims of Crime Commissioner ($45,000).
August 2020	Ongoing FTE for justice agencies to assist with victim engagement. - VOCC & HRC 1.2 FTE (in addition to relocation of ASO6 FTE from Corrections to Victim Support when the adult victims register is relocated) - DPP 1 x FTE - ACT Policing 1 x FTE - Courts 1 x FTE - Corrections 0.5 x FTE Decisions about resources allocated to key justice agencies were made based on their victim engagement role in relation to the Charter.
January 2021	**Charter commenced**
July 2021	Two year VOCC flexible fund pilot, to ascertain how flexible funds can assist to meet diverse and individually identified victim needs to support access to victim rights in practice, filling gaps where other provisions are not available ($25,000 per year for two years).

Timeframe	Initiative
	Public consultation showed that victims most want and value a justice system that is responsive to their individual needs. While the ACT has multiple avenues for victim support, there are often gaps. As the ACT is a small jurisdiction, it is not viable to establish entirely new services to meet these individualised needs, which are often varied and difficult to predict. This pilot is based on a South Australian model. Examples of where funds may be used to support victim participation in the justice process include providing transport, childcare, or interpreting costs for a victim to watch a court proceeding.

- Three key issues identified during Charter consultations warrant further consideration:
    - ways to strengthen the delivery of Victim Impact Statements;
    - whether to expand the categories of victims who can receive information from the adult victims register; and
    - how to protect victim privacy when personal information such as counselling records are subpoenaed.
- Better practices in victim participation, services and rights is developing across Australian jurisdictions and community expectations that victims are central to justice processes is growing. Criminal justice responses must be triangulated in the interests of defendants, victims and society. Victim rights need to be carefully balanced to ensure that rights of both victims and accused persons are respected.
- The Charter builds on the commitment of justice agencies to victims of crime. The independence of justice agencies is protected in the Charter through the following measures:
    - The DPP need not comply with HRC complaint process when participating would impact on a prosecution or their independence.
    - Courts and tribunals are only obliged to uphold the Charter in an administrative capacity, not when exercising judicial functions. Judges and Magistrates are excluded from compliance with obligations.
    - The Charter does not create legal rights that could give rise to civil action; affect the interpretation or operation of other territory laws; or affect the validity, or provide grounds for review, of any judicial or administrative act or omission.
    - Justice agencies do not commit an offence if a requirement of the *Human Rights Commission Act 2005* is not upheld in relation to the victim rights complaints consideration process i.e., to provide a document or attend conciliation.

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Further Background Information

- The Parliamentary Agreement to the 9th Legislative Assembly committed to the introduction of an ACT Rights of Victims Charter. All other states and territories in Australia have introduced victim rights as principles or guidelines.
- During the public consultation period from 22 June to 27 August 2018, over 440 community members were reached including feedback from over 100 direct victims of crime.
- Common feedback from victims of crime during consultations included wanting information and support in a timely manner so they can choose how to interact with the justice system, and opportunities to participate in processes and be consulted about key decisions. Having a voice in the justice system is particularly important for diverse and marginalised community members.
- Providing opportunities for victims of crime to be informed and have a voice in the justice process leads to improved outcomes for the community and justice system more broadly, including increased confidence in reporting crimes, better evidence provision, reduced re-traumatisation, and a more efficient and transparent justice process.

QUESTION TIME BRIEF

JACS2021/48-001-006

Portfolio: Human Rights

ISSUE: DISCRIMINATION AND RELIGIOUS FREEDOM BILLS

Talking points:

- In the ACT, the *Discrimination Act 1991* makes it unlawful for someone to discriminate against another person on the basis of a protected attribute in areas of public life including education, employment and in receiving goods and services.
- The *Discrimination Act* identifies a wide range of protected attributes, including race, sex, disability, sexual orientation, religious conviction, and gender identity. More recently added attributes include accommodation status, employment status and immigration status.
- The Parliamentary and Governing Agreement for the 10th Assembly provides under "Agreed Legislative Reforms" that the Government will review the Discrimination Act as part of the implementation of the Capital of Equality Strategy.
- The First Action Plan under the Capital of Equality Strategy commits to "Progress consultations on reforms to the *Discrimination Act 1991*, including reforming exceptions that have a discriminatory effect on the LGBTIQ+ community, drawing on recommendations of the Law Reform Advisory Council."
- In 2015, the ACT Law Reform Advisory Council (LRAC) released its final report from its *Review of the Discrimination Act 1991* (the LRAC Report). The Report recommended a series of reforms to the *Discrimination Act 1991.*
- The Government has already given effect to a number of the LRAC's recommendations through reforms to the Discrimination Act passed in 2016, 2018 and 2020.
    - The *Discrimination Amendment Act 2016* refined the objects of the Act, broadened its coverage by introducing new protected attributes, refined existing protected attributes, simplified the complaints procedure to promote access to justice, strengthened the law on victimisation so complainants are protected from the

threat of detriment for exercising their rights, and expanding protections against vilification to apply to people with disability.

- The *Discrimination Amendment Act 2018* made targeted reforms to prevent discrimination against LGBTIQ+ students and staff in religious educational institutions.
- The *Justice Legislation Amendment Act 2020* amended the Discrimination Act including revising the definitions in the Discrimination Act to change the definition from 'intersex status' to 'sex characteristics' and include 'gender expression' within the definition of 'gender identity'

- A discussion paper is currently being developed for public consultation, focusing on reform proposals in relation to the range of exceptions in the Act (there are currently over 50 exceptions) as well as the scope of application of the Act to different areas of public life.

Religious Freedom

- On 29 August 2019, the Commonwealth Government released the first exposure draft of the Religious Freedom Bills: Religious Discrimination Bill 2019, Religious Discrimination (Consequential Amendments) Bill 2019 and Human Rights Legislation Amendment (Freedom of Religion) Bill 2019.
- On 10 December 2019, the Commonwealth Government released the second exposure draft of the Religious Freedom Bills: Religious Discrimination Bill 2019, Religious Discrimination (Consequential Amendments) Bill 2019 and Human Rights Legislation Amendment (Freedom of Religion) Bill 2019.
- Section 42 of the Religious Discrimination Bill expressly overrides State and Territory discrimination legislation, providing that a 'statement of belief' does not constitute discrimination.
- A 'statement of belief' is defined as a statement of a religious belief held by a person that is made by the person in good faith and is of a belief that a person of the same religion could reasonably consider to be in accordance with the doctrines, tenets, beliefs or teachings of that religion.

- Additionally, a number of other provisions may also operate to undermine the protections currently available under ACT law. This is because, unlike existing Commonwealth discrimination law, the Bill is not explicitly designed to operate concurrently with State and Territory discrimination law.
- The right to religious freedom is protected in the ACT under our *Human Rights Act* and is recognised as a fundamental human right. However, I am concerned that the Commonwealth provision may go too far, by prioritising freedom of religion over other rights, and potentially undermining existing protections currently enjoyed by ACT residents.
- This might, for example, reduce protections available to people who are the subject of discriminatory statements based on religious beliefs. While we should protect religious freedom, there will be situations where statements even of genuine religious belief can be experienced as discriminatory and hurtful to people who are just trying to use a service or participate in an area of public life.
- The ACT Government made a submission to the Commonwealth calling for these provisions to be narrowed, to avoid undermining existing protections currently enjoyed by ACT residents. The ACT Government's submission is now online along with a select number of other submissions on the Attorney-General's Department website.
- The ACT Human Rights Commission also made a submission calling for these provisions to be narrowed.
- If anyone believes they have been subject to discrimination or vilification in the ACT, I encourage them to contact the ACT Human Rights Commission to talk through the complaints process.

Key Information

- The Human Rights Commission is an independent agency that promotes the human rights and welfare of people in our community and provides an independent, fair and accessible process for resolving individual complaints about discrimination and vilification.

QUESTION TIME BRIEF

JACS2021/48-001-007

Portfolio/s: Human Rights

ISSUE: VICTIM SCHEMES REVIEW: REVIEW OF THE VICTIMS OF CRIME FINANCIAL ASSISTANCE SCHEME, VICTIM SERVICES SCHEME AND VICTIM LEVIES

Talking points:

- Victims need access to appropriate and trauma-informed therapeutic support services and financial assistance to aid in their recovery and encourage crime to be reported.
- The current review of the:
    - Victims of Crime Financial Assistance Scheme - in the *Victims of Crime (Financial Assistance) Act 2016*
    - Victim Services Scheme - established in the *Victims of Crime Regulation 2000* and
    - victim levies - in Part 5 of the *Victims of Crime Act 1994* and Part 7 the *Victims of Crime (Financial Assistance) Act 2016*)

  will ensure the ACT is well positioned to meet the recovery needs of victims, and that ACT's schemes are administratively efficient and appropriately offset.
- An independent Review team is consulting with justice and legal stakeholders, people who have experience of crime and accessing the relevant victim support schemes, as well as diverse groups including Aboriginal and Torres Strait Islander community members.
- The Review should be completed in the first quarter of 2021 and the Government will table the Review and a response in the Legislative Assembly by the end of July 2021.

Key Background Information

- An independent consortium led by the Australian National University (ANU) has been engaged to conduct the Review. This includes Professor Lorana Bartels (ANU); Dr Robyn Holder (Griffith University and former ACT Victims of Crime Coordinator), and Ms Kandie Allen-Kelly (independent consultant).

Cleared as complete and accurate:	01/02/2021	
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Lead Directorate:	Justice and Community Safety	
Cleared for release	Yes	
Information Officer name:	Jennifer McNeill	
TRIM Ref:	JACS2021/48-001-007	

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- $120,000 was allocated from the 2019-20 Budget Review to conduct the victim schemes review and this amount was agreed to be rolled-over for expenditure in 2020-21.

Review of legislated requirements

- The Financial Assistance Scheme (FAS) set out in the *Victims of Crime (Financial Assistance) Act 2016* (VOCFA Act) provides payments to victims, including their families and carers, to assist them to recover from acts of violence, including in relation to immediate needs, economic loss and recognition of the harm and trauma caused by violence.
    - The introduction of the VOCFA Act on 1 July 2016 reformed the statutory scheme for financial assistance for victims of crime in the ACT, transitioning from a Court-based process to an administrative scheme where applications are determined by the Victims of Crime Commissioner (VOCC).
    - The operation of VOCFA Act is required to be reviewed as soon as practicable after the end of its third year of operation (expired section 98(2), VOCFA Act).
- The Victim Services Scheme (VSS) outlines the eligibility criteria, levels of service provision and functions of the VOCC in relation to administering the scheme. This includes counselling and other therapeutic services, case coordination, and advocacy and assistance to victims as they navigate the criminal justice system.
    - Reviewing the VSS at the same time as the FAS is an opportunity to ensure the Schemes are operating in alignment for maximum flexibility and responsiveness.
- The victims levies, offset the delivery of services to victims of crime including the victims services levy (Part 5 of the VOC Act) and the victims financial assistance levy (Part 7 of the VOCFA Act).
    - Reviewing the amount and administration of the victim levies will assist in ensuring that they are administratively streamlined and that services available to victims of crime under the FAS and VSS are appropriately offset.

Background Information

- The Charter of Rights for Victims of Crime, established in the *Victims Rights Legislation Amendment Act 2020* which came into effect on 1 January 2021, will further improve the opportunities for victims of crime to receive information and participate in the justice system including in relation to access to information, supports and assistance.
- The Charter replaces the broad, aspirational 'governing principles for the treatment of victims of crime in the administration of justice' in the *Victims of Crime Act 1994* (under section 4) and details victim rights in areas including protection of privacy and safety; access to support services and assistance; provision of information and case updates; and opportunities to participate in the justice process.

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QUESTION TIME BRIEF

JACS2021/48-001-008

Portfolio/s: Human Rights

Work to further Voluntary Assisted Dying and territory rights

Talking points:

- Legislating for voluntary assisted dying can be compatible with human rights provided there are strong safeguards in place to prevent abuse.
- However, the ACT is not able to legislate for in relation to voluntary assisted dying due to restrictions imposed by the Commonwealth under the *Australian Capital Territory (Self-Government) Act 1988* (Self Government Act).
- This is a limitation on the rights of people in the ACT to participate in public life and decision-making as part of a democratic process, and also limits equality rights as these restrictions do not apply to residents of other States.
- In the first half of 2021, all States in Australia will have either passed legislation for voluntary assisted dying or will likely have a Bill before their parliament. This starkly demonstrates the inequitable position of the ACT.
- I intend to move a motion in the Assembly calling for the restoration of territories' rights and seeking the support of all members of the Assembly on this issue.

Key Information

- Voluntary assisted dying engages the right to life and the right to privacy and autonomy. It also engages the freedom of thought, conscience, religion and belief where health practitioners conscientiously object to participating in voluntary assisted dying.
- The right to life is generally not interpreted as conferring a 'right to die', but it also does not require an absolute prohibition on assistance in dying.
- A balance must be struck between the protection of human life and the protection of a person's right to respect for their privacy and personal autonomy.
- If the ACT were to legislate a voluntary assisted dying regime, strong safeguards would need to be in place to prevent abuse. This would include strong safeguards around eligibility criteria, as well as provisions allowing for conscientious objection by health practitioners.

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TRIM Ref:	JACS2021/48-001-008	

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- Amendments introduced into the ACT's Self Government Act by the Federal Parliament in 1997 prohibit the ACT from legislating on euthanasia or assisted suicide.
- It has been the Government's longstanding view that Commonwealth laws that preclude the ACT from legislating in this area should be amended.
- By prohibiting the citizens of the ACT from deciding for themselves, through their elected representatives, whether to legislate in the area of voluntary assisted dying, the legislative restrictions on the ACT imposed by the Federal Parliament limit the right to take part in public life.
- Citizens of the ACT are also entitled to enjoy their human rights without distinction or discrimination of any kind. Citizens of the ACT are denied their right to participate in public life on questions relating to voluntary assisted dying on the basis of their residence in a Territory; their counterparts in neighbouring States are able to decide such questions for themselves (through electing representatives).
- Regardless of one's views on voluntary assisted dying, there should not be any controversy in allowing the ACT to decide for itself whether to introduce such legislation, and to allow citizens of the ACT an equal opportunity to legislate on this matter if the community desires.
- Other states in Australia have taken action on this:
    - Victoria introduced voluntary assisted dying legislation in 2017 after an extensive consultation process and with significant focus on human rights issues.
    - Voluntary assisted dying will become an end of life option available to eligible adults in Western Australia from mid-2021.
    - The Queensland Law Reform Commission is currently considering draft legislation.
    - The Tasmanian parliament will vote on the issue in early 2021.
    - A private member's bill was introduced in South Australia in late 2020 and another will be introduced in New South Wales in 2021.
- In the first half of 2021, *all* states in Australia will have either passed legislation for voluntary assisted dying or will likely have a Bill before their parliament. This starkly demonstrates the inequitable position of the ACT.

Background Information

- The effect of the *Euthanasia Laws Act 1997* (Cth) was to amend the *Australian Capital Territory (Self-Government) Act 1988* (Cth) so that the ACT is prohibited from legislating on euthanasia or assisted suicide.

- The issues surrounding legislating voluntary assisted dying in the ACT are considered in some detail in the Report of the ACT Legislative Assembly Select Committee into End of Life Choices in March 2019.

ACT Government
Justice and Community Safety

MINISTER CHEYNE
2020-21 BUDGET DAY PACK INDEX
9 FEBRUARY 2021

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2.	2020-21 Budget Initiatives Summary - MHR
3.	More support for families and inclusion - Enhancing the Victims of Crime Financial Assistance Scheme (w AG)
4.	Victim Services Scheme: Therapeutic Support for Victims
5.	Additional resources for the Victims of Crime Commissioner
2020-21 Delayed Budget	
6.	Enhancing the Administration of Victims of Crime Financial Assistant Scheme)
Rollovers	
7.	Rollovers - MHR
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10.	2019-20 Audited Outcome & 2020-21 Budget Variance - Territorial
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11.	2020-21 Strategic and Accountability Indicators - Output 1.5 Human Rights Commission

ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

JACS2021/143-002-001

Portfolio/s: JACS Ministers

DELAYED BUDGET DECISIONS

Attorney-General

Increased Magistrates Court resourcing

Empty Cell	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses	310	0	0	0	**310**
Offset – Expenses	-310	0	0	0	**-310**
Net cost of services	**0**	**0**	**0**	**0**	**0**

The Government will provide additional capacity in the Magistrates Court from the Confiscated Assets Trust to manage the backlog of court activities resulting from COVID-19.

