ACT Government
Justice and Community Safety

Open Access release outcome decision – Partial access granted

Document Category: Ministerial Briefs

Title of document: Attorney General – Quarter 1 2021 Ministerial Briefs

Description of the information: Question Time Briefs provided to the Attorney General between 1 January and 31 March 2021.

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

Grounds for decision to withhold disclosure

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

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

2.1 Factors favouring disclosure in the public interest

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

(i) promote open discussion of public affairs and enhance the government's accountability;

(ii) contribute to positive and informed debate on important issues or matters of public interest;

(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 additionally helps in promoting government accountability and transparency.

2.2 Factors favouring non-disclosure in the public interest

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

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

On balance, I consider the ministerial briefs to be in the public interest to release, with minor redactions. This includes redactions to the personal information of ACT Policing staff where disclosure could reasonably be expected to prejudice their right to privacy.

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
8 April 2026

ACT Government
Justice and Community Safety

OPEN ACCESS Q1 2021 SCHEDULE
PORTFOLIO: ATTORNEY-GENERAL

No.	Folio	Description	Date	Status	Reason for non-release or deferral
Question Time Briefs - Sitting Days 9-11 February 2021					
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2	3-8	COVID-19 Impacts-Relief to clubs and licensed premises	February		
3	9-13	Awareness of legal assistance services during COVID-19	February		
4	14-20	Support for community service providers during the COVID-19 pandemic	February		
5	21-23	Talking Points - Spitting or coughing at frontline workers (COVID-19) - ACT criminal law response	February		
6	24-29	Gaming Harm Reduction Measures	February		
7	30-34	Updates on incentive applications under Voluntary Surrender Agreements	February		
8	35-41	Community Contributions	February		
9	42-55	Club Engagement	February		
10	56-62	How the ACT Liquor Act compares to NSW changes	February		
11	63-64	R v UG [2020] ACTCA 8 and the Crimes (Sentencing) Act 2005	February		
12	65-67	Resourcing of Magistrates and Coroners Court	February		
13	68-71	Coroner's Court Reform	February		
14	72-75	Drug and Alcohol Court	February		
15	76-80	National Security Issues	February		
16	81-83	OMCG Incidents – Taskforce Nemesis	February	Partial	Sch 2, s2.2 (a)(ii)
17	84-87	Serious and Organised Crime Response	February		
18	88-89	Assaults on Police and Emergency Services Personnel	February		
19	90-94	Property Crime (Rates, Strategy and OTO Campaign)	February	Partial	Sch 2, s2.2 (a)(ii)
20	95-97	Strong Connected Neighbourhoods (incl. Jerilderie Court)	February		
21	98-100	2019 – 2028 Aboriginal and Torres Strait Islander Agreement/Justice Action Plan	February		
22	101-107	Restorative Justice	February		
23	108-113	Reducing Recidivism	February		
24	114-116	Crimes (Offenses Against Vulnerable People) Amendment Bill 2020	February		
25	117-122	Residential Tenancies	February		
26	123-126	Review of child protection decisions in the ACT	February		
27	127-129	Tenant's Advisory Service	February		
28	130-132	Age of Criminal Responsibility	February		
29	133-135	Review into Whole of Justice System Interactions with Aboriginal and Torres Strait Islander People	February		
30	136-137	Positive Definition of Consent - Consent Legislative Reforms	February		
2020-21 Budget Day - Sitting Day 9 February 2021					
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32	140-152	2020-21 Budget Summary (including summary of JACS Initiatives)	February		
33	153-156	2020-21 Budget Initiatives Summary - AG/MFG/MFCA	February		

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35	158	More support for families and inclusion - Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse	February		
36	159	Increased Magistrates Court resourcing	February		
37	160-161	Strengthening Legal and Court Support for Vulnerable Young People and Families Affected by Domestic and Family Violence	February		
38	162	More support for families and inclusion - Enhancing the Victims of Crime Financial Assistance Scheme (w MHR)	February		
39	163-164	Supporting Community Clubs – 19-20 funding (Territorial) and Gaming Machine Authorisation Surrender Incentive extension	February		
40	165	Commencing installation of Mobile Device Detection Cameras	February		
41	166	Community Clubs Ministerial Advisory Council	February		
42	167	More support for the Public Trustee and Guardian	February		
43	168-172	Rollovers	February		
44	173	2020-21 Budget Staffing FTE by Ministerial Portfolio	February		
45	174-185	2019-20 Audited Outcome & 2020-21 Budget Variance - Controlled	February		
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47	193-194	2020-21 Strategic and Accountability Indicators - Output 1.1 Policy Advice and Justice Programs	February		
48	195	2020-21 Strategic and Accountability Indicators - Output 1.2 Legal Services to Government	February		
49	196	2020-21 Strategic and Accountability Indicators - Output 1.3 Parliamentary Counsel's Office	February		
50	197	2020-21 Strategic and Accountability Indicators - Output 1.4 Director of Public Prosecutions	February		
51	198-201	2020-21 Strategic and Accountability Indicators - Output 3.1 Courts and Tribunal	February		
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53	204-209	COVID-19 Impacts-Relief to clubs and licensed premises	March		
54	210-214	Awareness of legal assistance services during COVID-19	March		
55	215-221	Support for community service providers during the COVID-19 pandemic	March		
56	222-223	Talking Points - Spitting or coughing at frontline workers (COVID-19) - ACT criminal law response	March		
57	224-229	Gaming Harm Reduction Measures	March		
58	230-232	Diversification and Sustainability Fund	March		
59	233-237	Updates on incentive applications under Voluntary Surrender Agreements	March		
60	238-241	Community Contributions	March		
61	242-246	Club Engagement	March		
62	247-253	How the ACT Liquor Act compares to NSW changes	March		
63	254-255	R v UG [2020] ACTCA 8 and the Crimes (Sentencing) Act 2005	March		
64	256-258	Resourcing of Magistrates and Coroners Court	March		
65	259-262	Coroner's Court Reform	March		
66	263-266	Drug and Alcohol Court	March		

No.	Folio	Description	Date	Status	Reason for non-release or deferral
67	267-268	Judge Alone Trials	March		
68	269-271	Family Violence Act Review	March		
69	272-276	National Security Issues	March		
70	277-279	OMCG Incidents – Taskforce Nemesis	March	Partial	Sch 2, s2.2 (a)(ii)
71	280-283	Serious and Organised Crime Response	March		
72	284-285	Assaults on Police and Emergency Services Personnel	March		
73	286-290	Property Crime (Rates, Strategy and OTO Campaign)	March	Partial	Sch 2, s2.2 (a)(ii)
74	291-293	Strong Connected Neighbourhoods (incl. Jerilderie Court)	March		
75	294-297	2019 – 2028 Aboriginal and Torres Strait Islander Agreement/Justice Action Plan	March		
76	298-305	Restorative Justice	March		
77	306-311	Reducing Recidivism	March		
78	312-314	Crimes (Offenses Against Vulnerable People) Amendment Bill 2020	March		
79	315-319	Residential Tenancies	March		
80	320-323	Review of child protection decisions in the ACT	March		
81	324-326	Tenant's Advisory Service	March		
82	327-329	Age of Criminal Responsibility	March		
83	330-332	Cannabis prosecution assistance	March		
84	333-337	Review into Whole of Justice System Interactions with Aboriginal and Torres Strait Islander People	March		
85	338-339	Positive Definition of Consent - Consent Legislative Reforms	March		

ACT Government
Justice and Community Safety

SHANE RATTENBURY MLA
ATTORNEY-GENERAL/MINISTER FOR GAMING/MINISTER FOR CONSUMER AFFAIRS
QUESTION TIME BRIEFS PACK
9-11 FEBRUARY 2021

COVID-19 Related	
1.	COVID-19 Impacts-Relief to clubs and licensed premises
2.	Awareness of legal assistance services during COVID-19
3.	Support for community service providers during the COVID-19 pandemic
4.	Talking Points - Spitting or coughing at frontline workers (COVID-19) - ACT criminal law response
Racing and Gaming	
5.	Gaming Harm Reduction Measures
6.	Updates on incentive applications under Voluntary Surrender Agreements
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9.	How the ACT Liquor Act compares to NSW changes
Judicial/Courts	
10.	*R v UG [2020]* ACTCA 8 and the *Crimes (Sentencing) Act 2005*
11.	Resourcing of Magistrates and Coroners Court
12.	Coroner's Court Reform
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Security and Crime	
14.	National Security Issues
15.	OMCG Incidents – Taskforce Nemesis (Copy of ACT P Brief only)

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16.	Serious and Organised Crime Response (Policy)
17.	Assaults on Police and Emergency Services Personnel
18.	Property Crime (Rates, Strategy and OTO Campaign)
19.	Strong Connected Neighbourhoods (incl. Jerilderie Court)
Justice	
20.	2019 – 2028 Aboriginal and Torres Strait Islander Agreement/Justice Action Plan
21.	Restorative Justice
22.	Reducing Recidivism
General	
23.	Crimes (Offenses Against Vulnerable People) Amendment Bill 2020
24.	Residential Tenancies
25.	Review of child protection decisions in the ACT
26.	Tenant's Advisory Service
27.	Age of Criminal Responsibility
28.	Cannabis prosecution assistance
29.	Review into Whole of Justice System Interactions with Aboriginal and Torres Strait Islander People
30.	Positive Definition of Consent - Consent Legislative Reforms

QUESTION TIME BRIEF

JACS2021/46-001-005

Portfolio: Minister for Gaming

ISSUE: COVID-19 Impacts - Relief to clubs and licensed premises

Talking points:

- The Government has provided urgent financial support to clubs and licensed premises affected by emergency closure directions and ongoing restrictions necessary in response to the COVID-19 public health emergency.
- Amendments passed in the Assembly on 2 April 2020 gave effect to the following Economic Survival Package initiatives:
    - suspending the obligation of clubs to make payments to the Diversification and Sustainability Support Fund (DSSF) for a 12-month period;
    - allowing the Attorney-General to declare certain payments to be emergency community purpose contributions for a certain period during and after the emergency closure directions;
    - providing that clubs will be able to claim $2 for every $1 the club contributes to charitable support by preparing or providing food for emergency-affected people, to assist clubs in meeting their community contributions obligations;
- The Government has delivered emergency relief funding of approximately $3.3 million to clubs from the DSSF to support them to keep their workers employed or provide other income support, and will continue Government contributions to the DSSF despite the suspension of clubs' payments to the fund.
- Since June, the Government has offered cash payments of $15,000 to gaming machine licensees (clubs and hotels) in exchange for each surrendered gaming machine authorisation, with the payments being used towards:
    - staff employment;
    - diversification activities and initiatives; and
    - energy and water efficiency measures.

Cleared as complete and accurate:	02/02/2021	
Cleared for public release by:	Executive Group Manager	Ext:
Contact Officer name:	Pamela Avell	Ext: 50072
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/46-001-005	

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- The incentive is available to all gaming machine licensees on a 'first come, first served' basis ending:
    - when applications have been received for a total of $3.75 million in incentive payments (i.e. up to a total of 250 authorisations); or
    - at 11.59pm on 30 June 2021.
- To date, a total of 129 authorisations have been surrendered by clubs under this incentive, for cash payments totalling $1.935m. There are sufficient funds remaining for the surrender of further 121 authorisations.
- Under the *Gaming Machine (Emergency Community Purpose Contribution—Club Employees) Declaration 2020*, clubs can claim staff wages as community purpose contributions, provided the amount meets or exceeds the relevant minimum wage under the *Registered and Licensed Clubs Award 2010*. This measure extends until 23 March 2021 to provide support to clubs and their workers during the emergency period and into the recovery phase.
- Under the *Gaming Machine (Emergency Community Purpose Contribution—Local Live Performance Industry) Declaration 2020*, clubs can claim contributions made to or for the local live performance industry for music or other live entertainment (other than sport) from 28 August 2020 until 31 August 2021 as *emergency community purpose contributions*. This measure will provide support to the local live performance industry, which continues to be affected by COVID-19.
- The Government has waived fees for most liquor licences and permits for 12 months to put approximately $5.8 million dollars back into the pockets of licensed businesses at a time when they need it most.
    - In particular, annual liquor licence fees are waived for all on licensees, and for off licensees with a gross liquor purchase value of $3 million or less in the last reporting period.
    - Additionally, free commercial liquor permits were issued to on licensees for three months from 25 March 2020 to allow them to sell takeaway liquor. Fees will also be waived to extend commercial liquor permits to sell takeaway liquor for up to 12 months from the date of first issue.

  - These fee waivers are providing support for liquor licensees' efforts to adapt their business models during the emergency business closures. Fees will also be waived for existing on licensees who apply for general liquor licenses to allow them to sell both in-house and take-away liquor on an ongoing basis.

- Other support measures for clubs and licensed premises announced as part of the Economic Survival Package include:
  - waiver or refund of gaming machine tax liabilities for March 2020 gaming activity (for clubs that pay tax monthly) or gaming activity in the first quarter of 2020 (for clubs that pay tax quarterly);
  - Icon Water rebate of fixed water and sewerage charges for the next two quarters; and
  - waiver or refund of annual licence fee and gaming machine tax liability for March 2020 activity for Casino Canberra.
- Clubs may have also benefitted from additional business supports and measures announced in the Economic Survival Package, such as payroll tax relief.
- Some clubs may have benefitted from sport and recreation sector support measures, including a waiver of ACT Government sportsground hire fees for the Winter 2020 season and suspension of existing invoices for sportsground hire fees until 1 July 2020.

Key Information

- On 23 March 2020, the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020* [NI2020-169] (repealed) (the closure direction) directed the closure of:
  - businesses that supply liquor for consumption ON the premises but not including any part of those businesses that sell liquor for consumption OFF the premises as defined by the *Liquor Act 2010*;
  - hotels, whether licensed or unlicensed, but not to the extent that they provide accommodation, takeaway meals or a meal delivery service, or a bottleshop;
  - a casino;
  - cinemas, nightclubs or entertainment venues of any kind;
  - restaurants or cafes, other to than to the extent that they provide takeaway meals or a meal delivery service.

- These restrictions have been eased in line with Canberra's Recovery Plan.
- Casinos and gaming facilities in clubs were permitted to reopen from 9 am on Monday 10 August 2020.

Background Information

DSSF emergency relief for clubs

- The Government has distributed emergency relief funding of approximately $3.3 million from the Diversification and Sustainability Support Fund (DSSF) to clubs affected by COVID-19.
- This funding is made up of approximately $0.8 million contributed by clubs according to the number of gaming machine authorisations held, approximately $1 million contributed by the Government as part of its undertaking to match clubs' contributions for the first three years of the DSSF's operation, and a further $1.5 million of additional funding provided by the Government.
- Funds from the DSSF must be used by ACT clubs to support the payment of wages and other financial support to staff.
- Clubs provided an undertaking to use the funds for the purpose for which they are provided and, as required, provide evidence that funds were used for the agreed purpose.
- At the second Club Presidents' Forum in July 2020, clubs welcomed the former Attorney-General's announcement that the Government will continue to contribute to the DSSF despite clubs' contributions being temporarily suspended. Clubs acknowledged that the DSSF emergency relief funding had assisted clubs, including to support staff ineligible for other income support.

Government amendments to the *Gaming Machine Act 2004*

- Amendments to the *Gaming Machine Act 2004* which were passed on 2 April 2020 (in the *COVID-19 Emergency Response Act 2020* and the *Gaming Machine Amendment Act 2020*) will assist clubs in their compliance with the community contributions scheme.
- Amendments will also suspend clubs' obligation to contribute to the DSSF for 12 months and allow clubs to meet their community contribution requirements more flexibly.
- The *Gaming Machine (Emergency Community Purpose Contribution—Club Employees) Declaration 2020* [DI2020-139] allows clubs to claim as *emergency community purpose contributions* wages or salary paid to club employees and payments made to emergency-affected club employees from 23 March 2020 until 23 March 2021. These payments must be equivalent to the *Registered and Licensed Clubs Award 2010* rate. Further details are included in the declaration.

- The *Gaming Machine (Emergency Community Purpose Contribution—Local Live Performance Industry) Declaration 2020* [DI2020-252] allows clubs to claim as *emergency community purpose contributions* contributions made to or for the local live performance industry for music or other live entertainment (other than sport) from 28 August 2020 until 31 August 2021.

Waivers for liquor licence and permit holders

- Amendments to the *Liquor Regulation 2010* allow the Commissioner for Fair Trading to waive some liquor permit and licence fees to mitigate the impacts of closure declarations on licensed businesses.
    - Annual liquor licence fees are waived for 12 months from 1 April 2020 for all on licensees and for off licensees with gross liquor purchase values of $3 million or less in the last reporting period
    - Fees for commercial liquor permits to allow on licensees to sell takeaway liquor are waived for 12 months from 25 March 2020.
    - Additional fee waivers will be offered to existing on licensees who apply for a general liquor licence and to existing commercial liquor permit holders to extend their liquor permit for up to a total of 12 months.

Surrender of Gaming Machine Authorisations

- In June, the *COVID-19 Economic Survival Package – Gaming Machine Authorisation Surrender Incentive* offered to gaming machine licensees at clubs or hotels a payment of $15,000 for every gaming machine authorisation surrendered to the Government. Payments received under this initiative had to be used towards the employment of staff. 109 authorisations were surrendered by clubs in exchange for payments totalling $1.635 million, before the deadline on 30 June 2020.
- The Government has subsequently twice extended the availability of the incentive and allowed the incentive payment to be used for an expanded range of purposes, as follows:
    - staff employment;
    - diversification activities and initiatives; and
    - energy and water efficiency measures.
- The extended incentive is available on a ‘first come, first served’ basis, ending:
    - when applications have been received for a total of $3.75 million in incentive payments (i.e. applications have been received for the surrender of a further 121 authorisations in addition to the 129 already surrendered); or
    - at 11.59pm on 30 June 2021.
- In October 2020, one club surrendered a further 20 authorisations in exchange for a cash payment of $300,000.

- To date, the total number of authorisations surrendered under the incentive is 129, with $1.935 million in incentive payments paid to participating clubs.The surrender of these authorisations has reduced the ACT's total number of authorisations from 3,997 to 3,868. This figure was capped by the *Gambling and Racing Control (New Cap on Number of Authorisations) Notice 2020 (No 3) NI2020-762* on 1 November 2020.

QUESTION TIME BRIEF

JACS2021/46-001-023

Portfolio/s: Attorney-General

ISSUE: ACCESS TO LEGAL ASSISTANCE SERVICES DURING COVID-19

Talking points:

- The ACT's legal assistance sector continues to work to support Canberrans respond to the impacts of COVID-19. I would like to reassure Canberra that its legal assistance service providers, including Legal Aid ACT, the Aboriginal Legal Service and the ACT's community legal centres, have continued to operate and have been able to be accessed during this critical time.
- COVID-19 has meant that some service providers are now operating in different ways, including offering services by phone, video or online. I encourage Canberrans to check the websites and social media platforms of service providers for updates about how they can continue to access their services.
- The Government recognises the critical role that the legal assistance sector plays in supporting Canberrans through COVID-19. Organisations within this sector provide vital services to vulnerable Canberrans, including people experiencing domestic and family violence, people with lived experience of homelessness and tenants and occupants who may be involved in disputes about their rental agreements.
- On 25 May 2020, the legal assistance sector launched its new website canberracovidlegalhelp.org.au - a single legal portal to assist Canberrans obtain the right legal information, and the right legal service for their needs. With funding provided through the Chief Minister's Charitable Fund (among other sources) the website brings together the expertise of Canberra Community Law, Women's Legal Centre ACT, Legal Aid ACT, CARE Financial Counselling and Economic Justice Australia, to provide up-to-date legal information for the Canberra Community during this time.

Cleared as complete and accurate:	30/11/2020	
Cleared for public release by:	Deputy Director-General	Ext:
Contact Officer name:	Kelly Lokan	Ext: 51772
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/46-001-023	

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- Should you require further legal assistance, you can contact the following services:
    - Legal Aid – 1300 654 314
    - Women's Legal Centre – (02) 6257 4377
    - Canberra Community Law – (02) 6218 7900
    - CARE Financial– (02) 6257 1788
    - The Consumer Law Centre – (02) 6143 0044
    - Environmental Defenders Office – canberra@edo.org.au
    - Aboriginal Legal Service NSW/ACT – (02) 6120 88 00
- The services provided by Legal Aid and the Community Legal Centres can be accessed free of charge. If a service provider is unable to help you, they will refer you to someone who can.

If asked about Commonwealth funding to the ACT to support the legal assistance sector during COVID-19

- On 28 May 2020, the ACT Government signed the *Project Agreement for COVID Funding to the Legal Assistance Sector*. The funding will deliver over $1.39 million in Commonwealth funding to the ACT Legal assistance sector between 2019-20 and 2020-21 to help the sector support people who have been impacted by COVID-19.
- This funding will support the sector to have the ICT capacity to deliver services remotely, and provide for increased frontline services to meet the additional demand flowing from the COVID-19 emergency.
- This announcement was welcomed by the ACT Government.
- The frontline services funding will deliver increased legal assistance support for Canberrans in 2020-21 through:
    - the engagement of a family law lawyer and an employment and discrimination lawyer at the Women's Legal Centre;
    - the engagement of a housing law lawyer at Canberra Community Law;
    - enabling the Consumer Law Centre and CARE Inc to provide the Reach Out Program to support Canberrans impacted by economic abuse;

- the engagement of an additional lawyer in Legal Aid ACT's Family Violence Unit and Older Persons ACT Legal Service;
- additional resourcing to support Legal Aid ACT to provide an employment advice service to Canberrans whose employment has been impacted by COVID-19;
- the engagement of a senior trial advocate at the Aboriginal Legal Service NSW/ACT to support Aboriginal and Torres Strait Islander people accessing the justice system.

- The ACT Government has provided further funding to Canberra Community Law to engage a social security lawyer in 2020-21 to support Canberrans who have been impacted by COVID-19.

Key Information

- Legal Aid ACT has a helpline for general legal information and advice that is open to all members of the community. It runs the Tenancy Advice Service and the Older Persons ACT Legal Service in the ACT, as well as many other services. More information is available at: http://www.legalaidact.org.au/
- The Aboriginal Legal Service Canberra Office provides legal advice, court representation and referral support in the area of criminal law for the Aboriginal and Torres Strait Islander community of the ACT and surrounds. It also provides a range of culturally specific community justice programs. More information is available at: https://www.alsnswact.org.au/
- Canberra Community Law (CCL) is providing legal advice, assistance and representation to people in the ACT on low incomes for matters relating to public housing, community housing and occupancy agreements, social security and disability discrimination law, including issues related to COVID-19.
- CCL is still providing public housing, social security and race discrimination legal services to Aboriginal and Torres Strait Islander communities through its Dhurrawang Aboriginal Human Rights Program and general law services to people who are homeless or at risk of experiencing homelessness through its Street Law program.

- CCL's Night Time Legal Advice Service (NTLAS) operates from February to November each year on Tuesday nights. NTLAS provides one off advice in most areas of law not covered by CCL's day time services. NTLAS is available on 02 6218 7000. Intake is done between 6pm and 7pm on a Tuesday night. More information is available at: https://www.canberracommunitylaw.org.au/
- CCL's COVID-19 General Law Clinic will start again from Thursday 4 February 2021. The COVID-19 General Law Clinic provides advice in most areas of law directly or indirectly related to COVID-19 including but not limited to property, employment, debt and contractual disputes. The COVID-19 General Law Clinic is available on 02 6218 7900 on a Thursday night. Intake is done between 6pm to 7pm on a Thursday night. More information is available at: https://www.canberracommunitylaw.org.au
- Additional information is available on CCL's newly launched COVID-19 website: www.canberracovidlegalhelp.org.au.
- Care Inc and the Consumer Law Centre provide support and advice to people in financial stress. They are continuing to provide financial counselling, legal advice and microfinance services. More information is available at: https://www.carefcs.org/
- Environmental Defenders Office's ACT Office provides free initial legal advice on planning and environmental law matters. More information is available at: https://www.edo.org.au
- The Women's Legal Centre is providing specialist advice in relation to family law, care and protection, employment and discrimination issues, including issues related to COVID-19. The Centre's Aboriginal Women's Program, Mulleun Mura, is also still providing culturally safe support to Aboriginal and Torres Strait Islander women. More information is available at: http://womenslegalact.org/

QUESTION TIME BRIEF

Background Information

- On 25 March 2020, ACT Community Legal Centres issued a joint communique identifying the essential legal assistance services the sector will continue to deliver and the issues it has identified as a result of the COVID-19 outbreak.
- The ACT Government has heard from CLCs that the matters they are facing are becoming more complex following COVID-19. CLCs anticipate increased legal need in the community in early - mid 2021 in alignment with reductions to the JobKeeper payment.
- An ABC News Report about responding to family violence in the ACT on **28 September 2020** quotes the A/g Coordinator-General for Family Safety, Kirsty Windeyer, as stating the following: "after the [COVID-19] restrictions were lifted there was an increase in the number of people who were reporting experiencing violence for the first time in the home" and "there was also an increase in the brutality of the violence and in the physical violence". The article is available via: https://www.abc.net.au/news/2020-09-28/back-to-the-future-for-act-policings-family-violence-response/12709150

Cleared as complete and accurate:	30/11/2020	
Cleared for public release by:	Deputy Director-General	Ext:
Contact Officer name:	Kelly Lokan	Ext: 51772
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/46-001-023	

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QUESTION TIME BRIEF

JACS2021/46-001-028

Portfolio/s: Attorney-General

ISSUE: SUPPORT FOR COMMUNITY SERVICE PROVIDERS DURING COVID-19 PANDEMIC

Talking points:

BCNP

- Using Justice Reinvestment funding provided by the ACT Government, as part of Building Communities, Not Prisons initiative, the ACT Government has been working with community service organisations that are, in turn, helping vulnerable Canberrans improve their lives, avoid reoffending and prevent crime in the community.
- During the COVID-19 pandemic, the ACT Government has continued this work and provided an additional $14.6 million for new and expanded community programs.

Legal Services

- The ACT Government provided more than $450,000 in funding to the community legal assistance sector to ensure essential legal services could be provided for vulnerable people impacted by the COVID-19 pandemic.
- The ACT Government is also administering $1.39 million in Commonwealth funding to the ACT legal assistance sector across 2019-20 and 2020-21, to help the sector support people who have been impacted by COVID-19.
- This funding will boost frontline services to meet the additional demand flowing from the COVID-19 emergency and also support the sector to have the ICT capacity to deliver services remotely.

CSD grants

- In addition the ACT Government has provided one-off funding to a range of community organisations, including some from the legal assistance sector, through the COVID-19 Community Support Package and the Rapid Response Grant Rounds (RRGR) administered by the Community Services Directorate.

Cleared as complete and accurate:	05/02/2021		
Cleared by:	Executive Branch Manager		
Contact Officer name:	Stephen Walters	Ext:x72536	INDEX
Lead Directorate:	Justice and Community Safety		
Cleared for release	Yes		
Information Officer name:	Jennifer McNeill		
TRIM Ref:	JACS2021/46-001-028		

Aboriginal and Torres Strait Islander community

- Programs that focus on our Aboriginal and Torres Strait Islander community have benefited from the funding support (described above). For example:
    - **Throughcare, Yarning Circles and Yarrabi Bamirr** – these important programs assist Aboriginal and Torres Strait Islander detainees to transition back into community, or to selfcare in the community and manage their own lives.
    - **Ngurrambai Bail Support, Duty Lawyer, and Front Up** – which provides appropriate support for Aboriginal and Torres Strait Islander people in their interactions with the Justice system.
    - **The Aboriginal Legal Service** received $50,000 in ACT community legal sector funding, and an additional amount of $21,000 through the Community Services Directorate Rapid Response grants.
    - **The Aboriginal Legal Service** has also been allocated $142,000 in Commonwealth funding, administered by the Justice and Community Safety Directorate, including $17,000 for ICT improvements.
    - **Winnunga Nimmitjyah Health Service** – received $159,000 from ACT Health for minor capital works, including the setting up of the second reception at Winnunga.
- These services strengthen access to early intervention supports and reduce the risk that relatively minor legal matters unecesssarily escalate.