Enhancing administration of the Victims of Crime Financial Assistance Scheme

Empty Cell	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses	130	399	0	0	**529**

The Government will provide additional staff to administer the Victims of Crime Financial Assistance Scheme. These additional resources will help ensure the scheme continues to provide critical support to the victims of crime in a timely manner while a review of the administration of the scheme is finalised.

More support for the Public Trustee and Guardian

Empty Cell	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses	400	410	420	431	**1,661**
Revenue	494	506	519	532	**2,051**
Net cost of services	**-94**	**-96**	**-99**	**-101**	**-390**

The Government will increase Community Service Obligation funding to the Public Trustee and Guardian (PTG) to reflect the increased cost and complexity in managing the affairs of clients. The PTG will also increase its own-source revenue to reflect the cost of managing its clients' accounts.

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Improving road safety through Mobile Device Detection Cameras

	2020-21	2021-22	2022-23	2023-24	**Total**
	$'000	$'000	$'000	$'000	**$'000**
Expenses – Transport Canberra and City Services Directorate	726	2,073	1,922	1,973	**6,694**
Expenses – Chief Minister, Treasury and Economic Development Directorate	210	762	911	929	**2,812**
Expenses – Justice and Community Safety Directorate	0	144	150	154	**448**
Revenue	0	6,311	7,762	5,570	19,643
Net cost of services	**936**	**-3,332**	**-4,779**	**-2,514**	**-9,689**

The Government will introduce mobile device detection cameras, as part of the ACT's road safety camera program, to support law enforcement activities and to increase road safety.

Minister for Gaming

Community Clubs Ministerial Advisory Council

Empty Cell	2020-21	2021-22	2022-23	2023-24	**Total**
	$'000	$'000	$'000	$'000	**$'000**
Expenses	249	489	502	515	**1,755**

The Government will establish a Community Clubs Ministerial Advisory Council to support more sustainable clubs. Funding will also provide for the development of policy and legislation to support the introduction of $5 bet limits and $100 load-up limits on electronic gaming machines. The Government intends for a staged rollout of the new limits to commence by the end of 2022.

Gaming Machine Authorisation Surrender Incentive – extension

	2020-21	2021-22	2022-23	2023-24	**Total**
	$'000	$'000	$'000	$'000	**$'000**
Expenses	0	0	0	0	**0**

The Government will extend the gaming machine authorisation surrender incentive for an additional six months to June 2021. The extension will utilise the remaining funding available from the $3.75 million originally provided for the measure.

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ACT Government
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2020-21 BUDGET DAY BRIEF

Minister for Corrections

AMC Reintegration Centre – Soil rectification contingency

	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Capital	1,754	3,870	0	0	**5,624**
Depreciation	0	82	141	141	**364**

The Government will increase the contingency for the Alexander Maconochie Centre (AMC) Reintegration Centre project to address soil rectification issues subject to further investigation. The Centre will accommodate up to 60 low-risk detainees and an Industries Building to enhance opportunities for employment for detainees when they are released.

Minister for Police and Emergency Services

Management and remediation of firefighting substances at Fire Stations

Empty Cell	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses	1,452	797	0	0	**2,249**

The Government will undertake further investigations into the existence of poly-fluoroalkyl substances (PFAS) at eight current Emergency Service Agency sites and the site of the former Charnwood Fire Station. This critical work is required to ensure the safety of Government sites and workplaces.

Relocating ACT Policing's Traffic Operations Centre

	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Capital	NFP	NFP	NFP	NFP	**NFP**
Depreciation	NFP	NFP	NFP	NFP	**NFP**
Expenses	NFP	NFP	NFP	NFP	**NFP**
Net cost of services	**NFP**	**NFP**	**NFP**	**NFP**	**NFP**

The Government will relocate ACT Policing's Traffic Operations Centre from its current site at Belconnen to a fit for purpose facility which will better meet the business and operational needs of ACT Policing. The cost of this initiative has been withheld to secure value for money when the Government approaches the market.

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2020-21 BUDGET DAY BRIEF

Expanding the Police, Ambulance and Clinician Early Response (PACER) service

Empty Cell	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses	1,934	3,965	4,064	4,166	**14,129**
Offset – Health Funding Envelope	0	-3,965	-4,064	-4,166	**-12,195**
Net cost of services	**1,934**	**0**	**0**	**0**	**1,934**

The Police, Ambulance and Clinician Early Response (PACER) service brings together a team of experts to better respond to Canberrans in mental health crisis. Police, paramedics and mental health clinicians provide in-community assessment and treatment of people, significantly reducing demand on the Emergency Department. The Government will continue to provide ongoing funding for the PACER service, with services expanded to operate seven days per week.

COVID-19 Public Health Response

Empty Cell	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses – ACT Health Directorate	9,839	0	0	0	**9,839**
Expenses – Education Directorate	4,163	0	0	0	**4,163**
Expenses – Chief Minister, Treasury and Economic Development Directorate	3,539	0	0	0	**3,539**
Expenses – Justice and Community Safety Directorate	2,434	0	0	0	**2,434**
Expenses – Transport Canberra and City Services	2,450	0	0	0	**2,450**
Expenses – ACT Local Hospital Network	500	0	0	0	**500**
Expenses – Community Services Directorate	328	0	0	0	**328**
Expenses – Provision	0	16,593	0	0	**16,593**
Offset – Savings	-6,418	0	0	0	**-6,418**
Offset – Savings Provision	0	-5,336	0	0	**-5,336**
Hotel quarantine fees	1,138	437	0	0	**1,575**
Net cost of services	**15,697**	**10,820**	**0**	**0**	**26,517**

The Government will continue the COVID-19 response through the next phase of the pandemic in the coming 12 months. This initiative will continue to support the whole of government response to the health emergency. This initiative will be funded through a cost sharing arrangement between the Commonwealth and the Territory.

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ECONOMIC AND FISCAL UPDATE DECISIONS

Attorney-General

Increased Magistrates Court resourcing

	2019-20 $'000	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses	0	310	0	0	0	**310**

The Government will fund additional capacity in the Magistrates Court to quickly address any backlog of cases as a result of reduced court activity arising from the COVID-19 pandemic.

This initiative was published on 19 June and remains unchanged.

Minister for Gaming

Continuing the Gaming Machine Authorisation Surrender Incentive

	2019-20 $'000	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses	1,635	2,115	0	0	0	**3,750**

The Government will extend the Gaming Machine Authorisation Surrender Incentive until 4 December 2020. The initiative will provide gaming machine licensees with the opportunity to access a payment of $15,000 per authorisation if they voluntarily surrender a gaming machine authorisation.

This initiative was published on 19 June, but it was included in the *Supporting Community Clubs* initiative. The financial estimates have been revised to reflect activity to date and to incorporate the extension of the scheme until 4 December 2020.

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Supporting Community Clubs

	2019-20 $'000	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses	5,138	0	0	0	0	**5,138**

The Government is providing further support to Canberra's community clubs and Casino, to enable them to keep staff employed through a waiver/refund of gaming machine tax liabilities for clubs for March 2020 activity (for larger clubs that pay gaming tax monthly) or for first quarter 2020 activity (for smaller clubs that pay gaming tax quarterly).

The Government has also made an additional $1.5 million contribution to the Clubs Diversification Fund, which will support clubs in the ACT to keep staff employed on the Clubs award rate.

This estimate has been revised down from the original estimate, due to initial take-up of measures being lower than originally estimated. The final cost of this initiative will depend on the final take-up of available measures.

Additionally, the Government has amended legislation to allow payment of award wages to staff to be claimed as community contributions where an emergency declaration has been made and provide incentives for clubs to prepare food for the vulnerable.

This initiative was published on 19 June, for presentation purposes, the voluntarily surrender of gaming machine authorisation component is now reflected in the *Continuing Gaming Machine Authorisation Surrender Incentive* initiative.

Minister for Corrections

Contraband detection and intelligence solution

	2019-20 $'000	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Capital	0	610	0	0	0	**610**
Depreciation	0	0	58	58	58	**174**
Associated Expenses	0	212	0	0	0	**212**
Total Expenses	**0**	**212**	**58**	**58**	**58**	**386**

The Government will provide additional contraband detection equipment at the Alexander Maconochie Centre to improve operational safety and security for both staff and detainees.

ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

Minister for Police and Emergency Services

More ACT Fire & Rescue Staff and Construction of Acton Station

	2019-20	2020-21	2021-22	2022-23	2023-24	**Total**
	$'000	$'000	$'000	$'000	$'000	**$'000**
Expenses	0	7,335	8,354	10,745	15,709	**42,143**
Depreciation	0	0	0	0	1,690	**1,690**
Total Expenses	**0**	**7,335**	**8,354**	**10,745**	**17,399**	**43,833**
Associated Capital	0	6,653	29,423	7,983	1,127	**45,186**

The Government will provide an additional 99 firefighters by 2024-25 to ensure ACT Fire & Rescue operational response capability is able to meet the increased demand for its services.

The Government will also design and construct a joint ACT Fire & Rescue and ACT Ambulance Service station at Clunies Ross Street, Acton, which will become operational in the 2022-23 financial year. The new station will help to improve Fire & Rescue and the ACT Ambulance Service emergency response times.

Strategic accommodation study for Policing

	2019-20	2020-21	2021-22	2022-23	2023-24	**Total**
	$'000	$'000	$'000	$'000	$'000	**$'000**
Expenses	0	687	0	0	0	**687**

The Government will undertake two feasibility studies to consider strategic accommodation options for the Winchester Police Centre in Belconnen and the ACT Policing Gungahlin Police presence currently located at the Joint Emergency Services Centre in Gungahlin.

Emergency Services Agency critical ICT investment

	2019-20	2020-21	2021-22	2022-23	2023-24	**Total**
	$'000	$'000	$'000	$'000	$'000	**$'000**
Capital	0	550	0	0	0	**550**
Offset – Capital	0	-253	0	0	0	**-253**
Net Capital	**0**	**297**	**0**	**0**	**0**	**297**
Depreciation	0	0	59	59	59	**177**

The Government will strengthen critical ICT systems and spatial awareness infrastructure used by front-line staff of the Emergency Services Agency in the delivery of emergency services to the ACT community.

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ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

Minister for Human Rights

Additional resources for the Victims of Crime Commissioner

	2019-20 $'000	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses	0	130	0	0	0	**130**

The Government will provide additional resources to the Victims of Crime Commissioner to meet increased demand for the Victims of Financial Assistance Scheme and the Victims Services Scheme during COVID-19. These schemes provide critical support to the victims of crime.

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ACT Government
Justice and Community Safety

CONTINUATION OF ACTIVITIES CEASING AT 30 JUNE 2020

Attorney-General

Legislation, Policy and Programs - Funding to Deliver Government Priorities

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts					
Expenses	1,096				**1,096**
Total Additional FTEs (number)	**6.00**	**0**	**0**	**0**	

The Government will fund additional capacity to deliver the Government's legislative initiatives, legal policy and justice system programs by providing a stable, permanent and experienced workforce.

Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts					
Expenses JACS	431				**431**
ACT Policing	40				**40**
Total Additional FTEs (number)	**4**	**0**	**0**	**0**	

As part of the Commonwealth Redress Scheme, the Government will provide funding to support eligible survivors of abuse in Government institutions through a redress payment, counselling and psychological care.

Expense: ($0.431m in 2020-21)

The funding for this initiative has been split across several directorates. The table above shows the JACS components only.

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Strengthening legal and court support for vulnerable young people and families affected by domestic and family violence

Financial Impacts Summary	2019-20 $'000	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts[(a)]						
Expenses - Justice and Community Safety Directorate	0	250	256	260	262	**1,028**
Expenses – ACT Legal Aid	0	313	321	329	337	**1,300**
Expenses – Education Directorate	82	85	0	0	0	**167**
Offset – Expenses – Education Directorate	-82	-85	0	0	0	**-167**
Total Additional FTEs (number)						
Courts	0	2	2	2	2	
Legal Aid	0	3	3	3	3	

The Government will invest in court and legal support services for families and young people impacted by domestic and family violence by:

- continuing support for ACT Courts to deal with applications for Family Violence Orders;
- continuing to contribute to Legal Aid's Family Violence Unit which is based at the ACT Courts building; and
- improving access to legal assistance for young people and their families through the introduction of a Legal Liaison pilot program in schools.

More Support for families and inclusion: Enhancing the Victims of Crime Financial Assistance Scheme

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts					
Expenses	391				**391**
Total Additional FTEs (number)	**2.5**	**0**	**0**	**0**	

The Government will provide more resources to administer the new Victims of Crime Financial Assistance Scheme and outstanding claims under the previous court-based Victims

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of Crime Financial Assistance Scheme, to improve the claims experience for scheme participants.

Minister for Corrections

Winnunga Model of Care at the AMC

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts					
Expenses	874				**874**
CAT funded					
Total Additional FTEs (number)	**5.6**	**0**	**0**	**0**	

This measure will address the immediate need to provide culturally appropriate holistic health and well-being services to members of the Aboriginal and Torres Strait Islander population of the Alexander Maconochie Centre (AMC).

Minister for Police and Emergency Services

Economic Survival Package – Police, Ambulance and Clinician Emergency Response (PACER)

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expenses					
ACTAS (ESA)	240	0	0	0	**240**
ACT Policing	240	0	0	0	**240**
ACT Health	240	0	0	0	**240**
Total	720	**0**	**0**	**0**	**720**
Total Additional FTEs (number)	**2.00**	**0**	**0**	**0**	

The Government will fund ACT Policing, the ACT Ambulance Service (ACTAS) and the ACT Health Directorate as part of the tri-service mental health emergency co-response PACER to strengthen first-response capability for acute mental health episodes in order to provide in-situ mental health assessment treatment and care.

ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

Traffic Operation Centre (TOC) Feasibility Study

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts					
Expenses	258				**258**
Total Additional FTEs (number)	**0**	**0**	**0**	**0**	

The current TOC facility is 'not fit for purpose'. This initiative will fund an assessment of requirement to provide a viable solution for TOC.

ACT Policing 2020-21 - Enhanced Forensic Medical Services

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts[(a)]					
Expenses – ACT Policing	729	0	0	0	**729**
Total Additional FTEs (number)	**0.0**	**0.0**	**0.0**	**0.0**	

The Government will increase funding for the provision of on-call forensic medical services available to ACT Policing. Additional funding will support services such as the medical assessment of people in custody, coronial and criminal investigations including documenting evidence of injuries of assaults for victims of violent crimes, attending death scenes to assist in the coronial process and providing expert evidence for court.

ACT Policing Emergency Cost Pressures

Empty Cell	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses	879	0	0	0	**879**

The Government will provide funding to ACT Policing for costs associated with combating the 2019-20 bushfire crisis and for the implementation of initiatives to keep members of the community safe during the COVID 19 pandemic, including providing Personal Protection Equipment for police officers and additional cleaning and intercoms at Police Stations.

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ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

Minister for Human Rights

Victim Services Scheme: therapeutic support for victims

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts					
Expenses	204				**204**
CAT funded					
Total Additional FTEs (number)	**0**	**0**	**0**	**0**	

The Government will continue to support victims by providing resources to address scheme demand. This initiative will ensure victims of family violence and other violent crimes can access therapeutic support aimed at minimising the traumatic impacts of crime, improving personal safety and assisting victims and their families to actively pursue recovery.

More Support for families and inclusion: Enhancing the Victims of Crime Financial Assistance Scheme

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts					
Expenses	391				**391**
Total Additional FTEs (number)	**2.5**	**0**	**0**	**0**	

The Government will provide more resources to administer the new Victims of Crime Financial Assistance Scheme and outstanding claims under the previous court-based Victims of Crime Financial Assistance Scheme, to improve the claims experience for scheme participants.

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ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

TRIM: JACS2021/143-002-013

Portfolio/s: Human Rights

ISSUE: 2020-21 Budget Summary – MHR

Talking points:

The 2020-21 Budget continues investment in a strong and secure justice system, including:

- **$0.4 million** in 2020-21 to continue providing additional resources to Human Rights Commission to administer the Victims of Crime Financial Assistance Scheme and a resource to ACT Government Solicitor's office to manage outstanding claims under the previous court-based Victims of Crime Financial Assistance Scheme, to improve the claims experience for scheme participants. (*joint initiative with AG)*

- **$0.2 million** in 2020-21 to support victims by providing resources to address Victim Services Scheme demand. This initiative will help victims of family violence and other violent crimes to access therapeutic support aimed at minimising the traumatic impacts of crime, improving personal safety and assisting recovery.

- **$0.1 million** in 2020-21 to provide additional resources to the Victims of Crime Commissioner to meet increased demand for the Victims of Financial Assistance Scheme and the Victims Services Scheme during COVID-19. These schemes provide critical support to the victims of crime.

- **$0.5 million** over two years to provide additional staff to administer the Victims of Crime Financial Assistance Scheme. This scheme provides critical support to victims of crime and this resourcing will support the scheme to provide a timely response to applicants.

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2020-21 BUDGET DAY BRIEF

In addition, **$3.3 million** over five years from 2019-20 is provided in the 2019-20 Budget Review. This includes:

- **$2.1 million** over five years to implement a Charter of Rights for Victims of Crime (the Charter). The Charter will ensure that victims are protected, dealt with respectfully and have opportunities to be heard as they engage with the justice system.
- **$1.2 million** over five years to provide two full-time staff for the Public Advocate and Children and Young People Commissioner (PACYPC) to assist the office of the PACYPC to meet its statutory obligations The PACYPC is responsible for promoting and protecting the rights and interests of people who may be vulnerable to abuse and exploitation, notably children and young people. These additional resources will increase the capacity of the PACYPC to better protect the most vulnerable and high-risk children, young people and adults in the ACT.

Budget initiatives related to MHR	2019-20	2020-21	2021-22	2022-23	2023-24	Total
	$'000	$'000	$'000	$'000	$'000	$'000
2020-21 Budget Initiatives						
Recurrent						
More support for families and inclusion — Enhancing the Victims of Crime Financial Assistance Scheme		391				391
Victim Services Scheme: Therapeutic Support for Victims		204				204
Additional resources for the Victims of Crime Commissioner		130				130
Enhancing the Administration of the Victims of Crime Financial Assistance Scheme		130	399			529
Total 2020-21 Recurrent initiatives	-	855	399	-	-	1,254
2019-20 2nd Appropriation Initiatives						
Recurrent						
Charter of Rights and additional support for victims of crime	215	449	486	495	501	2,146
Supporting young people through the Public Advocate and Children and Young People Commissioner	128	260	264	268	270	1,190
Total 2019-20 2nd Appropriation Recurrent initiatives	**343**	**709**	**750**	**763**	**771**	**3,336**

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ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

REC20/43502

Portfolio/s: Minister for Human Rights and Attorney-General

More Support for families and inclusion: Enhancing the Victims of Crime Financial Assistance Scheme

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts					
Expenses	391				**391**
Total Additional FTEs (number)	**2.5**	**0**	**0**	**0**	

The Government will provide more resources to administer the new Victims of Crime Financial Assistance Scheme and outstanding claims under the previous court-based Victims of Crime Financial Assistance Scheme, to improve the claims experience for scheme participants.

Expense: ($0.391m in 2020-21)

The funding is to continue funding for:

- 1.0 x ASO 6 and 0.5 x SOG C for Human Rights Commission (HRC) to manage the increase in applications under the new Victims of Crime Financial Assistance Scheme; and
- 1.0 x Government Solicitor 2 for ACT Government Solicitor to manage claims associated with Criminal Injury Compensation (CIC) – claims under the repealed Victims of Crime (Financial Assistance) Act 1983.

Further information:

These resources will help meet the workload demands of both the current and previous financial assistance schemes for:

- the Victims of Crime Commissioner (under the HRC) - provided with additional staff to manage the increase in applications under the new Victims of Crime Financial Assistance Scheme (which commenced on 1 July 2016) pursuant to the *Victims of Crime (Financial Assistance) Act 2016* (the Act); and
- ACT Government Solicitor - provided with funding (that was removed on commencement of the Financial Assistance Act) to manage Criminal Injury Compensation (CIC) claims under the repealed *Victims of Crime (Financial Assistance) Act 1983*.

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ACT Government
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2020-21 BUDGET DAY BRIEF

REC20/43511

Portfolio/s: Human Rights

Victim Services Scheme: therapeutic support for victims

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts					
Expenses	204				**204**
CAT funded					
Total Additional FTEs (number)	**0**	**0**	**0**	**0**	

The Government will continue to support victims by providing resources to address scheme demand. This initiative will ensure victims of family violence and other violent crimes can access therapeutic support aimed at minimising the traumatic impacts of crime, improving personal safety and assisting victims and their families to actively pursue recovery.

Expense: ($0.204m in 2020-21)

This initiative is a continuation of the previous year's initiative which increased the base funding for the Victims Services Scheme.

Further information:

- Scheme demand has increased substantially over the past four years, with a 111% increase in new clients between 2016-17 and 2019-20 (327 in 16-17 to 689 in 19-20).
- In 19-20 the Scheme assisted a total of 1487 clients, a 95% increase compared to 2016-17 (764 clients).
- Factors relating to COVID-19 have also increased demand for Scheme services (70% increase in clients in June 2020 compared to June 2019). This increase has persisted in the first half of 2020-21.

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2020-21 BUDGET DAY BRIEF

REC20/38369

Portfolio/s: Human Rights

Additional Resources for the Victims of Crime Commissioner

	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses	130	0	0	0	**130**

The Government will provide additional resources to the Victims of Crime Commissioner to meet increased demand for the Victims of Financial Assistance Scheme and the Victims Services Scheme. These schemes provide critical support to the victims of crime.

Expense: ($0.130m for 2020-21)

- The funding is to cover 2 FTE x ASO 6 for six months in 2020-21, one for the Victims of Crime Financial Assistance Scheme (FAS) and another for the Victims Services Scheme.

Further Information:

Victims of Crime Financial Assistance Scheme

- The FAS funding is additional to the continuation initiative ***More Support for families and inclusion: Enhancing the Victims of Crime Financial Assistance Scheme*** of $0.391 million which funded 2.5 FTEs (1 x ASO 6 and 0.5 SOG C for HRC and 1 x Government Solicitor and 1 x SOG C) until 30 June 2021.
- The FAS plays a crucial role in recognising and repairing harm inflicted on victims of crime. The scheme provides victims with urgent financial assistance to relocate or improve the safety of their home.
- The resourcing will be used to provide administrative support in response to the year on year increase in scheme applications.

Victims Services Scheme

- This funding is additional to the continuation initiative ***Victim Services Scheme: therapeutic support for victims*** of $0.204 million that has been funded until 30 June 2021.
- Factors relating to COVID-19 have substantially increased demand for Scheme services (70% increase in clients in June 2020 compared to June 2019). This increase has persisted in the first half of 2020-21.

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2020-21 BUDGET DAY BRIEF

TRIM: REC21/1255

Portfolio/s: Human Rights

MFHR 2020-21 Delayed Budget Initiative – Enhancing the Administration of Victims of Crime Financial Assistant Scheme (JACS E20)

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts[(a)]					
Expenses	130	399	0	0	**529**
Total Additional FTEs (number)	**1.0**	**3.0**			

The Government will provide additional staff to administer the Victims of Crime Financial Assistance Scheme. This scheme provides critical support to victims of crime and this resourcing will support the schemes to provide a timely response to applicants.

Expense: ($0.529m over two years)

- The funding is to cover 2 FTE x ASO 6 for six months in 2020-21 and 3 FTEs x ASO 6 in 2021-22 to administer the Financial Assistance Scheme (FAS).

Further Information:

- This funding is additional to the following initiatives:
  - ***Additional Resources for the Victims of Crime Commissioner*** of $0.130 million in 20-21 which funded 2 FTE x ASO 6 for six months in 2020-21; and
  - continuation initiative ***More Support for families and inclusion: Enhancing the Victims of Crime Financial Assistance Scheme*** of $0.391 million which funded 2.5 FTEs (1 x ASO 6 and 0.5 SOG C for HRC and 1 x Government Solicitor and 1 x SOG C) until 30 June 2021.
- The FAS plays a crucial role in recognising and repairing harm inflicted on victims of crime. It also provides victims with urgent financial assistance when they need to relocate or improve the safety of their home.
- The resourcing will be used to provide administrative support to meet the year on year increase in scheme applications. There were 108 applications in 2016-17, 392 applications in 2017-18, 453 applications in 2018-19 and 513 applications in 2019-20 – with increases anticipated in future years.

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Justice and Community Safety

2020-21 BUDGET DAY BRIEF

JACS2021/143-002-014

Portfolio/s: Human Rights

ACT Budget 2020-21 - Rollovers (MHR)

FMA Section 16B Rollovers (2018-19 to 2019-20)

Section 16b Rollovers

- **Attachment A** provides details of the Human Rights portfolio FMA s16b rollovers from 2018-19 to 2019-20 including reasons, amount rolled and revised completion dates.
- The directorate re-profiled $1.864m capital works funding, of which $0.073m directly related to your portfolio.
- The directorate re-profiled $4.692m of recurrent funding (**Attachment B**), of which $0.225m directly related to your portfolio, $0.500m related to yours and other Ministers' portfolios (for Workers' Compensation true-up) and $3.967m related to other JACS Ministers' portfolios.

Background

- Section 16b of the Financial Management Act 1996 (FMA), 'Rollover of Undispersed Appropriation', allows, in certain circumstances, unspent appropriation to be rolled over to the following year by an instrument signed by the Treasurer.

2020-21 Budget Rollovers

Reprofiling to and from future years

- **Attachment A (Capital projects)** provides details of revised funding profile by projects including reasons, amounts reprofiled and revised completion dates for capital works projects.

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2020-21 BUDGET DAY BRIEF

- Capital reprofiling is summarised in the table below. A total of $42.621m was reprofiled into 2021-22 ($13.332m out of 2019-20, $27.531m out of 2020-21, $0.673m out of 2022-23 and $1.085m out of 2023-24).

	2019-20 $'000	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000
Total JACS - Departmental	-13,332	-27,531	42,621	-673	-1,085
Attorney-General	-2,939	2,012	927	0	0
Minister for Corrections	-4,136	-31,885	34,683	1,338	0
Minister for Police and Emergency Services	-5,515	1,635	6,976	-2,011	-1,085
Human Rights	-293	258	35	0	0
BIF	-449	449	0	0	0

- **Attachment B (Recurrent projects)** provides details of revised funding profile by projects including reasons and amounts reprofiled for recurrent projects.

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Attachment A: ACT Budget 2020-21 - Capital Rollovers (MHR)

CAPITAL ROLLOVERS	Reason for rollover	2019-20 $'000	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Estimated physical completion
Approved s16B Rollover of Undisbursed Appropriation from 2018-19 to 2019-20							
Better Government - Human Rights Commission digital capability	The rollover was required due to a prolonged procurement process in obtaining a preferred supplier. The project is physically completed in Jun-20, awaiting financial completion.	73					Jun-20
Total approved s16b capital rollover - HR		**73**					
2020-21 Budget Rollovers - Reprofiling to and from future years							
Better Government - Human Rights Commission digital capability	Project is physically complete but still has financial milestones to meet, hence reprofiling from 2019-20 to future years.	-213	178	35			Jun-20
Better supporting vulnerable witnesses	In addition to the office space in HRC, Intermediary need another work space at Australian Federal Police premises. JACS Facilities Project Officer engaged Architect to scope the site and requested a quote for the design. This process was slightly delayed due to several approvals required from JACS and Federal Police.	-80	80				Jun-21
Total budget rollover - HR		**-293**	**258**	**35**	**0**	**0**	

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Attachment B: ACT Budget 2020-21 - Recurrent Reprofiling (MHR)

RECURRENT ROLLOVERS - DIRECTORATE	Reason for rollover	2019-20 $'000	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000
Approved s16B Rollover of Undisbursed Appropriation from 2018-19 to 2019-20						
Workers' Compensation Acquittal	The rollover was required to enable payment of the 2018-19 true-up invoice which was accrued in 2018-19.	500				
Total approved s16b capital rollover - MHR		**500**	**0**	**0**	**0**	**0**

RECURRENT REPROFILING - DIRECTORATE	Reason for reprofiling	2019-20 $'000	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000
2020-21 Budget Reprofiling - Reprofiling to and from future years						
Strengthening oversight for health workers	Rollover of $40k from 2019-20 to 2020-21 and a subsequent rollover of $97k from 2020-21 to 2021-22 was due to delays in the passing of legislation. The $97k is for modifications to HRC database for the Code, updating the website, training and community engagement information campaign and materials as this is a cohort that currently isn't regulated and community members do not know they will be able to make complaints about unregistered health workers.	-40	-57	97		
Charter of Rights and additional support for victims of crime	The ollover of $15k from 2019-20 to 2021-22 was required to develop information and communication materials to support the planned commencement of the Charter on 2 August 2020. Key Charter resources will be prepared to align with charter commencement early January 2021 and a proportion of funds will be applied to a broader range of publications that meet the specific needs of Aboriginal and Torres Strait Islander and the CALD communities based on observed challenges in Charter implementation. Rollover of $30k from 2020-21 to 2021-22 was required since the work will take longer to complete and may not be ready to be produced in the 2020-21 year.	-15	-15	30		
Territorial reprofiling						
More support for families and inclusion — Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse	Rollover of $3.175m from 2019-20 to 2020-21 and a subsequent rollover of $4.157m from 2020-21 were required due to lower demand from redress clients. It is expected that the rate of claims will increase over time, and funding will need to be available should those claims be made the coming financial years. It is not possible to definitively anticipate if and when those claims will be forthcoming, however the directorate will be undertaking an assessment in the next few months of the future applications' projections and associated funding requirements and will adjust the budget estimates accordingly in line with that assessment if necessary.		-982	4,157		
Total budget reprofiling - MHR		**-55**	**-1,054**	**4,284**	**0**	**0**

ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

JACS2021/ 143-002-026

Portfolio/s: Human Rights

2020-21 Budget Staffing FTE by Ministerial Portfolio - MHR

Justice and Community Safety Directorate
Budget Initiatives related to Human Rights portfolio

2020-21 Budget Initiatives	2019-20 FTE	2020-21 FTE	2021-22 FTE	2022-23 FTE	2023-24 FTE
Recurrent					
Enhancing the Victims of Crime Financial Assistance Scheme [1]		1.50			
Enhancing the Administration of the Victims of Crime Financial Assistance Scheme		1.00	3.00		
Additional Resources for the Victims of Crime Commissioner		1.00			
Delivery of Government Priorities – Commonwealth Redress Scheme [2]		1.00			
Total Recurrent Initiatives	**0.00**	**4.50**	**3.00**	**0.00**	
2019-20 Budget Review					
Recurrent					
Supporting Young People Through the Public Advocate and Children and Young People Commissioner	1.00	2.00	2.00	2.00	2.00
Charter of Rights and Additional Support for Victims of Crime	0.00	1.00	1.20	1.20	1.20
Total Recurrent Initiatives	**1.00**	**3.00**	**3.20**	**3.20**	

Notes:
1. This initiative is a joint budget bid with AG, only FTE related to HRC has been included here.
2. This initiative is a joint budget bid with AG, only FTE related to HRC has been included here.