QUESTION TIME BRIEF

Key Background Information

COVID-19 specific funding initiatives to Aboriginal and Torres Strait Islander community organisations

Aboriginal and Torres Strait Islander community organisations in the ACT have received funding from a variety of sources to assist them to respond to the immediate impacts of COVID-19. Much of that funding assisted in one off transitional costs in continuing to provide services in more flexible and remote ways. It is not expected that additional funding would be needed to continue to providing these services through 2021:

- ***Yarrabi Bamirr***
  - Delivered by Winnunga and Yeddung Mura.
  - Involves face to face contact, but can be by phone which is not ideal.
  - Referral services have required some restrictions, and adjustments have been made to accommodate these.
  - There has been ongoing review with service providers and program clients.
  - Winnunga noted that face to face is their usually delivery method at this current stage in the pandemic and continues to deliver over the phone when required. In addition, group programs have been reinstated.
- ***Ngurrambai***
  - Delivered by the ALS.
  - Involves face to face contact, but can be by phone which is not ideal.
  - Bail plans can be provided by email, and clients/lawyers communications done remotely.
  - Continuing to monitor court activities and restrictions and Alexander Maconochie Centre (AMC) restrictions.
  - Increasing use of Audio Visual Link (AVL) to contact clients at the AMC.
- ***Front up***
  - Delivered by the ALS.
  - Involves face to face contact, but can be by phone which is not ideal.
  - Activity is increasing with support for warrants and breaches of bail.
  - Regular review with ALS to monitor challenges.
- ***Duty Lawyer***
  - Delivered by the ALS.
  - Involves face to face contact, but can be by phone which is not ideal.
  - Continuing to monitor court activities and restrictions and Alexander Maconochie Centre (AMC) restrictions.
  - Increasing use of Audio Visual Link (AVL) to contact clients at the AMC.
  - Regular review with ALS to monitor challenges.
- ***Throughcare***
  - This is face to face contact focussed.
  - Yeddung Mura has made IT systems available to community members wishing to participate in virtual visits at AMC.
  - Ongoing monitoring of options with Yeddung Mura.

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- ***Yarning Circles for Justice***
  - Face to face preferred, though can be delivered online if necessary, but not ideal.
  - Ongoing monitoring of options with Yeddung Mura.
- ***Galambany***
  - Court continues.
  - Support for existing clients is possible to do by phone, webex, email and in person.
  - The Galambany support worker role was filed temporally by Tjillari; however, this position has recently again become vacant. Other providers have been approached to provide these services.
- ***Strong Connected Neighbourhoods***
  - Delivered by Reclink Australia.
  - Largely face to face dependent.
  - Alterations to the delivery of the program have been made to ensure social distancing and other Covid-19 safety measures can be adhered to for the safety of staff and residents.
  - Regular review with Reclink to monitor challenges.
- ***Mulleun Mura – A2J Program (Access 2 Justice)***
  - Delivered by Women's Legal Centre.
  - Involves face to face contact, but can be by phone.
  - Court activities are being monitored.

COVID-19 specific funding initiatives to the ACT legal assistance sector

The ACT legal assistance sector has received funding from both the JACS and CSD Directorates and the Commonwealth Government to assist them to respond to the immediate impacts of COVID-19. The majority of these COVID-19 related funding sources for the sector will expire on **30 June 2021.**

Recipients of these COVID-19 funding initiatives include the ALS, Canberra Community Law, CARE Inc (includes Consumer Law Centre), Environmental Defenders Office, Legal Aid ACT and Women's Legal Centre.

The expiration of funding for these programs on 30 June 2021 will reduce the capacity of the sector to respond to legal need in the ACT. This will impact on the ability of vulnerable Canberrans to be supported before their legal problems exacerbate to more significant issues. Legal need has increased in the ACT following COVID-19, and is expected to increase further in 2021.

Summary of COVID-19 Initiatives managed by JACS					
Service Provider	**Activity Funded**	**Managed By**	**Amount Funded**	**Funding Type**	**Expiry Date**
Aboriginal Legal Service NSW/ACT (ALS)	Senior Trial Advocate (COVID-19)	JACS	$142,000	Commonwealth Frontline Services (Project Agreement)	30 June 2021

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Summary of COVID-19 Initiatives managed by JACS					
Service Provider	**Activity Funded**	**Managed By**	**Amount Funded**	**Funding Type**	**Expiry Date**
Canberra Community Law (CCL)	ICT infrastructure to support virtual service delivery	JACS	$75,575	Commonwealth ICT funding (Project Agreement)	30 June 2021
	Housing Lawyer	JACS	$114,000	Commonwealth Frontline Services (Project Agreement)	30 June 2021
	Socio-Security Lawyer	JACS	$114,000	ACT Government (JACS resources)	30 June 2021
	CLC Hub Contribution to enable reallocation of resources to frontline services	JACS	$22,000	ACT Government (JACS resources)	30 June 2021
	Support for continuation of legal assistance services (COVID-19)	CSD & JACS	$50,000	ACT Government (CSP)	31 December 2020
CARE Inc (including the Consumer Law Centre) (CARE)	ICT infrastructure to support virtual service delivery	JACS	$30,909	Commonwealth ICT Funding (Project Agreement)	30 June 2021
	Reach Out Program to respond to economic abuse	JACS	$150,000	Commonwealth frontline services funding (Project Agreement)	30 June 2021
	Contribution to Reach Out Program Costs	JACS	$70,000	ACT Government (JACS resources)	30 June 2021
Environmental Defenders Office (EDO)	ICT infrastructure to support virtual service delivery	JACS	$10,000	Commonwealth ICT funding (Project Agreement)	31 December 2020
Legal Aid ACT (LAACT)	ICT infrastructure to support virtual service delivery	JACS	$270,439	Commonwealth ICT funding (Project Agreement)	30 June 2021
	Resourcing to increase the capacity of the Family Violence Unit, the Older Persons ACT	JACS	$314,087	Commonwealth frontline services funding (Project Agreement)	30 June 2021

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Summary of COVID-19 Initiatives managed by JACS					
Service Provider	**Activity Funded**	**Managed By**	**Amount Funded**	**Funding Type**	**Expiry Date**
	Legal Service and to provide an Employment Assistance Service				
	Support for domestic violence helpline services	CSD & JACS	$50,000	ACT Government (CSP)	31 December 2020
Women's Legal Centre (WLC)	ICT infrastructure to support virtual service delivery	JACS	$60,315	Commonwealth ICT funding (Project Agreement)	30 June 2021
	Resourcing for a family law lawyer and an employment and discrimination law lawyer, and administrative expenses to support these roles	JACS	$224,200	Commonwealth frontline services funding (Project Agreement)	30 June 2021
	Support for continuation of legal assistance services	CSD & JACS	$50,000	ACT Government (CSP)	31 December 2020

ACT Government's approach to service providers during COVID-19

- Since the commencement of the pandemic, in line with the ACT Government's Guiding Principles, the Justice and Community Safety (JACS) Directorate has engaged with a range of service providers on matters including their COVID-19 planning, their ability to deliver (or modify delivery of) funded services, and swift payment to support sustainability.
- In common with other Directorates, JACS has sought to support the continued delivery of the greatest level of service, in a safe environment.
- The majority of the JACS's service contracts have been drafted to allow the Territory to alter them to respond swiftly to changing circumstances. In the context of COVID-19, this supported approaches such as:
    - Reducing or varying the level, type and frequency of service.
    - Delaying or relaxing reporting obligations.
    - Suspending obligations to meet key performance indicators and outcomes to allow for adaptation to new conditions.
    - Removing penalties for non-compliance with contracts arising from the COVID-19 Emergency.

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- To support the Government's economic efforts and ensure that service providers are able and ready to recommence service delivery if and when required, the Directorate has taken a flexible approach with service providers, regarding:
    - their COVID-19 planning and ability to continue to deliver on funded services, while keeping their staff and clients safe;
    - their ability to continue to deliver face to face services;
    - options for delivery online or where this is not possible, their ability to continue to deliver services via electronic means (i.e. telephone);
    - where all client service delivery is no longer possible or appropriate given the service, undertaking work to support delivery of the services when they recommence (i.e. improving reporting, data capture mechanisms etc);
    - otherwise, where necessary, undertaking work that furthers the objectives of the contract in the current environment; or

      where all of these options are not possible, consideration is given, in the particular circumstances, to continuing payment of the contract in the absence of service delivery to allow service providers to continue to pay staff.
- Amendment of the services under a contract will generally not be considered:
    - frustration, under the contract;
    - contract default; and/or
    - grounds to terminate the contract generally.

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ACT Government
Justice and Community Safety

TALKING POINTS

Minister Attorney-General

Ref: MED:2020/000049
JACS2021/46-001-022

People spitting or coughing on frontline workers (COVID-19) – ACT criminal law response

- The behaviour of people threatening to spread COVID-19 to frontline workers by deliberately spitting or coughing on them is unacceptable.
- This atrocious conduct, whether committed against a police officer, health worker or any other person in the community will not be tolerated.
- In the ACT, criminal penalties already exist which can apply to anyone who intentionally spits or coughs on a police officer, health worker, or any other person.
- Under ACT laws, general assault provisions and public alarm offences apply so that a person who engages in this criminal behaviour may be subject to maximum penalties of between 2 to 15 years imprisonment.
- ACT Policing has already charged two people with offences related to causing public alarm, which attract a maximum penalty of 10 years imprisonment.
- The ACT Government is aware that other jurisdictions have introduced, or may be looking to introduce, specific offences to deal with people threatening to spread COVID-19 by spitting or coughing on frontline workers.
- The ACT's existing criminal laws provide a suite of offences. This means the Territory is prepared with the measures needed to ensure people who

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threaten or harm others with the spread of COVID-19 will be held to account.

- The ACT Government presented the *Crimes (Protection of Police, Firefighters and Paramedics) Amendment Bill 2019* in October 2019. The Bill proposes new offences of assaulting an emergency worker and driving at police. The Bill is before the Assembly, with debate yet to be scheduled.

BACKGROUND / SENSITIVITIES

NSW offence for spitting or coughing on public officials

- On 9 April 2020, the New South Wales (NSW) *Public Health (COVID-19 Spitting and Coughing) Order 2020* commenced, which directs that 'a person must not intentionally spit at or cough on a public official in a way that would reasonably be likely to cause fear about the spread of COVID-19'.
- Breach of the direction is an offence which attracts a fine of $5,000 under the Public Health Regulation 2012.
- Under the NSW *Public Health Act 2010*, the maximum penalty for breach of a public health direction is 100 penalty units and/or 6 months imprisonment.

ACT criminal laws that apply for spitting or coughing on others

- The *Crimes Act 1900* (Crimes Act) contains offences against the person which may cover spitting or coughing on a police officer, health worker or other person.
- These offences and maximum imprisonment penalties include: common assault (2 years), acts endangering life (15 years), acts endangering health (5 years), threat to inflict grievous bodily harm (5 years) and affray (10 years).
- For conduct which leads to a person's death, the offence of manslaughter (28 years) or murder (imprisonment for life) may apply.
- The Crimes Act, Division 6.7 also includes offences relating to causing public alarm, with maximum penalties of 200 penalty units and/or 10 years imprisonment.

Recent ACT incidents of spitting and coughing

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- On 27 March 2020, ACT Policing charged two people with separate incidents of causing public alarm by allegedly spitting and coughing in public while claiming to be infected with COVID-19.

- One incident involved a man refusing to leave a restaurant after being asked to leave in order to comply with relevant public health directions.

- The other incident involved a man who allegedly coughed at staff at a youth hostel in Civic.

- Both defendants were charged with acting with intent to cause public alarm under section 140A of the Crimes Act.

Government Bill and PMB for new frontline worker assault and driving offences

- The Crimes (Protection of Police, Firefighters and Paramedics) Amendment Bill 2019 is a Government Bill presented in the Assembly in October 2019 and, if passed, would create new offences for assaulting certain emergency workers and driving at police and police vehicles.

- The Crimes (Offences Against Frontline Community Service Providers) Amendment Bill 2019 is a private members bill (PMB) which was also presented in October 2019. The PMB is different to the Government Bill in that it proposes higher maximum penalties for the assault offence and new aggravated offences, and proposes to cover a broader range of occupations as victims of the new offences. In the Government Position on the PMB, human rights concerns are raised due to these aspects of the PMB.

- Both Bills are currently before the Assembly, with debate yet to be scheduled.

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QUESTION TIME BRIEF

JACS2021/46-001-009

Portfolio/s: Minister for Gaming

ISSUE: GAMING MACHINE HARM REDUCTION MEASURES

Talking points:

- The Parliamentary and Governing Agreement for the 10th Legislative Assembly includes 10 commitments towards reducing harm from gaming while supporting sustainable clubs. These commitments are:
  - establishing a Ministerial Advisory Council with government, industry and unions to build a long-term, sustainable clubs sector in the ACT
  - targeting a further reduction in the number of gaming machine authorisations to 3,500 by 1 July 2025
  - establishing a rigorous, across-venue self-exclusion regime across the ACT, with significant penalties for breaches, aligning with or exceeding reforms currently progressing in NSW
  - matching or exceeding any further harm reduction reforms commenced in NSW, such as cashless gaming
  - introducing $5 bet limits and $100 load-up limits with a staged rollout to commence by the end of 2022 at the latest
  - facilitating planning and other processes to allow clubs to diversify to other revenue generating streams
  - providing a just transition for workers in the industry
  - conducting a review into water cost for high-intensity club users of non-potable water in 2021
  - establishing a five-year $5 million Building Energy Efficiency Upgrade Fund to be accessed by community clubs
  - supporting clubs to become heat and smoke refuges for local communities, including air filtration systems and financial payments for venues designated as official extreme weather refuge sites.
- These commitments build on progress made under the previous Government.

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Community Clubs Ministerial Advisory Council

- Preliminary work to establish the Community Clubs Ministerial Advisory Council has commenced.
- On 12 February 2021, I am hosting a meeting with key stakeholder representatives from government, the clubs industry, unions and gambling harm advocacy groups to discuss the terms of reference, membership and other matters relevant to the establishment of the Council.

Reducing the Number of Gaming Machine Authorisations

- On 23 August 2018 the ACT Government announced the pathway to reduce the number of gaming machine authorisations in the ACT to 4,000 by 2020. This pathway was informed by the recommendations of the Club Industry Diversification Support Analysis by Mr Neville Stevens AO.
- The number of authorisations in the ACT has reduced to **3,868** as a result of strong club industry participation in the voluntary surrender of authorisations and uptake of Government incentives provided through the Pathway to 4,000 and COVID-19 Economic Survival Package, the first stage of compulsory surrender, and forfeitures as a result of trading activity between clubs.
- Gaming machine licensees (clubs and hotels) can access the COVID-19 Economic Survival Package Gaming Machine Authorisation Surrender Incentive until June 2021. This incentive provides licensees with a cash payment of $15,000 per surrendered gaming machine authorisation, to be used towards:
    - staff employment;
    - diversification activities and initiatives; and
    - energy and water efficiency measures.

Diversification and Sustainability Support Fund

- The Government implemented the Diversification and Sustainability Support Fund from 1 July 2019. The Fund is jointly funded by industry and Government to help clubs pursue a future away from gaming machines and support club staff to develop new skills. With supplementary Government funding of $1.5 million, the Government has delivered emergency relief funding of approximately $3.3 million

from the Fund to keep club staff employed or provide other income support to club staff, as part of its COVID-19 support measures.

- Industry contributions to the Fund have been suspended until March 2021 as a COVID-19 relief measure. However, the Government has made available for distribution in 2020-21 approximately $1 million in previously-appropriated funding. The Advisory Board has recently considered applications received for this funding and I am considering their recommendations about payments from the Fund.

Gaming Machine Tax Rebate

- The Government continued the 50 per cent gaming machine tax rebate for small and medium clubs and club groups to support these clubs as they diversify their revenue sources away from gaming machines and facilitate new services and support for the Canberra community.
- Since 1 July 2020, eligibility for the gaming machine tax rebate no longer takes into account gross gaming machine revenue in 2017-18. Instead, a club or club group is considered small or medium where its annual gross gaming machine revenue (GGMR) is not more than $4 million, or where it receives some amount of rebate under new phased reduction provisions. The phased reduction provisions reduce the amount of rebate by $0.50 for every $1 over $4 million in GGMR per annum.

Regulatory reforms (incl. Code of Practice)

- Amendments to the *Gaming Machine Act 2004* enhanced the compliance framework for gaming machines and provided the ACT Gambling and Racing Commission with more tools for effective enforcement, including enforceable undertakings and a higher maximum financial penalty as part of disciplinary action.
- The COVID-19 public health emergency interrupted work on strengthening the *Gambling and Racing Control (Code of Practice) Regulation 2002* through proposed changes that:
  - improve the definition of gambling harm
  - provide greater clarity about the signs of gambling harm for club staff, and their requirement to record and respond to this

- require club staff to undertake better training more often, in recognition of the crucial role they play in identifying signs of harmful gambling
- require club board members to be trained to foster a culture where gambling harm reduction and consumer protection is the priority
- enhance the operation of self-exclusion, and
- require a Gambling Contact Officer to be on-site at every club whenever the gaming machines are turned on to provide an immediate point of contact for club patrons that are impacted by gambling harm.

- Any further work on these measures will be considered in the context of the new Parliamentary and Governing Agreement commitments.

Key Information

- There are currently **39** licensed club venues and **5** hotels in the ACT who hold gaming machine authorisations.
- The most recent figures published by the Gambling and Racing Commission (1 November 2020) state there are **3,868** authorisations and **3,536** electronic gaming machines in operation in the Territory.
- Under the COVID-19 Economic Survival Package to date, 129 authorisations have been surrendered in return for $1.935 million in incentive payments to be used towards staff employment, and (under the extended incentive) diversification activities and initiatives, and energy and water efficiency measures. The incentive has been extended until applications have been received for the surrender of a total of $3.75m in incentive payments (i.e. surrender of a further 141 authorisations), or until 4 December 2020, whichever occurs first.

Background information

Community Clubs Ministerial Advisory Council

- Representatives of the following organisations have been invited to the preliminary meeting on 12 February 2021:
  - ACT Council of Social Services;
  - Canberra Community Clubs;
  - Clubs ACT;
  - Gambling and Racing Commission;

- Gambling Reform Alliance;
- United Workers Union; and
- Justice and Community Safety Directorate (ACT Government).

Diversification and Sustainability Support Fund

- The Diversification and Sustainability Support Fund (DSSF) applications for funding opened on 18 December 2019 and were due to close on 27 March 2020. Following the emergency closure of clubs in response to the COVID-19 public health emergency, $1.8 million from the DSSF (comprising $1.1m in Government funding and $0.7m in industry contributions) and supplementary funding of $1.5 million from Government (a total of $3.3 million) was provided to clubs as emergency relief funding for club staff.

- While this funding was generally positively received, some clubs expressed disappointment that the funding round did not continue due to the distribution of funding for COVID-19 emergency relief. The former Attorney-General advised club representatives at the Club Presidents' Forum in July 2020 that the Government will provide its appropriated contribution for 2020-21 to the Fund, even though club contributions have been suspended for 12 months (until March 2021).
- Clubs were subsequently invited to apply for approximately $1 million in available funding, with Tier 2 applications closing on 20 November 2020. 14 Tier 1 and Tier 2 applications have been received seeking a total of $2.14 million in funding. The DSSF Advisory Board is now considering these applications and will make recommendations to you about payments from the Fund.

Gaming machine bet limits

- The ACT's gaming machines currently have a $10 maximum stake amount ('bet limit').
- The Parliamentary and Governing Agreement includes a commitment to introduce $5 bet limits and $100 load-up limits with a staged rollout to commence by the end of 2022 at the latest. JACS will seek expert technical advice on the implementation of this commitment.
- The *Casino (Electronic Gaming) Act 2017* includes a maximum bet limit of $2 for casino gaming machines in a redeveloped casino.

QUESTION TIME BRIEF

Budget Funding

(JACS 27) AG - 2018-19 Budget Review Initiative - Reducing the Number of Gaming Machine Authorisations to 4,000 and Supporting Clubs to Reduce their Reliance on Gaming Machines

	2018-19 $'000	2019-20 $'000	2020-21 $'000	2021-22 $'000	**Total $'000**
CMTED Directorate – Expenses	122	351	0	0	**473**
JACS Directorate – Expenses	2,206	1,105	1,105	1,105	**5,521**
Depreciation	0	45	45	45	**135**
Total Expenses	**2,328**	**1,501**	**1,150**	**1,150**	**6,129**
CMTED Directorate – Associated Capital	225	0	0	0	**225**
EPSD Directorate – Associated Revenue	-500	-1,714	-1,714	-1,714	**-5,642**

The Government is implementing measures to support the reduction of gaming machine authorisations to 4,000 by 1 July 2020 - as set out in the *Pathway to 4,000 Gaming Machine Authorisations by 2020* - and is continuing to implement the commitments outlined in our *Supporting Local Community Clubs Policy*.

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QUESTION TIME BRIEF

JACS2021/46-001-021

Portfolio/s: Minister for Gaming

ISSUE: UPDATES ON INCENTIVE APPLICATIONS UNDER VOLUNTARY SURRENDER AGREEMENTS

Please note: This QTB addresses incentives under the Pathway to 4,000 Voluntary Surrender Agreements – for information on surrender of gaming machine authorisations under the COVID-19 Economic Survival Package, please see QTB titled 'COVID-19 Impacts - Relief to clubs and licensed premises' (JACS2021-46-001-005)

Talking points:

Reducing the number of gaming machine authorisations to 4,000

- The number of authorisations in the ACT is now capped at **3,868** following the surrender of 129 authorisations in response to the COVID-19 Economic Survival Package support measures for clubs.
- The previous Government's target of reaching 4,000 gaming machine authorisations through the *Pathway to 4,000 Gaming Machine Authorisations by 2020* was achieved ahead of time, with the cap on the number of authorisations reducing to 3,997 by 25 February 2020.
- On 23 August 2018 the ACT Government announced the Pathway, which was informed by the recommendations of the Club Industry Diversification Support Analysis by Mr Neville Stevens AO. At that time, the number of authorisations held by clubs and hotels was 4,946.
- Under the Pathway, financial and non-financial incentives were available to clubs that voluntarily surrendered gaming machine authorisations to diversify their business models.
- The reduction in the number of authorisations was achieved through:
    - voluntary surrender of authorisations under a Voluntary Surrender Agreement (by 14 February 2019) – 911 authorisations
    - first stage of compulsory surrender (1 April 2019) – 9 authorisations
    - forfeitures through trading activity between licensees – 29 authorisations.

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- A planned second stage of compulsory surrender was not required as the Government's target of 4,000 authorisations was reached.

Outcomes of the voluntary surrender process

- Clubs and hotels with 19 or fewer authorisations were exempt from compulsory surrender, and these licensees elected not to access the incentives available through voluntary surrender. All clubs that were facing a compulsory surrender obligation participated in the voluntary surrender process.
- In total, 911 authorisations and 1 authorisation certificate were voluntarily surrendered from clubs.
- Clubs are eligible for a total of $14,390,500 in incentives - comprising $648,000 in cash incentives and $13,742,500 in offset incentives for land-related payments, fees and charges.

Cash Incentives

- Five small or medium clubs/club groups elected to receive cash payments under their Voluntary Surrender Agreement with the Territory.
- Cash payments totalling $648,000 have been made to eligible licensees.

Offset Incentives

- Thirteen clubs/club groups are eligible for offset incentives under the Pathway.
- Four clubs have accessed offset incentives to date. The incentives have been applied towards deconcessionalisation payout amounts, lease variation charges and development application fees. The total amount of offset incentives accessed to date is $875,985.
- Eligible clubs have seven years, until April 2026, to use their Total Offset Amount entitlement towards land-related payments, fees and charges.

QUESTION TIME BRIEF

Key Information

- The *Gambling and Racing Control (New Cap on Number of Authorisations) Notice 2020 (No 3)* NI2020-762 sets the cap on the number of gaming machine authorisations at **3,868** as at 1 November 2020.
- Under the Pathway, licensees that voluntarily surrendered gaming machine authorisations were eligible for financial incentives as follows:

Club type	Cash per authorisation voluntarily surrendered	Land-related Fees and Charges Offset per authorisation voluntarily surrendered
Small or medium club/club group (not more than $4 million GGMR in 2017-18)	$12,000	$25,000
Large club/club group (more than $4m GGMR in 2017-18)	N/A	$15,000
'Pokie free' club bonus (surrender authorisation certificate, maintain community access to venue)	Additional 25 per cent of eligible incentives	Additional 25 per cent of eligible incentives
Hotels NB: this is the only incentive hotels were eligible for	$6,000	N/A

QUESTION TIME BRIEF

Cash incentives paid to date

Club/Club Group	Cash Amount Entitlement	Cash Amount Paid to Date
Belconnen Soccer Club	336,000	336,000
Canberra Irish Club	60,000	60,000
Harmonie German Club	72,000	72,000
The RUC at Turner	120,000	120,000
Yowani Country Club	60,000	60,000
Total	**$648,000**	**$648,000**

Offset incentives accessed to date

Club/Club Group	Payment, fee or charge	Total Offset Amount Entitlement	Offset Amount Accessed To Date
Magpies Group	Deconcessionalisation payout amount and lease variation charge	$625,000	625,000
Ainslie Group	Deconcessionalisation payout amount	$1.2 million	140,000
Eastlake Group	Lease variation charge	$945,000	7,500
Croatia Deakin Soccer Club	Development application fees Lease variation charge	$200,000	3,485 100,000
		Total	**$875,985**

Offset incentives remaining to be accessed

Club/Club Group	Offset Amount Remaining
Ainslie Group	1,060,000
Magpies Group	0
Canberra Highland Society and Burns Club	925,000
Canberra Labor Club Group	1,590,000
Mawson Club	450,000
Raiders Group	1,395,000
Canberra Club Group	375,000
Southern Cross Club Group	1,927,500
Canberra Tradesmen's Union Club	1,140,000
Croatia Deakin Soccer Club	96,515
Eastlake Group	937,500
Hellenic Group	870,000
Vikings Group	2,100,000
Total	**$12,866,515**

Budget Funding

Cleared as complete and accurate:	02/02/2021	
Cleared for public release by:	Executive Branch Manager	Ext:
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Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/46-001-021	

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QUESTION TIME BRIEF

(JACS 27) AG - 2018-19 Budget Review Initiative - Reducing the Number of Gaming Machine Authorisations to 4,000 and Supporting Clubs to Reduce their Reliance on Gaming Machines

	2018-19 $'000	2019-20 $'000	2020-21 $'000	2021-22 $'000	Total $'000
CMTED Directorate – Expenses	122	351	0	0	473
JACS Directorate – Expenses	2,206	1,105	1,105	1,105	5,521
Depreciation	0	45	45	45	135
Total Expenses	**2,328**	**1,501**	**1,150**	**1,150**	6,129
CMTED Directorate – Associated Capital	225	0	0	0	225
EPSD Directorate – Associated Revenue	-500	-1,714	-1,714	-1,714	-5,642

The Government is implementing measures to support the reduction of gaming machine authorisations to 4,000 by 1 July 2020 - as set out in the *Pathway to 4,000 Gaming Machine Authorisations by 2020* - and is continuing to implement the commitments outlined in our *Supporting Local Community Clubs Policy*.

Changes to the *Gaming Machine Act 2004* established the legal framework for the voluntary and compulsory surrender of authorisations. The relevant provisions of the Act relating to the reduction to 4,000 gaming machine authorisations commenced on 11 December 2018. The voluntary surrender period ceased on 31 January 2019 and all voluntary surrender agreements providing incentives to participating licensees were required to be signed on or before 8 February 2019.

Cash incentive payments **($0.648 million)** were made to eligible licensees from the JACS' Territorial account resulting in savings in 2018-19 of $1.3 million. Clubs are also eligible for $13.7 million in incentives for land-related payments, fees and charges over the next seven years.

The voluntary surrender process and forfeitures through trading reduced the number of gaming machine authorisations in the ACT to 4,012 by 14 February 2019. The subsequent first stage of compulsory surrender on 1 April 2019 reduced that number to 4,003, and forfeitures through trading activity has since reduced the number of authorisations to 4,001.

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QUESTION TIME BRIEF

JACS2021/46-001-003

Portfolio/s: Minister for Gaming

ISSUE: COMMUNITY CONTRIBUTIONS

Talking points:

COVID-19 support measures in the community contributions scheme

- The community contributions scheme includes support measures for clubs in response to the impacts of the COVID-19 public health emergency, following changes introduced through the *COVID-19 Emergency Response Act 2020* and the *COVID-19 Emergency Response Legislation Amendment Act 2020*. These measures:
    - enable the Minister to declare certain things, including payments to club staff, to be community contributions, where an emergency declaration has been made; and
    - incentivise the provision of food in an emergency by allowing clubs to claim $2 for every $1 of their contribution as a community purpose contribution, where the club is providing charitable support by preparing or providing food for emergency-affected people.
- Under the *Gaming Machine (Emergency Community Purpose Contribution—Club Employees) Declaration 2020*, clubs can claim staff wages as community purpose contributions, provided the amount meets or exceeds the relevant minimum wage (including any relevant allowances) under the *Registered and Licensed Clubs Award 2010*. This measure applies to contributions made between 24 March 2020 and 23 March 2021 (inclusive) to provide support to clubs and their workers during the emergency period and into the recovery phase.
- Under the *Gaming Machine (Emergency Community Purpose Contribution – Local Live Performance Industry) Declaration 2020*, clubs can claim contributions to or for the local live performance industry for music or other live entertainment (other than sport) as a community purpose contribution. This declaration will encourage clubs to host live performances and will support Canberra's musicians, performers and workers in the performance industry, who have been significantly impacted by COVID-19 public health restrictions.This measure applies to

contributions made between 27 August 2020 and 31 August 2021 (inclusive).

- Revised Guidelines for the scheme, incorporating these recent changes and providing further clarity in response to feedback, are being finalised for distribution to licensees.

<u>April 2020 changes to the scheme in response to industry feedback</u>

- In response to industry feedback, the Government introduced the *Gaming Machine Amendment Act 2020*, which was passed by the ACT Legislative Assembly in April 2020. The Act includes a number of refinements to support clubs' compliance and reporting including:
    - removing the requirement for clubs with more than one venue to report on the community purpose contributions for each venue separately and allowing clubs with more than one venue to make community purpose contributions on a group basis;
    - introducing a transitional provision reducing the minimum monetary contribution for clubs that are not small or medium clubs or part of a small or medium club group from 6 per cent to 5 per cent for reporting years ending after 30 June 2019 and before 1 July 2021; and
    - introducing a transitional provision reducing community contributions shortfall tax from 150 per cent to 100 per cent for reporting years ending after 30 June 2019 and before 1 July 2021.

<u>2019 reforms to the scheme</u>

- Government reforms to the community contributions scheme commenced on 1 July 2019.
- The changes to the scheme:
    - increased the funds available to the broader community
    - required greater transparency in reporting on community contributions
    - provided more opportunities for community groups to seek community contributions and

- increased the minimum contribution payable from net gaming machine revenue (NGMR) by 0.8 per cent for clubs and introduced a contribution requirement for hotels.

- Hotels are required to make mandatory contributions of 0.8 per cent of their NGMR. Clubs are required to contribute 8.8 per cent of of their NGMR, but may apply for a lower minimum contribution rate where they can demonstrate that meeting the overall 8.8 per cent requirement would seriously affect their viability.
- These contributions are distributed through two funds to provide support to people in the community:
  - 0.4 per cent to the gambling harm prevention and mitigation and
  - 0.4 per cent to the community charitable causes through the Chief Minister's Charitable Fund.
- Large clubs and large club groups must make a minimum monetary contribution of 6 per cent of NGMR. The minimum monetary contribution may be reduced where large clubs have long-term (3 or more years) in-kind arrangements to support a defined facility, space or program (e.g. providing office space for a community organisation).

Background information- Additional detail on specific aspects of the scheme

Engagement process throughout the review of the scheme and implementation of changes (refer also QTB – LPP – Club EngagementJACS2021/46-001-002):

- The Government engaged extensively with the club industry to inform the delivery of key reforms to the community contributions scheme.
- In 2018, the Justice and Community Safety Directorate circulated an Options Paper, *Maximising the Benefit of the Community Contributions Scheme*, to commence the review and facilitate discussion. An exposure draft regulation, setting out new definitions and guidelines for working out community purpose contributions, was released for community comment at the end of 2018.
- Following detailed consideration of feedback received, the Government finalised the details of the new scheme through the final Regulation, with the changes coming into effect on 1 July 2019.
- The Government continued to engage with clubs, peak bodies and community stakeholders to explain the proposed changes, and to receive feedback on what the reforms would mean for the Canberra community.

- In response to industry feedback, the Government's *Gaming Machine Amendment Act 2020* included a number of refinements to support clubs' compliance and reporting.
- The Government is continuing to work with clubs to ensure they understand their obligations under the scheme.

Requirement for clubs to deduct the value of income or benefits received by the club from community contributions claimed:

- The scheme includes a longstanding requirement that clubs must deduct any income or benefits received by the club from the value of a claimed community contribution. This may include entry fees received or profit earned from food and beverage sales.
- In addition, where a club makes a contribution on condition of receiving something from the recipient in return, the value to the club of that condition being fulfilled must not be claimed as a community purpose contribution.
- These features of the scheme long predate the recent reforms to the scheme. The existing provisions have been relocated within the Gaming Machine Act or within the Regulation. While some provisions are exactly the same, in some cases redrafting has occurred for clarity but the legal effect is the same.
- It is appropriate that clubs can only claim the part of a contribution that actually benefits the broader community, not the part that benefits the club itself.
- The scheme Guidelines include examples to assist clubs in understanding their obligations under the scheme.

Capping in-kind contributions:

- Large clubs/club groups must make minimum monetary contributions of 6 per cent of net gaming machine revenue (or 5 per cent under the transitional measure outlined above, for reporting years ending before 1 July 2021). Since clubs are required to make community purpose contributions totalling 8 per cent of NGMR, this means that clubs are limited to claiming 2 per cent of NGMR as in-kind contributions (or 3 per cent under the transitional measure).
- Where large clubs have a long-term in-kind arrangement for a defined facility, space or program, the club can reduce their minimum monetary contribution to 4 per cent of net gaming machine revenue. The arrangement must be for 3 years or more. In this case, the value of club contributions overall must still equal 8 per cent of net gaming machine revenue.
- Large clubs/club groups are those receiving over $4 million in gross gaming machine revenue each year, or who are entitled to an amount of gaming machine tax rebate under the phased reduction provisions.

- This change supports a broader distribution of community benefits under the scheme but is restricted to large clubs because in-kind claims represent a far larger proportion of community contributions for small and medium clubs/club groups, and it is appropriate that this continue.
- The scheme does not limit the amount of in-kind support that a club can provide to the community, but it does limit the amount that can be claimed under the scheme towards meeting clubs' obligations.
- For clubs that already meet their minimum cash requirements, and overall community contribution rates, any decisions about whether they withdraw funding that is provided **above those minimum amounts** is entirely a matter for each club, and those decisions should not be misconstrued as being a result of the Government's regulatory changes.

Exclusion of men's professional sport from the scheme:

- The community contributions scheme has a long-standing incentive to promote women's sport by allowing clubs to claim $4 for every $3 contributed.
- The previous Government's review of the scheme found this existing incentive was not as effective as it could be, with 5.3 per cent of total scheme funding directed towards women's sport in 2017-18 and 2.7 per cent in 2016-17. The review also considered how the scheme supports sport more generally.
- The scheme now provides that, in addition to this specific incentive for claims for women's sport, clubs are able to claim a range of sports-related expenses, for both men's and women's sport, as a community contribution, including umpires, trainers, coaches, administrators and maintenance of sports facilities – except to the extent they relate to professional men's sport.
- These changes do not stop clubs funding professional men's sports teams or indiviudals, but rather ensure that the 8 per cent of net gaming machine revenue allocated through the scheme is directed more broadly within the community.
- In limited circumstances, the Minister may determine that costs relating to a professional sportsman or men's professional sports team may be allowable as a community purpose contribution. This can occur where the Minister is satisfied that:
    - the contribution will support participation in community sport; and
    - the team or person's viability to participate in the sport would be adversely affected without the determination; and
    - it is in the public interest that the contribution be made as a community purpose contribution.
- A Determination made by the previous Attorney-General provided that contributions made to the Canberra Demons AFL Team are allowable as a community purpose contribution. This determination will expire in December 2021.

Record-keeping and reporting requirements:

- There are additional record keeping and reporting requirements under the new framework.
- The previous record-keeping requirements for community contributions in the *Gaming Machine Act 2004* were that clubs record the entity to which each contribution was made, the purpose for which each contribution was made, the amount or value of the contribution and the date when, or period over which, it was made. The record-keeping requirements in the Act expand on the previous provision to include the way in which the contribution is intended to be used by the recipient and the nature of the benefit to the recipient.
- These expanded record-keeping requirements provide greater transparency to the community as the reporting is now contained in the clubs' annual reports which they must make public and the Commission will publish. Previously this information was provided to the Commission for verification and only summary information was made public.
- These changes were made to give the community a greater understanding of where community contributions were going and in response to the Auditor-General's conclusion that:

  'There was insufficient information in clubs' annual returns with respect to the identification and documentation of the purpose and beneficiary of community ontributions which means that the eligibility and appropriateness of some community contributions is not clear. '
- Removing the requirement for clubs with more than one venue to report on the community purpose contributions for each venue separately and allowing clubs with more than one venue to make community purpose contributions on a group basis will assist clubs in meeting their obligations.
- The transitional measure to reduce the community contributions shortfall tax from 150 per cent to 100 per cent for reporting years ending after 30 June 2019 and before 1 July 2021 will also support clubs as they adapt to the new scheme.

Approach to enforcement as clubs adjust to the new scheme:

- Access Canberra (on behalf of the ACT Gambling and Racing Commission) is responsible for regulating and enforcing compliance with the community contributions scheme.
- In accordance with its Accountability Commitment, Access Canberra applies a risk-based compliance approach to ensure resources are targeted to where the risks of harm, unsafe practices or misconduct are the greatest, thereby strengthening its capacity to take action where the community, workers and the environment are most at risk.

- Compliance is encouraged through education but escalating enforcement action will be applied to those whose conduct will, or is likely to, cause harm, or those who demonstrate a disregard for the law. Conduct which contravenes the legislation is considered on a case by case basis, with consideration given to the circumstances of the conduct.
- Access Canberra is conducting an inspection program targeting compliance with the new scheme. Should enforcement action be deemed necessary, it may be taken under the *Gaming Machine Act 2004*. Disciplinary actions which may be taken against a licensee include: issuing a reprimand, imposing conditions on a licence or authorisation certificate, imposing a financial penalty, suspending a licence or cancelling a licence.
- It should also be noted that if a club's deemed eligible community contributions falls below the minimum required contribution it is required to pay a community contribution shortfall tax. This tax is currently 100 per cent of the shortfall amount (i.e. the club will be required to pay the amount of the shortfall) under the transitional measure outlined above, but this will return to 150 per cent for reporting years that end on or after 1 July 2021.

Budget Funding

(JACS 21) AG 2019-20 Budget Initiative - Increase to Minimum Community Contribution Rate by ACT Clubs

	2019-20 $'000	2020-21 $'000	2021-22 $'000	2022-23 $'000	**Total $'000**
Expenses	800	820	840	860	**3,320**
Offset	-800	-820	-840	-860	**-3,320**
Net Expenses	0	0	0	0	**0**

The Government will establish an independent charitable fund to distribute nominated community funds to charitable and community causes levied on venues operating electronic gaming machines.

Expenses: $3.320 million over 4 years, fully offset by revenue collected from ACT Clubs' net gaming machine revenue (NGMR) community contributions.

QUESTION TIME BRIEF

JACS2021/46-001-002

Portfolio/s: Minister for Gaming

ISSUE: CLUB ENGAGEMENT

Talking points:

- This Government will work with stakeholders, including the club industry, to reduce harm from gaming while supporting sustainable clubs.
- The first commitment in the Parliamentary and Governing Agreement for the 10th Legislative Assembly is to establish a Ministerial Advisory Council with government, industry and unions to build a long-term, sustainable clubs sector in the ACT.
- I have already tasked JACS to start work to implement this commitment.
- On 12 February 2021, I will chair an initial meeting with key stakeholders representing government, the clubs industry, unions and gambling harm advocacy groups to discuss the establishment of the Council. This will be an opportunity to productively explore the key issues currently facing the community clubs sector, to directly inform the terms of reference for the Council.
- JACS will soon begin advertising for expressions of interest for a number of positions on the Council. I encourage all members of our community with the necessary skills, experience and qualifications to consider applying to join this important group.
- I intend to convene the Council for its first meeting in May of this year.
- I look forward to making further announcements about the Council in the near future.

Background Information

- A summary of the major consultation held with clubs during the previous and current Parliamentary terms is outlined in the following pages.

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TRIM Ref:	JACS2021/46-001-002	

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QUESTION TIME BRIEF

Club Presidents' Forum

Meetings

Date	Government Attendee	Club Organisation
31/10/19	Minister/Minister's Office/JACS	All club presidents or their nominated board representatives.
21/07/20	Minister/Minister's Office/JACS	All club presidents or their nominated board representatives.

Consultation Activity

Date	Document	Club Organisations	Attachment
19 December 2019	Letter – Response to Forum attendees – Forum recap and next steps	All Forum attendees	
18 March 2020	Email – Invitations to the second Club Presidents' Forum on 28 April 2020	Club Presidents or representing Board members	
27 March 2020	Email – Forum postponed due to COVID-19	Club Presidents or representing Board members	
17 June 2020	Email –second Club Presidents' Forum, 21 July 2020	Club Presidents or representing Board members	
1 – 14 July 2020	Emails and phone calls –RSVPs for second Club Presidents' Forum	Club Presidents or representing Board members	
10 July 2020	Letter – arrangements and agenda for second Club Presidents' Forum	Club Presidents or representing Board members	
17 July 2020	Email – revised arrangements and agenda for second Club Presidents' Forum	All club licensees and club industry peak bodies	Agenda – Club Presidents' Forum – 21 July 2020
7 August 2020	Email – Response to Forum attendees – second Forum recap and next steps	All Forum attendees	Attachment 1 – Meeting Summary – 21 July 2020 Attachment 2 – Letter – 31 October 2019 (Response to first Forum attendees – Forum recap and next steps – For reference) Attachment 3 – Meeting Summary – 31 October 2019 (summary of additional matters discussed at the first Forum)

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QUESTION TIME BRIEF

Reduction to 4,000 Gaming Machine Authorisations

Meetings

Date	Government Attendee	Club Organisation
6/12/17	Minister's Office/JACS	ClubsACT
7/12/17	Minister's Office/JACS	Magpies Sports Club
12/12/17	Minister's Office/JACS	Canberra Community Clubs
18/12/17	Minister's Office/JACS	Canberra Southern Cross Club
09/01/18	Minister's Office/JACS	Canberra Labor Club
05/04/18	JACS/Neville Stevens	Canberra Community Clubs
09/04/18	JACS/Neville Stevens	Rugby Union Club
09/04/18	JACS/Neville Stevens	ClubsACT
09/04/18	JACS/Neville Stevens	Croatia Deakin
10/04/18	JACS/Neville Stevens	Burns Club
10/04/18	JACS/Neville Stevens	Canberra Community Clubs
10/04/18	JACS/Neville Stevens	Canberra Southern Cross Club
17/04/18	JACS/Neville Stevens	Raiders
17/04/18	JACS/Neville Stevens	Canberra Bowling Club
17/04/18	JACS/Neville Stevens	Ainslie Football Club
17/04/18	JACS/Neville Stevens	Canberra Labor Club
18/04/18	JACS/Neville Stevens	Magpies FC
18/04/18	JACS/Neville Stevens	Belconnen Soccer Club
18/04/18	JACS/Neville Stevens	Hellenic Club
23/04/18	JACS/Neville Stevens	Vikings
23/04/18	JACS/Neville Stevens	Yowani CC
30/04/18	JACS/Neville Stevens	Federal Golf Club
30/04/18	JACS/Neville Stevens	Eastlake Football Club
01/05/18	JACS/Neville Stevens	Harmonie German
01/05/18	JACS/Neville Stevens	Spanish Club
01/05/18	JACS/Neville Stevens	Canberra Club
04/05/18	JACS/Neville Stevens	ClubsACT
04/05/18	JACS/Neville Stevens	Canberra Community Clubs
09/05/18	JACS/Neville Stevens	Canberra Irish Club
09/05/18	JACS/Neville Stevens	Belconnen Bowling Club
14/05/18	JACS/Neville Stevens	Murrumbidgee Country Club
22/05/18	JACS/Neville Stevens	Canberra Labor Club
25/05/18	JACS/Neville Stevens	Austrian Club
29/05/18	JACS/Neville Stevens	ClubsACT
29/05/18	JACS/Neville Stevens	Canberra Community Clubs
14/09/18	JACS/Neville Stevens	Canberra Community Clubs
17/09/18	JACS/Neville Stevens	Canberra Labor Club
17/09/18	JACS/Neville Stevens	Ainslie Football Club

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17/09/18	JACS/Neville Stevens	Magpies
02/10/18	JACS/Neville Stevens	Canberra Labor Club
10/10/18	JACS/Neville Stevens	ClubsACT
10/10/18	JACS/Neville Stevens	Canberra Southern Cross Club
10/10/18	JACS/Neville Stevens	Raiders
19/10/18	JACS/Neville Stevens	Canberra Bowling Club
24/10/18	JACS/Neville Stevens	Rugby Union Club
07/11/18	JACS/Neville Stevens	Vikings
09/11/18	JACS/Neville Stevens	Belconnen Soccer Club
20/11/18	JACS/Neville Stevens	Rugby Union Club
28/11/18	JACS/Neville Stevens	Eastlake Football Club
29/11/18	JACS/Neville Stevens	Canberra Southern Cross Club
07/12/18	JACS/Neville Stevens	Yowani CC
10/12/18	JACS/Neville Stevens	Canberra Irish Club
14/01/19	JACS/Neville Stevens	Canberra Labor Club
25/01/19	JACS/Neville Stevens	Canberra Southern Cross Club
18/11/19	Minister's Office/JACS	Magpies

Consultation Activity

Date	Document	To	Attachment
July 2017	Email inviting all clubs' input on the appropriate model and timeframe to achieve 4,000 gaming machine authorisations.	All club licensees and industry groups	
August to September 2017	Options Paper circulated to industry and released for public consultation on the YourSay website.	All club licensees, industry groups	Options Paper – Reducing the Number of Gaming Machine Authorisations to 4,000
3 April 2018	Letter seeking engagement to inform report Consultation period – 3/4/18 to 31/5/18	All club licensees and industry groups	
20 August 2018	Email – Update on Pathway to 4,000 Gaming Machine authorisations by 2020	All club licensees and industry groups	
23 August 2018	Media Release	Community	Pathway to 4,000 Gaming Machine Authorisations by 2020

QUESTION TIME BRIEF

13 November 2018	Email – announcement of financial and non-financial incentives, providing Mr Stevens to assist.	All club licensees and industry groups	Q & A - Pathway to 4,000 Gaming Machine Authorisations by 2020
7 December 2018	Email – information about voluntary surrender including agreement template and Planning Lease Administration Building Services Fees and Charges, invitation to seek assistance from Mr Stevens.	All club licensees	Voluntary Surrender Notice and Application for Incentives
21 December 2018	Email – information about Offset Incentives, invitation to seek assistance from Mr Stevens.	All club licensees	– *Gaming Machine (Offset amounts) Regulation 2018* – *Gaming Machine Act 2004* – 2018-19 fees and Charges Planning Accessibility highlighted – Voluntary surrender Agreement template
13 February 2019	Email – information about accessing cash incentives.	Licensees with which the Govt has an agreement	Pathway to 4000 Gaming Machine Authorisations by 2020 – Accessing Cash Incentives
16 January 2019	Email – additional information for voluntary surrender phase.	Licensees with which the Govt has an agreement	Voluntary Surrender Notice and Incentive application with nomination of other venue
19 February 2019	Email – update on voluntary surrender phase.	All club licensees	
5 March 2019	Email – information about the Compulsory surrender Determination and process for surrender.	All club licensees	Pathway to 4000 Gaming Machine Authorisations by 2020
21 – 29 July 2020	Emails – processing application to access part of available offset amount under Voluntary Surrender Agreement, for a lease variation charge.	Croatia Deakin Soccer Club	Voluntary surrender of gaming machine authorisations – Offset amounts – Access application Offset amount access application – Notice of Approval
13 August 2020	Email – notification regarding GST and voluntary surrender agreements	Club licensees party to voluntary surrender agreements with the Territory	Invoice Template – GST Component on Total Offset Amount

QUESTION TIME BRIEF

Diversification and Sustainability Support Fund (DSSF)

Consultation Activity

Date	Document	Club Organisations	Attachment
4 April 2019	Email – information about the DSSF, seeking comment on exposure draft regulation. *Consultation to 1/5/19.*	All club licensees	Ramsay Media Release – Gaming Legislation Amendment Bill Explanatory Statement – Gaming Machine amendment Regulation 2019 – exposure draft
18 December 2019	Email – information about the DSSF, advising that the Fund is open for applications.	All club licensees, industry groups	Diversification and Sustainability Support Fund – Funding Application Form Diversification and Sustainability Support Fund – Standard Operating Procedure for Funding Applications
18 December 2019	Email – information about the DSSF, advising that the Fund is open for applications.	Industry groups and Community groups	
13 March 2020	Email – DSSF – response to query regarding applications process	Rugby Union Club	
13 March 2020	Email – DSSF – response to query regarding applications process	Canberra Community Clubs	
16 March – 3 April 2020	Emails – liaison with applicants to the DSSF	Club licensees, club industry peak bodies, industry groups and community groups lodging applications for the Fund	
3 April 2020	Email – DSSF – notification that the applications process will be suspended until further notice, due to all available funds having been committed to providing emergency relief to club licensees to support their staff through the COVID-19 public health emergency.	All club licensees and club industry peak bodies	
3 August 2020	Letter – DSSF – response to query regarding required contributions	Canberra Community Clubs	ACT Club Industry Diversification Support Analysis – Findings and Recommendations – June 2018
19 October 2020	Email – information about the DSSF, advising that the Fund is open for applications with a Tier 2 funding round closing on 20 November 2020.	All club licensees, industry groups and community groups	Diversification and Sustainability Support Fund – Funding Application Form

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			Diversification and Sustainability Support Fund – Standard Operating Procedure for Funding Applications – October 2020 *Gaming Machine (Applications for Payments out of DSSF) Guidelines 2019*
16 November 2020	Email – reminder that the DSSF Tier 2 funding round is closing on 20 November 2020.	All club licensees, industry groups and community groups	Diversification and Sustainability Support Fund – Funding Application Form Diversification and Sustainability Support Fund – Standard Operating Procedure for Funding Applications – October 2020 *Gaming Machine (Applications for Payments out of DSSF) Guidelines 2019*
20 November 2020	Email – Chair, DSSF Advisory Board – rejection of extension request for Tier 2 funding round	Austrian Australian Club	
21 - 24 December 2020	Email – request for additional information to support Tier 2 funding application	Hellenic Club Canberra Irish Club Belconnen Soccer Club Belconnen Bowling Club	

Review of Community Contribution Scheme

Meetings

Date	Government Attendee	Club Organisation
05/11/18	JACS	Eastlake Football Club
06/06/19	JACS	Belconnen Soccer Club
06/06/19	JACS	Eastlake Football Club
11/06/19	JACS	Ainslie Football Club
12/06/19	JACS	Canberra Labor Club
17/06/19	JACS	Vikings
19/06/19	JACS	ClubsACT
05/02/20	JACS/Access Canberra	Labor Club
11/02/20	JACS/Access Canberra	Raiders

Consultation Activity

Date	Document	Club Organisations	Attachment
17 July 2018	Letter – CC Options Paper. *Consultation sought 17/7/18 to 13/8/18*	All club licensees	Link to Options Paper - Maximising the Benefits of the Community Contributions Scheme
31 October 2018	Email – announcing reforms, seeking comments on exposure draft regulation.	All club licensees and industry groups	Community Contributions Fact Sheet What's Next Fact Sheet Better Regulatory Tools Fact Sheet

	Consultation period 31/10/18 to 30/11/18.		
4 June 2019	Email – advising proposed changes to exposure draft regulation, seeking feedback. *Consultation period not defined.*	Industry participants who provided feedback on exposure draft regulation.	Factsheets – Update on the Community Contributions Reforms: Overview Maintenance Costs Defining Professional Sport In-kind Contributions Individual Benefits and Specific Exclusions
25 September 2019	Email – ACT Government's guidelines for the community contribution scheme	All club licensees and industry groups	Community Contribution Scheme Guidelines
2 October 2019	Email –copy of the ACT Government's community contribution scheme summary brochure	All club licensees and industry groups	Community Contribution Scheme Brochure
3 February 2020	Email –update on proposed reforms.	All club licensees and club industry peak bodies	Report – Gaming Machine Tax Rebate Statutory Review
2 April 2020	Email –notification of passage of the *Gaming Machine Amendment Act 2020* reforms to community contributions shortfall tax rates and reporting requirements.	All club licensees and club industry peak bodies	

Gambling Harm Reduction Reforms

Meetings

Date	Government Attendee	Club Organisation
24/05/19	JACS	Canberra Community Clubs
7/11/19	JACS	Various club Gambling Contact Officers
18/12/19	JACS	Canberra Community Clubs
25/02/20	JACS/Access Canberra	Canberra Community Clubs

Consultation Activity

Date	Document	Club Organisations	Attachment
21 August 2017	Email – invitation to ACT Government's Third Gaming Machine Harm Minimisation Roundtable	Stakeholders including gambling harm experts	
15 September 2017	Gaming Machine Harm Minimisation Roundtable	Stakeholders including gambling harm experts	Agenda papers

QUESTION TIME BRIEF

3 November 2017	Letter – outcomes of Gaming Machine Harm Minimisation Roundtable	Stakeholders including gambling harm experts	
10 November 2017	Gaming Machine Club Workers Harm Minimisation Roundtable	Club industry workers	
19 August 2018	Email seeking input on gambling harm reduction reforms. *Consultation period not defined.*	Licensees and stakeholders including gambling harm experts	
7 September 2018	Email – invitation to ACT Government's Third Gaming Machine Harm Minimisation Roundtable	Stakeholders including gambling harm experts	
28 September 2018	Gaming Machine Harm Minimisation Roundtable.	Stakeholders including gambling harm experts	Agenda papers – Strengthening the Code of Practice Training Self Exclusion Scheme Future Reform Opportunities
5 October 2018	Recap Roundtable, seeking comments. *Consultation to 10/10/18.*	Roundtable participants	Agenda papers – Strengthening the Code of Practice Training Self Exclusion Scheme Future Reform Opportunities
21 December 2018	Email – seeking feedback on exposure draft regulation. *Consultation period not defined.*	Roundtable participants	Summary of proposed reforms to the Code of Practice Gambling and Racing Control (Code of Practice) Amendment Regulation 2018 – exposure draft
7 March 2019	Email – seeking feedback on proposed reforms. *Consultation to 15/3/19.*	Roundtable participants	Summary of proposed reforms to the Code of Practice Gambling and Racing Control (Code of Practice) Amendment Regulation 2018 – exposure draft
24 October 2019	Email - seeking feedback on proposed reforms.	All club licensees, industry groups, roundtable participants and Stakeholders including gambling harm experts and community groups	Summary of proposed reforms to the Code of Practice Gambling and Racing Control (Code of Practice) Amendment Regulation 2019 – exposure draft
19 December 2019	Email – acknowledging feedback received and providing update on progress of reforms	All club licensees, industry groups, roundtable participants and Stakeholders	

		including gambling harm experts and community groups	
19 December 2019	Letter – response to Club Presidents' Forum attendees – commitment to further stakeholder consultation on how best to deliver gambling harm reduction measures	All Club Presidents' Forum attendees	
10 and 13 July 2020	Letter – in advance of Club Presidents' Forum – A-G interest in hearing about club measures to reduce gambling harm when gaming areas reopen after COVID-19 closures	All Club Presidents' Forum attendees	
6 August 2020	Letter – after Club Presidents' Forum – key messages, concerns and ideas shared. Information about planning review included. Indication that heavy lifing in reform is over. A-G interest in how COVID-safe measures might work to support self-exclusion. Clubs to contact A-G's office if at risk of closure due to COVID-19.		Meeting summary – 21 July 2020 Letter with meeting outcomes of 31 October 2019 Meeting summary – 31 October 2019