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ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

TRIM: JACS2021/143-002-016

Portfolio/s: JACS Ministers

ISSUE: 2019-20 Audited Outcome & 2020-21 Budget Variance - Controlled

Talking points:

These notes refer to JACS Controlled Budget Statements (extracts of statements attached)

Significant variations are as follows:

Operating Statement

- Controlled recurrent payments:

  The increase of $12.099 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to new 2020-21 initiatives ($14.237 million), Commonwealth Grants ($6.320 million), net rollovers of projects ($2.861 million), impact of 2019-20 Budget review initiatives ($1.094 million) and the transfer of capital funding to recurrent for Courts Public Private Partnership (PPP) ($0.638 million), partially offset by the transfer of the transport regulation and safety policy function from the Justice and Community Safety (JACS) Directorate to Transport Canberra and City Services (TCCS) Directorate ($3.608 million), Shared Services changed funding model ($3.523 million), savings relating to Workers' compensation premium adjustment, COVID-19 Public Health Response and the Office of the Coordinator General for the Whole of Government (Non-Health Response to COVID-19) ($3.343 million), revised superannuation and indexation parameters ($1.954 million) and the transfer of More support for families and inclusion – Drug and Alcohol Court to Canberra Health Services (CHS) ($0.442 million).
- Sale of Goods and Services from Contracts with Customers:

  Since publication of the 2019-20 Budget Statements, JACS has adopted Australian Accounting Standard AASB 15, 'Revenue from Contracts with Customers' which has resulted in renaming 'User Charges' to 'Sales of Goods and Services from Contracts with Customers'. The significant variances are explained below:
  - the increase of $8.881 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to higher Helicopter charges ($4.7 million) associated with 2019-20 bushfire emergency incident responses and higher client funded legal services by the ACT Government Solicitor's Office in 2019-20; and
  - the decrease of $5.679 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to higher revenue in 2019-20 relating to

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Helicopter charges ($4.7 million) associated with 2019-20 bushfires emergency incident responses and other adjustments.

- Grants and Contributions:

  Since publication of the 2019-20 Budget Statements, JACS has adopted Australian Accounting Standard AASB 1058, 'Income of Not-for-Profit Entities' which has resulted in the reclassification of some revenue items from 'Resources Received Free of Charge' and 'Other Gains' to 'Grants and Contributions' and 'Gains from Disposal of Assets'. The significant variances are explained below:
  - the increase of $5.050 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to the change of funding arrangement relating to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) receiving direct government funding for the provision of Shared Services Finance and Human Resources services in 2019-20 with the Directorate receiving these services as Resources Received Free of Charge ($4.001 million), and a one-off contribution of land and building in Hackett in 2019-20 from the CMTEDD and TCCS, to be used for the upgrade of the ACT State Emergency Services Majura facility ($0.452 million); and
  - the decrease of $0.786 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to the one-off contribution of land and building in Hackett in 2019-20 from the CMTEDD and TCCS, to be used for the upgrade of the ACT State Emergency Services Majura facility ($0.452 million) and other adjustments.

- Other revenue: the increase of $1.811 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to the recoveries for workers on short-term contracts under the Jobs for Canberrans Fund ($0.726 million) and higher revenue recoveries in the Emergency Services Agency (ESA) ($0.716 million).

- Employee expenses:
  - the increase of $22.387 million in the 2019-20 audited outcome from the 2019-20 budget is primarily due to wage increases, additional staffing and higher overtime and allowance payments associated with the 2019-20 bushfire emergency incident responses; and
  - the decrease of $4.583 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to the higher expenses in 2019-20 relating to wage increases, additional staffing and higher overtime and allowance payments associated with the 2019-20 bushfire emergency incident responses ($22.386 million), savings relating to Workers' Compensation Premium Adjustment (2.581 million) and the transfer of the transport regulation and safety policy function to TCCS ($1.5 million), partially offset by new initiatives ($10.696 million), the increase in estimates mainly relating to

high demand for legal services and other activities ($6.061 million), net impact from previous years initiatives ($3.679 million) and other adjustments.

- Supplies and services: the increase of $12.174 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to increase in various operating expenses associated with 2019-20 bushfire emergency incident responses.
- Depreciation and Amortisation:
  - the decrease of $10.378 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to the rollovers of capital works projects to 2020-21 and delay in the construction of the new ACT Courts Facilities through a Public Private Partnership (PPP) contract (where Stage 2 was completed in early 2020).
- Grants and purchased services:
  - the decrease of $2.877 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to the rollovers of the Justice Housing Program initiatives to 2020-21;
  - the increase of $6.173 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to the National Legal Assistance Partnership and other Commonwealth Grants ($4.592 million), Disaster Risk Reduction Commonwealth Grants ($2.088 million) and rollovers of Commonwealth Grants to 2020-21 ($0.332 million), partially offset by reclassification of expenses to Supplies and Services for Justice Housing Program ($1.080 million).
- Borrowing costs:
  - the decrease of $2.286 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to the delay in completion of ACT Courts Facilities PPP; and
  - the increase of $1.396 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to the full year interest repayments for the ACT Courts Facilities PPP compared to 2019-20 which was part year impact only (due to Stage 2 being completed in early 2020).
- Other expenses: the decrease of $0.550 million in the 2019-20 audited outcome from the 2019-20 budget and similar increase of $0.722 million in the 2020-21 budget is mainly due to the lower impaired receivables associated with Ambulance Transport Services in 2019-20.

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2020-21 BUDGET DAY BRIEF

Balance Sheet

- Cash and Cash Equivalents: the increase of $10.940 million in the 2019-20 audited outcome from the 2019-20 budget and the decrease of $8.375 million in the 2020-21 budget from the 2019-20 audited outcome are mainly due higher cash holdings in 2019-20 to meet outstanding commitments as at 30 June 2020.
- Other Assets: the increase of $2.067 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to higher Emergency Services Agency related stock items such as uniforms, medical supplies and fire and rescue consumables in 2019-20.
- Property, Plant and Equipment: the increase of $11.608 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to new initiatives and rollovers of capital projects.
- Intangible Assets: the decrease of $21.606 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to realignment of the budget estimates closer to the actual asset profile.
- Capital Works in Progress: the decrease of $17.569 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to capital projects rollovers.

- Payables:
    - the increase of $6.129 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to the higher accrued expenses associated with ACT Courts Facilities PPP ($3.810 million) and operating expenses relating to the 2019-20 bushfire emergency incident responses ($2.100 million); and
    - the decrease of $4.111 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to higher accrued expenses in 2019-20 associated with ACT Courts Facilities PPP and operating expenses relating to the 2019-20 bushfire emergency incident responses.
- Current and Non Current Lease Liabilities:
    - the decrease of $27.342 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to the 2019-20 Budget including the impact of expected accommodation lease liability which was subsequently recognised by the Chief Minister, Treasury and Economic Development Directorate (ACT Property Group) as a result of whole of Government Policy; and
    - the decrease of $2.417 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to the repayment of PPP liabilities.

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- Current and Non Current Employee Benefits:
    - the increase of $18.837 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to higher annual leave provision primarily driven by increased staffing level resulting in higher leave entitlements and the impact of wages increases; and
    - the decrease of $7.349 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to adjustments relating to backpay of employee benefits.
- Current and Non Current Other Provisions: the increase of $0.738 million the 2019-20 audited outcome from the 2019-20 budget is mainly due to the increases in provisions relating to make good of the Directorate's leased accommodation, removal and minor remediation associated with decommissioned fuel tanks and per- and polyfluoroalkyl substances (PFAS).

Statement of Changes in Equity

- Capital injections:
    - the decrease of $10.616 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to rollovers of capital projects to future years; and
    - the increase of $7.790 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to new capital initiatives.

Cash Flow Statement

Variations in the Statement are explained in the notes above.

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Financial Statements

Table 29: Justice and Community Safety Directorate: Operating Statement

2019-20 Budget $'000		2019-20 Audited Outcome $'000	2020-21 Budget $'000	Var %	2021-22 Estimate $'000	2022-23 Estimate $'000	2023-24 Estimate $'000
	Income						
	Revenue						
340,481	Controlled Recurrent Payments	346,923	359,022	3	359,972	366,268	375,645
16,725	Sale of Goods and Services from Contracts with Customers	25,606	19,927	-22	17,545	18,025	18,522
413	Grants and Contributions	5,463	4,677	-14	4,627	4,733	4,840
12,878	Other Revenue	13,954	15,765	13	11,792	12,139	12,503
370,497	**Total Revenue**	**391,946**	**399,391**	**2**	**393,936**	**401,165**	**411,510**
	Gains						
0	Gains from Disposal of Assets	148	0	-100	0	0	0
0	**Total Gains**	**148**	**0**	**-100**	**0**	**0**	**0**
370,497	**Total Income**	**392,094**	**399,391**	**2**	**393,936**	**401,165**	**411,510**
	Expenses						
217,098	Employee Expenses	239,485	234,902	-2	233,597	237,266	244,082
32,969	Superannuation Expenses	32,503	34,715	7	34,304	35,545	36,022
95,036	Supplies and Services	107,210	106,410	-1	105,484	107,388	110,547
39,385	Depreciation and Amortisation	29,007	29,057	..	36,247	36,787	40,203
7,133	Grants and Purchased Services	4,256	10,429	145	7,860	8,550	8,737
13,478	Borrowing Costs	11,192	12,588	12	12,186	11,968	11,732
2,428	Other Expenses	1,878	2,600	38	2,458	2,462	2,466
407,527	**Total Expenses**	**425,531**	**430,701**	**1**	**432,136**	**439,966**	**453,789**
-37,030	**Operating Result**	**-33,437**	**-31,310**	**6**	**-38,200**	**-38,801**	**-42,279**
	Other Comprehensive Income						
0	Increase/(Decrease) in Asset Revaluation Surplus	-219	0	100	-600	-8,000	-13,550
0	**Total Other Comprehensive Income**	**-219**	**0**	**100**	**-600**	**-8,000**	**-13,550**
-37,030	**Total Comprehensive Income**	**-33,656**	**-31,310**	**7**	**-38,800**	**-46,801**	**-55,829**

Note(s):

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2020-21 BUDGET DAY BRIEF

1. Since publication of the 2019-20 Budget Statements, JACS has adopted Australian Accounting Standards AASB 15, 'Revenue from Contracts with Customers', and AASB 1058, 'Income of Not-for-Profit Entities', from 1 July 2019. This has resulted in:

   a. the renaming of 'User Charges' to 'Sales of Goods and Services from Contracts with Customers'; and

   b. the reclassification of some revenue items from 'Resources Received Free of Charge' and 'Other Gains' to 'Grants and Contributions' and 'Gains from Disposal of Assets'.

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Table 30: Justice and Community Safety Directorate: Balance Sheet

Budget at 30/6/20 $'000		2019-20 Audited Outcome $'000	Budget at 30/6/21 $'000	Var %	Estimate at 30/6/22 $'000	Estimate at 30/6/23 $'000	Estimate at 30/6/24 $'000
	Current Assets						
8,322	Cash and Cash Equivalents	19,262	10,887	-43	10,706	10,525	10,344
14,299	Receivables	13,912	12,948	-7	11,985	11,022	10,059
1,933	Other Assets	4,000	4,001	..	4,001	4,001	4,001
24,554	**Total Current Assets**	**37,174**	**27,836**	**-25**	**26,692**	**25,548**	**24,404**
	Non Current Assets						
530,142	Property, Plant and Equipment	533,502	545,110	2	596,936	575,229	534,356
30,780	Intangible Assets	9,174	9,774	7	10,092	7,499	4,285
27,459	Capital Works in Progress	27,935	10,366	-63	7,810	1,274	975
588,381	**Total Non Current Assets**	**570,611**	**565,250**	**-1**	**614,838**	**584,002**	**539,616**
612,935	**TOTAL ASSETS**	**607,785**	**593,086**	**-2**	**641,530**	**609,550**	**564,020**
	Current Liabilities						
6,074	Payables	12,203	8,092	-34	6,343	6,265	8,095
8,261	Lease Liabilities	3,346	3,548	6	3,598	3,499	3,368
85,089	Employee Benefits	101,435	94,322	-7	95,545	96,573	97,834
614	Other Provisions	1,037	700	-32	290	200	100
870	Contract Liabilities	1,648	1,495	-9	1,495	1,495	1,495
100,908	**Total Current Liabilities**	**119,669**	**108,157**	**-10**	**107,271**	**108,032**	**110,892**
	Non Current Liabilities						
177,161	Lease Liabilities	154,734	152,115	-2	151,368	152,631	154,338
1,335	Employee Benefits	3,826	3,590	-6	3,372	3,154	2,936
2,300	Other Provisions	2,615	2,614	..	2,615	1,616	540
180,796	**Non-Current Liabilities**	**161,175**	**158,319**	**-2**	**157,355**	**157,401**	**157,814**
281,704	**TOTAL LIABILITIES**	**280,844**	**266,476**	**-5**	**264,626**	**265,433**	**268,706**
331,231	**NET ASSETS**	**326,941**	**326,610**	**..**	**376,904**	**344,117**	**295,314**
	REPRESENTED BY FUNDS EMPLOYED						
267,528	Accumulated Funds	261,745	261,414	..	312,308	287,521	252,268
63,703	Asset Revaluation Surplus	65,196	65,196	-	64,596	56,596	43,046
331,231	**TOTAL FUNDS EMPLOYED**	**326,941**	**326,610**	**..**	**376,904**	**344,117**	**295,314**

Note(s):

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2020-21 BUDGET DAY BRIEF

1. Since publication of the 2019 20 Budget Statements, JACS has adopted Australian Accounting Standards AASB 15, 'Revenue from Contracts with Customers', and AASB 1058, 'Income of Not for Profit Entities', from 1 July 2019. This has resulted in reclassifing 'Other Liabilities' to 'Contract Liabilities'.

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Table 31: Justice and Community Safety Directorate: Statement of Changes in Equity

Budget at 30/6/20 $'000		2019-20 Audited Outcome $'000	Budget at 30/6/21 $'000	Var %	Estimate at 30/6/22 $'000	Estimate at 30/6/23 $'000	Estimate at 30/6/24 $'000
	Opening Equity						
270,753	Opening Accumulated Funds	271,993	261,745	-4	261,414	312,308	287,521
63,703	Opening Asset Revaluation Reserve	65,415	65,196	..	65,196	64,596	56,596
334,456	**Balance at the Start of the Reporting Period**	**337,408**	**326,941**	**-3**	**326,610**	**376,904**	**344,117**
	Comprehensive Income						
-37,030	Operating Result - Including Economic Flows	-33,437	-31,310	6	-38,200	-38,801	-42,279
0	Inc/Dec in Asset Revaluation Reserve Surpluses	-219	0	100	-600	-8,000	-13,550
-37,030	**Total Comprehensive Income**	**-33,656**	**-31,310**	**7**	**-38,800**	**-46,801**	**-55,829**
0	**Total Movement in Reserves**	**0**	**0**	**-**	**0**	**0**	**0**
	Transactions Involving Owners Affecting Accumulated Funds						
33,805	Capital Injections	23,189	30,979	34	89,094	14,014	7,026
33,805	**Total Transactions Involving Owners Affecting Accumulated Funds**	**23,189**	**30,979**	**34**	**89,094**	**14,014**	**7,026**
	Closing Equity						
267,528	Closing Accumulated Funds	261,745	261,414	..	312,308	287,521	252,268
63,703	Closing Asset Revaluation Reserve	65,196	65,196	-	64,596	56,596	43,046
331,231	**Balance at the end of the Reporting Period**	**326,941**	**326,610**	**..**	**376,904**	**344,117**	**295,314**

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Table 32: Justice and Community Safety Directorate: Cash Flow Statement

2019-20 Budget $'000		2019-20 Audited Outcome $'000	2020-21 Budget $'000	Var %	2021-22 Estimate $'000	2022-23 Estimate $'000	2023-24 Estimate $'000
	CASH FLOWS FROM OPERATING ACTIVITIES						
	Receipts						
340,481	Controlled Recurrent Payments	346,923	359,022	3	359,972	366,268	375,645
15,193	Sale of Goods and Services from Contracts with Customers	21,040	18,320	-13	15,938	16,418	16,915
0	Grants and Contributions	378	0	-100	0	0	0
26,959	Other	31,179	34,278	10	30,391	30,827	31,280
382,633	**Operating Receipts**	**399,520**	**411,620**	**3**	**406,301**	**413,513**	**423,840**
	Payments						
215,148	Employee	226,104	240,907	7	231,696	235,304	242,058
32,971	Superannuation	31,510	35,417	12	34,303	35,544	36,021
94,665	Supplies and Services	98,558	107,522	9	103,579	105,466	108,607
7,133	Grants and Purchased Services	4,256	10,429	145	7,860	8,550	8,737
13,569	Interest Expenses	11,208	12,817	14	12,415	12,197	11,961
15,571	Other	15,324	15,666	2	15,524	15,528	15,532
379,057	**Operating Payments**	**386,960**	**422,758**	**9**	**405,377**	**412,589**	**422,916**
3,576	**NET CASH INFLOW/(OUTFLOW) FROM OPERATING ACTIVITIES**	**12,560**	**-11,138**	**-189**	**924**	**924**	**924**
	CASH FLOWS FROM INVESTING ACTIVITIES						
	Receipts						
0	Proceeds from Sale of Property, Plant and Equipment	430	0	-100	0	0	0
0	**Investing Receipts**	**430**	**0**	**-100**	**0**	**0**	**0**
	Payments						
26,236	Purchase of Property, Plant and Equipment	22,754	24,203	6	86,437	14,268	7,418
7,569	Purchase of Land and Intangibles	311	3,612	#	3,362	451	313
33,805	**Investing Payments**	**23,065**	**27,815**	**21**	**89,799**	**14,719**	**7,731**
-33,805	**NET CASH INFLOW/(OUTFLOW) FROM INVESTING ACTIVITIES**	**-22,635**	**-27,815**	**-23**	**-89,799**	**-14,719**	**-7,731**