Gaming Machine Tax Rebate

Consultation Activity

Date	Document	Club Organisations	Attachment
23 September 2019	Email – Statutory review of the gaming machine tax rebate - Issues Paper. *Consultation sought 23/9/19 to 7/10/19 (extended to 9/10/19.*	All club licensees, industry groups and stakeholders including gambling harm experts	Issues Paper – Gaming Machine Tax Rebate Statutory Review

29 November 2019	Email – statutory review of the gaming machine tax rebate – Report, setting out the Government's position on the rebate.	All club licensees, industry groups and stakeholders including gambling harm experts	Report – Gaming Machine Tax Rebate Statutory Review
3 February 2020	Email – providing update on proposed reforms.	All club licensees and club industry peak bodies	Report – Gaming Machine Tax Rebate Statutory Review
2 April 2020	Email – providing notification of passage of the *Gaming Machine Amendment Act 2020* reforms to the gaming machine tax rebate.	All club licensees and club industry peak bodies	

Liquor Licensing Fee Review for Small/Medium Clubs

Consultation Activity

Date	Document	Club Organisations	Attachment
7 February 2020	Email – seeking input: review of liquor licensing fees for small/medium clubs (*Supporting Local Community Clubs Policy*). *Consultation sought 7/2/20 to 19/2/20).*	Small/medium club small/medium club group licensees, club industry peak bodies, industry groups and community groups	

Community Clubs Ministerial Advisory Council (CCMAC)

Meetings

Date	Government Attendee	Club Organisation
12/02/21	JACS, Access Canberra	ClubsACT, Canberra Community Clubs

QUESTION TIME BRIEF

Consultation Activity

Date	Document	Club Organisations	Attachment
20 January 2021	Email – invitations to initial meeting to discuss establishment of CCMAC	Clubs industry peak bodies, United Workers Union and community groups	

COVID-19 Support Measures

Consultation Activity

Date	Document	Club Organisations	Attachment
20 March 2020	Email – notification of Government's announcement of a support package for ACT clubs	All club licensees and club industry peak bodies	
24 March 2020	Email – seeking information to support the distribution of funds from the Diversification and Sustainability Support Fund	All club licensees and club industry peak bodies	
25 March 2020	Email – requesting that ACT clubs complete the supplier registration smart form	All club licensees and club industry peak bodies	Supplier registration smart form
27 March 2020	Email – seeking additional information to support the distribution of funds from the DSSF	All club licensees and club industry peak bodies	
2 April 2020	Email – providing notification of the passage of the *COVID-19 Emergency Response Act 2020*.	All club licensees and club industry peak bodies	
3 April 2020	Email – providing information on Government support measure – surrender of gaming machine authorisations.	All club licensees and club industry peak bodies	
Approx. 8 April – 7 May 2020	Emails – distribution of funds from the DSSF	Club licensees	
14 April 2020	Email – information about gaming machine authorisation surrender initiative.	All hotel licensees	

QUESTION TIME BRIEF

Approx. 15-30 April 2020	Telephone calls – raising awareness of gaming machine authorisation surrender initiative.	All club and hotel licensees	
Approx. 22 April – 19 May 2020	Emails – discussing implementation of Government support measure – gaming machine tax refund.	Club licensees	
29 May 2020	Email – information about gaming machine authorisation surrender initiative. *Deadline for completed forms by 11:59pm 30 June 2020.*	All club and hotel licensees and club industry peak bodies	Gaming Machine Authorisation Surrender Incentive form; and Surrender of Licence, Authorisation Certificate or Authorisations – Notification form
15 June 2020	Email – information about – Emergency Community Purpose Contributions Declaration	All club licensees and club industry peak bodies	
22 June 2020	Email – reminder about gaming machine authorisation surrender initiative. *Deadline for completed forms by 11:59pm 30 June 2020.*	All club licensees and club industry peak bodies	Gaming Machine Authorisation Surrender Incentive form; and Surrender of Licence, Authorisation Certificate or Authorisations – Notification form
24-25 June 2020	Telephone calls - about gaming machine authorisation surrender initiative.	All club and hotel licensees	
23 June 2020 – 22 July 2020	Emails – processing surrenders of gaming machine authorisations	Club licensee applicants to surrender gaming machine authorisations	Template invoice for incentive payment
14 August 2020	Email – announcement of emergency community purpose contribution declaration for local live performance industry	Club licensees	
19 August 2020	Emails – seeking feedback on draft emergency community purpose contribution declaration for local live performance industry	Club industry peak bodies and club licensees	Draft Gaming Machine (Emergency Community Purpose Contribution – Local Live Performance Industry) Declaration 2020
31 August 2020	Email – notification of extension of availability of the ACT Government *COVID-19 Economic Survival Package – Gaming Machine Authorisation Surrender Incentive*	All club and hotel licensees and club industry peak bodies	Access Canberra Notification Form for Surrender of Authorisations; and COVID-19 Economic Survival Package – Gaming Machine Authorisation Surrender Incentive Extension form

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Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/46-001-002	

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QUESTION TIME BRIEF

31 August 2020	Email – notification of extension of permitted uses for incentive payments under the ACT Government *COVID-19 Economic Survival Package – Gaming Machine Authorisation Surrender Incentive*	Club licensees that had previously participated in the *COVID-19 Surrender Incentive*	
18 September 2020	Email – information about – Emergency Community Purpose Contributions – Local Live Performance Industry Declaration 2020	All club licensees and club industry peak bodies	*Gaming Machine (Emergency Community Purpose Contribution – Local Live Performance Industry) Declaration 2020*
25 September – 9 November 2020	Emails – processing surrender of gaming machine authorisations	Club licensee applicant to surrender gaming machine authorisations	Access Canberra Notification Form for Surrender of Authorisations; and COVID-19 Economic Survival Package – Gaming Machine Authorisation Surrender Incentive Extension form Template invoice for incentive payment
23 December 2020	Email response – notification of further extension of *COVID-19 Economic Survival Package – Gaming Machine Authorisation Surrender Incentive*	ClubsACT	

QUESTION TIME BRIEF

JACS2021/46-001-010

Portfolio/s: Attorney-General

Economic Development

How the ACT Liquor Act compares to NSW changes

Talking points:

- The sale and supply of liquor in the ACT is regulated under the *Liquor Act 2010* and the *Liquor Regulation 2010*. Decision-making under the Act must have regard to the harm minimisation and community safety principles, which are listed under section 10 of the Act.
- The ACT applies a risk-based liquor licensing fee framework that links annual fees to three identified risk factors to create a consistent, scalable and transparent fee framework that reflects the relative risk of alcohol-related harms associated with particular types of licensed premises, while maintaining a vibrant ACT nightlife and associated economic benefits.
- In the ACT, annual liquor licence fees are determined on the basis of:
    - the class/subclass of the licence (i.e. the type of venue that will be operated under the licence);
    - the maximum permitted occupancy loading for the venue (i.e., the density of a venue, or how many people can be in a venue); and
    - the venue's trading hours (license times, i.e., how late they serve liquor).
- The ACT framework does not take a liquor licensee's compliance history into account when determining the licensing fees that the licensee must pay.
- The ACT liquor licensing fee framework considers the costs associated with regulatory and police enforcement at licensed premises, and alcohol-related anti-social or violent behaviour.
- Some liquor licensees have raised that the ACT's fees are significantly higher than licence fees in NSW, and that this is inequitable and inconsistent. However, the fee frameworks of the ACT and NSW are not directly comparable:

  - While both jurisdictions operate risk-based licensing fee frameworks, NSW's liquor licensing fee framework has a significant compliance history-based component. Base fees for NSW liquor licences are generally lower than those applying to the equivalent licence type under the ACT framework. However, if enforcement action is taken against a licensee, a compliance risk loading is added to their annual fee, making that fee significantly higher than the fee for the equivalent licence type in the ACT.

- The *Liquor Amendment (Night-time Economy) Act 2020* (the Act) was passed by the NSW Parliament on 17 November 2020 and was assented to on 27 November 2020. This is an omnibus Act that includes a range of amendments to liquor, gaming and planning-related legislation. The Act amends the *Liquor Act 2007* (NSW) and *Liquor Regulation 2018* (NSW) to:
  - replace existing sanctions schemes and disciplinary systems with an integrated demerit points and incentives scheme;
  - provide for cumulative impact assessments;
  - regulate same day deliveries of liquor; and
  - make miscellaneous amendments of an administrative or minor nature.
- Provisions of this nature do not exist in the *Liquor Act 2010* or *Liquor Regulation 2010* (ACT). Due to inherent differences between the ACT and NSW liquor licensing fee frameworks, the integrated demerit points and incentives scheme and cumulative impact assessment framework introduced in NSW would not be easily subsumed into the current ACT framework. Significant legislative and regulatory reform would be required to introduce similar systems in the ACT.
- The NSW *Liquor Amendment (Night-time Economy) Act 2020* was the subject of a significant and extensive consultation process. In considering any similar reform proposals, the ACT would also need to undertake stakeholder consultation to ensure that any such proposals are suitable for our jurisdiction.

Key Information

- The table below illustrates scalability of licence fees under the ACT framework:

Licence class	Occupancy loading of 80 or less trading at standard licence times[1]	Occupancy loading of 80 or less trading until 5.00 am	Occupancy loading of 350 or more trading at standard licenced times	Occupancy loading of 350 or more trading until 5.00 am
Nightclub on licence	$3,363.00	$7,473.00	$8,969.00	$31,404.00
Bar general licence/ club licence	$2,240.00	$4,981.00	$5,977.00	$20,935.00
Restaurant and café on licence	$1,117.00	$2,488.00	$2,986.00	$10,465.00

- While a nightclub on licence has the highest 'base' annual fee of the three licence classes, a nightclub on licence with a small occupancy loading, trading at standard licence times will pay less than a restaurant/café licence with a large occupancy loading and trading until 5.00am.
- Under the NSW liquor licensing fees framework, all licensees pay a base fee (which varies according to licence type). Licensees trading after midnight also pay a trading hours risk loading. Compliance history risk loadings are triggered where enforcement action for a liquor-related offence has been taken against a licensee within the previous 12 months. If compliance history loadings are engaged, licensees will also be required to pay an additional patron capacity loading and location risk loading (location risk loading is only applicable to Sydney CBD and Kings Cross-based venues).
- For example, a club licensee in Queanbeyan would generally be required to pay a base annual fee of $552.00. However, if compliance history risk loadings are engaged, the annual fee payable by that licensee would increase to up to $19,252.00.

Liquor Amendment (24-hour Economy) Act 2020

Integrated demerit points and incentives scheme

- The *Liquor Amendment (Night-time Economy) Act 2020* (NSW) introduces single, integrated system based on demerit points. The new system seeks to reward and incentivise well-run venues. Venues that maintain a clear record with no demerit points will be entitled to discounts on their annual liquor licence fees. Venues where demerit points have been incurred or imposed will not be eligible for the discount

[1] *Standard license times*: no later than 12.00 am.

and will have to pay additional licence fees as part of the pre-existing annual compliance risk loadings.

- As detailed above, the ACT's current licensing fee framework links fees to three identified risk factors. Licensed venues' history of compliance with the framework is not taken into account when determining the licensing fees that licensees must pay. The ACT framework aims to reflect the relative risk of alcohol-related harms associated with types of licensed premises, while maintaining a vibrant ACT nightlife and associated economic benefits.

Cumulative impact assessments

- The *Liquor Amendment (Night-time Economy) Act 2020* (NSW) introduces a new framework for issuing cumulative impact assessments.
- The framework is intended to help manage the density of licensed premises in areas of concern and aims to address related cumulative impacts that may arise in the community, including the risks of alcohol-related violence and antisocial behaviour.
- The NSW Act empowers the Independent Liquor and Gaming Authority to publicly issue a cumulative impact assessment if, due to the existing issues or risks, it considers that granting further licenses or late-night trading in that area is likely to be inconsistent with its existing duty under the *Liquor Act 2007* (NSW) to ensure community wellbeing.
- Issuing a cumulative impact assessment will create a strong presumption against the Authority granting applications for new licenses or improving more late-night trading in any identified cumulative impact areas, but the Authority is not automatically prevented from approving these applications.
- The ACT Liquor Act and Liquor Regulation do not contemplate a framework for cumulative impact assessments.

Regulation of same-day liquor deliveries

- The *Liquor Amendment (Night-time Economy) Act 2020* (NSW) introduces a range of restrictions on same-day liquor deliveries, including:
    - interstate liquor licensees (including ACT liquor licensees) will be required to hold a NSW liquor licence if delivering alcohol stored in NSW to NSW residents on the same day that the order is placed;
    - same-day delivery providers must not make a same-day delivery, or permit their employees/agents to make a same-day delivery, unless the customer produces evidence of their identity and age;
    - same-day deliveries must not be made after midnight (or 11pm on a Sunday);
    - same-day alcohol deliveries must not be left unattended;
    - same-day alcohol must not be delivered to an intoxicated person;

  - all people making same-day deliveries must complete responsible supply of alcohol training (unlike RSA training, a specific course is not prescribed, allowing industry to create its own training courses); and
  - customers must be able to self-exclude from receiving same-day alcohol deliveries.

- The ACT Liquor Act does not expressly contemplate online liquor sales and same-day deliveries. It includes a range of offences relating to the supply of liquor to children, young people and intoxicated people and supply without a current Responsible Service of Alcohol (RSA) certificate. However, these offence provisions currently only capture conduct at licensed premises and may not apply to online liquor sales, where the supply occurs away from the licensed premises.
- Access Canberra (Licensing and Registrations) represents the ACT at the Australasian Liquor Licensing Authorities Forum (ALLAF). ALLAF is considering jurisdictions' regulation of online liquor sales and aims to facilitate consistency. ALLAF has not met for some time as a result of the COVID-19 public health emergency.
- JACS and Access Canberra have previously recommended that any reform in relation to online liquor sales should be informed by the work undertaken by ALLAF. However, most Australian jurisdictions have now moved ahead and are pursuing their own policy reforms in relation to online liquor sales and delivery.

Miscellaneous amendments

- The *Liquor Amendment (Night-time Economy) Act 2020* (NSW) automatically removes certain licence conditions that limit music and performance. This includes restrictions on the genre of music that may be played or performed, the number of musicians on stage, or the types of instruments used.
  - These types of restrictions do not exist in the ACT. Licensed premises must abide by the applicable noise standards. Noise is regulated by the *Environment Protection Act 1997* and the *Environment Protection Regulation 2005*, which aim to protect people from undue noise while facilitating business and social activities.
- The *Liquor Amendment (Night-time Economy) Act 2020* (NSW) enables small bars to offer family-orientated and diverse services for customers. Small bars that regularly provide meals in seated areas from their opening time until 10pm will be permitted to have minors in the company of a responsible adult during those times.
  - This is not an issue in the ACT. Under the ACT Liquor Act, areas within licensed premises can be designated 'adults only areas'. It is an offence for a child or young person to be in an adults-only area unless they are in the care of an adult (parent or guardian etc.).

- The *Liquor Amendment (Night-time Economy) Act 2020* (NSW) streamlines the application process for the low-risk small bar licence by introducing an interim small bar authorisation, to reduce the level of public consultation required.
    - Under the ACT Liquor Act, a public consultation period of 30 days is required when an application is made for a new liquor licence.

Background Information

ACT liquor licensing fees framework

- The ACT's current liquor licensing fee framework was introduced in 2010-11 as part of a significant package of reforms.
- The risk-based licence fee framework applied under the Act aims to reflect the relative risk of alcohol-related harms associated with particular types of licensed premises, while maintaining a vibrant ACT nightlife and associated economic benefits.
- The framework drew on ACT Policing data that allowed a comparison of alcohol-related incidents at restaurants and cafes, clubs, bar and taverns, and nightclubs. The data showed that the highest number of alcohol-related incidents occurred at nightclubs, followed by clubs, bars and taverns and, after that, restaurants and cafes. The data also showed that the majority of alcohol-related incidents occurred at larger venues (61 percent of incidents occurred at venues with occupancy loadings of more than 350 people) and during late-night trading (80 percent of incidents occurred at venues trading to 4.00am or 5.00am).
- The ACT Government was clear, in establishing the fee framework, that a factor in fee levels was the cost associated with regulatory and police enforcement associated with licensed premises and alcohol-related anti-social or violent behaviour. In particular, the reforms introducing the new framework were accompanied by the establishment of an additional ACT Policing capability. ACT liquor licensing fees support the cost of ACT Policing's Territory Targeting Team (formerly known as the Regional Targeting Team), which enforces the ACT's liquor laws and provides policing in the ACT's nightlife precincts.
- The effectiveness of the 2010 liquor reforms was the subject of review in 2013 and 2016. The first review was undertaken by ACIL Allen Consulting and concluded that:
    - most stakeholders consider the reforms have made a positive contribution to community safety; and
    - the adoption of the risk-based approach was a positive step.
- The second consultative review presented a series of proposals for further reforms in the *Building on Liquor Reform: White Paper*. The White paper retained the risk-based license fee framework and delivered a 25 percent annual fee reduction for licensees

with an occupancy loading of 150 people or less and licensed times of 2am or earlier, to encourage small bars and restaurants.

- A further review of liquor licensing fees for small and medium clubs was undertaken in 2019-20. Following this review the Chief Minister agreed to a 25 percent reduction in annual fees for club licensees trading within standard license times and with occupancy loadings of over 150 people. This reduction took effect under a the *Liquor (Fees) Determination for 2020*, noting that all on-licence liquor fees are currently waived as part of the Government's COVID emergency support measures.
- The ACT's liquor licence fee framework does not appear to have had an adverse effect on the size of the industry. The number of on-premises licensees in the ACT has increased from 446 in April 2011 to 563 in November 2020.
- Please also see QTB 'COVID-19 Impacts -Relief to clubs and licensed premises' (JACS2021/46-001-005) for information about fee waivers and measures to support liquor licensees during the COVID-19 public health emergency.

Liquor Advisory Board

- The Liquor Advisory Board (the Board) is established under section 215 of the Act to provide advice to the Minister on matters associated with the Act, including measures that support the harm minimisation and community safety principles. Its members represent a broad range of liquor stakeholder groups, including government, industry, and community organisations.
- Section 218 of the Act requires that the Board must meet at least twice each year. The Board met four times in 2020 and its next meeting is currently scheduled for 16 March 2021.

QUESTION TIME BRIEF

JACS2021/46-001-029

Portfolio/s: Attorney-General

R v UG [2020] ACTCA 8 and the *Crimes (Sentencing) Act 2005*

Talking points:

- I am aware of the ACT Court of Appeal decision in R v UG, to the effect that that there is no basis for taking 'a special approach [to] sentencing for family violence offences'.
- I am also aware that there are a range of approaches in other jurisdictions to sentencing for offences committed in a family violence context.
- The ACT Government is strongly committed to preventing domestic and family violence and supports measures that hold perpetrators to account.
- The ACT Government is considering whether our existing laws give the courts appropriate guidance on the factors to be considered and the weight to be given to these factors when sentencing family violence offenders.

Key Information

- Currently, ACT courts must consider 'the nature and circumstances' of an offence when sentencing the offender.
- ACT courts cannot impose a lesser sentence on the basis that:
    - the offence was a family violence offence, or
    - a family violence order was in place.

Background Information

- In *R v UG [2020]* ACTCA 8, the Court of Appeal found that there is no basis for taking 'a special approach [to] sentencing for family violence offences'.
- Each Australian jurisdiction has a different approach to sentencing:
    - New South Wales' Crimes (Sentencing Procedure) Act 1999 creates a presumption that family violence offenders will be sentenced to full-time detention or a supervised order.
    - Queensland's Penalties and Sentences Act 1992 states family violence is an aggravating factor in sentencing, unless there are "exceptional circumstances".

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TRIM Ref:	JACS2021/46-001-029	

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- South Australia's Criminal Law Consolidation Act 1935 states that offences against family members (including former partners) are "aggravated".
- Tasmania's Sentencing Act 1997 states the court cannot order home detention if the offender has perpetrated family violence, and/or if the offender would be living with the victim of the offence. For family violence offences, if a child was present at the time this may be an aggravating factor.
- Western Australia's Sentencing Act 1995 states family violence is an aggravating factor in sentencing.
- Northern Territory and Victorian courts have each found the need for general deterrence in family violence matters (e.g. Hardy v Rigby [2020] NTSC 42 and Laa v The Queen [2020] VSCA 136).

QUESTION TIME BRIEF

JACS2021/46-001-015

Portfolio/s: Attorney-General

ISSUE: RESOURCING OF MAGISTRATES AND CORONER'S COURTS

Talking points:

- The ACT Government is committed to providing the ACT Magistrates Court with the resources it needs to meet increasing demand.

Recent Magistrate appointments

- Magistrate Bernadette Boss has taken up a temporary 12-month appointment with the Commonwealth in the role of interim National Commissioner for Defence and Veteran Suicide Prevention. Dr Boss commenced in the role on 16 November 2020. I congratulate Dr Boss on this significant appointment.
- I welcome the appointment of Jane Campbell as a Special Magistrate, who is backfilling Dr Boss' 12-month absence from the Magistrates Court. Ms Campbell commenced in her new role on 11 January 2021 and brings a wealth of experience to the bench, particularly in the area of criminal law practice.
- Ms Louise Taylor has been sitting as the Territory's eighth full-time resident magistrate since 10 September 2018. This appointment supports the efficiency of the justice system and the timeliness of proceedings in the Magistrates Court.
- In addition to resourcing the eighth magistrate position, in the Government's 2018-19 budget, Legal Aid ACT received an additional $1.297 million and the Director of Public Prosecutions (DPP) received $987,000 for additional staff to support the increased capacity of the Magistrates Court.

Dedicated full time ACT Forensic Pathologist

- The 2018-19 Budget also provided $1.9 million over four years for the recruitment of a resident full-time ACT Forensic Pathologist which will ensure efficient and dedicated provision of pathology services to support the Coroner's Court.

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Cleared for public release by:	Deputy Director-General	Ext:
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QUESTION TIME BRIEF

Family Liaison Officer

- The new Family Liaison Officer role commenced in the Coroner's Court on 25 June 2020. The role is critical in providing support to families and friends of loved ones who have passed, as they progress through the coronial system.

Dedicated Coroner

- The Government is committed to considering establishing a dedicated full-time coroners court to help reduce delays, improve consistency and lift the experience of families engaging with the coronial process.

Key Information

Full-time dedicated Coroners Court

- The Parliamentary and Governming Agreement for the 10th Legislative Assembly provides that an Executive reform priority is to '*Explore the establishment of a dedicated full time Coroners Court'* (Appendix 2, Executive Reform no. 5).

Operational issues

- COVID-19 led to a range of measures being implemented by the ACT Courts and Tribunal to support social distancing and reduce the spread of the virus. Where feasible, essential court and tribunal operations continued by using a range of technologies such as video and telephone conferencing.
- The pandemic led to a slowing of the court and tribunal operations and a slowing of finalisation rates. The Chief Magistrate has publicly stated that a significant backlog has accumulated which will take many months to address. Funding has been provided to assist the Magistrates Court with reducing this backlog.

Coroners Amendment Bill 2020

- The Coroners Amendment Bill 2020 was passed in the Assembly in July 2020. The Bill amends the *Coroners Act 1997* to enhance our framework to better respond to the justice needs of families engaging in the coronial system and to make it easier for the Coroner's Court to implement restorative approaches in its daily practice.

QUESTION TIME BRIEF

Background Information

Recent Magistrate appointments

- Magistrate James Stewart is appointed as a part-time magistrate of the ACT Magistrates Court. Magistrate Stewart has been working full-time since 1 August 2019 to support the Court to address the backlog of matters caused by the COVID-19 pandemic, and to assist the ongoing operation of the Court in light of other magistrates' absences anticipated in 2021. The current full-time work arrangement for Magistrate Stewart will end on 30 June 2021.
- The appointment of Ms Margaret Hunter OAM as a Special Magistrate was recently extended to 30 April 2021. Special Magistrate Hunter requested this extension in order to finalise the Brayden Dillon Inquest, noting that, given the volume of evidence to consider by the parties in respect of their submissions, time for submissions was extended to April 2021. Special Magistrate Hunter expects to hand down findings by the end of April 2021.
- Magistrate Boss has been engaged by the Commonwealth for appointment as interim National Commissioner for Defence and Veteran Suicide Prevention for a term of 12 months. She commenced in the role on 16 November 2020. Jane Campbell has been appointed as a Special Magistrate for 12 months, commencing 11 January 2021, to cover Magistrate Boss' absence.

QUESTION TIME BRIEF

JACS2021/46-001-004

Portfolio/s: Attorney-General

ISSUE: REFORMS TO THE OPERATION OF THE CORONER'S COURT

Talking points:

- The Government is focused on improving the coronial system to ensure that cases are finalised as quickly and as sensitively as possible and that the benefits to the community of coronial recommendations for public health and safety improvements are realised.
- The coronial process is a vital part of the judicial system that deserves ongoing focus. Coronial inquiries are complex and time consuming.
- To make the coronial process more timely, effective and sensitive to the needs of grieving families, we are examining our current system and the potential for meaningful process improvements and reform.
- In 2020, having regard to feedback from the November 2019 Restorative Coronial Reform Forum, we amended to Coroners Act to explicitly recognise the impact on family and friends of the death of a loved one, and the interest that family and friends have in the coronial process.
- In addition, a new Family Liaison Officer role commenced in the Coroner's Court on 25 June 2020. The role is critical in providing support to families and friends of loved ones who have passed, as they progress through the coronial system.
- The Government is now committed to exploring the establishment of a full time dedicated Coroner. Currently, the coronial responsibilities are shared across a number of ACT Magistrates.
- Coronial reform is part of a broader initiative to build Canberra as a Restorative City – one where we value relationships, treat each other with care and respect, and seek to solve problems collectively.

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Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/46-001-004	

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QUESTION TIME BRIEF

Key Information

Full-time dedicated Coroner's Court

- The Parliamentary and Governming Agreement for the 10th Legislative Assembly provides that an Executive reform priority is to 'Explore the establishment of a dedicated full time Coroner's Court' (Appendix 2, Executive Reform no. 5). This is under active consideration.

Funding from the 2018-19 Budget

- The 2018-19 Budget provided $1.9 million over four years for the recruitment of a resident full-time ACT Forensic Pathologist. This will support the timely provision of manner and cause of death information to expedite the release of the deceased to their family and the making of findings by the Coroner.
- The 2018-19 Budget also included $3.1 million in funding over the next four years for an eighth full time resident magistrate.

Background Information

Law Reform Advisory Council (LRAC) Report

- The LRAC report, *Canberra – Becoming a Restorative City,* recommended that restorative practices be trialled within the coronial system. LRAC's report was released on the Justice and Community Safety Directorate's (JACS) website on 15 November 2019, as a part of the launch of the 'Canberra as a Restorative City' website. The website includes a vision document about Canberra as a Restorative City initiative, which notes coronial reform as a priority.
- Several initiatives are being progressed as part of the Restorative City initiative to strengthen the use of restorative practice in the Coroner's Court, including:
    - Developing Ministerial guidelines for Government responses to coronial reports to promote transparent, respectful, and sensitive engagement between families and coronial staff during the preparation of Government responses.
    - Exploring the use of restorative conferencing to complement current and completed coronial inquiries.
    - Developing information materials to help bereaved families navigate the coronial system.
    - Facilitating discussions between religious and cultural leaders in the ACT and Coroners, Coroner's Court staff and Forensic Medicine Centre staff on different practices around death, autopsy, and burial.
    - Supporting opportunities for Coroners to discuss restorative approaches with colleagues across jurisdictions.

Restorative Coronial Reform Forum

- A forum was held on 19 November 2019 which reflected upon the experiences of families who had engaged with the coronial system, and explored opportunities for restorative coronial reform, in alignment with the recommendations of the LRAC Inquiry into Canberra as a Restorative City.

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TRIM Ref:	JACS2021/46-001-004	

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- Legislation, Policy and Programs (LPP) is engaged in ongoing work with the Coroner's Court to explore further restorative coronial system reforms.

Recent legislative reforms

- In July 2020, the Legislative Assembly passed the Coroners Amendment Bill 2020 which is part of a package of reforms to better respond to the justice needs of families engaging with the coronial system and to make it easier for the Coroners Court to implement restorative approaches in its daily practices.
- Feedback from families with lived experience in the coronial system significantly informed the amendments to the Coroners Act, which commenced on 29 January 2021.
- The Justice and Community Safety Legislation Amendment Bill 2019 (JACS Bill), passed in June 2019, clarified that the Judicial Council can receive and examine complaints about a magistrate performing the coronial role, and made changes to require a government response to be presented to the Legislative Assembly following the release of coronial findings which identify matters of public safety.

Family Liaison Officer (FLO)

- The trial of the FLO position in the Coroner's Court commenced on 25 June 2020, with the recruitment of Ms Corinne Vale to the role. The role is currently funded up to December 2021.

National Commissioner for Defence and Veteran Suicide Prevention

- The ACT is participating in national level discussions led by the Commonwealth Attorney-General's Department about the establishment of a National Commissioner for Defence and Veteran Suicide Prevention, and National Coronial Centre. The ACT's coronial reform program is of interest to the Commonwealth as a key focus of the Commissioner's role will be engagement with affected families using restorative and trauma-informed principles.
- ACT Magistrate, Dr Bernadette Boss has been appointed as the interim National Commissioner for the Defence and Veteran Suicide Prevention for 12 months. Dr Boss commenced in this role on 16 November 2020.

Coronial Reform Group (CRG)

- Mrs Eunice Joliffe, Ms Rosslyn Williams, and Ms Ann Finlay (Fennessy) are collectively known as the Coronial Reform Group (CRG). Members of the CRG experienced the coronial system following the death of their sons, Mark Joliffe, Benjamin Williams and Paul Fennessy in 2010.
    - Mark Joliffe died on or about 15 February 2010. Coroner Dingwall's findings were delivered on 30 June 2015.
    - Benjamin Williams died on 28 September 2010. The Chief Coroner's findings were delivered on 17 October 2013.
    - Paul Fennessy died on 6 January 2010. Coroner Hunter's findings were delivered on 16 December 2016.

  The Health Minister's response to the Coroner's recommendations was tabled in the Legislative Assembly in August 2017.

QUESTION TIME BRIEF

- The CRG was awarded the ACT's Mental Health Volunteer of the Year Award in 2018 for their work to support a more timely, supportive and effective coronial system and better lives for people affected by mental illness through service improvements.
- Ten family representatives attended the Restorative Coronial Reform forum on 19 November 2019.

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QUESTION TIME BRIEF

JACS2021/46-001-007

Portfolio/s: Attorney-General

ISSUE: DRUG AND ALCOHOL COURT/DRUG AND ALCOHOL SENTENCING LIST

Talking points:

- The Government committed to establishing a Drug and Alcohol Court (DAC) in the Parliamentary Agreement for the 9th Assembly. The ACT DAC commenced operations on 3 December 2019.
- On 1 July 2020, former judge of the ACT Supreme Court, Justice Richard Refshauge was appointed as an Acting Judge to oversee the ACT's Drug and Alcohol Court, which is referred to by the Courts as the Drug and Alcohol Sentencing List (DASL).
- The first Drug and Alcohol Treatment Order (DATO) was made on 15 January 2020.
- The Sentencing list commenced with an intake of 10 participants and this will increase to up to 35 participants by June 2021.
- As of January 2021, there have been 47 referrals to the DAC, with 14 participants on Drug and Alcohol Treatment Orders and 7 currently undergoing assessment for suitability.
- The Sentencing List sits each Friday and as required on other days.
- The model is based on proposals that were developed by the DAC Supreme Court Working Group which was led by Justice John Burns and included representatives from key agencies.
- A wide range of community services including health, housing, treatment and counselling programs complement and support the DAC to achieve positive outcomes for offenders and the community.
- Those outcomes include better health outcomes, reduced offending, reduced incarceration rates and improved community safety.

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- In September 2020, the NSW Bureau of Crime Statistics and Research (BOCSAR) published an evaluation of the NSW Drug Court entitled '*The long-term effect of the NSW Drug Court on recidivism*'. The aim of the report was to determine whether the positive results observed in the first and second evaluations of the NSW Drug Court are sustained over a period of more than ten years.
- The report concluded that the NSW Drug Court appears to have long term beneficial effects on the total number of reconvictions and the risk of an offender committing a further offence against another person. The ACT Government will be considering this important research very carefully as it determines next steps for the drug court in the ACT.

Purpose and nature of the DAC

- The ACT DAC operates in the Supreme Court. The fitout of the court room and urinalysis suite for the DAC were included as part of the Courts Building project.
- Offenders are carefully assessed for eligibility and suitability for DAC participation. Criteria include that they must have pleaded guilty to an eligible offence, and be dependent on alcohol or a controlled drug that substantially contributed to their offending.
- Their sentence of imprisonment (between one and four years) will be suspended.
- Participants have individualised treatment and sentence management plans that include intensive judicial supervision, frequent drug and alcohol urine and breath testing, and regular and ongoing contact with health and corrections staff.
- Case management is undertaken by both Health and ACT Corrective Services staff, with agencies working closely together to support the offender throughout the order.
- Justice Refshauge leads a team of representatives from various health and justice agencies to guide the participant through the DAC process.

- The DAC Team includes members from Canberra Health Services, ACT Corrective Services, the Director of Public Prosecutions, Legal Aid ACT and ACT Policing. Importantly, the Team may also include an Aboriginal Liaison Officer from Canberra Health Services and housing support as required.
- A scheme of rewards and sanctions supports compliance. Progress is rewarded, and breaches are sanctioned through a system of swift, certain and proportionate consequences. This sends a strong message about the consequences of continued criminal or antisocial conduct.
- The DAC deals with offences that relate to serious drug and alcohol use. It provides a unique response to a group of high risk and high need offenders in the form of an alternative to full-time imprisonment.
- The DAC will promote community safety and decrease the impact of criminal activity in the Territory by reducing the likelihood of drug dependant people resorting to offending behaviour, and particularly repeat offending.
- The evidence shows that drug courts are effective at achieving long-term behavioural change in offenders.

Participant requirements and cooperation

- An offender may be referred for consideration of eligibility for a DATO if they plead guilty to an eligible offence, if drugs and or alcohol was a factor in the commission of the offence and the offender is facing a sentence of one to four years.
- The offender will be assessed for eligibility and if eligible, will be referred for a suitability assessment. This involves judicial supervision, primary case management by Health staff in conjunction with Corrective Services staff and frequent drug testing or breath testing.
- The offender must give informed consent to be assessed for a DATO.
- Once an offender is sentenced to a DATO, the DAC Team manages the participant through targeted multidisciplinary treatment programs.

- All participants commence on phase one of the program. Progress through the three phases will depend on the participant and their progress on the DATO.
- Intensive supervision ensures that offenders are doing the right thing for themselves and for the community.
- By promoting the reintegration of eligible offenders into the community and taking a holistic approach to addressing key risk factors related to offending, the DAC can reduce recidivism.
- For example, when a DAC participant stops using drugs, and has stable housing and re-engages with their community, some of the risk factors for re-offending are lessened.
- This ultimately helps to reduce the burden on our health and justice systems caused by drug use and offending, and helps to maintain safety in the community.

- Drug courts in NSW, Queensland and Victoria have demonstrated the long-term cost-effectiveness of a therapeutic approach which is able to achieve continuing behavioural change.

Background Information

- The Parliamentary Agreement for the 9th Assembly committed to establishing a Drug and Alcohol Court and associated support programs as part of a goal to reduce recidivism by 25 percent by 2025.
- $6.83 million over 2.5 years was allocated to the DAC in the 2018-19 mid-year budget appropriation.

QUESTION TIME BRIEF

JACS2021/47-001-031

Portfolio/s: Chief Minister

Police and Emergency Services

Special Minister of State

ISSUE: NATIONAL SECURITY AND PUBLIC SAFETY

TALKING POINTS

Australian Government Critical Infrastructure Reforms (Chief Minister)

- Critical infrastructure is essential to the function of our daily lives in the ACT.
- The ACT's establishment of a second power supply is one example of how the ACT is strengthening the resilience of our critical infrastructure.
- The ACT remains supportive of the focus by the Australian Government to strengthen the security of Australia's critical infrastructure by reforming the Security of Critical Infrastructure Act 2018.
- The ACT maintains its own critical infrastructure arrangements and relationships between government and non-government owners and operators.
- This relationship was used to great effect during the 2019-20 bushfire season to share information about critical infrastructure.

Cyber Security and Online Safety (Special Minister of State)

- The ACT remains an attractive target for cyber criminals.
- The cyber threat is persistent. State actors, criminal syndicates, issue motivated groups and self-motivated individuals continue to target children, families, businesses, online critical infrastructure and steal Government intellectual property.
- Cyber security remains a top priority for the ACT Government.
- Our specialist teams work to protect information managed by the ACT Government and regularly meet withthe National Cyber Security Committee to monitor the cyber threat environment.

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TRIM Ref:	JACS2021/47-001-031	

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QUESTION TIME BRIEF

- In response to recommendations from the Auditor-General's audit on data security, the ACT has engaged a provider to undertake a thorough risk and threat assessment of the ACT's environment. This is in addition to a wide range of other activities to strengthen the ACT's cyber security resilience.
- The ACT supported the development of *Australia's Cyber Security Strategy 2020*, launched August 2020. The strategy responds to continuing malicious cyber threats and activities faced by Australians.
- With more Canberrans working and studying online due to COVID-19, the potential for online harm is increased. Visit the eSafety Commissioner's website for ways to keep you and your family safe online.
- I encourage all Canberrans to follow the IT security advice of the Australian Cyber Security Centre available at cyber.gov.au.

Foreign Interference (Chief Minister)

- The ACT values its open and transparent international engagement with other governments to progress matters of mutual benefit.
- Unfortunately, some foreign actors are pursuing opportunities to interfere for example with decision makers, intellectual property, and IT systems in Australia. The ACT is not immune from this interference.
- Foreign interference activities go beyond routine diplomatic influence practiced by governments. Interference may be coercive, covert, deceptive and clandestine in nature and can cause harm to the ACT's interests.
- The ACT partners with the Australian Government and other states and territories on efforts to protect our systems of government, democracy, critical infrastructure, education and media.
- Concerns about foreign interference should be reported to the National Security Hotline on 1800 123 400.

Public Spaces and Venue Safety (Minister for Police and Emergency Services)

- Canberra's public places and events remain a safe and attractive place for communities and families.
- While the national terrorism public alert level remains at PROBABLE, there is no specific or credible threat to the ACT at this time.

- The ACT Government and ACT Policing continually monitor the security threat environment. We must all remain vigilant to the threat of terrorism.
- The government remains ready as COVID restrictions ease to host safe and enjoyable public events.
- We will continue to use CCTV, vehicle protection barriers and other measures as appropriate to protect Canberrans.

Countering Violent Extremism (Chief Minister)

- Our best defence against violent extremism is maintaining a welcoming and inclusive city, where diversity is respected and celebrated.
- Unfortunately during COVID-19 we have seen an increase in racial abuse and hate speech directed towards some members of our community – this is unacceptable and goes against what the ACT stands for.
- The ACT Government recognises communities play an important role in preventing and countering violent extremism, alongside government agencies. This is a shared challenge and requires a whole-of-society approach.
- The ACT's approach is focussed on education, effective community dialogue and safeguarding those most vulnerable to the messages of violent extremists.
- The ACT Government and ACT Policing continue to work to keep Canberrans safe from all forms of violent extremism in partnership with our Commonwealth, State and Territory colleagues.
- I encourage families, friends and communities to contact authorities for help and advice if you are concerned someone may be radicalising or vulnerable to violent extremism.
- Concerns can and should be reported to the National Security Hotline on 1800 123 400. Please visit the Living Safe Together website for more information.

QUESTION TIME BRIEF

Fixated Threat Capability (Minister for Police and Emergency Services)

- In the ACT Budget 2019-20, the Government announced $1.08 million over three years to establish and trial a fixated threat capability for the ACT. This capacity has been established.The ACT now has specially trained officers from ACT Policing, and mental health professionals from Canberra Health Services co-located and working closely together to assess and manage fixated individuals in the ACT.
- A fixated individual is a person with an unhealthy obsession or perceived grievance with another person. In many cases, a fixated individual may have undiagnosed or untreated mental health issues.
- A focus for the ACT's fixated threat capability is to reduce harm to the community by engaging (or sometimes re-engaging) fixated individuals with appropriate mental health or other community support services.
- The establishment of this capability completes the ACT's implementation of the October 2017 agreement of the Council of Australian Governments to adopt a national approach to assessing and managing fixated individuals.

Counter Terrorism (Chief Minister)

- The ACT is a successful and harmonious multicultural society. This is one of our greatest strengths against acts of terrorism and violent extremism occurring in Canberra.
- Our identity is defined by an overriding commitment to our nation, its democratic values and the rule of law, not by race, religion or ethnic background.
- The ACT supports community leaders and activities to promote our vibrant, inclusive and culturally diverse community while maintaining the rule of law and protecting human rights.
- We as a government reject those who seek to impose their world view on others through intimidation and violence.
- Anyone who singles out any particular group as a target for hatred plays into the hands of terrorists.
- My government is committed to ensuring the safety and security of our community. We work closely with ACT Policing and other law

enforcement and intelligence agencies to combat terrorism and violent extremism.

- We cannot eliminate the risk of terrorism any more than any other serious crime. But we will do all we can to keep our community safe from those who seek to do us harm.
- Terrorism is a national issue, and we work closely with our interstate and Commonwealth partners on the national security challenges we face. We need to keep our legislation and capabilities under constant review to meet these evolving issues.
- The Australian National Security website contains information about Australia's security threat environment and terrorism in Australia.
- Concerns about national security or terrorism should be reported immediately to the National Security Hotline on 1800 123 400.
- If a situation requires a police response, call Police Operations on 131 444. If the situation is potentially life threatening, call Triple-Zero (000).

QUESTION TIME BRIEF

JACS2021/47-001-021

Portfolio: Minister for Police & Emergency Services

Attorney-General

ISSUE: CRIMINAL OUTLAW MOTORCYCLE GANG

TALKING POINTS:

- The ACT Government and ACT Policing are committed to countering serious and organised crime by criminal gangs, and maintaining public safety.
- Taskforce Nemesis is focussed on combating criminal motorcycle gang behaviour in the ACT. The taskforce often collaborates across whole-of-government to create innovative strategies to disrupt criminal gang behaviour.
- In 2016, the ACT Government provided $6.4 million over four years for the expansion of Taskforce Nemesis to target organised crime syndicates including Criminal Motorcycle Gangs. This funding included eight staff: four investigators, two intelligence officers, one Forensic Accountant and an Investigative Assistant.
- In the 2018-19 Budget, ACT Government committed a further $1.594 million over four years to bolster the capability of Taskforce Nemesis in providing funding for one Forensic Accountant, one Surveillance Team Member and associated equipment and training.
- ACT Policing will continue to ensure an appropriate police response to target and disrupt those seeking to cause harm in our community.
    - ACT Policing is also in a unique position as it can call on specialist and surge capabilities from the broader AFP to meet changing operational environments.
- In 2017, the Federal Government provided funding to combat organised crime through the National Anti-Gangs Squad (NAGS). Taskforce Nemesis has an embedded NAGS member, enabling interoperability and liaising on matters of operational and strategic importance. NAGS bring together the resources and expertise of Federal and state/territory agencies to cooperate and share information to identify, target, disrupt and deter gang-related crime.

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TRIM Ref:	JACS2021/47-001-021		

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QUESTION TIME BRIEF

- ACT Policing has established a whole-of-government interagency working group, with representatives from a number of local and Commonwealth government agencies to consider all aspects of criminal gang behaviour in the ACT. The group is based on the Commonwealth NAGS model that brings a whole-of-government approach to addressing this issue.
- The confiscation of criminal assets is an effective tool to assist in the prevention and disruption of serious and organised crime and prevents the reinvestment of illegally obtained wealth into criminal activity.
- It is anticipated additional agencies will be invited to future working groups to further drive Taskforce Nemesis' ambitions to disrupt Criminal Motorcycle Gang activities.

Operational successes

Taskforce Nemesis Criminal Motorcycle Gang related figures (at 13 Jan 21)	**2018**	**2019**	**2020**
Criminal gang members charged *(person may be charged on numerous occasions)*	27	37	29
Offences charged	78	85	47
Firearms seized	20	12	9

OMCGs in Canberra

- As at January 2021:
  - There are four known Criminal Motorcycle Gangs, two of which have increasingly limited influence, operating in the ACT.
  - The total number of members associated with ACT chapters of these Criminal Motorcycle Gangs is estimated at approximately 30-40 people.
  - This is a decrease from the previously reported numbers of approximately 70 members in 2018-19 and is as a result of members being deported, imprisoned or fleeing insterstate.

QUESTION TIME BRIEF

- Criminal Motorcycle Gang membership has traditionally been relatively stable, however, changes to criminal gang membership in recent years highlight a shift towards more fluid concepts of membership.
- Serious and organised crime is not limited to openly-identifiable criminal gangs and ACT Policing will continue to proactively target, prosecute and disrupt those involved in serious and organised crime in the ACT - regardless of their individual affiliations.

Background information

- While 'patch-overs' have been known to occur from time to time, large numbers of patch overs have occurred in recent years. These changes to club numbers can affect the structure and strength of a Criminal Motorcylce Gang, and has had a significant impact upon the strength and rivalry between Criminal Motorcycle Gangs in the ACT.
- Appropriate legislative frameworks are an essential component to enable police to effectively disrupt and dismantle criminal organisations. A number of legislative amendments have been made to increase the tools available to police and enhance the response capacity of police officers. Most recently, these have included legislation passed on fortifications, drive-by shootings and crime scene powers.
- ACT Policing has had additional powers available since 2017 that have enhanced its ability to respond to and prosecute criminal gang-related acts of violence after the fact.
- Recent legislative amendments to help equip ACT Policing in combating criminal motorcycle gang activity has included:
    - Laws providing powers to remove fortification from dwellings;
    - Laws enabling police to establish crime scenes;
    - A tiered regime of affray offences;
    - Laws allowing police to apply to exclude individuals from working in certain industries or attending licensed premises.

QUESTION TIME BRIEF

JACS2021/46-001-019

Portfolio/s: Attorney-General

ISSUE: SERIOUS AND ORGANISED CRIME RESPONSE

Criminal gangs are involved in illegal activities across Australia, including serious drug offences, fraud and property crime, vehicle rebirthing, firearms offences, money laundering, extortion and serious assaults.

TALKING POINTS

- Countering serious and organised crime and maintaining public safety is a primary focus for the ACT Government.
- Outlaw motorcycle gangs (OMCGs) have been identified as having high involvement in serious criminal activities. A February 2020 report by the Australian Institute of Criminology found that violent and profit-motivated offending is common among members of OMCGs, and that there is evidence that joining an OMCG increases a person's propensity to commit crime.
- As at 13 January 2021, there are four known OMCGs operating in the ACT, two of which have increasingly limited influence. The total number of members associated with the ACT chapters of these gangs is approximately 30-40 people. This is a decrease from previously reported numbers of approximately 70 members in 2018-2019 and is a result of members being deported, imprisoned or fleeing interstate.
- In 2020, in the ACT, 29 OMCG members were charged with a total of 47 offences. In this period, 9 firearms were seized.

Key Taskforce Nemesis figures (Criminal Motorcycle Gang related figures)	**2018**	**2019**	**2020**
Criminal gang members charged**	27	37	29
Offences charged	78	85	47
Firearms seized	20	12	9

*A person may be charged more than once in a year

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- The ACT Government is strongly committed to targeting, disrupting, and prosecuting organised criminal gang members and ensuring the safety of all Canberrans.
- ACT Policing'sTaskforce Nemesis continues to focus on operational and investigative responses to criminal gang activity. Through the Taskforce, ACT Policing continues to proactively disrupt criminal gang members to deter and detect criminal activity. The Government has provided continued investment to ensure that ACT Policing has the resources it needs to combat criminal gangs in the ACT.
- In the 2018-19 Budget, $1.6 million over four years was provided to Taskforce Nemesis. These resources fund two specialist officers – a forensic accountant and surveillance team member – to bolster the ability of the taskforce to combat organised crime, strip criminal wealth and improve surveillance capability to monitor the activity of criminal gangs.
- The 2019-20 Budget delivered a further $2.8 million over four years to the ACT Director of Public Prosecutions to assist with efforts to combat serious and organised crime including to strip criminals of their criminal profits.
- During the 2019-20 financial year, almost $1.5 million was forfeited to the Territory under the *Confiscation of Criminal Assets Act 2003*. These funds came from the seizure of cash, 16 motor vehicles and 6 real estate properties and mostly involved offenders convicted of serious drug offences. The funds will be used by the ACT Government to fund projects related to criminal justice activities, crime prevention and assistance to victims of crime.

<u>Recent legislative reform</u>

- The *Confiscation of Criminal Assets (Unexplained Wealth) Amendment Act 2020* commenced on 29 August 2020. The Act introduces an ACT-specific unexplained wealth scheme to more effectively prevent and investigate organised crime and target the criminal profits of organised crime groups.

- The new scheme complements existing confiscation of criminal assets laws in the ACT. The new unexplained wealth scheme allows the police and Director of Public Prosecutions (DPP) to intervene when there is a suspicion that part of a person's wealth was not lawfully acquired. The court must make an unexplained wealth order if it is satisfied that there are reasonable grounds to suspect that a person's total wealth exceeds the value of the person's wealth that was lawfully acquired and that the whole or any part of the person's wealth was derived from serious criminal activity.
- The unexplained wealth scheme allows ACT Policing and the DPP to more effectively target those involved in drug trafficking or other serious organised criminal activity and those masterminding or directing criminal activity at arms-length.
- The Commonwealth *Unexplained Wealth Legislation Amendment Act 2018* passed Parliament on 19 September 2018. The Act extends Commonwealth unexplained wealth orders to certain ACT offences.
- The *Crimes (Disrupting Criminal Gangs) Legislation Amendment Act 2019*, which was passed in November 2019, introduced a range of measures to improve public order and safety in the Territory including:
    - New tiered offences of serious affray;
    - Increased penalties for offences of fighting (section 391 of the *Crimes Act 1900*) and offensive behaviour (section 392 of the *Crimes Act 1900*);
    - Increased maximum penalties for specified offences committed in connection with a criminal group or by a person associated with a criminal group;
    - A civil exclusion order scheme under the *Liquor Act 2010* that allows the Chief Police Officer to apply to the court for an order to prohibit a certain person from entering or remaining on licensed premises for a stated period; and
    - A licence cancellation scheme under the *Liquor Act 2010* and the *Construction Occupations (Licensing) Act 2004* that allows the Chief Police Officer to make an application for the cancellation of a person's licence on the basis of their criminal activity.

- These measures address serious public safety concerns about the risk to community safety posed by organised crime.
- The *Crimes (Fortification Removal) Amendment Act 2017* commenced on 1 September 2018. The Act introduced provisions that allow the Chief Police Officer to apply to the Magistrates Court for an order that an occupier remove fortifications from their premises. The Act also introduces provisions which prohibit the establishment of fortifications on certain premises.
- These laws work to make the ACT a hostile environment for criminal gangs by preventing the establishment of fortified premises such as criminal gang club houses.
- The *Crimes (Police Powers and Firearms Offence) Amendment Act 2017* commenced on 8 December 2017. The Act introduced statutory crime scene powers to allow police officers to preserve evidence in a timely manner at crime scenes in both public and private places while taking the least restrictive approach to limiting a person's right to privacy.
- The Act also creates a new offence of 'drive by shooting' which deals with people shooting at a building, including a home, whether from a car or otherwise. The offence is punishable by a maximum of 10 years imprisonment.

Background

A review of the effectiveness of ACT policing powers to target, disrupt, investigate and prosecute criminal gang members in conjunction with a statutory review of the ACT crime scene powers was undertaken by Dr Terry Goldsworthy of Bond University in late 2019. The Report on this review was tabled in the Assembly on 20 February 2020. The Report highlights that the ACT Government has successfully implemented legislative responses to combat serious and organised crime to date, and that these legislative tools are effective and proportionate. The Report does not indicate a need for further significant legislative reform, other than an ACT-specific unexplained wealth scheme which has now been introduced.

QUESTION TIME BRIEF

JACS2021/46-001-024

Portfolio: Police & Emergency Services

ISSUE: ASSAULTS ON POLICE AND FRONTLINE COMMUNITY SERVICE PROVIDERS

Talking points:

- Police and frontline community service providers are regularly exposed to a risk of assault and injury as an unfortunate reality of their jobs.
- Assaults on police and emergency services personnel warrant a strong response from Government.
- The *Crimes (Protection of Frontline Community Service Providers) Amendment Act 2020* commenced on 10 June 2020. The Act created a new offence specifically for assaults against frontline workers including:
    - Police officers;
    - Protective service officers and special protective service officers;
    - Corrections workers;
    - Paramedics;
    - Firefighters and volunteer firefighters; and
    - Emergency services employees and volunteers.
- This new standalone offence sends a clear message that violence against workers providing critical frontline services will not be tolerated.
- Previously, offenders have been charged with common assault when an assault has been committed against a frontline worker. The new standalone offence will improve accountability by ensuring that the true nature and seriousness of the crime is described on a criminal record.
- The Amendment Act also created new offences for driving at police and ramming police vehicles to send a clear signal that those who engage in this dangerous behaviour will be held to account.
- Emergency first responders are required to step forward to face risks that others are expected to step away from, and it is appropriate for the law to specifically reflect this and support them.

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- The Government is also committed to ensuring a safe and healthy work environment through policies, procedures, and strategies to mitigate the risk of assault and injury. This includes training all of our emergency services personnel, to assist in identifying and managing potentially high risk situations.

Key Information

Background information

Prior to the passage of the The *Crimes (Protection of Frontline Community Service Providers) Amendment Bill 2020*, there were no specific ACT offences for assaulting police or emergency service workers while executing their duties.

All other jurisdictions in Australia have introduced specific offence provisions for assaulting police.

Between 30 June 2011 and 16 March 2020, ACT Policing recorded 374 instances of assaults upon police.

The Queensland Sentencing Advisory Council recently conducted a review of penalties for assaults on police and other emergency service workers, corrective services officers and other public officers. Terms of Reference were issued by the Queensland Attorney-General and Minister for Justice, the Honourable Yvette D'Ath MP in early December 2019. The Council publicly released the Final Report on 1 October 2020 (https://www.sentencingcouncil.qld.gov.au/__data/assets/pdf_file/0004/657742/final-report-assault-public-officers.pdf).