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Table 32: Justice and Community Safety Directorate: Cash Flow Statement (continued)

2019-20 Budget $'000		2019-20 Audited Outcome $'000	2020-21 Budget $'000	Var %	2021-22 Estimate $'000	2022-23 Estimate $'000	2023-24 Estimate $'000
	CASH FLOWS FROM FINANCING ACTIVITIES						
	Receipts						
33,805	Capital Injections	23,189	30,979	34	89,094	14,014	7,026
33,805	**Financing Receipts**	**23,189**	**30,979**	**34**	**89,094**	**14,014**	**7,026**
	Payments						
4,731	Repayment of Lease Liabilities - Principal	5,877	400	-93	400	400	400
4,731	**Financing Payments**	**5,877**	**400**	**-93**	**400**	**400**	**400**
29,074	**NET CASH INFLOW/(OUTFLOW) FROM FINANCING ACTIVITIES**	**17,312**	**30,579**	**77**	**88,694**	**13,614**	**6,626**
-1,155	**NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENTS**	**7,237**	**-8,374**	**-216**	**-181**	**-181**	**-181**
9,477	**CASH AT THE BEGINNING OF REPORTING PERIOD**	**12,025**	**19,261**	**60**	**10,887**	**10,706**	**10,525**
8,322	**CASH AT THE END OF REPORTING PERIOD**	**19,262**	**10,887**	**-43**	**10,706**	**10,525**	**10,344**

Note(s):

1. Since publication of the 2019-20 Budget Statements, JACS has adopted Australian Accounting Standards AASB 15, 'Revenue from Contracts with Customers', and AASB 1058, 'Income of Not-for-Profit Entities', from 1 July 2019. This has resulted in:

   a. the renaming of 'User Charges' to 'Sales of Goods and Services from Contracts with Customers'; and

   b. the reclassification of some revenue items from 'Resources Received Free of Charge' and 'Other Gains' to 'Grants and Contributions' and 'Gains from Disposal of Assets'.

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2020-21 BUDGET DAY BRIEF

TRIM: JACS2021/143-002-015

Portfolio/s: JACS Ministers

ISSUE: 2019-20 Audited Outcome & 2020-21 Budget Variance - Territorial

Talking points:

These notes refer to the Territorial Budget Statements (extract of statements attached)

Significant variations are as follows:

Statement of Income and Expenses on behalf of the Territory

- Payment for expenses on behalf of the Territory: the increase of $13.959 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to new budget initiatives, net impact of prior years' initiatives and other adjustments.
- Taxes, fees and fines: the increase of $0.563 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to lower than expected court imposed fines in 2019-20.
- Other revenue: the increase of $0.641 million in the 2019-20 audited outcome compared to 2019-20 budget and a similar decrease of $0.656 million in the 2020-21 budget is mainly due to higher insurance recoveries for legal matters in 2019-20.
- Supplies and services: the increase of $11.777 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to higher payments to the Australian Federal Police relating to additional ACT Policing initiatives.
- Grants and purchased services:
    - the increase of $2.239 million in 2019-20 audited outcome from 2019-20 budget is mainly due to emergency relief funding provided to clubs under the COVID-19 Economic package.
    - the increase of $1.608 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to additional funding for continuing the Gaming Machine Authorisation Surrender Incentive.

Statement of Assets and Liabilities on Behalf of the Territory

- Capital works in progress:
    - the increase of $2.859 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to increase in works in progress for ACT Policing facilities.

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- the increase of $3.698 million in the 2020-21 budget from the 2019-20 audited outcome is mainly due to new budget initiative, net capital reprofiling and other adjustments.

- Property, plant and equipment: the decrease of $4.190 million in the 2019-20 audited outcome from the 2019-20 budget is mainly due to delays in completion of capital projects.

- Payables: the increase of $1.101 million in the 2019-20 audited outcome compared to the 2019-20 budget is mainly due to the increase in accruals relating to Redress Program and Territorial legal expenses and ACT Policing facilities capital works.

Statement of Cash Flows on Behalf of the Territory

Variations in the Statement are explained in the notes above.

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2020-21 BUDGET DAY BRIEF

Table 33: Justice and Community Safety Directorate: Statement of Income and Expenses on behalf of the Territory

2019-20 Budget $'000		2019-20 Audited Outcome $'000	2020-21 Budget $'000	Var %	2021-22 Estimate $'000	2022-23 Estimate $'000	2023-24 Estimate $'000
	Revenue						
189,329	Payment for Expenses on Behalf of the Territory	190,873	204,832	7	204,013	204,516	204,644
6,249	Taxes, Licences, Fees and Fines	5,963	6,526	9	6,689	6,681	6,889
2,682	Other Revenue	3,323	2,668	-20	2,667	2,673	2,753
198,260	**Total Revenue**	**200,159**	**214,026**	**7**	**213,369**	**213,870**	**214,286**
198,260	**Total Income**	**200,159**	**214,026**	**7**	**213,369**	**213,870**	**214,286**
	Expenses						
1,600	Employee Expenses	1,586	1,621	2	1,642	1,663	1,685
179,025	Supplies and Services	178,887	190,664	7	193,497	194,981	195,008
3,122	Depreciation and Amortisation	3,147	3,162	..	3,610	3,969	3,532
8,696	Grants and Purchased Services	10,935	12,543	15	8,870	7,868	7,947
514	Other Expenses	377	518	37	518	518	518
8,425	Transfer Expenses	8,393	8,680	3	8,842	8,840	9,128
201,382	**Total Expenses**	**203,325**	**217,188**	**7**	**216,979**	**217,839**	**217,818**
-3,122	**Operating Result**	**-3,166**	**-3,162**	**..**	**-3,610**	**-3,969**	**-3,532**
-3,122	**Total Comprehensive Income**	**-3,166**	**-3,162**	**..**	**-3,610**	**-3,969**	**-3,532**

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2020-21 BUDGET DAY BRIEF

Table 34: Justice and Community Safety Directorate: Statement of Assets and Liabilities on behalf of the Territory

Budget at 30/6/20 $'000		2019-20 Audited Outcome $'000	Budget at 30/6/21 $'000	Var %	Estimate at 30/6/22 $'000	Estimate at 30/6/23 $'000	Estimate at 30/6/24 $'000
	Current Assets						
411	Cash and Cash Equivalents	699	699	-	699	699	699
4,702	Receivables	4,931	4,931	-	4,931	4,931	4,931
5,454	**Total Current Assets**	**5,630**	**5,630**	**-**	**5,630**	**5,630**	**5,630**
	Non Current Assets						
78,300	Property, Plant and Equipment	74,110	74,189	..	80,901	76,631	72,580
341	Capital Works in Progress	3,200	6,898	-116	5,347	6,179	7,011
78,300	**Total Non Current Assets**	**77,310**	**81,087**	**-5**	**86.248**	**82,810**	**79,591**
83,754	**TOTAL ASSETS**	**82,940**	**86,717**	**-5**	**91,878**	**88,440**	**85,221**
	Current Liabilities						
4,278	Payables	5,379	5,379	-	5,379	5,379	5,379
0	Interest-Bearing Liabilities	54	54	-	54	54	54
10	Employee Benefits	21	20	-5	20	20	20
306	Other Provisions	175	175	-	175	175	175
4,594	**Total Current Liabilities**	**5,629**	**5,628**	**..**	**5,628**	**5,628**	**5,628**
	Non Current Liabilities						
0	Interest-Bearing Liabilities	262	261	..	261	261	261
0	**Non-Current Liabilities**	**262**	**261**	**..**	**261**	**261**	**261**
4,594	**TOTAL LIABILITIES**	**5,891**	**5,889**	**..**	**5,889**	**5,889**	**5,889**
79,160	**NET ASSETS**	**77,049**	**80,828**	**5**	**85,989**	**82,551**	**79,332**
	REPRESENTED BY FUNDS EMPLOYED						
48,704	Accumulated Funds	46,592	50,372	8	55,533	52,095	48,876
30,456	Asset Revaluation Surplus	30,457	30,456	..	30,456	30,456	30,456
79,160	**TOTAL FUNDS EMPLOYED**	**77,049**	**80,828**	**5**	**85,989**	**82,551**	**79,332**

Cleared as complete and accurate:	03/02/2021	
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Lead Directorate:	Justice and Community Safety	

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ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

Table 35: Justice and Community Safety Directorate: Statement of Changes in Equity on behalf of the Territory

Budget at 30/6/20 $'000		2019-20 Audited Outcome $'000	Budget at 30/6/21 $'000	Var %	Estimate at 30/6/22 $'000	Estimate at 30/6/23 $'000	Estimate at 30/6/24 $'000
	Opening Equity						
48,569	Opening Accumulated Funds	47,728	46,592	-2	50,372	55,533	52,095
30,456	Opening Asset Revaluation Reserve	30,457	30,457	-	30,456	30,456	30,456
79,025	**Balance at the Start of the Reporting Period**	**78,185**	**77,049**	**-1**	**80,828**	**85,989**	**82,551**
	Comprehensive Income						
-3,122	Operating Result - Including Economic Flows	-3,166	-3,162	..	-3,610	-3,969	-3,532
-3,122	**Total Comprehensive Income**	**-3,166**	**-3,162**	**..**	**-3,610**	**-3,969**	**-3,532**
0	**Total Movement in Reserves**	**0**	**0**	**-**	**0**	**0**	**0**
	Transactions Involving Owners Affecting Accumulated Funds						
3,257	Capital Injections	2,030	6,938	242	8,771	531	313
3,257	**Total Transactions Involving Owners Affecting Accumulated Funds**	**2,030**	**6,938**	**242**	**8,771**	**531**	**313**
	Closing Equity						
48,704	Closing Accumulated Funds	46,592	50,372	8	55,533	52,095	48,876
30,456	Closing Asset Revaluation Reserve	30,457	30,456	..	30,456	30,456	30,456
79,160	**Balance at the end of the Reporting Period**	**77,049**	**80,828**	**5**	**85,989**	**82,551**	**79,332**

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Table 36: Justice and Community Safety Directorate: Cash Flow Statement on behalf of the Territory

2019-20 Budget $'000		2019-20 Audited Outcome $'000	2020-21 Budget $'000	Var %	2021-22 Estimate $'000	2022-23 Estimate $'000	2023-24 Estimate $'000
	CASH FLOWS FROM OPERATING ACTIVITIES						
	Receipts						
189,329	Payment for Expenses on Behalf of the Territory	190,873	204,832	7	204,013	204,516	204,644
6,049	Taxes and Fines	5,418	6,326	17	6,489	6,481	6,689
3,256	Other	3,771	3,242	-14	3,241	3,247	3,327
198,634	**Operating Receipts**	**200,062**	**214,400**	**7**	**213,743**	**214,244**	**214,660**
	Payments						
1,600	Employee	1,576	1,621	3	1,642	1,663	1,685
179,025	Supplies and Services	178,657	190,664	7	193,497	194,981	195,008
8,696	Grants and Purchased Services	10,935	12,543	15	8,870	7,868	7,947
8,739	Transfer of Territory Receipts to the ACT Government	8,340	8,994	8	9,156	9,154	9,442
574	Other	35	578	#	578	578	578
198,634	**Operating Payments**	**199,543**	**214,400**	**7**	**213,743**	**214,244**	**214,660**
0	**NET CASH INFLOW/(OUTFLOW) FROM OPERATING ACTIVITIES**	**519**	**0**	**-100**	**0**	**0**	**0**
	CASH FLOWS FROM INVESTING ACTIVITIES						
	Payments						
3,257	Purchase of Property, Plant and Equipment	2,842	6,938	144	8,771	531	313
3,257	**Investing Payments**	**2,842**	**6,938**	**144**	**8,771**	**531**	**313**
-3,257	**NET CASH INFLOW/(OUTFLOW) FROM INVESTING ACTIVITIES**	**-2,842**	**-6,938**	**-144**	**-8,771**	**-531**	**-313**
	CASH FLOWS FROM FINANCING ACTIVITIES						
	Receipts						
3,257	Capital Injections	2,030	6,938	242	8,771	531	313
0	Proceeds from Borrowings	961	0	-100	0	0	0
3,257	**Financing Receipts**	**2,991**	**6,938**	**132**	**8,771**	**531**	**313**
0	Repayment of Borrowings	634	0	-100	0	0	0
3,257	**NET CASH INFLOW/(OUTFLOW) FROM FINANCING ACTIVITIES**	**2,357**	**6,938**	**194**	**8,771**	**531**	**313**
0	**NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENTS**	**34**	**0**	**-100**	**0**	**0**	**0**

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411	**CASH AT THE BEGINNING OF REPORTING PERIOD**	**665**	**699**	**5**	**699**	**699**	**699**
411	**CASH AT THE END OF REPORTING PERIOD**	**699**	**699**	**-**	**699**	**699**	**699**

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2020-21 BUDGET DAY BRIEF

TRIM: JACS2021/143-002-021

Portfolio/s: Human Rights

ISSUE: 2020-21 STRATEGIC AND ACCOUNTABILITY INDICATORS OUTPUT 1.5 HUMAN RIGHTS COMMISSION

Strategic Objective 4

Promotion and Protection of Rights and Interests

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

Table 5: Strategic Indicator 4: Awareness and Compliance with Human Rights and Interests

Success	Strategic Indicator	2019-20 Targets	2019-20 Actuals	2020-21 Targets
New government laws are compatible with human rights legislation at time of introduction	Percentage of new government laws that are compatible with human rights legislation at the time of introduction	100%	100%	100%
Increased community awareness of how to access and protect rights	Number of community members made aware of their rights in the area of responsibility for victim support	1,400	1,889	1,400
	Number of community engagement activities undertaken by:			
	Human Rights Commission in area of human rights and service provision	70	67	70

Historical performance trends of these Strategic Indictors can be found in the Justice and Community Safety Directorate's 2019-20 Annual Report.

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2020-21 BUDGET DAY BRIEF

Accountability Indicator

Output 1.5: Protection of Rights

Table 20: Accountability Indicators Output 1.5

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
Human Rights Commission				
a. High level of client satisfaction with Human Rights Commission complaints process:				
- Percentage of survey respondents who consider the process fair, accessible and understandable	75%	75%	79%	5
- Percentage of complaints concluded within Commission standards	75%	75%	79%	5
b. High level of community education, information and advice in relation to human rights and (i) services for children and young people, (ii) disability services, (iii) discrimination, (iv) health services, and (v) services for older people:				
- Number of community engagement activities undertaken by the Commission	70	35	35	0
Public Advocate				
c. The Public Advocate of the ACT's actions towards achieving a caring community where the rights and interests of vulnerable people are protected:				
- Proportion of client survey respondents for whom advocacy services are provided by the Public Advocate of the ACT where a high level of satisfaction is reported [1]	75%	75%	67%	(11)
Individuals, excluding guardianship clients, brought to the attention of the Public Advocate:				
- Proportion of individuals brought to the attention of the Public Advocate for whom direct advocacy is provided	25%	25%	24%	(4)

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	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
- Percentage of clients referred to the Public Advocate for whom a review of the documentation was undertaken [2]	75%	75%	57%	(24)
Victim Support ACT				
a. Percentage of referrals to Victim Support ACT or the Victims of Crime Commissioner actioned within five working days	95%	95%	100%	5

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
Total Cost ($'000)	14,294	6,586	6,245	(5)
Controlled Recurrent Payments ($'000)	12,427	6,066	6,066	-

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Note(s):

1. Lower than YTD target outcome may not be representative of performance due to a low response rate to the survey (18 responses) and a high percentage of respondents (83 per cent) being service providers where the Public Advocate's advocacy on behalf of clients/consumers may have challenged their service provision efforts.
2. The Human Rights Commission commenced using a new database from 1 July 2020. Due to implementation issues in capturing the necessary data the outcome may not be representative of the true performance. The database has now been amended to ensure accurate future reporting.

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ACT Government
Justice and Community Safety

MINISTER TARA CHEYNE MLA
MINISTER FOR HUMAN RIGHTS
QUESTION TIME BRIEFS PACK
30-31 MARCH 2021

Question Time Briefs	
1.	Funding for VOCAL
2.	Resourcing of the HRC and complaints handling
3.	Disability complaints to the Discrimination Health Services Disability and Community Services Commissioner
4.	Right to a healthy environment
5.	Right to housing
6.	Victims Rights Legislation Amendment Bill 2020
7.	Discrimination and Religious Freedom Bills
8.	Review of the Victim of Crime Financial Assistance Scheme, Victim Services Scheme and victim levies
9.	Claims to Victims of Crime Financial Assistance Scheme and Victims Services Scheme
10.	Protecting Vulnerable people (covering matters that arose in the Hearing QON)
11.	Implementation of the Charter of Rights for Victims of Crime
12.	Complaints to the Victims of Crime Commissioner
13.	Work to further Voluntary Assisted Dying and territory rights
14.	Privacy and data retention for Check in CBR
15.	Progress of Our Booris Our Way recommendations (including the Children's Commissioner)
16.	Progress of the Protection of Rights Services Review
17.	Employment of Gordon Ramsay (QTON response)

QUESTION TIME BRIEF

JACS2021/48-001-001

Portfolio/s: Human Rights

ISSUE: FUNDING FOR VOCAL

Talking points:

- There is no doubt that victims of crime need access to services provided by the ACT Government, in particular access to appropriate and trauma-informed therapeutic services to assist in their recovery.
- Prior to 2012, the Victims of Crime Assistance League ACT (VOCAL) provided a volunteer victim support program with financial assistance from the ACT Government.
- However, when Victim Support ACT (VSACT) became part of the ACT Human Rights Commission in 2015-16, the volunteer program transitioned to operation by VSACT to improve its alignment with the Victim Services Scheme, which is administered by VSACT.
- The volunteer program is delivered by experienced and skilled volunteers at VSACT, which provides a single point-of-contact for both victim support and advocacy services.
- I am advised that VOCAL continue to provide a range of free support services to victims of crime in the ACT including emotional support, court support, and practical assistance; and work closely with VSACT including as a key referring agency.
- The ACT Government is committed to continuing to work in partnership with community agencies to support and improve services for victims of crime and other vulnerable groups in the ACT.

Cleared as complete and accurate:	19/03/2021	
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TRIM Ref:	JACS2021/48-001-001	

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QUESTION TIME BRIEF

Key Background Information

- VOCAL was formed in response to unmet need in the community and was contracted from 2000 to 2012 to deliver practical assistance to victims of crime. At that time, VOCAL was exempted from being required to participate in an open tender process because of its specialty expertise in delivering a volunteer victim support program.
- In October 2011 an open tender process was conducted for the provision of this service, reflecting that a number of not-for-profit organisations had built volunteer service capacity.
- A number of community agencies tendered for the volunteer victim support service, and the contract was awarded to Communities@Work who established the *Side by Side: Volunteers Assisting Victims* program. That contract was entered into for up to three years to provide practical assistance and support to victims of crime, and to develop and conduct a community awareness program to promote the interests of victims.

Further Background information

- The Charter of Rights for Victims of Crime, established in the *Victims Rights Legislation Amendment Act 2020* which came into effect on 1 January 2021, will further improve the opportunities for victims of crime to receive information and participate in the justice system including in relation to access to information, supports and assistance.
- The Charter replaces the broad, aspirational 'governing principles for the treatment of victims of crime in the administration of justice' in the *Victims of Crime Act 1994* (under section 4) and details victim rights in areas including protection of privacy and safety; access to support services and assistance; provision of information and case updates; and opportunities to participate in the justice process.
- The *Victims of Crime Regulation 2000* (VOC Regulation) establishes the Victim Services Scheme (VSS) under the *Victims of Crime Act 1994* (VOC Act). The VSS outlines the eligibility criteria, levels of service provision and functions of the Victims of Crime Commissioner (VOCC) in relation to administering the scheme. This includes counselling and other therapeutic services, case coordination, and advocacy and assistance to victims as they navigate the criminal justice system.
- The recommendations from the review of the Victims of Crime Financial Assistance Scheme in the *Victims of Crime (Financial Assistance) Act 2016* (VOCFA Act), Victim Services Scheme (VSS) established in the VOC Regulation and victim levies (in Part 5 of the VOC Act and Part 7 the VOCFA Act) will continue to ensure the ACT is meeting the recovery needs of victims through appropriate financial and therapeutic assistance, and to ensure that these schemes are administratively streamlined and appropriately offset.
- The ACT Government holds an annual community consultation process for individuals and organisations to give feedback on gaps in government funding.

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QUESTION TIME BRIEF

JACS2021/48-001-002

Portfolio/s: Human Rights

Issue: ACT Human Rights Commission – Complaints handling and resourcing

Talking points:

- The ACT Human Rights Commission provides a range of important services to our Canberra community which ensure that people's rights are protected.
- The Commission has long offered independent and impartial complaint handling for complaints about discrimination, health services, disability services, services for children and young people and services for older people.
- In 2019-20 the Commission's jurisdiction was expanded so that it could consider complaints about retirement villages and about the abuse and neglect of vulnerable people.
- In 2021, the Commission's jurisdiction was further expanded to cover complaints about occupancy agreements, victims rights and prohibited conversion practices.
- These changes recognise the excellent work that the Commission does in handling complaints fairly and impartially, and the confidence that the community has in the Commission to resolve difficult issues.
- An independent review is currently being conducted, as required under the Human Rights Commission Act, regarding changes that were made to the Human Rights Commission, including the bringing together of a range of complaints handling roles under one Commissioner. The review report is required to be tabled by June 2021.
- The Government will continue to monitor the resourcing needs of the Human Rights Commission to ensure that it is well placed to perform its important functions.

Cleared as complete and accurate:	24/03/2021	
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TRIM Ref:	JACS2021/48-001-002	

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QUESTION TIME BRIEF

Background Information

- The protection of rights services reforms made changes that came into effect on 1 April 2016. These reforms consolidated all complaints handling under one Commissioner (the Discrimination, Health Services and Disability and Community Services Commissioner), with a view improving efficiencies and consistency.
- The effectiveness of these reforms is one of the matters being considered by an independent review being conducted by Insight Consulting Inc. The review has sought the views of a range of stakeholders.
- From 1 July 2019 the Commission was given additional jurisdiction to conciliate complaints about retirement villages.
- From 14 May 2020 the Commission was given additional jurisdiction to consider complaints about the abuse and neglect of vulnerable people, as part of the response to the COVID-19 pandemic. These measures are temporary, expiring 12 months after the end of the emergency declaration, but will be reviewed by the Government before that date to determine whether the measures should be extended or made permanent.
- From 1 January 2021, the Commission has had jurisdiction to consider complaints about victims rights.
- From 4 March 2021, the Commission has had jurisdiction to consider complainst about occupancy agreements and prohibited conversion practices.
- The extent to which these new roles create additional work for the Commisison will be monitored, and any need for additional resources will be considered in the Government's normal budget processes.

QUESTION TIME BRIEF

JACS2021/48-001-009

Portfolio/s: Human Rights

Disability complaints to the Discrimination Health Services Disability and Community Services Commissioner

Talking points:

- The Human Rights Commission can receive complaints relating to people with a disability under a number of jurisdictions including discrimination, disability services, and vulneranle people complaints related to abuse, negect or exploitation of people with a disability
- Our discrimination jurisdiction covers areas of public lifeincluding housing, employment, education, access to goods, services and facilities, health services, ACT Government services, accommodation and vilification on the grounds of disability.
- The HRC promotoes the complaint handling service to people with a disability through community organisations & networks, disability advocacy and community legal services, the Official Visitors, community and workplace information sessions.
- Disability related complaint numbers received by the HRC are consistent with our jurisdiction size and we note the increased utilisation of the complaint process as a way of informally resolving matters through conciliation with the increased number of disacrimination and vilification complaints received over the last four years.

Key Information

Complaints	**2017**	**2018**	**2019**	**2020**
Disability service	27	21	13	8
Disability discrimination and vilification	47	65	100	89
Vulnerable people (disability)	N/A	N/A	N/A	13
TOTAL	**74**	**86**	**113**	**110**

Cleared as complete and accurate:	20/03/2021	
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QUESTION TIME BRIEF

- The NDIS Quality & Safeguards Commission commenced operation in the ACT on 1 July 2019 and handles complaints about NDIS services and supports
- The ACT Human Services Registrar can handle complaints about disability service providers in the ACT, the Office of the Senior Practitioner can deal with complaints about restrictive practices and people with a disability, and the Australian Human Rights Commission can also accept complaints about alleged disability discrimination in the ACT.
- HRC continues to receive complaints about NDIS and non-NDIS disability services and supports and we endeavour to resolve complaints through conciliation where appropriate.

Background Information

- The NDIS Quality & Safety Commission commenced operation on 1 July 2019 and is the primary agency dealing with complaints regarding NDIS supprts and services in the ACT.
- While there has been an expected decline in disability service complaints received by the HRC since the commencement of the operation of the NDIS Quality and Safeguards Commission we note an increase in disability discrimination complaints has been received over the last four years.
- The commencement of the vulnerable people jurisdiction was in May 2020 and is not retrospective.

QUESTION TIME BRIEF

JACS2021/48-001-003

Portfolio/s: Human Rights

RIGHT TO A HEALTHY ENVIRONMENT

Talking points:

- The Parliamentary and Governing Agreement for the 10th Assembly commits the ACT Government to giving consideration to the inclusion of a 'right to a healthy environment' in the *Human Rights Act 2004*.

Key Information

- There is no standalone right to a healthy environment in the international human rights treaties to which Australia is a party (including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights).
- The right to a healthy environment may be seen as an aspect of the right to health under the International Covenant on Economic, Social and Cultural Rights. In particular, the right to health includes the right to live in conditions that promote a healthy life (such as access to safe drinking water, adequate sanitation, healthy occupational and environmental conditions).
- The right to a healthy environment may also be seen as an aspect of the right to life, which is already protected under section 9 the *Human Rights Act*. This is because the right to life includes an obligation to address the general conditions in society that may give rise to threats to the right to life (including conditions such as environmental pollution).
- Similarly, the degradation of the environment may adversely affect the well-being of individuals and have direct repercussions on a person's private and family life and the home and may therefore be relevant to the right to privacy in section 12 of the *Human Rights Act.*
- Where the right to a healthy environment has been recognised, the content of that right has been expressed in different ways, including as entailing a procedural obligation (such as the right to access environmental information held by authorities), a substantive obligation (such as an obligation to protect against environmental harm), or a combination of both.
- In jurisdictions where a right to a healthy environment is recognised, it has been relevant in challenging administrative decisions that have environmental impacts.

Cleared as complete and accurate:	30/11/2020	
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Background Information

- In the statutory review of the Human Rights Act after its first 12 months of operation, it was noted that at the time the Act was introduced the government did not support incorporating a free-standing environmental right directly into law. It considered that many of the civil and political rights protected in the Human Rights Act would apply to environmental matters.[1] The recommendation from that report was that the Government should not consider specific mechanisms to protect environment-related rights before other recommendations were addressed.
- However, since that time a number of reforms have occurred to strengthen the Act and other rights have been added to the Human Rights Act, including cultural rights of Aboriginal and Torres Strait Islander Peoples, the right to education and the right to work.
- The Parliamentary and Governing Agreement for the 10th Assembly foreshadows consideration of the inclusion of a 'right to a healthy environment' in the *Human Rights Act 2004*.

[1] ACT Department of Justice and Community Safety, *Human Rights Act 2004, Twelve-Month Review Report* (2006).

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TRIM Ref:	JACS2021/48-001-003	

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QUESTION TIME BRIEF

JACS2021/48-001-004

Portfolio/s: Human Rights

RIGHT TO HOUSING

Talking points:

- The *Human Rights Act 2004* (HRA) does not contain a specific right to housing.
- A number of stakeholders have called for the HRA to be amended to include a human right to housing.
- There is already some protection of housing related rights in the HRA:
    - Section 12 of the HRA provides for the right not to have one's home interfered with unlawfully or arbitrarily. This protects a person's home from trespass, harassment, nuisance, searches or surveillance.
    - Other human rights in the HRA such as the rights of children and families to protection and the right to equality will also be relevant considerations in decision-making by public authorities regarding public or community housing.
- The ACT Government has also taken practical steps to provide for more secure housing in the ACT including through amendments to the *Residential Tenancies Act 1997*. The ACT Government has also committed to progressing reforms to end no cause evictions from residential tenancies.
- The Government has undertaken measures during the COVID-19 pandemic to alleviate the impact of the public health emergency on access to adequate and appropriate housing. This included a six-month moratorium on eviction for non-payment of rent and on rent increases (from April to October 2020), a continued ability (until 30 April 2021) for landlords and tenants to negotiate reduced rent if the tenant is suffering from financial hardship due to the pandemic.

Key Information

- Other jurisdictions in Australia with human rights legislation do not yet have a freestanding right to housing in their respective human rights Acts.

Cleared as complete and accurate:	30/11/2020	
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TRIM Ref:	JACS2021/48-001-004	

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- The right to housing is established in international law by article 11(1) of the *International Covenant on Economic, Social and Cultural Rights* and recognises the 'right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions'.
- The right to housing is not merely a right to have shelter, it encompasses adequate privacy, space, security, lighting, ventilation, basic infrastructure, and location – all at a reasonable cost.[1]
- The right to housing applies to everyone. Individuals as well as families are entitled to adequate housing regardless of age, economic status, group or other affiliation or status. Enjoyment of the right must not be subject to any form of discrimination.[2]

Background Information

- In 2010 an Australian Research Council linkage project between the Australian National University and the Justice and Community Safety Directorate examined the feasibility of introducing economic, social and cultural rights into the HRA. The report from that project was published in 2010 and recommended that the HRA be amended to include economic, social and cultural rights in the HRA, including the right to housing. [3]
- The Government response to that report noted that an incremental approach to the adoption of economic, social and cultural rights was preferred, with the right to education being the initial focus but with the potential for further economic, social and cultural rights to be considered over time.
- In 2014, the Government undertook a statutory review into the operation of the Human Rights Act focusing on the including of economic, social and cultural rights in the HRA. This report was tabled by the Attorney-General in the Legislative Assembly on 27 November 2014.
- The review concluded that the right to housing was substantially satisfied by existing policy, initiatives and services and given effect by laws including *Residential Tenancies Act 1997* (ACT), the *Housing Assistance Act 1997* (ACT), the *Discrimination Act 1991* (ACT) and the *Utilities Act 2000* (ACT).

[1] UN Committee on Economic, Social and Cultural Rights, *General Comment No.4: The Right to Adequate Housing (Art. 11(1) of the Covenant),* 13 December 1991, E/1992/23.
[2] UN Committee on Economic, Social and Cultural Rights, *General Comment No.4: The Right to Adequate Housing (Art. 11(1) of the Covenant),* 13 December 1991, E/1992/23, [6].
[3] Australian Capital Territory Economic Social and Cultural Rights Research Project, Australian Research Council Linkage Project LP0989167 Report September 2010.