QUESTION TIME BRIEF

JACS2021/47-001-023

Portfolios: Attorney-General

Police & Emergency Services

ISSUE: PROPERTY CRIME (Strategy, Outsmart the Offender Campaign and rates)

Talking points:

- The final progress report on the *Property Crime Prevention Strategy 2016-2020* was tabled in the Legislative Assembly on 3 December 2020.
- The *Property Crime Prevention Strategy 2016-20* saw good results, with overall property crime rates reducing over the life of the strategy.
- The report shows that the ACT continues to be one of the safest places to live in Australia.
- The number of property offences in the ACT decreased over the four years of the Strategy. In 2019-20 there were 17,737 recorded property offences, which is 3,933 less than four years ago in 2015-16.
- However, to keep property crime rates down we must not become complacent, there is still work to be done.
- While consideration regarding a new statergy is underway, a number of important activities are continuing to ensure a whole of government focus on property crime is maintained. For example:
    - The *Outsmart the Offender* campaign will continue to raise awareness about how the community can take steps to reduce the likelihood of becoming a victim of crime – including campaigns focusing on protecting your home, vehicle, bike and other property.
    - The *SafeHome* program will continue to improve home security for households in the ACT that are vulnerable to property crime.
    - The *Strong Connected Neighbourhoods* program will continue to run along Ainslie Ave and expand into Illawarra Court to prevent or reduce opportunities for crime, and promote community safety

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Cleared for release	Yes	
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TRIM Ref:	JACS2021/47-001-023	

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and security, to develop pro-social and law abiding community engagement.

ACT Policing focus on property crime

- ACT Policing continues to develop and implement strategies to target recidivist property crime offenders, including the establishment of the Community Policing Proactive Intervention and Disruption Team in October 2020.
- This team will continue the focus on reducing recidivism and calls for service, and be aligned to the Reducing Recidivism by 25 per cent by 2025 Plan and use a whole-of-Government approach.
- ACT Policing's Community Intelligence Team analyses a variety of information sources (incidents, information reports, human source management team etc.) to identify patterns, convergences and prioritisation to maximise crime reduction opportunities and increase community safety.
- ACT Policing has also continued to target persons involved in recidivist criminal activity through intelligence-led policing. This has enabled core groups to be identified as being directly involved in the theft of motor vehicles and has provided police with opportunities to detect, disrupt and prosecute persons involved in the commission of such offences.

Outsmart the Offender campaign

- The *Outsmart the Offender* campaign is a joint ACT Government and ACT Policing initiative, in partnership with Neighbourhood Watch and Crimestoppers, aimed at raising awareness about what individuals can do to reduce the likelihood of becoming a victim to property crime.
- The campaign has been developed with longevity in mind, and will continue to be rolled out in 2021, with the final installation targeting tradie tool theft to be launched in the coming months.
- The key messages of the campaign are based on what ACT Policing have told us about the tactics offenders are using to steal cars and our valuables, and break into our homes and businesses.

QUESTION TIME BRIEF

- Ideally people wouldn't need to worry about becoming a victim of property crime, and our police officers do a great job at keeping Canberra safe, tracking down and arresting offenders.
- However, we all have a role to play and can take steps to safeguard our homes, businesses, cars and personal property.
- The campaign targets important areas of prevention, including:
    - *Lock and hide to protect your ride* – targeting motor vehicle theft and theft from vehicles
    - *Keep out a break-in* – targeting home burglary
    - *Lock up, cover up* – targeting theft from apartments
    - *Lock it or lose it* – targeting bicycle theft
    - *Keep burglars out of your business* – targeting theft from small businesses.
- Since the launch of the campaign in late 2019, ACT Policing have seen some great results in social media engagement on the *Outsmart the Offender* campaign topics, which have been traditionally difficult to engage people on:
    - *Lock and hide to protect your ride* - has reached over 105,000 on Facebook with total engagement sitting around 3,500
    - *Keep out a break-in* – has reached over 120,000 people on Facebook and over 21,000 on Twitter, with engagement across the two platforms sitting around 7,800
    - Engagement across the other areas for key messages is also high, sitting at a reach between 70,000 and 100,000 people on each campaign topic.

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Lead Directorate:	Justice and Community Safety	
ACT Policing cleared by:	Sch 2, s2.2(a)(ii)	
Cleared for release	Yes	
Information Officer name:	Jennifer McNeill	
TRIM Ref:	JACS2021/47-001-023	

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QUESTION TIME BRIEF

Background Information

Property Crime Rates

Offence Type	2018-19 FY	2019-20 FY	Financial YTD 01/07/2020 – 31/12/2020
Total Robbery	209	223	67
Armed Robbery	*104*	*103*	*22*
Unarmed Robbery	*105*	*120*	*45*
Total Burglary	2627	2292	989
Burglary dwellings	*1659*	*1363*	*615*
Burglary shops	*419*	*370*	*147*
Burglary other	*549*	*559*	*227*
Motor Vehicle Theft	1234	1262	658
Theft (excl motor vehicle theft)	8732	8109	3381
Property damage	4954	4175	1894
Other offences against property*	2198	1464	827
TOTAL	**19954**	**17525**	**7816**

*Other offences against property include fraud, traffic, drug and weapon offences and other offences not classified elsewhere

Source: PROMIS as of January 27, 2021

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QUESTION TIME BRIEF

Further Background Information

ACT Policing reported the following property crime offences in its 2019-20 Annual Report:

TABLE 4.2: OFFENCES AGAINST PROPERTY BY OFFENCE TYPE — FINANCIAL YEAR COMPARISON

Offence type	2018–19	2019–20	Change (%)
Robbery	209	223	6.7%
Armed robbery	104	103	-1.0%
Unarmed robbery	105	120	14.3%
Burglary	2627	2292	-12.8%
Burglary dwellings	1659	1363	-17.8%
Burglary shops	419	370	-11.7%
Burglary other	549	559	1.8%
Motor Vehicle Theft	1234	1262	2.3%
Theft (excl motor vehicle theft)	8732	8109	-7.1%
Property damage	4954	4175	-15.7%
Other offences against property*	2198	1464	-33.4%
Total	**19,954**	**17,525**	**-12.2%**

Source: PROMIS as at 2 July 2020

*Other offences against property include fraud, traffic, drug and weapon offences and other offences not elsewhere classified

Under the Property Crime Prevention Strategy 2016-20, four of the five targets were achieved:

- The ACT was below the national rate of 683 victims of unlawful entry with intent per 100,000 population, with an ACT rate of 613 in 2019.
- The year on year increase in the 'other' theft rate has been stopped. The ACT recorded 139 per 100,000 population in 2019-20, 82 less than in 2015-16.
- There were small increases in property damage in 2016-17 and 2018-19, however in 2019-20 the rate of property damage was 94 per 100,000 population, 31 less than 2015-16.
- The bicycle theft rate has remained steady at 17 thefts per 100,000 population.
- The main challenge for the ACT in relation to property crime continues to be motor vehicle theft. The target to date has not been achieved, with the ACT remaining above the national rate and seeing a 2.3% increase from 2018-19 to 2019-20.

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QUESTION TIME BRIEF

JACS2021/46-001-027

Portfolio/s: Attorney-General

ISSUE: STRONG CONNECTED NEIGHBOURHOODS

Talking points:

- The *Strong Connected Neighbourhood* program is one of the ACT Government's targeted place-based Justice Reinvestment initiatives. It commenced in 2008, as a service facilitation initiative, and continues to support the local community today.
- In the 2018-19 Budget Review, the ACT Government committed over $500,000 annually to sustain and expand the program which currently operates on Ainslie Avenue, to also provide support services to Illawarra Court in Belconnen on an ongoing basis.
- This multi-agency initiative includes the Justice and Community Safety Directorate, Housing ACT, ACT Health, ACT Policing.
- The program targets support to high and complex needs residents including:
  - socially disengaged or isolated people,
  - Aboriginal and Torres Strait Islander people,
  - women (including mothers), children and youth, and
  - residents who have had contact with or are at risk of becoming involved in the criminal justice system.
- The program as it is being delivered today, has the objectives of:
  a. preventing or reducing opportunities for crime
  b. promoting community safety
  c. developing pro-social and law-abiding community engagement, and
  d. facilitating access to services that are related to justice, health, mental health, education and employment.
- The 2018 evaluation of the program by the Australian Institute of Criminology (AIC),[1] reported that it met its objectives by:

[1] https://aic.gov.au/publications/rr/rr6

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- reducing violent crime by 50 per cent
- reducing property crime by 60 per cent
- reducing disturbance incidents by 49 per cent
- increasing levels of social cohesion among residents at public housing sites across Ainslie Avenue, and
- providing a realised saving to government (of police time alone) through reduced crimes of at least $0.42 to $0.51 for every $1 invested.

- Reclink Australia is currently funded to deliver the program through a range of structured and informal programs, to promote and deliver health, social and economic benefits to the residents of these public housing sites. This can include activities, where it is COVID safe to undertake them, such as building and maintaining community gardens, neighbourhood chats and a monthly Run, Roll or Walk event at Lake Burley Griffin.
- The value of the program has also been recognised nationally (in 2013), with a National Crime and Violence Prevention Safety Award through the Australian Institute of Criminology.

Impact of COVID 10 (Ainslie Ave)

- In 2020, the *Strong Connected Neighbourhoods* program was modified to respond to the COVID 19 pandemic. Neighbourhood Chat and garden programs were run from Kanangra Court for all residents in the Ainslie Ave precinct.
- With the easing of restrictions the program will re-commence in all Ainslie Ave sites in 2021.

Illawarra Court (Belconnen)

- Reclink has commenced engagement with tenants residing at Illawarra Court, on the expansion of the program to Illawarra Court in Belconnen on an ongoing basis.
- Work is underway, with Housing ACT to set up a community room and shipping container workshop, to be a hub for programs and support services.

QUESTION TIME BRIEF

- Some delays to formal programs running have been experienced, largely due to complications surrounding setting up secure facilities to work from.
- Formal programs are expected to commence in the coming months.

Background Information

- A new CEO was appointed to Reclink at the end of 2020 and JACS is engaging in discussions with the agency to improve reporting, program delivery and to address the delays to commencing program formal delivery at Illawarra Court, including the installation of the shipping container at that site.
- In 2018-19 Budget funding was provided to expand the program to Illawarra Court, Belconnen considering the recommendations provided by Australian Institute of Criminology (AIC) in its recent evaluation.
- The 2018-19 midyear Budget provided the program recurrent funding and changed the name of the program to '*Strong Connected Neighbourhoods*' to reflect the key outcomes sought and achieved by the program.
- There has been positive media coverage on ABC radio and in *The Canberra Times* about the program and its successes over the last 10 years. Three examples in mid-2019 and mid-2020 are:

  https://www.abc.net.au/news/2020-08-23/inside-canberras-kanangra-court-and-the-impact-of-reclink/12580084

  https://www.canberratimes.com.au/story/6118437/program-is-a-proactive-way-to-cut-crime-in-canberra/

  https://www.canberratimes.com.au/story/6111795/canberras-new-community-guardian-is-already-saving-lives/digital-subscription/

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QUESTION TIME BRIEF

JACS2021/46-001-025

Portfolio: Attorney-General

ISSUE: 2019-2028 ACT ABORIGINAL AND TORRES STRAIT ISLANDER AGREEMENT/JUSTICE ACTION PLAN

Talking points:

- The Whole of Government *ACT Aboriginal and Torres Strait Islander Agreement 2019-2028* represents a commitment by the ACT Government to recognise self-determination as a key platform to progress initiatives that are important to Aboriginal and Torres Strait Islander people.
- The Agreement enables Aboriginal and Torres Strait Islander peoples to exercise self-determination and to be able to contribute solutions to challenging and complex issues in our local community.
- The Agreement is a 10 year plan that sets the direction in Aboriginal and Torres Strait Islander affairs to ensure all stakeholders work together to deliver equitable outcomes for Aboriginal and Torres Strait Islander peoples in the ACT.

Justice Action Plan

- Under the terms of the Agreement, Directorates, including the Justice and Community Safety Directorate, have developed Action Plans with reportable actions aligned with the specific focus areas.
- The Justice Action Plan contains 10 Core Focus Areas and 20 'measures'.
- Key targets under the Justice Action Plan are to:
  - reduce the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system;
  - increase the number of staff undertaking cultural competency training;
  - increase procurement from Aboriginal and Torres Strait Islander community organisations; and
  - deliver improved health outcomes for detainees in the Alexander Maconochie Centre (AMC).

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- Implementation of the Justice Action Plan, under the Agreement, is well underway.
- The Aboriginal and Torres Strait Islander Justice Caucus supports the implementation of the Justice Action Plan in a monitoring and oversight role.
- The Caucus provides an opportunity for Aboriginal and Torres Strait Islander people to discuss issues related to the Justice Action Plan and to support shared ownership by the local community of the ongoing development of the Agreement.
- Progress against the Action Plan was addressed in the October 2020 release of the Elected Body Hearings Report.
- Noting that COVID–19 restrictions have resulted in some impediments for the Justice and Community Safety Directorate in implementing measures under the Justice Action Plan, the Directorate, like all other Directorates, is now reviewing the Report from the Elected Body and recent impediments and is pushing for accelerated progress on cross-Directorate initiatives and renewed action through the Justice Action Plan.
- Work is underway for an audit and acquittal process to be completed by end of 2020, to inform the development of a Phase One (extension) Plan by end of January 2021 and accelerated progress efforts against the Agreement.

NEW Productivity Commission Report 'Overcoming Indigenous Disadvantage report' released 3rd December 2020

- This report measures the wellbeing of Aboriginal and Torres Strait Islander people, providing a comprehensive report card that measures 52 indicators across a range of areas.
- There are essentially no new issues for justice agencies raised by the report. The lack of improvement and disproportionate rates of adult imprisonment for Aboriginal and Torres Strait Islander people across all jurisdictions are well documented and remain an area of focus for the ACT Government, and Justice and Community Safety Directorate.

QUESTION TIME BRIEF

- The new justice target from the 2020 National Agreement on Closing the Gap has informed the development of the draft Outcomes Framework for the *ACT Aboriginal and Torres Strait Islander Agreement*, which is to be finalised early in 2021. This will guide future implementation and iterations of the Justice Action Plan.
- The report findings on common characteristics of successful approaches for improving outcomes for Aboriginal and Torres Strait Islander peoples, including connection to culture, are relevant to the design of emerging programs in Justice and beyond. New Justice programs are currently in development to commence in 2021 that are consistent with the principles inherent in the report findings.

Key Information

- The Justice Action Plan was developed in 2018 by a Steering Committee with Aboriginal and Torres Strait Islander representatives from across the Directorate and portfolio, including with:
    - JACS - ACT Corrective Services (ACTCS)
    - JACS - ACT Courts and Tribunals (ACTCT)
    - JACS - ACT Policing (ACTP)
    - CSD – Children and Young People Services (CYPS)
    - CSD – Victim Support ACT
- The Steering Committee focused on identifying specific, measurable, achievable and relevant targets aimed at improving service outcomes for the ACT Aboriginal and Torres Strait Islander community.

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QUESTION TIME BRIEF

JACS2021/46-001-016

Portfolio: Attorney-General

ISSUE: RESTORATIVE JUSTICE

Talking points:

- Since January 2005 the ACT Government's world class Restorative Justice scheme has given people most affected by a crime - the victim, their family and friends - the opportunity to meet with an offender to discuss the harm caused, and work together to determine what needs to be done to repair that harm.
- Restorative Justice is an expression of 'restorative practice' which promotes values of respect, fairness, inclusiveness and empowerment through participation.
- Restorative Justice is a voluntary and respectful process that provides those harmed with an opportunity to talk about how the offence has affected them and others close to them. It provides a forum for offenders to accept responsibility for their actions and to actively contribute to make amends.
- Expert evidence has shown that Restorative Justice participants are less likely to reoffend or to reoffend as often as non-participants. Evidence also shows a positive reduction in the risk of recidivism for Restorative Justice participants and a reduction in the experience of trauma.
- Since Phase Three of the Restorative Justice scheme commenced on 1 November 2018, victims of any offence (ACT Legislation), including family violence and or sexual offences, have been able to access restorative justice.
- This completes the rollout of the ACT's Restorative Justice scheme as it was originally envisioned by the Restorative Justice Sub-Committee of the ACT Sentencing Review Committee in 2003.

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- The ACT Restorative Justice scheme is a victim-centred response which prioritises the safety and interests of people who have been impacted by crime. Participants and processes are carefully assessed by convenors in order to facilitate a restorative process which addresses the unique needs of all eligible participants. Restorative conferencing can only proceed if it is safe to do so and meets the needs of the victim of crime.
- In family violence and sexual offence referrals, professional supporters assist participants to be emotionally and psychologically prepared for the RJ process.
- Local support agencies such as Everyman Australia, Victim Support ACT, Family Tree House, ACT together and the Women's Health Centre help prepare victims and offenders to participate in restorative justice conferences in ways that are safe and satisfying for participants.
- Participants in restorative justice are asked, through a survey administered by an independent agency, to provide feedback on the experience and their satisfaction with the process.
- The current satisfaction rate for the first half of 2020-21 is 99%. This includes satisfaction with family violence and sexual offence matters.

Impact of COVID

- The disruptions to the community through bushfire and COVID-19 events have significantly impacted the delivery of the Restorative Justice scheme.
- The office of the Restorative Justice unit (in the Justice and Community Safety Directorate) remains open with four staff attending on rostered days to ensure coverage for services. The remainder of the staff are working from home but attend the office as required.
- A Workplace Health and Safety Risk Assessment Plan is in place, and all staff adhere to COVID-19 safety requirements. Convenors utilise a combination of face to face and indirect methods of contact with clients to engage in assessment and preparation for conferencing. Face to face client contact occurs where a COVID-19 specific safety assessment has appropriately addressed any health risk factors.

QUESTION TIME BRIEF

- In the 2019-20 financial year overall referrals dropped by 20% from 2018-19 and overall conferences dropped by 13%. The last six months has seen referrals at sustained lower levels compared to pre-COVID-19 referrals.

Background Information

- Between 2005 and 2016 the Restorative Justice scheme involved only referrals for young people and less serious offences.
- However, in late February 2016, the scheme moved into a Phase two rollout and the Restorative Justice unit (RJU) began accepting referrals for adult offenders and serious offences for adults and young people.
- From 1 November 2018, Phase three commencement commenced allowing any person who has been impacted by any category of offence, including where an offence has resulted in the death of a victim, can seek a referral to restorative justice at the appropriate point in the system. (Note: this does not include Commonwealth offences).
- The *Crimes (Restorative Justice) Sexual and Family Violence Offences Guideline 2018*, is a disallowable instrument which outlines the application of Restorative Justice for sexual and family violence offences for victims, offenders, the criminal justice system and the community.
- The dedicated Restorative Justice team, including two Indigenous officers working as a convenor and a guidance partner, work to promote confidence in the Restorative Justice process within the local community, cultural competence and safety.

Comparing Referral statistics

- In the 2019/20 financial year, the RJU received 212 referrals compared to the 2018/19 financial year when the RJU received a total of 264. These statistics show a 20% drop in referrals.
- In comparing half-year statistics, from June to December 2020 to June to December 2019 a drop in referrals of 35% is evident. That is, 84 referrals involving 114 victims and 90 offenders and 155 offences were received from June to December 2020. From June to December 2019, 131 referrals were received comprising 22 victims and 143 offenders and 306 offences.

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QUESTION TIME BRIEF

	2018/19	2019/2020	Difference
Referrals	264	212	-20%
Victims	439	357	-19%
Offenders	294	234	-20%
Offences	594	491	-17%

	June to December 2019	June to December 2020	Difference
Referrals	131	84	-35%
Victims	222	114	-49%
Offenders	143	90	-37%
Offences	306	155	-49%

- In the 2019/20 financial year, unsurprisingly, there was a 13% drop in conferences completed, with a larger percentage of indirect conferences held – due to COVID-19 restrictions. In 2019/20 the RJU managed 72 conferences to completion compared with 83 conferences for the previous financial year.
- Comparing half year statistics to evaluate for ongoing COVID-19 disruption effect, 51 conferences were held during the period of June to December 2019 (pre COVID) whereas 25 conferences were held in the same period for 2020, a drop of 51%.

	2018/19	2019/2020	Difference
Conferences	83	72	-13%
Face to face	56	45	-20%
Indirect	27	27	even

	June to December 2019	June to December 2020	Difference
Conferences	51	25	-51%
Face to face	36	12	-67%
Indirect	15	13	-13%

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Aboriginal and Torres Strait Islander impacts

- The COVID-19 related reduction in face to face client contact has also impacted on Aboriginal and Torres Strait Islander clients.
- 48 Aboriginal and/or Torres Strait Islander people were included in referrals in 2019/20. These referrals were predominantly from ACT Policing (21 - 19 young people and two adults), the Magistrates Court (13) and the Galambany Court (11).
- In 2018/19, 52 Aboriginal and/or Torres Strait Islander people were included in referrals, including from ACT Policing (16 - 13 young people and three adults); the Magistrates Court (10) and the Galambany Court (20).
- This reduction in referrals has continued in the last six months, for example (as can be seen in tables below under the heading 'Referring entity activity') the RJU received no referrals from the Galambany Court during the last six month period.
- Only two (6%) of Aboriginal and/or Torres Strait Islanders referred to RJU participated in conferences the 2019/20 financial year compared with eight (21%) in the 2018/19 financial year.
- In response, the RJU is in the process of reviewing all procedures and practices in relation to Indigenous referrals to consider ways to lift participation.

Aboriginal and/or Torres Strait Islander people	2018/19	2019/2020
Total referrals	52	48
ACT Policing	16	21
ACT Magistrates Court	10	13
Childrens Court	4	
Galambany Court	20	11
Supreme Court	2	2
ACT Corrective Services		1

Referring entity activity

- ACT Policing were the highest referring entity (110 referrals involving 101 young people and 31 adults) in 2019/20. However, this was down by 15% compared with ACT Policing referrals in 2018/19 (129 referrals involving 118 young people and 37 adults).
- The ACT Magistrates Court was the second highest referring entity with 55 referrals. This was down 30% compared with 2018/19, when 79 referrals were received.

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- Referrals from all Courts were reduced in 2019/20 compared to 2018/19.
- A review of half-year statistics reveals that ACT Policing and the Magistrates court remain the highest referring entities and that the numbers of referrals have decreased in the June to December 2020 period by between 25 to 33% due to COVID-19.

	2018/19	2019/2020
ACT Policing	129	110
ACT Magistrates Court	79	55
Childrens Court	22	17
Galambany Court	20	11
Supreme Court	11	10
Drug and Alcohol Court		2
ACT Corrective Services		5
Child and Youth Protective Services		2

	June to December 2019	June to December 2020
ACT Policing	62	43
ACT Magistrates Court	44	33
Childrens Court	5	7
Galambany Court	9	0
Supreme Court	7	4
Drug and Alcohol Court	-	1
ACT Corrective Services	3	2
Child and Youth Protective Services	1	0

Reporting of statistics for family violence and sexual offences

Family Violence referrals

- Family violence and sexual offence matters are often complex and sensitive; power imbalance can be significant and the impacts of offending can be traumatic for primary and secondary victims. For these reasons many such offences are assessed as not suitable proceed to conference.

- Despite potential increase in family violence during COVID-19, family violence related referrals dropped by 19% in 2019/20 compared to 2018/19.
- In the 2019/20 financial year, 39 referrals involved family violence offences and five were related to sexual offences. 14 offences involved 'intimate partner violence' (11 being a current partner and three involving ex partners).
- In 2018/19 financial year, 48 referrals involved family violence offences.
- In the 2019/20 financial year, nine (23%) family violence related referrals were managed to completion of conference. Eight conferences were conducted face to face and one was completed using indirect facilitation.
- For matters not proceeding to conference, victims and offenders are linked into support services and appropriate time is spent with victims who frequently report feeling validated and heard, despite a conference not occurring.
- Compliance figures for family violence related conference agreements include matters that were referred in the previous financial year. Seven young people either complied with their formal Restorative Justice agreements (3) or their participation in the conference itself fulfilled the needs of the person harmed (4). Four adults either complied with their formal Restorative Justice agreements (3) or their participation satisfied the needs of the person harmed (1).

<u>Referrals for sexual offences</u>

- In the 2019/20 financial year, five referrals involved a sexual offence, three related to a family member and two were non-familial. Five referrals were also received in the 2018/2019 period.
- Noting that the number of conferences each year may not be the same as the number of referrals due to management of these matters across financial years:
    - Two conferences were managed to completion, both involved non-familial circumstances.
    - One sexual offence related conference itself satisfied the needs of the person harmed and no formal Restorative Justice agreement was deemed necessary.
    - One sexual offence related conference resulted in a formal Restorative Justice agreement which is still being monitored.

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QUESTION TIME BRIEF

JACS2021/46-001-013

Portfolio: Attorney-General

ISSUE: REDUCING RECIDIVISM THROUGH BUILDING COMMUNITIES NOT PRISONS

Talking points:

- Since 2018 the ACT Government has been committed to Building Communities Not Prisons (BCNP), using a justice reinvestment approach.
- Key pillars of the ACT Government's BCNP initiative include:
    1. reducing the over-representation of Aboriginal and Torres Strait Islander people in custody;
    2. responding to justice housing needs;
    3. supporting people with substance use disorders in the justice system;
    4. supporting people living with a mental illness or disability in the justice system;
    5. supporting detainee reintegration;
    6. developing community capacity; and
    7. responding to women in the justice system.

  These pillars address factors that lead to repeat offending such as social isolation, inadequate housing, drug and alocohol dependance and poor mental health.
- The pillars are critical to delivering on the target we set ourselves in 2020, to reduce recidivism by 25% by 2025 (RR25by25) and critical if we are ever to achieve parity in the rates at which Aboriginal and Torres Trait Islander people and other Canberrans are incarcerated.
- Close collaboration across the justice and human service systems and continued close work with the local community, in particular, Aboriginal and Torres Strait Islander women and men.
- A range of targeted initiatives will be necessary to change the life trajectories of some of Canberra's most vulnerable citizens, including changes to legal frameworks and beyond that, to the socio-economic causes of their disadvantage.

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Justice Reinvestment

- Justice Reinvestment is about developing a smarter, more cost-effective approach to improving criminal justice outcomes by reducing crime and diverting offenders, and those at risk of becoming offenders, from the criminal justice system. It can help keep families together and build a safer, more secure ACT community.
- The ACT Government provided an initial $14.6 million in funding for new and expanded community programs as part of the 2018-19 ACT Budget Review. This funding included:
    1. a family-centric model of support for Aboriginal and Torres Strait Islander families in contact with the justice system;
    2. a bail accommodation transition support service;
    3. sustaining and expanding an on-the-ground service support model to public housing residents;
    4. supporting victims of crime.
- A further $70.9 million was allocated in the 2019-20 ACT Budget to bring together strengths-based supports and inclusive pathways that lead to better life outcomes for people in and out of prison. This includes:
    1. providing more supported housing for better justice outcomes—especially for women and Aboriginal and Torres Strait Islander detainees;
    2. expanding the ACT Bail Support Programs to support accused people to comply with bail to keep them and the community safe;
    3. improving rehabilitation options for detainees at the Alexander Maconochie Centre, including through a purpose built Reintegration Centre that will support inmates transitioning back to the community; and
    4. boosting staff capacity at the Alexander Maconochie Centre to strengthen our focus on rehabilitation.

Reducing Recidivism

- A key component of the RR25by25 Plan is a Reducing Recidivism Research Collaboration (Research Collaboration) with the ANU to examine and evaluate the impact of initiatives and how the ACT is tracking against

targets related to RR25by25. The Research Collaboration with the ANU was signed in August 2020.

- The Research Collaboration is overseen by an Advisory Committee which is made up of representatives from the ANU Centre for Social Research and Methods (CSRM) and relevant Directorates. The Advisory Committee's role is to inform, direct and make recommendations to the Director-General of the Justice and Community Safety Directorate on research and evaluation of recidivist based initiatives.
- Driving RR25by25 forward is the Reducing Recidivism Advisory Group. That Group consists of a cross section of critical stakeholders from government, the community and academia. Oversight includes the Executive Coordination Group and Human Services Cluster Inter-Directorate Committee, comprised of key government senior executives.
- The RR25by25 Plan further expands on the ACT's nation leading justice reinvestment efforts to Build Communities Not Prisons (BCNP). The ACT-based commitment to Justice Reinvestment for those coming in and out of the prison system marks some of the most ambitious justice work underway in Australia.