- In September 2020 the ACT Council of Social Services (ACTCOSS), supported by Canberra Community Law and the Women's Legal Centre, called for the ACT Government to enshrine the right to housing in the HRA.[4]

[4] https://www.canberratimes.com.au/story/6918107/social-services-call-for-more-act-human-rights-protections/

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QUESTION TIME BRIEF

JACS2021/48-001-005

Portfolio/s: Human Rights

ISSUE: CHARTER OF RIGHTS FOR VICTIMS OF CRIME

Talking points:

- The *Victims Rights Legislation Amendment Act 2020* commenced on 1 January 2021, meeting the ACT Government's commitment to establish a Charter of Rights for Victims of Crime.
- The Charter builds on the ACT's strong history of supporting victims and upholding human rights which includes that the ACT led:
    - Australian jurisdictions with the introduction of legislated governing principles for the treatment of victims of crime in the administration of justice in 1994;
    - the establishment of the *Human Rights Act 2004*; and
    - the introduction of the statutory Victims of Crime Commissioner role in 2010, and the subsequent integration of that position into the Human Rights Commission in 2016.
- The ACT's Charter of Rights for Victims of Crime now acknowledges the important role of victims in the justice system, ensures that victims are treated with respect, and that the risk of their further trauma is minimised.
- The Charter was developed in close consultation with key stakeholders including the Victims Advisory Board, the Victims of Crime Commissioner, justice agencies and most importantly, victims of crime themselves.
- The Charter details victim rights in areas including protection of privacy and safety; access to support services and assistance; provision of information and case updates; and opportunities to participate in the justice process.
- An accountability framework for the Charter will ensure that justice agencies uphold victims' rights.
- Implementation of the Charter is underway to support victims to access rights set out in the Charter and to support justice agencies to uphold rights, including through the development of new information materials.

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Key Background Information

- The accountability framework for the Charter enables victims to approach a justice agency directly, the Victims of Crime Commissioner (VOCC) or the ACT Human Rights Commission (HRC) with a complaint about a victim right.
- Three key issues identified during Charter consultations warrant further consideration:
    - ways to strengthen the delivery of Victim Impact Statements;
    - whether to expand the categories of victims who can receive information from the adult victims register; and
    - how to protect victim privacy when personal information such as counselling records are subpoenaed.
- The Charter builds on the commitment of justice agencies to victims of crime. The independence of justice agencies is protected in the Charter through a range of measures including:
    - The DPP need not comply with HRC complaint process when participation would impact on a prosecution or their independence.
    - Courts and tribunals are only obliged to uphold the Charter in an administrative capacity, not when exercising judicial functions. Judges and Magistrates are excluded from compliance with obligations.
    - The Charter does not create legal rights that could give rise to civil action; affect the interpretation or operation of other territory laws; or affect the validity, or provide grounds for review, of any judicial or administrative act or omission.
    - Justice agencies do not commit an offence if a requirement of the *Human Rights Commission Act 2005* is not upheld in relation to the victim rights complaints consideration process for example to provide a document or attend conciliation.

Further Background Information

- A Question Time Brief on Implementation of the Charter of Rights for Victims of Crime has been separately provided at JACS2021/48-001-016.
- The Parliamentary Agreement to the 9th Legislative Assembly committed to the introduction of an ACT Rights of Victims Charter. All other states and territories in Australia have introduced victim rights as principles or guidelines.
- During the public consultation period from 22 June to 27 August 2018, over 440 community members were reached including feedback from over 100 direct victims of crime.
- Common feedback from victims of crime during consultations included that they wanted information and support in a timely manner so they can choose how to interact with the justice system, and opportunities to participate in processes and be consulted about key

decisions. Having a voice in the justice system is particularly important for diverse and marginalised community members.

- Providing opportunities for victims of crime to be informed and have a voice in the justice process leads to improved outcomes for the community and justice system more broadly, including increased confidence in reporting crimes, better evidence provision, reduced re-traumatisation, and a more efficient and transparent justice process.

QUESTION TIME BRIEF

JACS2021/48-001-006

Portfolio: Human Rights

ISSUE: DISCRIMINATION REFORM

Talking points:

Discrimination Act

- The ACT's Discrimination Act makes it unlawful for someone to discriminate against another person on the basis of a protected attribute, in areas of public life. These areas include education, employment and in receiving goods and services.
- The Discrimination Act identifies a wide range of protected attributes, including race, sex, disability, sexual orientation, religious conviction, and gender identity. More recently added attributes are accommodation status, employment status and immigration status.
- Under the Parliamentary and Governing Agreement for the 10th Assembly, this Government agreed to review the Discrimination Act as part of the implementation of the Capital of Equality Strategy.
- The First Action Plan under the Capital of Equality Strategy commits to "Progress consultations on reforms to the *Discrimination Act 1991*, including reforming exceptions that have a discriminatory effect on the LGBTIQ+ community, drawing on recommendations of the Law Reform Advisory Council."
- The Government has already given effect to a number of the ACT Law Reform Advisory Council Council's recommendations, including through:
    - the *Discrimination Amendment Act 2016*, which refined the objects of the Discrimination Act, broadened its coverage by introducing new protected attributes, refined existing protected attributes, simplified the complaints procedure to promote access to justice, strengthened the law on victimisation so complainants are protected from the threat of detriment for exercising their rights, and expanding protections against vilification to apply to people with disability;
    - the *Discrimination Amendment Act 2018*, which made targeted reforms to prevent discrimination against LGBTIQ+ students and staff in religious educational institutions;

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- the *Justice Legislation Amendment Act 2020*, which changed the definition of 'intersex status' to 'sex characteristics' and included 'gender expression' within the definition of 'gender identity'.

- I intend to release a discussion paper for public consultation in the first half of this year, focusing on reform proposals in relation to the range of exceptions in the Discrimination Act (there are currently over 50 exceptions) as well as the scope of application of the Act to different areas of public life.
- Public consultations will take place with government stakeholders and affected groups, including LGBTIQ+ advocacy groups, clubs, employer and employee groups, and the ACT Law Society and ACT Bar Association.
- Former Attorney-General Mr Ramsay, as a special adviser, has also undertaken preliminary high level conversations with key stakeholders in the community. The results of these coversations will feed into the consultation process.

Media:

On 11 February 2021, the Canberra Times published an article about former ACT Attorney-General Gordon Ramsay's new position in Chief Minister Andrew Barr's office. The article reported that you, the ACT Minister for Human Rights, informed an estimates hearing that Mr Ramsay would assist preliminary stakeholder engagement as part of the review of the *Discrimination Act 1991* (Discrimination Act 1991).

QUESTION TIME BRIEF

JACS2021/48-001-007

Portfolio/s: Human Rights

ISSUE: VICTIM SCHEMES REVIEW: REVIEW OF THE VICTIMS OF CRIME FINANCIAL ASSISTANCE SCHEME, VICTIM SERVICES SCHEME AND VICTIM LEVIES

Talking points:

- Victims need access to therapeutic support services and financial assistance to aid in their recovery and encourage crime to be reported.
- The current review of the:
  - Victims of Crime Financial Assistance Scheme - in the *Victims of Crime (Financial Assistance) Act 2016*
  - Victim Services Scheme - established in the *Victims of Crime Regulation 2000,* and
  - victim levies - in Part 5 of the *Victims of Crime Act 1994* and Part 7 the *Victims of Crime (Financial Assistance) Act 2016*)

  will ensure the ACT is well positioned to meet the recovery needs of victims, and that ACT's schemes are administratively efficient and appropriately offset.
- An independent Review team has consulted with justice and legal stakeholders, people who have experience of crime and accessing the relevant victim support schemes, as well as vulnerable groups including Aboriginal and Torres Strait Islander community members.
- The Review was provided to the Justice and Community Safety Directorate (JACS) at the end of February 2021.
- The recommendations in the report are currently under consideration, with the support and expertise of the Victims of Crime Commissioner, ACT Courts and Tribunal, and ACT Policing.
- The Government will table the Review and a response in the Legislative Assembly by the end of July 2021.

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Key Background Information

- $120,000 was allocated for the review which is being conducted by an independent consortium lead by the the Australian National University (ANU).

Review of legislated requirements

- The Financial Assistance Scheme (FAS) set out in the *Victims of Crime (Financial Assistance) Act 2016* (VOCFA Act) provides payments to victims, including their families and carers, to assist them to recover from acts of violence, including in relation to immediate needs, economic loss and recognition of the harm and trauma caused by violence. The review was appropriate becasue:
    - The operation of VOCFA Act is required to be reviewed as soon as practicable after the end of its third year of operation (expired section 98(2), VOCFA Act).
    - The introduction of the VOCFA Act on 1 July 2016 reformed the statutory scheme for financial assistance for victims of crime in the ACT, transitioning from a Court-based process to an administrative scheme where applications are determined by the Victims of Crime Commissioner (VOCC).
- The Victim Services Scheme (VSS) outlines the eligibility criteria, levels of service provision and functions of the VOCC in relation to administering the scheme. This includes counselling and other therapeutic services, case coordination, and advocacy and assistance to victims as they navigate the criminal justice system.
    - Reviewing the VSS at the same time as the FAS presented an opportunity to ensure the Schemes are operating in effectively and in alignment.
- The victims levies offset the delivery of services to victims of crime. They include the victims services levy (Part 5 of the VOC Act) and the victims financial assistance levy (Part 7 of the VOCFA Act).
    - Reviewing the amount and administration of the victim levies will assist in ensuring that they are administratively streamlined and that services available to victims of crime under the FAS and VSS are appropriately offset.

Victims Charter

- The Charter of Rights for Victims of Crime, established in the *Victims Rights Legislation Amendment Act 2020* which came into effect on 1 January 2021, will further improve the opportunities for victims of crime to receive information and participate in the justice system including in relation to access to information, supports and assistance.
- The Charter replaces the broad, aspirational 'governing principles for the treatment of victims of crime in the administration of justice' in the *Victims of Crime Act 1994* (under section 4) and details victim rights in areas including protection of privacy and safety; access to support services and assistance; provision of information and case updates; and opportunities to participate in the justice process.

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QUESTION TIME BRIEF

JACS2021/48-001-015

Portfolio/s: Human Rights

Claims to Victims of Crime Financial Assistance Scheme and Victims Services Scheme

Talking points:

- Victim Support ACT at the Human Rights Commission is helping more community members than ever before. 2019-20 was the service's busiest year yet. Victim Support administers two key schemes for the benefit of victims, the Victim Services Scheme and the Victims of Crime Financial Assistance Scheme.
- In 2019-20, the Victim Services Scheme registered 689 new clients for case coordination, a 31% increase on 2018-19. Overall, the Scheme helped over 2,100 clients with case coordination, advice information, counselling, court support and justice advocacy. This was a 27% increase on the previous year, and a 53% increase on the same data 5 years ago.
- The Victims Financial Assistance Scheme received 513 applications in 2019-20, a 13% increase on the previous year, and a 375% increase in comparison to the scheme's first year of operation (2016-17). The Scheme paid victims a total of $3.3 million in financial assistance in 2019-20, a 32 per cent increase compared to 2018-19.
- Further, Victim Support's Aboriginal and Torres Strait Islander program provides crucial outreach services to community. The program assisted 186 clients in 2019-20, a 48% increase on the previous year.

Key Information

- Two key schemes are delivered by Victim Support ACT, the Victims Services Scheme (which provides therapeutic care to victims including counselling) and the Victims of Crime Financial Assistance Scheme (which makes payments to aid victim safety and recovery).
- The Victims Services Scheme provides in-house case coordination and court support and facilitates access to therapeutic supports using a brokerage model. The Scheme relies on over 100 approved small business providers who deliver counselling, tutoring and other services to clients.
- The Financial Assistance Scheme acknowledges the harmful effect of crime and assists victim to recover through three types of payments: immediate needs payments which help with urgent medical and safety expenses, payments to cover economic loss and recognition payments which acknowledge the trauma experienced by victims.
- Both schemes have experienced a significant increase in demand over the past 3 years.

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- In the last 12 months, additional safety and financial pressures reported by clients in the context of COVID-19, and community need arising from current community discussion about sexual assault, have driven further demand for victim services.
- Victim Support has worked intensively to respond to this increased demand, prioritising clients who have urgent safety concerns whilst maximising access to long-term, intensive support for clients with complex needs.

Background Information

- The Victims of Crime Commissioner is the head of agency for Victim Support ACT, and became part of the Human Rights Commission in 2016.
- Government is in the final stages of a review of Victim Support ACT's frontline services. The review will explore whether both schemes represent best practice in the delivery of support, assistance and advocacy to victims.
- The broader review includes a legislative review of the first three of operation of the *Victims of Crime Financial Assistance Act* (2016).
- Other functions undertaken by the Victims of Crime Commissioner include:
    - The resolution of victim concerns brought under the new 'Charter of Rights for Victims of Crime' that commenced on 1 January 2021.
    - Administration of the ACT's groundbreaking Witness Intermediary Program, which involves independent communication experts assisting vulnerable witnesses to communicate their best evidence to police and at court.
    - Administration of the ACT's new 'Family Violence Safety Action Pilot', a project facilitated by the ACT Government via the Commonwealth's National Partnership Agreement on Family Violence. The Pilot, which will be evaluated in June 2021, provides coordinated risk identification, assessment and response for high-risk family violence matters that present outside of the criminal justice system.

QUESTION TIME BRIEF

JACS2021/48-001-011

Portfolio/s: Human Rights

Protecting Vulnerable people (covering matters from the Hearing QON)

Talking points:

- I am pleased that as part of the COVID-19 emergency measures the ACT Government has provided an enhanced jurisdiction to the ACT Human Rights Commission to consider complaints about the abuse, neglect or exploitation of vulnerable people, including older people with a disability.
- This new measure complements other reforms progressed by the Government to address elder abuse and support vulnerable people.
- I understand that the Human Rights Commission has already dealt with a number of matters under this new power and has been able to provide assistance to vulnerable people to address a range of concerns, to resolve issues with family members or others and to ensure that they are receiving appropriate support.
- We will consider these powers before they are due to expire (which is a year after the last emergency declaration ceases) with a view to continuing this jurisdiction on a permanent basis.

Key Information

- A number of protections for vulnerable people were introduced in response to the COVID-19 emergency.
- Some measures, including safeguards relating to the risk of misused powers of attorney, have already been made permanent, and others will be reviewed prior to expiry to consider whether they should be continued on a permanent basis.

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QUESTION TIME BRIEF

JACS2021/48-001-016

Portfolio/s: Human Rights

Implementation of the Charter of Rights for Victims of Crime

Talking points:

- The *Victims Rights Legislation Amendment Act 2020* commenced on 1 January 2021, meeting the ACT Government's commitment to establish a Charter of Rights for Victims of Crime.
- The Charter is being underpinned and implemented by a range of practical initiatives to ensure that victims can access their rights. Some of these follow.
- The Victims of Crime Commissioner (VOCC) has been allocated $45,000 for the development of community education and information resources about the Charter and justice processes.
- The adult, youth and affected persons registers are relocating to Victim Support ACT (VSACT) to improve information flow and provide wrap-around support and advocacy for victims when engaging with the justice system.
- Justice agencies are developing guidelines about how they will support victims' rights, which must be published on their website by 1 January 2022.
- Key justice agencies have been given extra ongoing staff resources to assist with victim engagement, including communicating with victims and providing information to other agencies.
- The Victims Advisory Board, a statutory body tasked with providing advice to me on policy and the interests of victims of crime, is monitoring the implementation and impact of the Charter.
- A two year VOCC flexible fund pilot is being trialled, to ascertain how flexible funds can assist to meet diverse and individually identified victim needs to support access to victim rights in practice, filling gaps where other provisions are not available (with funding of $25,000 per year for two years from July 2021).

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Key Background Information

- The Charter details victim rights in areas including protection of privacy and safety; access to support services and assistance; provision of information and case updates; and opportunities to participate in the justice process.
- The accountability framework for the Charter enables victims to approach a justice agency directly, the VOCC or the ACT Human Rights Commission (HRC) with a complaint about a victim right.
- The adult, youth justice and affected persons registers provide information to victims about an offender's sentence and treatment so victims can make decisions about their safety and participate in justice processes.
- A flexible pilot fund is being trialled to respond to public consultation feedback that victims most want and value a justice system that is responsive to their individual needs. While the ACT has multiple avenues for victim support, there are often gaps. As the ACT is a small jurisdiction, it is not viable to establish entirely new services to meet these individualised needs, which are often varied and difficult to predict.
- This pilot is based on a South Australian model. Examples of where funds may be used to support victim participation in the justice process include providing transport, childcare, or interpreting costs for a victim to watch a court proceeding.
- Justice agencies have been provided with the following additional resource (some of which are currently being recruited):
    - VOCC & HRC: 1.2 FTE (in addition to relocation of ASO6 FTE from Corrections to VSACT when the adult victims register is relocated)
    - DPP 1 x FTE
    - ACT Policing 1 x FTE
    - Courts 1 x FTE
    - Corrections 0.5 x FTE
- The Parliamentary Agreement to the 9th Legislative Assembly committed to the introduction of an ACT Rights of Victims Charter. All other states and territories in Australia have introduced victim rights as principles or guidelines.

- This includes the new complaint handling jurisdiction for the ACT Human Rights Commission introduced by the *COVID-19 Emergency Response Legislation Amendment Act 2020*, which allows the Commission to consider complaints about the abuse, neglect or exploitation of vulnerable people including older people and people with a disability.

Background Information

- Other measures taken in this space include the establishment of a criminal offence in relation to the abuse and neglect of vulnerable persons. The HRC powers complement this offence as the HRC can undertake and initial consideration of matters and refer particularly serious cases to the police for consideration of prosecution.

QUESTION TIME BRIEF

JACS2021/48-001-017

Portfolio/s: Human Rights

Complaints to the Victims of Crime Commissioner

Talking points:

- The new Charter of Rights for Victims of Crime commenced on 1 January 2021.
- It is the most comprehensive legislative statement of victim rights in Australia.
- Importantly, the Charter accountability framework aims to ensure victims' concerns are heard, acknowledged and addressed.
- The accountability framework also aims to drive systemic improvements in the way that justice agencies, including the Police and the DPP, engage with victims.
- Under the Charter, victims may raise concerns about breach of their rights:
    - directly with the justice agency;
    - with the Victims of Crime Commissioner; and/or
    - by making a formal complaint to the Disability and Community Services Commissioner at the Human Rights Commission.
- A victim is not required to have made a complaint to a justice agency before raising a victim's rights concern with the Victims of Crime Commissioner.
- The Victims of Crime Commissioner has broad information gathering powers to assist in rapid resolution of victim rights concerns.
- Each year, the Victims of Crime Commissioner must include a statement of how many victim rights concerns were received in her annual report. For each concern raised, the Victims of Crime Commissioner must also include information concerning the right in relation to which the concern was raised and whether the concern was resolved.

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Key Information

- The Charter of Rights for Victims of Crime includes rights to:
    - the provision of information about justice processes;
    - regular case updates from police;
    - where appropriate, the right to provide views on key decisions made by the prosecution; and
    - opportunities for participation at different points in justice proceedings.

- Since 1 January 2021, the Victims of Crime Commissioner has received and recorded 26 victims rights concerns under the Charter of Rights.
- To date, the most common agency about whom victims have complained is ACT Policing.
- To date, the most common area of victims rights concerns have been about a justice agency not engaging with a victim respectfully and with appropriate regard to the victim's personal situation, needs, concerns, rights and dignity (s 14C) and the police not updating victims about the status of investigations (s 16A).

Background Information

- Prior to 1 January 2021, the Victims of Crime Commissioner had an obligation under the *Victims of Crime Act 1994* (ACT) to monitor and promote compliance with the 'Governing Principles'. The Governing Principles were a set of statements that established a framework for how criminal justice agencies should engage with victims. The Victims of Crime Commissioner was required to try to resolve any concern raised by a victim about a justice agency's non-compliance with the Governing Principles.

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QUESTION TIME BRIEF

JACS2021/48-001-008

Portfolio/s: Human Rights

Work to further Voluntary Assisted Dying and territory rights

Talking points:

- Legislating for voluntary assisted dying can be compatible with human rights provided there are strong safeguards in place to prevent abuse.
- However, the ACT is not able to legislate in relation to voluntary assisted dying due to restrictions imposed by the Commonwealth under the *Australian Capital Territory (Self-Government) Act 1988* (Self Government Act).
- This is a limitation on the rights of people in the ACT to participate in public life and decision-making as part of a democratic process, and also limits equality rights as these restrictions do not apply to residents of other States.
- In the first half of 2021, all States in Australia will have either passed legislation for voluntary assisted dying or will likely have a Bill before their parliament. This starkly demonstrates the inequitable position of the ACT and the Northern Territory - which is subject to similar restrictions.
- On 3 March 2021 The Northern Territory Attorney General the Hon Selena Uibo and I wrote to the Commonwealth Attorney-General, Deputy Prime Minister and Assistant Minister for Regional Development and Territories raising our concerns about the impact of the Commonwealth legislative impediment on Territory rights.
- I intend to move a motion in the Assembly calling for the restoration of territories' rights and seeking the support of all members of the Assembly on this issue.

Key Information

- Voluntary assisted dying engages the right to life and the right to privacy and autonomy. It also engages the freedom of thought, conscience, religion and belief where health practitioners conscientiously object to participating in voluntary assisted dying.
- The right to life is generally not interpreted as conferring a 'right to die', but it also does not require an absolute prohibition on assistance in dying.

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- A balance must be struck between the protection of human life and the protection of a person's right to respect for their privacy and personal autonomy.
- If the ACT were to legislate a voluntary assisted dying regime, strong safeguards would need to be in place to prevent abuse. This would include strong safeguards around eligibility criteria, as well as provisions allowing for conscientious objection by health practitioners.
- Amendments introduced into the ACT's Self Government Act by the Federal Parliament in 1997 prohibit the ACT from legislating on euthanasia or assisted suicide.
- It has been the Government's longstanding view that Commonwealth laws that preclude the ACT from legislating in this area should be amended.
- By prohibiting the citizens of the ACT from deciding for themselves, through their elected representatives, whether to legislate in the area of voluntary assisted dying, the legislative restrictions on the ACT imposed by the Federal Parliament limit the right to take part in public life.
- Citizens of the ACT are also entitled to enjoy their human rights without distinction or discrimination of any kind. Citizens of the ACT are denied their right to participate in public life on questions relating to voluntary assisted dying on the basis of their residence in a Territory; their counterparts in neighbouring States are able to decide such questions for themselves (through electing representatives).
- Regardless of one's views on voluntary assisted dying, there should not be any controversy in allowing the ACT to decide for itself whether to introduce such legislation, and to allow citizens of the ACT an equal opportunity to legislate on this matter if the community desires.
- Other states in Australia have taken action on this:
    - Victoria introduced voluntary assisted dying legislation in 2017 - with significant focus on human rights issues.
    - Voluntary assisted dying will become an end of life option available to eligible adults in Western Australia from mid-2021.
    - In March 2021, the Tasmanian parliament passed the *End of Life Choices (Voluntary Assisted Dying) Bill 2020*.
    - The Queensland Law Reform Commission is currently considering draft legislation.
    - A private member's bill was introduced in South Australia in late 2020 and another will be introduced in New South Wales in 2021.
- In the first half of 2021, *all* states in Australia will have either passed legislation for voluntary assisted dying or will likely have a Bill before their parliament. This starkly demonstrates the inequitable position of the ACT.

QUESTION TIME BRIEF

Background Information

- The effect of the *Euthanasia Laws Act 1997* (Cth) was to amend the *Australian Capital Territory (Self-Government) Act 1988* (Cth) so that the ACT is prohibited from legislating on euthanasia or assisted suicide.
- The issues surrounding legislating voluntary assisted dying in the ACT are considered in some detail in the Report of the ACT Legislative Assembly Select Committee into End of Life Choices in March 2019.

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QUESTION TIME BRIEF

JACS2021/48-001-012

Portfolio/s: Human Rights

Privacy and data retention for Check in CBR

Talking points:

- The compulsory use of the Check in CBR App is considered to be one of the least restrictive means of collecting data for the purposes of managing an outbreak of COVID-19 in the Territory.

- The personal information that is collected is minimal (name and phone number or email address) and is deleted after 28 days in accordance with the privacy policy for the Check in CBR app.

- Furthermore, the data is provided directly to ACT Health and not through a third party, and is only accessed by ACT Health if necessary – which would be if there were to be a COVID-19 outbreak in the ACT.

- Using the app is more protective of privacy than using written registers where customers can see the details of previous customers.

- Similar contact tracing measures have been implemented in other states and territories, and both Queensland and Victoria, which are also jurisdictions with Human Rights legislation.

- The Check in CBR app has a 'business profile' enabling businesses and undertaking to check in persons without a smart phone, or who might not be able to check in themselves. In addition, the app has a feature which allows individuals to check-in people who are attending a venue or business with them.

Key Information

Statistics to 15 March 2021

- There have been 5.34 million check in entries (includes additional guests checked in at the same time) since launch day on 9 September 2020.
- Of those check ins, 2.93 million check in entries have been deleted in accordance with the requirement to only save data for 28 days from the check in date.
- As at 15 March 2021, ACT Health has not accessed any data collected through the Check In CBR app as there has been no contact tracing requirement.

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QUESTION TIME BRIEF

JACS2021/48-001-013

Portfolio/s: Human Rights

Progress of Our Booris Our Way recommendations (including the Children's Commissioner)

Talking points:

- The Parliamentary and Governing Agreement for the 10th Assembly reflects ACT Labor's commitment to implementing all the recommendations of the Our Booris Our Way (OBOW) review - including the recommendation to establish an Aboriginal and Torres Strait Islander Children's Commissioner.
- There is a desire in the community to have the Commissioner established as soon as possible.
- It is essential that the Commissioner have the confidence of the Aboriginal and Torres Strait Islander community, and that the policy and legislative framework should be developed through an authentic and representative co-design process.
- As policy and legislation is developed to deliver on this commitment, genuine and effective engagement community will be essential and project timeframes will need to accommodate that engagement. Government does not want to pre-empt or presume the outcome of this co-design and consultation.
- JACS will initiate a co-design process within the second quarter of 2021 to develop and refine the proposed Commissioner's scope, functions, governance arrangements and recruitment process.
- Preliminary work on this recommendation has been underway for some time. In particular, in June 2020 consideration of this recommendation commenced through the independent Protection of Rights Services (PoRS) review.

Key Background Information

- The *Our Booris, Our Way* review was announced in large part to address the over-representation of Aboriginal children in the care and protection, and juvenile detention, systems.
- In December 2019, the OBOW Review issued 28 recommendations to Government. However as early as 2018, the Govervent was informed of the recommendation that an Aboriginal Children's Commissioner be established.
- The establishment of the proposed Commissioner sits within your portfolio as Minister for Human Rights, but many of the OBOW recommendations will be actioned and implemented by the Minister for Aboriginal and Torres Strait Islander Affairs.

Cleared as complete and accurate:	24/03/2021	
Cleared for public release by:	Executive Branch Manager	Ext: 76192
Contact Officer name:	Erin Maher	Ext: 51445
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/48-001-013	

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QUESTION TIME BRIEF

- The Protection of Rights Services Review also considerd the OBOW recommendation to establish a Commissioner. It has now been finalised and will be tabled in the Legislative Assembly before 23 June 2021. The PoRS review underpins the broad community and stakeholder support for the establishment of an Aboriginal and Torres Strait Islander Children's Commissioner in the ACT.

Further Background Information

- On 12 February you received a redirected Question on Notice regarding the progress the Government is making toward appointing and Aboriginal and Torres Strait Islander Children's Commissioner.
- You replied [MIN:2021/000379] that the Government did not have a specific timeframe and that preliminary work on this recommendation has been underway for some time.

QUESTION TIME BRIEF

Background Information

N/A

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Cleared for public release by:	Executive Branch Manager	
Contact Officer name:	Zoe Hutchinson	Ext: 76192
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QUESTION TIME BRIEF

LEG:2021/00018

Portfolio/s: Human Rights

Progress of the Protection of Rights Services Review

Talking points:

- The Protection of Rights Services Review (PoRS Review) formally commenced on 24 June 2020.
- The PoRS Review was conducted by an independent reviewer, Insight Consulting Australia.
- The purpose of the review was to consult with stakeholders and the broader community to consider the extent to which the protection of rights services reforms achieved their intended aims across the following areas:
    - leadership and governance;
    - complaint handling;
    - service delivery;
    - improving the operation of the Public Trustees and Guardian;
    - visibility in the community; and
    - other issues raised by stakeholders during the consultation.
- The review also considered and consulted stakeholders and the community in relation to the recommendation from the interim report on the *Our Booris, Our Way* review to establish an Aboriginal and Torres Strait Islander Children's Commissioner.
- The PoRS Review provided their final report to JACS on 25 February 2021, well within the statutory deadline to tabel the final report in the Legislative Assembly by 23 June 2021.
- A Government Response to the PoRS Review will also be tabled alongside the final review report.
- The final report does not include recommendations that propose significant legislative reform of the HRC or PTG.

Cleared as complete and accurate:	25/03/2020	
Cleared for public release by:	Executive Branch Manager	Ext:76192
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Lead Directorate:	Justice and Community Safety	
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- The PoRS Review supports the establishment of an Aboriginal and Torres Strait Islander Children's Commissioner in the ACT, which the Government committed to in the 10th Parliamentary and Governing Agreement.
- The review consulted widely with government directorates and agencies and external stakeholders, including peak bodies, non-government organisations, Aboriginal and Torres Strait Islander organisations and community members and the public.

Key Background Information

- The *Protection of Rights (Services) Legislation Amendment Act 2016* brought about a range of reforms to the structure and operation of protection of rights services in the ACT, bringing the Public Advocate and the Victims of Crime Commissioner into the ACT Human Rights Commission (HRC), and transferring the guardianship functions of the Public Advocate to the Public Trustee and Guardian (PTG).
- The complaints handling function of the HRC was consolidated under one Commissioner (the Discrimination, Health Services, Disability and Community Services Commissioner) and the Public Advocate and Children and Young People Commissioner role was combined. The leadership of the HRC was also reformed with the establishment of a position of President and the development of new governance mechanisms, including a Governance Protocol with the Justice and Community Safety Directorate, a Community Client Service Charter and an Internal Operations Protocol.
- The aims of the reforms included strengthening the leadership, governance and co-ordination of key rights protection services forming the HRC, and improving accountability of these agencies, while ensuring that service accessibility was maintained. It was also intended that the reforms to the PTG would result in a joined-up service for clients and bring a wider range of experienced staff with expert personal guardianship and financial management skills together to act for Canberrans with impaired decision-making capacity.
- Under the *Human Rights Commission Act 2005*, the Minister must review the operation of that Act and the *Public Trustee and Guardian Act 1985*, as amended by the protection of rights services amendments, to review the effectiveness of the

restructuring of the rights protection services including how the amendments promote the objects (express or implicit) of those Acts.

Further Background Information

- A Question Time Brief on QTB- LPP - HRC - Progress of Our Booris Our Way recommendations (including the Children's Commissioner) has been separately provided at JACS2021/48-001-013.

LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

QTON No. JACS 9

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
JEREMY HANSON CSC MLA (CHAIR), MARISA PATERSON MLA (DEPUTY CHAIR), JO CLAY MLA

Inquiry into referred 2019–20 Annual and Financial Reports and Budget Estimates 2020-21
ANSWER TO QUESTION TAKEN ON NOTICE
19 February 2021

Asked by Mr Jeremy Hanson MLA:

In relation to: Review of the Discrimination Act and engagement of former Minister Gordon Ramsay

> "I have got a follow up for you on Mr Ramsay. I just want to clarify, is he on a contract or has he been employed in the Chief Minister's office? Do you know?
> Who commissioned—I thought you would commission that body of work.
> Right. Who did execute the contract?
> Could you take that on notice? Is that possible?
> If you could provide just some information on who executed the contract and was it put to tender or information you get around that would be viable without a breach of privacy. Who employed him, for what duration, was there any tender process for a contract and so on."

Minister Cheyne: The answer to the Member's question is as follows:

> Mr Ramsay is a Legislative Assembly Members Staff (LAMS) member working within the Chief Minister's Office.
>
> Mr Ramsay has been engaged by the ACT Executive on a LAMS temporary contract.
>
> The standard LAMS executive staff appointment process was followed.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature: Tara Cheyne Date: 26/2/21

By the Minister for Human Rights, Tara Cheyne MLA

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