QUESTION TIME BRIEF

Background Information

Building Communities Not Prisons (BCNP)

- The overall aim of BCNP is to deliver a number of initiatives that are designed to reduce reoffending, reduce the prison population as appropriate, improve the lives of those individuals and their families, and improve community safety.
- The BCNP package focuses on areas including housing, alcohol and other drug services, mental health and disability, as well as family and other group services for Aboriginal and Torres Strait Islander peoples.
- Initiatives are intersecting and overlapping with initiatives that address key opportunities in the human services system to reduce recidivism and incarceration, and align with the ACT Government's strategic priorities.
- BCNP aims to:
    1. reduce trauma and costs for victims and their families associated with crime and related costs for government and the broader community
    2. reduce overcrowding at the Alexander Maconochie Centre (AMC)
    3. use restorative, cultural and evidence informed approaches that change people's contact with the justice system, particularly prison
    4. address a number of the recommendations of the Australian Law Reform Commission Report Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples
    5. reinvest funds from the criminal justice system that might be otherwise used for detaining people in a correctional centre, into homes and community supports, making the ACT a safer and more inclusive city.

The ACT's recidivism rate

- Recidivism is a critical measure as part of the BCNP in initiative. The ACT Government is not just interested in measuring the number of prisoners who return to custody each year as an overarching indicator of the performance of correctional services, but focusing on ensuring prison are used to keep our community safe and creating an inclusive and safer Canberra by providing strength-based support and inclusive pathways that lead to better life outcomes for people cycling in and out of prison.
- In the context of the RR25by25 Plan, noting the initial focus on adult detainees, one of the most obvious indicators to measure success is the rate at which adult detainees return to custody. The Australian Government Productivity Commission reports annually on the rate at which adult detainees return to custody within two years of previous incarceration, as a key indicator of the success of the criminal justice system is effective in rehabilitating offenders and reducing the incidence of unlawful activity. Nevertheless, this is not the only relevant indicator of success of the RR25by25 initiative.

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- In 2018-19, the percentage of adults released from prison who were re-sentenced and returned to prison within two years was 42.4% down 1.8% from 44.2% in the previous year.
- Of note, the recidivism rate for offenders in 2025 will not be measurable until 2026/27. Achieving the target measurement of a reduction in the recidivism rate by 2025 would mean a reduction of the recidivism rate from 42.4% to 31.7%; a reduction of 146 detainees returning to custody.
- The recidivism rate for those who have been released from prison and have returned to corrective services (prison or community corrections) is 71.3% in 2018-19 up 1.4% from 69.9% in 2017-18.
- The recidivism rate for ex-offenders returning to corrective services is 19.1% in 2018-19 – this is up 2.3% from 16.8% in 2017-18.
- However, these headline figures are a crude indicator for measuring success, as they do not show slowing in reductions in otherwise expected increases to 2025. Data also does not take into consideration a range of qualitative factors, for example, reductions in the seriousness or frequency of offending.

Data

- Key ACT data driving the RR25by25 commitment includes the following, noting that given the comparatively small numbers of offenders in the ACT, even minor fluctuations in figures from year to year can significantly affect rates from year to year particularly for certain cohorts:
  - 60% increase in the ACT prisoners between December 2012 (268 detainees) and December 2019 (429 detainees).
  - 10% increase in adult prisoners in ACT prisons in 2018 (from 449 in 2017 to 493 in 2018).
  - Three-quarters of prisoners had previously been imprisoned (75% or 369 prisoners). This was the largest proportion of any state or territory (the national average was 57%).
  - 36.3% (177 prisoners) of the adult prisoner population comprised of un-sentenced prisoners. This was the highest proportion of un-sentenced prisoners across all states and territories (which was 33.5% nationally).
  - 1.9 % of the ACT population is Aboriginal and Torres Strait Islander but they make up 22 per cent of the ACT's prison population.
  - Aboriginal and Torres Strait Islander people are 14.6 times more likely to be incarcerated than non-Indigenous people in 2018 in the ACT (11.3 times nationally).
  - 91% of the ACT Aboriginal and Torres Strait Islander male detainees at the AMC have a previous history of incarceration in ACT (77.3% nationally).
  - 92% (454 prisoners) of the total prisoner population of ACT is male in 2018.

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QUESTION TIME BRIEF

- 95% increase in the female population at the AMC between 2015 and June 2018, while the other jurisdictions saw increases of between 23.5% and 27%.
- 48.1% increase of female prisoners in comparison to an increase of 24.5% of males from 2016 to 2018.
- 64.1% of female prisoners were un-sentenced, compared to 35.7% of male detainees in ACT.
- 80% of Indigenous women in the AMC were on remand and two-thirds of these women had been there for less than two months.

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QUESTION TIME BRIEF

JACS2021/46-001-006

Portfolio/s: Attorney-General

ISSUE: CRIMES (OFFENCES AGAINST VULNERABLE PEOPLE) LEGISLATION AMENDMENT ACT 2020

Talking points:

- The *Crimes (Offences Against Vulnerable People) Legislation Amendment Act 2020* is due to commence on 20 April 2021, having passed the Legislative Assembly in August 2020.
- The delayed commencement of the Act is to allow for community education, and the establishment of relevant training and processes for affected stakeholders.
- When it commences, the Act will:
    - amend the *Crimes (Sentencing) Act 2005* to introduce new factors for the Court to consider when sentencing if the victim of a crime was a vulnerable person; and
    - introduce three new offences to the *Crimes Act 1900*, being:
        - abuse of a vulnerable person;
        - failure to protect a vulnerable person from a criminal offence; and
        - neglect of a vulnerable person.
- A vulnerable person has been defined to mean:
    - an adult of any age with a disability as defined under the *Disability Services Act 1991*; or
    - someone 60 years old or older to whom one of the following additional elements of vulnerability applies:
        - a disorder, illness or disease that affects the person's thought processes, perception of reality, emotions or judgement or otherwise results in disturbed behaviour;
        - an intellectual, psychiatric, sensory or physical impairment and that impairment results in a substantially reduced capacity of the person for communication, learning or mobility; or

- the person is, for any other reason, socially isolated or unable to participate in the life of the person's community.

- The purpose of the Act is to provide additional protections for vulnerable adults in the ACT and ensure that those who abuse vulnerable people are subject to appropriate criminal sanctions.
- The Justice and Community Safety Directorate has established two stakeholder groups to support the implementation of the Act, including the identification of any unanticipated issues or unforeseen consequences.

How do the offences interact with existing laws?

- The Act complements existing legislative and non-legislative protections for vulnerable people.
- The new offences do not prevent the use of any other existing criminal offences if those offences better capture the scope of the offending.
- The penalties have regard to the seriousness of the new offences, relative to existing offences and the continuum of penalties for ACT offences.

Background Information

- In 2019, the ACT Government invited public submissions on the potential for legislative reform to address elder abuse in response to the 'A Proposed Response to Elder Abuse in the ACT' discussion paper. Community feedback highlighted the need for a range of protections (including legislative protections) not only for older people, but also adults who have vulnerabilities arising from non-age related factors, such as disability.
- The Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020 (the Bill) was introduced to the Legislative Assembly on 7 May 2020.
- As a result of stakeholder feedback, the Bill was amended to:
    - include an eight-month delay in the commencement of the new provisions; and
    - bring forward the requirement for a statutory review mechanism to 12 months post-commencement.

QUESTION TIME BRIEF

- On 13 August 2020, the Bill was debated and passed (as amended) by the Assembly.
- The *Crimes (Offences Against Vulnerable People) Legislation Amendment Act 2020* was notified as an amending Act on 20 August 2020. It will commence on 20 April 2021.
- JACS has established an Implementation Working Group and a Reference Group to support implementation of the Act, including the identification of any unanticipated issues or unforeseen consequences. The Implementation Working Group comprises representatives of: relevant government agencies; ministerial advisory bodies; and the Reference Group. The Reference Group is comprised of representatives of community stakeholder organisations and individuals with an interest in contributing to the implementation arrangements for the new legislation.
- Feedback from members of both groups has highlighted the need for a range of information material to be developed, including material in Easy English and other languages. JACS is developing this material for publication ahead of the Act commencing.

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QUESTION TIME BRIEF

JACS2021/46-001-014

Portfolio/s: Attorney-General

ISSUE: RESIDENTIAL TENANCIES

Talking points:

"Rent bidding"

- There has recently been media coverage of the challenges faced by prospective tenants in the ACT, specifically including claims about a practice known as "rent bidding". This involves applicants for rental properties offering to pay rent above the advertised rental price in an attempt to secure the property.
- There is no specific prohibition on this practice in the *Residential Tenancies Act 1997*.
- In consideration of the particularly restricted housing market for tenants at this time, I have asked the Justice and Community Safety Directorate to explore reforms which might combat the challenges posed by the practice of rent bidding, including considering whether the practice should be banned.

COVID-19 Updates

<u>Implementation of Eviction Moratorium and post moratorium support measures</u>

- Since April 2020, a range of temporary changes have been made to the *Residential Tenancies Act 1997* **to protect tenants impacted by COVID-19** and to assist landlords. These changes include:
    - a 6 month moratorium on evictions for non-payment of rent for COVID-19 impacted households and related social distancing restrictions in relation to inspections and repairs which was in place from 22 April to 22 October 2020;
    - a transition or grace period which commenced at the end of the moratorium on 23 October 2020 and will operate until 30 April 2021 which prevents tenants who were COVID-19 impacted from being evicted on the basis of arrears that accrued before or during the moratorium on the condition that they pay rent as it falls due during the transition period;

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- a requirement for ACAT to consider making a payment order rather than ordering an eviction for tenants that have been COVID-19 impacted if a tenant is unable to meet their rent payments as they fall due during the transition period (23 October 2020 – 30 April 2021);
- the ability for landlords and tenants to negotiate reduced rent (to operate until 30 April 2021);
- restrictions on negative listings being made about COVID-19 impacted persons on tenancy databases (to operate until 30 April 2021);
- the ability for COVID-19 impacted tenants to terminate their fixed-term tenancy agreements early, without penalty (to operate until 30 April 2021);
- the ability for all tenants on pre-6 April 2020 fixed term tenancies to be able to pay just two weeks' rent in advance to assist to manage cost of living pressures (to operate until 30 April 2021). All other fixed term and periodic tenancies are already able to pay just 2 weeks' rent in advance; and
- the ability for a tenant from a COVID-19 impacted household who had previous ACT Civil and Administrative Tribunal (ACAT) orders suspended during the moratorium to apply to ACAT to vary or set aside those orders.

- The Government has also extended rates and land tax rebates (which have been offered since April 2020) for landlords who reduce their tenants rent by 25% until the end of June 2021. The Government will continue to match 50% of the rent reduction by offering rebates to a maximum of $1300 per tax quarter (roughly $100 per week).

<u>Further Detail on the Transition Period</u>

- The transition or grace period provides tenants who are in arrears at the end of the moratorium with a longer period to repay these rent arrears before they can face eviction.
- The transition period will be in place from 23 October 2020 - 30 April 2021. On 18 December 2020, the transitional period was extended for a further three (3) month period from 31 January 2021 until 30 April 2021

(the *Residential Tenancies (COVID-19 Emergency Response) Declaration Extension 2020* (Notifiable instrument NI2020-808) was notified on 21 December 2020).

- Where a COVID-19 impacted household is in rent arrears at the end of the moratorium period, their landlord will not be able to evict them on the basis of those arrears during the transition period so long as they pay rent as it falls due throughout the transition period.
- Where a COVID-19 impacted tenant does not pay rent as it falls due during the transition period, their landlord will be able to take the usual steps under the *Residential Tenancies Act 1997* to end the tenancy. However, if the landlord applies to ACAT for a termination and possession order during the transition period, ACAT must consider making a payment order before they make a termination and possession order.

Mediation service

- The Government previously established a mediation service to assist tenants and landlords reach agreements regarding rent reductions and related matters in the COVID-19 period.
- The Conflict Resolution Service provided this service from 11 May 2020 until 31 January 2021. The service will not be extended after this time.
- Tenants in the ACT will continue to be able to access the free Legal Aid Tenancy Advice Service which is funded by the ACT government.

Residential Tenancies Amendment Act 2020 (No 1)

- The *Residential Tenancies Amendment Act 2020 (No 1)* passed the Assembly in February 2020 and is now in force.
- The Amendment Act was developed in consultation with key stakeholders and addresses outstanding issues from the 2016 review of the *Residential Tenancies Act 1997*.
- The amendments include:
    - Reducing the maximum amount of rent that can be charged in advance from 4 weeks to 2 weeks. This reduces the upfront costs of entering a new tenancy and smooth payment amounts during the tenancy;

- Increasing the amount of notice a landlord must give to the tenant where want to end a tenancy so they (or a person close to them) wants to move into the property from 4 weeks to 8 weeks;
- a head of power for the introduction of minimum standards;
- assisting tenants to break fixed term tenancies in order to move into social housing or aged care (this commenced on 5 May 2020);
- streamlining the provision that allows a landlord to terminate a tenancy when the tenant uses the property for an illegal purpose.

- There will be further consultation with the community prior to any minimum standards for rental properties being introduced.

Residential Tenancies Amendment Act 2020 (No 2)

- The *Residential Tenancies Amendment Act 2020* (No 2) was introduced into the Assembly on 13 February 2020 and passed on 27 August 2020.
- Prior to the Bill's introduction a Public Exposure Draft of the Residential Tenancies Amendment Bill 2019 (No 2) was tabled on 28 November 2019 and public comment was sought over a 2-month period. Significant additional consultation occurred between when the Bill was first introduced in the Assembly and when it was debated and passed, with the Government moving several amendments in response to stakeholder concerns.
- The Act significantly increases protections for occupants, including by:
  - clarifying the difference between an occupancy agreement and a residential tenancy agreement, so that occupants and grantors have greater certainty about their rights and obligations
  - introducing mandatory minimum principles for occupancy agreements, including:
    - protections against unreasonable evictions
    - entitlements for access to communal areas
    - tighter rules around when a grantor can enter the premises
    - requirements for grantors to provide occupants with information, and
    - limitations on penalties that may be charged

  - creating a new obligation for grantors to lodge security deposits with the ACT Revenue Office (an exception applies for universities), and
  - providing more dispute resolution options for occupants and grantors, by giving them access to free, informal and enforceable conciliation through the ACT Human Rights Commission.

- In addition, the Act resolves some issues specific to owner-occupiers in residential parks (where a person owns their dwelling but has an occupancy agreement in relation to the site their dwelling is on).
- The Act also substantially reforms the law on share housing to better reflect modern community behaviours and expectations. People living in share houses deserve clear laws that are adapted to their circumstances.
- The reforms:
  - introduce a legal framework into the RTA for co-tenancies, which is a common way to set up a share house, where all tenants have equal rights and responsibilities
  - provide clear processes for co-tenants to move in and out of share houses, including managing transfers of interest in the bond, and
  - ensure that the ACT Civil and Administrative Tribunal can be used to resolve disputes between co-tenants as well as between co-tenants and landlords.

Commencement of the Residential Tenancies Amendment Act 2020 (No 2)

- The changes in relation to share housing and most of the changes in relation to occupancy agreements will commence on 3 March 2021.
- The changes in relation to occupancy agreements offered by education providers (such as universities) will commence on 30 January 2022 in line with the commencement of the 2022 academic year.
  - Education provider occupancy agreements will be covered by transitional provisions until the education provider occupancy provisions commence on 30 January 2022.

Exemptions for universities

- The Bill includes a number of provisions that apply specifically to occupancy agreements provided by universities. These include:
    - an exemption from the requirement to lodge any security deposit taken in respect of occupancy premises with the Territory;
    - clarifying that the currently existing university disciplinary requirements and medical leave rules established under statute will not be displaced by the occupancy principles in the event of any inconsistency between the disciplinary requirements or medical leave rules and the occupancy principles;
    - requiring parties of occupancy agreements who have a dispute to which to which a university dispute resolution procedure applies to exhaust internal dispute resolution procedures (within a reasonable time) prior to making an application to the Tribunal;
    - a clarification that occupancy agreements can be terminated under university disciplinary requirements and medical leave rules and that agreements terminated in these circumstances are not subject to the requirement that the termination is reasonable having regard to the nature of the occupancy agreement; and
    - delayed commencement and transitional provisions that apply to education provider occupancy agreements, including universities.
- Universities were exempted from the requirement to lodge security deposits after the universities provided feedback that they currently manage thousands of occupancy agreements for students living on on-campus which would be administratively difficult to lodge all at once. In addition, when invested collectively, the interest gained from the investment of students' security deposits generates significant income which is then used to help cover the administration costs of student accommodation.
- Other exemptions ensure that occupancy laws do not conflict with the universities' pre -existing disciplinary procedures or internal dispute resolution procedures (which are established under the university governing statues).

QUESTION TIME BRIEF

JACS2021/46-001-018

Portfolio: Attorney-General

ISSUE: REVIEW OF CHILD PROTECTION DECISIONS IN THE ACT

Talking points:

Government review of decision-making by CYPS

- The Government is continuing to progress its review of child protection decisions in the ACT.
- A public consultation process on the discussion paper, *Review of child protection decisions in the ACT* was undertaken from May to June 2019, seeking views from the community, and in particular those who provide support and advocacy for children and young people. An independent consultant was engaged to report on the key themes from submissions.
- The report, titled *Stakeholder Feedback on the Discussion Paper: Review of Child Protection Decision in the ACT* (the Report) was finalised in October 2019 and can be found on the JACS website.
- In April 2020, the Minister for Children, Youth and Families provided an update to the Assembly on the progress and outcomes of the Report, in line with the Assembly motion on 18 September 2019 which called on the Minister to address the Assembly on this matter.
- In the update to the Assembly, the Minister noted that the Report had highlighted three over-arching pieces of work that are currently being progressed in order to strengthen and ensure a robust child protection decision review framework:
    - working to improve internal decision-making processes
    - working to provide a more transparent and consistent internal merits review processes
    - consideration of an external merits review process for child protection in the ACT
- On 30 July 2020, the Standing Committee on Health, Ageing and Community Services tabled in the Assembly its report on its Inquiry into information sharing in the child protection system. The Government welcomes the outcomes of the Inquiry and is considering the recommendations.

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- JACS will continue to work collaboratively with CSD on the report.

Sharing of information in the child protection system

- Concerns have been raised recently about the legal regime for the disclosure of sensitive information relating to children and young people in the care and protection system.
- The Government is conscious of striking the right balance between ensuring transparency of Government decisions, and protecting information that is highly sensitive in nature.
- In June 2019, the Legislative Assembly passed a law which made a minor amendment to the *Freedom of Information Act* to ensure that there is a single set of rules governing access to sensitive information in child protection cases.
- This was a minor 'technical amendment'. It does not change the way in which information about child protection cases can be accessed in practice.

Key Information

Update on CSD work on the government review of CYPS decisions

- Work is underway to improve internal decision making processes within Child and Youth Protection Services (CYPS) in response to stakeholder feedback about what needed to change to improve the consistency and transparency of decision making.
- There are a variety of views expressed about the best way forward for external review. Meetings have been held between Minister Stephen-Smith, the Human Rights Commission (HRC) and representatives from CSD to discuss the work currently underway and to continue discussions about a constructive and collaborative way forward.
- In partnership with the ACT Human Rights Commission, CYPS are consulting with targeted stakeholders through the hosting of rountables. JACS officers have collaboratively participated in two roundtables to date:
    - On 22 July 2020, the experiences of other jurisdictions in establishing external merits review of child protection decisions. Guests included local ACT stakeholders and colleagues from Queensland and Victoria.
    - On 17 September 2020, the principles that will underpin the external merits review and the types of decisions that should be reviewable. Guests included local ACT stakeholders.

Information sharing and amendment to the FOI Act

- Separately to the review, minor changes to the *Freedom of Information Act 2016* (FOI Act) concerning sensitive information held by CYPS were passed in the *Justice and Community Safety Legislation Amendment Act 2019*, which commenced on 21 June 2019.

QUESTION TIME BRIEF

Background Information

Government review of CYPS decisions

History of the government review

- In April 2016, the *Report of the Inquiry: Review into the system level responses to family violence in the ACT* (the Glanfield Report) made a number of recommendations relating to the operations of Child and Youth Protection Services (CYPS). Recommendation 12 of the Glanfield Report was that a review should be undertaken (chaired by JACS) "of what decisions made by CYPS should be subject to either internal or external merits review." The review is being conducted at present.
- In December 2016 a working group with representatives from JACS and CSD was established to address this recommendation. In May 2019, a discussion paper, 'Review of child protection decisions in the ACT' was published for public consultation until 28 June 2019.
- On 16 October 2019, a report was finalised by an independent consultant based on the submissions received. JACS published the report and submissions where consent had been given to do so. Some parts of submissions were redacted to comply with secrecy provisions in the *Children and Young People Act 2008* (ACT), and the right to privacy in the *Human Rights Act 2004* (ACT).

Assembly motion

- On 18 September 2019 the Assembly passed a motion calling on the Minister for Children, Youth and Families to update the Assembly no later than March 2020 regarding:
    a) How the voices of children and young people are included in this consultation process;
    b) The progress and outcomes of this review and the consultation process; and
    c) What steps will follow, and when these are expected to conclude.
- The ministerial statement in response to this motion was noted by the Assembly on 2 April 2020.

Information sharing in the child protection system

Standing Committee Inquiry

- On 16 May 2019, the ACT Legislative Assembly asked the Standing Committee on Health, Ageing and Community Services to inquire into CYPS, and specifically:
    - first, "to provide an analysis of the decisions of the ACT Court of Appeal in the case of *CP v Director-General of Community Services Directorate* (ACTA 32) and to identify potential systemic issues that may need to be addressed" (Part 1), and
    - secondly, "to inquire into the ability to share information in the care and protection system in accordance with the *Child and Young People Act 2008*, with a view to maintain community confidence in the ACT's care and protection system (Part 2)."
- The Committee's final report for Part 1 of the inquiry was tabled in the Assembly on 27 August 2020, and Part 2 was tabled on 30 July 2020. The Part 2 inquiry report provides 44 recommendations, including the following specific to the Attorney-General.

- Recommendation 15: that the Attorney-General should remind all directorates that any amendment(s) to legislation that removes a fundamental right should not be brought forward in an omnibus bill; and
- Recommendation 33: that the Attorney-General update the Assembly by the last sitting day in August 2020 on the identification of specified proposals as to how a therapeutic justice approach in the care and protection jurisdiction would work in the ACT

- The Minister for Families and Community Services tabled the Government Response on 3 December 2020. The response 'notes' recommendation 15 and 'agrees in principle' to recommendation 33.

FOI Act amendment

- The amendment to the FOI Act made through the *Justice and Community Safety Legislation Amendment Act 2019* makes clear that a person can not apply for the release of "protected information" that is also "sensitive information" under the *Children and Young People Act 2008* (CYP Act). This fixed a drafting anomaly in the FOI Act. The disclosure of sensitive information is regulated by the CYP Act, and its release other than in limited circumstances is prescribed to be an offence under that Act.
- The amendment ensures the FOI Act operates consistently with the CYP Act. In practice, the amendment will see no change to the way in which CYPS processes FOI requests, as CYPS has always interpreted the FOI Act consistently with the CYP Act, and so did not release sensitive information under the FOI Act prior to the amendment.

QUESTION TIME BRIEF

JACS2021/46-001-020

Portfolio/s: Attorney-General

ISSUE: TENANTS ADVICE SERVICE

Talking points:

- On 28 February 2020, the Justice and Community Safety Directorate (JACS) entered into a contract with Legal Aid ACT to provide the Tenants Advice Service ACT (TAS) until 30 June 2023.
- Canberrans are actively accessing and seeking support from the TAS. Over 3,352 calls were taken by the Tenants Advice Line between 1 March and 31 December 2020.
- As a part of the TAS, Legal Aid ACT also provides a weekly clinic to support tenants and occupants to understand their rights and obligations under the law and respond to the legal problems that they are facing.
- If you need support to respond to a tenancy or occupancy law issue, the TAS service is available to help you. The Tenancy Advice Line is open and taking calls from 8.30 am – 7pm four nights a week (Monday to Thursday) as a result of COVID-19. It also takes calls on Fridays from 8.30 am – 5pm.

If asked how you can access the TAS:

- The TAS can provide free and confidential support for all tenants and occupants in the ACT.
- You can find out more about the service through its website www.tasact.org.au
- The phone number of the Tenancy Advice Line is 1300 402 512.
- Legal Aid ACT have been providing tenancy advice services for many years.

If asked about community legal education and campaigning for tenants rights:

- The contract requires Legal Aid ACT to undertake law and policy reform activities. Since the contract commenced, Legal Aid ACT has provided comprehensive and detailed submissions to government about matters affecting tenants and occupants in the ACT.

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- Legal Aid ACT's TAS has been an active participant in all stakeholder consultations with JACS in relation to residential tenancies reform since the service commenced. This includes several consultations in relation to COVID-19 residential tenancy response measures and in relation to amendments to the *Residential Tenancies Amendment Bill 2020.*
- Independent of consultation invited by JACS, Legal Aid ACT's TAS service also provided a submission to and appeared before the Select Committee on the COVID-19 pandemic response.
- Legal Aid ACT is conducting an extensive social media program about rights and responsibilities under tenancy law, focusing on the COVID-19 pandemic. You can access this information through Legal Aid ACT's Facebook page.

Key Information

General

- JACS signed a contract with Legal Aid ACT to provide the TAS on 28 February 2020. The contract will run until 30 June 2023. The contract price for this period is $1,621,995 (GST exclusive) which includes an additional payment of $40,000 which supported Legal Aid ACT to commence providing the service in March 2020 as a result of the closure of the Tenants Union ACT's office on 28 February 2020.
- The TAS ACT is a weekday advice and information service for tenants and occupants, which assists them to understand their rights and obligations under the Residential Tenancies Act 1997, understand the legal problems they are facing and the steps they can take to resolve them, and where appropriate assist in the resolution of those legal problems.
- Legal Aid ACT also provides casework and legal representation services as a part of the TAS service. These services will be targeted towards those persons who would be considered priority clients under the National Partnership Agreement on Legal Assistance Services.
- Legal Aid ACT and JACS will have quarterly operational meetings to discuss and review the operation of, and reporting about, the service. This will include six monthly reviews to assess the delivery of the service and consider what improvements could be made to enhance the TAS.

Matters involving Tenants Union ACT

- The Tenants Union ACT closed their offices on 28 February 2020.
- Their final report was provided to JACS on 10 June 2020.
- The Tenants Union's most recent grant to provide the Tenants Advice Service was signed on 10 September 2019. This grant funded the Tenants Union ACT **$348,171**

(GST exclusive) from the ACAT Trust to provide the Tenants Advice Service from July 2019 – March 2020.

- Whilst operated by the Tenants Union ACT, the Tenants Advice Line was closed for new calls on 67 per cent of working days between 1 January and 14 November 2019. This data was sourced from the Tenant's Union's Twitter Feed on 15 August, 24 September, 23 October and 14 November 2019.
- The Justice and Community Safety Directorate has invited the Tenants Union ACT to participate in consultation about residential tenancies reform. The Tenants Union ACT has provided written input in response to a stakeholder consultation paper and has also appeared before the Select Committee on the COVID-19 pandemic response.
- The Tenants Union ACT has recently relaunched its website as a subscriber only service which provides information resources for tenants and occupants in the ACT. The Tenants Union ACT's 2019-20 annual report is paywalled, and has not been reviewed by JACS.

Canberra Times article regarding Tenants Union ACT (5 January 2021)

- The Canberra Times published an article on 5 January 2021 about the Tenants Union ACT and its future as an independent organisation. The article noted thatthe Tenants Union ACT is in talks to see if it could be combined with or subsumed into another territory organisation, like ACT Shelter.
- The article comments on the tender process which resulted in the TAS service being provided by Legal Aid ACT. The article contains factual inaccuracies.
- The ACT Government's Parliamentary Agreement for the 10th Assembly states that it is a government priority to provide "additional funding for systemic advocacy, including restoring funding cuts created by the Federal Government for Shelter ACT".[1] The Chief Minister announced on Facebook on 29 January 2021 that this funding would be provided to ACT Shelter in the 2020-21 ACT Budget.
- A copy of the Canberra Times article can be provided upon request.

[1] ACT Shelter is an independent community organisation that provides advocacy on housing policy issues affecting persons with no to low to moderate incomes. (https://actshelter.net.au/)

QUESTION TIME BRIEF

JACS2021/46-001-026

Portfolio/s: Attorney-General

ISSUE: AGE OF CRIMINAL RESPONSIBILITY

Talking points:

- Keeping children and young people out of the criminal justice system is a foundational element of the ACT Government's commitment to justice reinvestment and reducing recidivism rates, as part of our overarching initiative of Building Communities Not Prison (BCNP).
- The ACT Government has committed to raising the minimum age of criminal responsibility, building on a motion passed in this place in August 2020.
- The Parliamentary and Governing Agreement identifies this area as one of the key legislative reform priorities for the 10th ACT Legislative Assembly.
- As Attorney-General, this issue is a very high priority for me.
- We all know the detrimental and lasting effects that facing the courts and spending time in detention can have on children. We also know, from the evidence, that early contact with the criminal justice system is one of the key predictors of future offending.
- That is why the ACT Government is focussing on stopping children from being sentenced to detention, and instead focusing on early intervention approaches which address the underlying causes of offending behaviour - making the community safer by changing children's pathways and reducing the likelihood of reoffending, including as those children become adults.
- Raising the minimum age of criminal responsibility is an essential building block for this reform.
- To do this, we will be working across the ACT Government to make sure we have the right systems in place to support children who exhibit at-risk behaviours.
- Work is already underway to consider how a higher minimum age of criminal responsibility would be implemented in the ACT, taking into account the specific needs of the Territory's at-risk children and young people, and their families, and the characteristics of our criminal justice, and youth and family service sectors.

Cleared as complete and accurate:	28/01/2021	
Cleared by:	Executive Branch Manager	Ext: 51451
Contact Officer name:	Laura Pound	Ext: 73997
Lead Directorate:	Justice and Community Safety	
Cleared for release:	Yes	
Information Officer name:	Jennifer McNeill	
TRIM Ref:	JACS2021/46-001-026	

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- This includes a gap and needs analysis review, which has already commenced and which will include targeted stakeholder consultation.
- The ACT is, and will continue to be, an active participant in national conversations on increasing minimum age of criminal responsibility, and will be a leader in implementing this reform across Australia.

Background Information

- The ACT Government is committed to raising the minimum age of criminal responsibility (MACR). The Parliamentary and Governing Agreement for the 10th Legislative Assembly has highlights the MACR as a priority area for legislative reform.
- This commitment builds on motion passed by the ACT Legislative Assembly in August 2020 which called on the ACT Government to:
    - support raising the minimum age of criminal responsibility to 14 years of age, taking into account medical and other relevant evidence, and with consideration given to exemptions for serious offences;
    - ensure that reform in this complex area engages with and enhances support services identified through a gap analysis, noting that keeping young people safe and diverting them from the justice system is a whole-of-government and whole-of-community responsibility; and
    - continue to progress policy work, and consider programs and resources that may be required in order for the tenth Assembly to consider legislation raising the age.
- The 2020 motion and subsequent Government commitment has been reported favourably in media across Australia.
- The Justice and Community Safety Directorate (JACS) is working with other Directorates (primarily the Community Services Directorate) to develop the approach for raising the MACR in the ACT. The ACT Government's vision is to build Canberra as a Restorative City, and the Government supports the integration of preventative and rehabilitative approaches into our justice system.
- $120,000 of funding from the Confiscated Assets Trust Fund will support a gap and needs analysis review by an external consultant. Key stakeholders will be asked to engage with the review to ensure that the final report is properly informed, comprehensive and does not replicate existing work.
- A further $380,000 of funding from the Confiscated Assets Trust Fund will support a 12-month pilot of a family-centric therapeutic program that will work with children and young

people coming into contact with the criminal justice system. The program will have a priority focus on children and young people up to 14 years of age, and Aboriginal and Torres Strait Islander children and young people, and their families.

National Consideration of the MACR

- In all Australian jurisdictions, including the ACT, the MACR is 10 years old. However, children aged under 14 years cannot be held criminally responsible unless the prosecution proves they knew what they were doing was wrong (*doli incapax* principle)
- The Northern Territory has also publicly committed to raising the age of criminal responsibility to 12 years of age. This commitment was made in 2018 in response to the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory in 2017.
- The MACR was being considered at the national level through the Council of Attorneys-General (CAG) in response to the United Nations Committee on the Rights of the Child recommendation in 2019 that the MACR be raised to at least 14 years of age and children under 16 years not be placed in detention.
- In June 2020, a CAG Working Group finalised a report on MACR reforms, including findings and recommendations, for presentation at the July 2020 CAG meeting. Despite revisions to the report that attempted to address the concerns of some jurisdictions, the Commonwealth, New South Wales and Queensland did not endorse the report. However, the Working Group did agree that the MACR could not be raised without a clear framework for implementation and support first being in place. A majority position was determined to allow the report to be settled for discussion at CAG Senior Officials Group (CAGSOG).
- On 7 July 2020, the Western Australian Attorney General, as the sponsor of the MACR CAG agenda item, withdrew the Working Group's report and it was not considered at CAG on 27 July 2020.
- Instead participants noted the need for further work around adequate processes and services for children who exhibit offending behaviour.
- On 23 October 2020, National Cabinet agreed to the new ministerial forums structure as part of the recommendations of the Conran Review of Former COAG Councils and Ministerial Forums. As a result, CAG has been replaced with 'time-limited' and 'when needed' forums for select issues.
- On 20 November 2020, Attorneys-General met to discuss the future of the work that was previously progressing through CAG, including the MACR. It was agreed that the first meeting of the CAG successor body would be in March 2021. It was also agreed that this meeting would include one more discussion on MACR, but it would not be an ongoing item.
- Given the lack of agreement at CAG, there are a range of complexities associated with increasing the MACR in the ACT if other jurisdictions, particularly New South Wales and the Commonwealth, elect to retain the current MACR of 10 years. These will be considered as part of legislative amendments in the ACT.

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QUESTION TIME BRIEF

JACS2021/46-001-017

Portfolio/s: Attorney-General

ISSUE: REVIEW INTO WHOLE OF JUSTICE SYSTEM INTERACTIONS WITH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE

Talking points:

- Like all Australian states and territories, the ACT is experiencing increasing rates of incarceration and rising over-representation of Aboriginal and Torres Strait Islander people in our justice system.
- In the ACT, Aboriginal and Torres Strait Islander people comprise approximately 1.9 per cent of the population but make up approximately 22 per cent of the prison population.
- Almost a quarter (23 per cent) of all children and young people under justice supervision in the ACT, are Aboriginal or Torres Strait Islander.
- We must turn this around. We must strive to reduce the rate at which we incarcerate Aboriginal and Torres Strait Islander people in the ACT so that it matches that of non-indigenous people.
- Reducing the over-representation of Aboriginal and Torres Strait Islander people in custody is already a key pillars of the ACT's Building Communities Not Prisons Initiative (BCNP) and its 2020 Reducing Recidivism Plan.
- Moreover, the Australian Law Reform Commission 2018 Report *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* sets out many of the issues that need to be addressed nationally.
- However, to make a difference, we require a shared plan across the justice and human service systems, sustained focus, unstinting effort, and close work with local Aboriginal and Torres Strait Islander women and men.
- I am starting this review by listening to representatives of the local Aboriginal and Torres Strait Islander community. I want to hear their views on how the review should be shaped and progressed, and on early actions we can take.
- I do not want a review that takes years and tells us what we know. I want a review that builds our understanding so that genuine change can be made.

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TRIM Ref:	JACS2021/46-001-017		

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QUESTION TIME BRIEF

Background Information

Building Communities Not Prisons (BCNP)

- The overall aim of BCNP is to deliver a number of initiatives that are designed to reduce reoffending, reduce the prison population as appropriate, improve the lives of those individuals and their families, and improve community safety.
- The BCNP package focuses on areas including housing, alcohol and other drug services, mental health and disability, as well as family and other group services for Aboriginal and Torres Strait Islander peoples.
- Initiatives are intersecting and overlapping with initiatives that address key opportunities in the human services system to reduce recidivism and incarceration, and align with the ACT Government's strategic priorities.
- BCNP aims to:
    - reduce trauma and costs for victims and their families associated with crime and related costs for government and the broader community
    - reduce overcrowding at the Alexander Maconochie Centre (AMC)
    - use restorative, cultural and evidence informed approaches that change people's contact with the justice system, particularly prison
    - address a number of the recommendations of the Australian Law Reform Commission Report Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples
    - reinvest funds from the criminal justice system that might be otherwise used for detaining people in a correctional centre, into homes and community supports, making the ACT a safer and more inclusive city.

Overrepresentation of Aboriginal and Torres Strait Islander peoples in incarceration

- Overrepresentation of Aboriginal and Torres Strait Islander peoples in custody is a persistent and growing problem across Australia with incarceration rates increasing by 51% between 2012 and 2018. However, the degree of urgency in the ACT is acute with a 135% increase over the same period.
- The original commitment to a Review of the rates and causes of indigenous incarceration in the ACT, to be led and informed by the Aboriginal and Torres Strait Islander community, had its genesis in a letter of 23 July 2020 from Ms Julie Tongs, OAM and CEO of Winnunga Nimmityjah to the then Attorney-General highlighting the ACT's high rate of increase in the incarceration of Aboriginal people and seeking: "a detailed, comprehensive and independent inquiry into the effectiveness of all these arms of the justice system in their contact with and response to members of the Aboriginal and Torres Strait Islander community".

Cleared as complete and accurate:	29/01/2021	
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- On 14 August 2020, the Attorney General and Minister for Aboriginal and Torres Strait Islander Affairs replied to this letter and, in addition to continuing existing work, committed to commence consultation and planning for a community led review into the over-representation of Aboriginal Torres Strait Islander people in the ACT justice system.
- However, on 19 August 2020 Ms Tongs was quoted by *The Canberra Times* as saying: "(w)e don't need any more reviews. We know what the problems are, start to address them. Don't keep throwing money at consultants to tell us what we already know". Ms Tong implied the Royal Commission into Aboriginal Deaths in Custody recommendations provided the answers.
- However, the Australian Law Reform Commission Report *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* tabled in Parliament by the Attorney-General, the Hon Christian Porter MP, on 28 March 2018 gives a clearer overview of the issues to be addressed nationally, many of which have already informed work in the ACT, including through Justice Reinvestment that will reform:
    - Bail
    - Sentencing (including Community-based sentences and mandatory sentencing)
    - Prison Programs
    - Parole
    - Fines and infringements (including driving when unlicensed)
    - Policing
    - Out of home care
    - Access to Justice (for example through interpreters)
    - Alcohol related offending.

Cleared as complete and accurate:	29/01/2021		
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QUESTION TIME BRIEF

JACS2021/46-001-011

Portfolio/s: Attorney-General

POSITIVE DEFINITION OF CONSENT

- The ACT Government is committed to protecting people from sexual abuse and ensuring that those who commit sexual offences are appropriately held to account.
- A strong criminal justice response to sexual offending is important, not just for victims and survivors but also for the entire community.
- The Parliamentary and Governing Agreement of the 10th Legislative Assembly includes agreement to legislative reforms to sexual offence laws, including consideration of a positive definition of consent.
- The ACT Government welcomes the opportunity to consider potential improvements to our criminal laws as outlined in the Government Response to the Justice and Community Safety Standing Committee's Report on the inquiry into the Crimes (Consent) Amendment Bill 2018.
- The ACT Government will also examine the findings of the NSW Law Reform Commission final report "Consent in relation to sexual offences", published on 18 November 2020, in considering how to implement the PGA.
- In considering law reform in this area, we will consult closely with key stakeholders including those represented in the Sexual Assault Reform Program Reference Group.

Key Information

- ACT sexual offences and 'intimate image abuse' offences are contained in the *Crimes Act 1900* (Crimes Act). The ACT is the only Australian jurisdiction with no statutory definition of consent. Rather, s 67 of the Crimes Act includes a list of circumstances which 'negate' consent.
- All States and the Northern Territory have statutory definitions of consent that are variations on the concept of 'free and voluntary agreement'.

<u>Law reform commission recommendations</u>

- The 2010 Australian Law Reform Commission's *Final Report Family Violence – A National Legal Response* recommended that ACT sexual offence provisions should 'include a statutory definition of consent based on the concept of free and voluntary agreement' (recommendation 25-4).

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- The NSW Law Reform Commission recently published their final report "Consent in relation to sexual offences" (NSWLRC Consent Report). A review of this report is currently being undertaken.

Background Information

- On 11 April 2018 a draft Private Members Bill titled *Crimes (Consent) Amendment Bill 2018* (Bill) was presented in the Legislative Assembly. The Bill sought to amend the *Crimes Act 1900* to introduce a new statutory definition of consent for certain sexual offences and the distribution of intimate images, and to exclude the application of specified child sex offences to some young people.
- On 8 May 2018 the Legislative Assembly referred the Bill to the Standing Committee on Justice and Community Safety (the Standing Committee) for inquiry and report. The Standing Committee Report recommended that the Bill should not proceed in its current form and that any enactments or legislative changes to the definition of consent should wait until consideration of the NSW Law Reform Commission final report "Consent in relation to sexual offences" (NSWLRC Consent Report). The Government Response[1] agreed to all but one aspect of the Committee Report that related to consideration of affirmative vs communicative models of consent. The NSWLRC Consent Report was published on 18 November 2020.[2]
- Many of the recommendations from the NSWLRC Consent Report link to other work done in this area, including the Royal Commission into Institutional Responses to Child Sexual Abuse, Criminal Justice Report (CARC CJ Report) as well as the joint 2010 ALRC/NSWLRC Report 'Family Violence: A National Legal Response' [Report 114] (ALRC Report).
- JACS is in the process of briefing the Attorney-General on options to progress the PGA commitment, including proposed engagement with key stakeholders.

[1] https://www.parliament.act.gov.au/__data/assets/pdf_file/0004/1322509/9th-JAC-03-Report-On-Inquiry-into-The-Crimes-Consent-Amendment-Bill-2018.pdf

[2] https://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_current_projects/Consent/Consent.aspx

ACT Government
Justice and Community Safety

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

No.	Title
1.	2020-21 Budget Summary (including summary of JACS Initiatives)
2020-21 Budget Initiatives	
2.	2020-21 Budget Initiatives Summary - AG/MFG/MFCA
3.	Funding for LPP to Deliver Government Legislative Priorities
4.	More support for families and inclusion - Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse
5.	Increased Magistrates Court resourcing
6.	Strengthening Legal and Court Support for Vulnerable Young People and Families Affected by Domestic and Family Violence
7.	More support for families and inclusion - Enhancing the Victims of Crime Financial Assistance Scheme (w MHR)
8.	Supporting Community Clubs – 19-20 funding (Territorial) and Gaming Machine Authorisation Surrender Incentive extension
2020-21 Delayed Budget	
9.	Commencing installation of Mobile Device Detection Cameras
10.	Community Clubs Ministerial Advisory Council
11.	More support for the Public Trustee and Guardian
Rollovers	
12.	Rollovers
2020-21 Staffing	
13.	2020-21 Budget Staffing FTE by Ministerial Portfolio

2019-20 Audited Outcome and 20-21 Budget Variance	
14.	2019-20 Audited Outcome & 2020-21 Budget Variance - Controlled
15.	2019-20 Audited Outcome & 2020-21 Budget Variance - Territorial
AG/MFG/MFCA Strategic and Accountability Indicators	
16.	2020-21 Strategic and Accountability Indicators - Output 1.1 Policy Advice and Justice Programs
17.	2020-21 Strategic and Accountability Indicators - Output 1.2 Legal Services to Government
18.	2020-21 Strategic and Accountability Indicators - Output 1.3 Parliamentary Counsel's Office
19.	2020-21 Strategic and Accountability Indicators - Output 1.4 Director of Public Prosecutions
20.	2020-21 Strategic and Accountability Indicators - Output 3.1 Courts and Tribunal

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
Justice and Community Safety

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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ACT Government
Justice and Community Safety

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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ACT Government
Justice and Community Safety

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.

Cleared as complete and accurate:	08/02/2021	
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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
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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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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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ACT Government
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2020-21 BUDGET DAY BRIEF

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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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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2020-21 BUDGET DAY BRIEF

TRIM: JACS2021/143-002-003

Portfolio/s: Attorney-General

ISSUE: 2020-21 Budget Summary – AG-MFG-MFCA

Talking points:

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

- **$1.1 million** in 2020-21 to provide additional capacity to deliver the Government's legislative initiatives, legal policy and justice system programs by providing a stable, permanent and experienced workforce.
- **$0.5 million** in 2020-21 to continue funding to support eligible survivors of abuse in Government institutions through a redress payment, counselling and psychological care.
- **$0.3 million** in 2020-21 to provide 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.
- **$1.0 million** over four years to maintain stronger court support services for vulnerable young people and families impacted by domestic and family violence. In addition, **$1.3 million** is provided to Legal Aid to maintain the capacity of its Family Violence Unit at the Magistrates Court.
- **$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 MHR)*
- **$0.5 million** over three years from 2021-22 to support the implementation of an 'end to end' technology solution, capable of linking with existing ACT Government ICT systems and processes for the ACT's road safety camera program.

Cleared as complete and accurate:	04/02/2021	
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This initiative is led by TCCS with $0.5m relating to JACS resources only (ACT Courts and Tribunal and ACT Government Solicitor).

- **$1.7 million** over four years to increase Community Service Obligations funding to the Public Trustee and Guardian and fees and charges to reflect the increased cost and complexity in managing the affairs of its clients.

Additional funding was provided to JACS in the 2019-20 Budget Review. This includes:

- **$0.3 million** over five years to improve access to justice for families involved and develop a restorative approach for people involved in these processes.
- **$3.7 million** over five years to improve responses for people with disability in the justice system. In addition, **$0.5 million** was provided to Legal Aid for this initiative.
- **$0.6 million** over five years to assist in facilitating restorative justice conferences for family violence and sexual offences.
- **$0.3 million** in 2019-20 to undertake a review of the impact of the Protection of Rights Services Amendment Act 2016 and the Human Rights Commission Act 2005 and the Victims of Crime Financial Assistance scheme established under the Victims of Crime (Financial Assistance) Act 2016 to assess their effectiveness and identify opportunities for reform.
- **$0.2 million** over two years from 2019-20 to support the Environmental Defender's Office to provide community legal assistance services on environmental matters. The ACT Government has been supporting the operations of this and other community legal services since 2016 to ensure certainty in the face of Commonwealth changes to the National Partnership Agreement on Legal Assistance Funding.

ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

- **$1.3 million** over three years from 2019-20 to provide resources aimed at reducing the disproportionate representation of Aboriginal and Torres Strait Islander community members throughout the ACT Justice System, by creating positive pathways from prison that break the cycle of recidivism by increasing employment and cultural engagement opportunities.

Budget initiatives related to AG	2019-20	2020-21	2021-22	2022-23	2023-24	Total
	$'000	$'000	$'000	$'000	$'000	$'000
2020-21 Budget Initiatives						
Recurrent						
Legislation, Policy and Programs — Funding to Deliver Government Priorities		1,096				1,096
More support for families and inclusion — Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse		431				431
More support for families and inclusion — Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse (Territorial)		40				40
Increased Magistrates Court resourcing		310				310
Strengthening legal and court support for vulnerable young people and families affected by domestic and family violence		250	256	260	262	1,028
Strengthening legal and court support for vulnerable young people and families affected by domestic and family violence [1]		313	321	329	337	1,300
More support for families and inclusion — Enhancing the Victims of Crime Financial Assistance Scheme		391				391
Commencing installation of Mobile Device Detection Cameras [2]	-	-	144	150	154	448
More support for the Public Trustee and Guardian [3]		400	410	420	431	1,661
Total 2020-21 Recurrent initiatives	-	3,231	1,131	1,159	1,184	6,705
2019-20 2nd Appropriation Initiatives						
Recurrent						
Delivering a Family Liaison Officer to assist families	38	76	77	78	79	348
Disability Justice Strategy	304	481	627	906	917	3,235
Disability Justice Strategy (Territorial)	29	118	121	122	124	514
Disability Justice Strategy [4]	57	118	121	122	124	542
Improving access to restorative justice	63	129	132	134	135	593
Improving our justice system	270	-	-	-	-	270
Supporting the Environmental Defender's Office	75	150				225
Increasing opportunities for Aboriginal and Torres Strait Islander people involved with the justice system	74	584	645	-	-	1,303
Total 2019-20 2nd Appropriation Recurrent initiatives	**910**	**1,656**	**1,723**	**1,362**	**1,379**	**7,030**
Capital						
Total 2019-20 2nd Appropriation Capital initiatives	-	-	-	-	-	-

Note:
1. This initiative is showing in Legal Aid budget statement.
2. This initiative is led by TCCS and that funding in the table relates to JACS resources only.
3. This initiative is showing in PTG budget statement.
4. This initiative is showing in Legal Aid budget statement.

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ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

Portfolio/s: Gaming

ISSUE: 2020-21 Budget Summary – Gaming

Talking points:

The 2020-21 Budget provides investment to support ACT Clubs including:

- **$3.8 million** in 2020-21 to fund the COVID-19 Economic Survival Package Gaming Machine Authorisation Surrender Incentive. Under this incentive, all gaming machine licensees have the opportunity to access a cash payment of $15,000 per authorisation surrendered, with the payment required to be used towards staff employment, diversification activities and initiatives, and energy and water efficiency measures. Licensees have until June 2021 to access this incentive.
- **$1.5 million** in 2019-20 to supplementing the existing $1.8 million in the Diversification and Sustainability Support Fund (DSSF) to support them to keep workers employe or provide other income support.
- **$1.8 million** over four years to establish a Community Clubs Ministerial Advisory Council to support a long-term sustainable clubs sector in the ACT. This measure also includes funding for technical advice to inform the development of policy and legislation to support the introduction of $5 bet limits and $100 load-up limits on electronic gaming machines. A staged rollout of the new limits will commence by the end of 2022.

Budget initiatives related to Gaming and Racing	2019-20	2020-21	2021-22	2022-23	2023-24	Total
	$'000	$'000	$'000	$'000	$'000	$'000
2020-21 Budget Initiatives						
Recurrent						
Gaming Machine Authorisation Surrender Incentive extension		3,750				3,750
Treasurer's Advance — Supporting local business and the economy — Supporting Community Clubs	1,500					1,500
Community Clubs Ministerial Advisory Council		249	489	502	515	1,755
Total 2020-21 Recurrent initiatives	1,500	3,999	489	502	515	7,005

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ACT Government
Justice and Community Safety

2020-21 BUDGET DAY BRIEF

REC20/43471

Portfolio/s: 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.

Expense: $1.096m in 2020-21

The funding is for 6 FTEs within the Legislation, Policy and Programs division of JACS to ensure JACS has the capacity to deliver on the Government's law reform priorities including the Government response to the Royal Commission Inquiry into Institutional Responses to Child Sexual Abuse and national elder abuse reforms.

Further information

The resourcing is being deployed flexibly across LPP, indicatively as follows.

FTE	Description
1 x Exec 1.4	This additional Executive Branch Manager capability is critical to the government for the development and implementation of ACT Policy in relation to a diverse range of matters including human rights, public law, the delivery of the justice system and complex reform projects.
1 x Legal 2 2 x Legal 1.10	Extend Royal Commission Team who are responsible for implementing the recommendations from the Royal Commission Inquiry into Institutional Responses to Child Sexual Abuse (Criminal Justice Report) (Child Abuse Royal Commission). This team will continue to work on the Child Abuse Royal Commission but also work on, and respond to, criminal law issues arising from the Disability Royal Commission, elder abuse law reform and other initiatives to support better access to justice for vulnerable people including people with a disability and the elderly.
1 x SOG C 1 x ASO 6	Capacity to support and deliver various Government legislative initiatives and legal policy work and programs.

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2020-21 BUDGET DAY BRIEF

REC20/43524

Portfolio/s: Attorney-General

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.

The funding is for continued scheme administration and provides for FTEs:

- 0.8 x SOG C and 0.2 x ASO 4 and for Human Rights Commission
- 1 x SOG C and 0.25 x Legal 2 for Legislation, Policy and Programs division
- 0.25 x Government Solicitor 3
- 0.5 x Investigator ACT Policing

Further Information:

- This initiative was initially funded in 2018-19 budget with ongoing funding provided to cover costs associated with:
  - a monetary payment of up to $150,000; and
  - access to counselling and psychological services.
- At the time, the costs associated with administering the ACT Government obligations under the scheme were funded for two years only.
- The 2020-21 funding will ensure that existing resources are funded for another year.
- The 10- year National Redress Scheme for Institutional Child Sexual Abuse commenced on 1 July 2018 and the ACT Government Joined the Scheme from this date.

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Justice and Community Safety

2020-21 BUDGET DAY BRIEF

REC20/43461

Portfolio/s: Attorney-General

Increased Magistrates Court resourcing

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts					
Expenses	310				**310**
Total Additional FTEs (number)	**1.00**	**0**	**0**	**0**	

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.

Expense: ($0.310m in 2020-21)

The funding is for the first six months of 2020-21 year:

- $0.250m for one Magistrate and one administrative officer to support the Court to deal with the backlog of matters caused by the COVID-19 pandemic for six months.
- $0.060m for recording and transcription services.

Further information:

- Additional funding of $310,000 from the Confiscated Assets Trust (CAT) is also being provided to fund the remaining six months.
- The full year funding will allow the Court to set up additional lists to deal with criminal hearings and sentencing, hearings for family violence and protection orders, and hearings in the civil jurisdiction.

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Justice and Community Safety

2020-21 BUDGET DAY BRIEF

REC20/43579

Portfolio/s: Attorney-General

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.

Expense: ($2.495m over 5 years)

Further Information:

Courts funding

The JACS funding will ensure that important improvements in court capability to respond to domestic and family violence (DFV) are maintained. Those improvements were initially introduced using funding from the first phase Safer Families Package.

The funding will assist ACT Courts to maintain their timely response to DFV matters through the continued employment of a Legal 1 Registrar who is dedicated to hearing interim applications and facilitating cross-examination in family violence matters, particularly where the respondent is self-represented. This improves outcomes for victims and ensures compliance with the *Family Violence Act 2016*.

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The funding will also support the continued employment of an administrative officer to assist with processing and case-managing interim applications and orders. This involves performing the associate role in court for the interim applications, including calling matters, marshalling applicants and attendees in court, entering data into the court's case management system (ICMS), taking oaths or affirmations, facilitating the tendering of evidence, issuing timing notices and preparing some orders in court.

Legal Aid funding

The *Improved Access to Legal Aid* funding will contribute to retaining the existing capacity of Legal Aid's Family Violence Unit based at the ACT Magistrates Court. The Unit previously received funding from the first phase Safer Families Package.

The Family Violence Unit provides advice and legal representation services to victims of violence seeking protection for themselves and their children. It responds to on-the-spot walk-in clients, and takes referrals from local support services such as the Domestic Violence Crisis Service (DVCS).

The funding will provide for the continued and ongoing employment of 2.0 FTE Lawyers and 1.0 FTE Paralegal positions in the Legal Aid Commission.

Education funding (fully funded within existing resources)

This will fund the Legal Assistance Services in ACT Colleges Project which aims to:

- improve access to legal assistance for children, young people and their families through the introduction of a legal liaison service to provide specialist legal advice in schools;
- educate young people on legal matters, such as family and domestic violence, criminal activity, unfair treatment, housing problems, and other issues to which they are particularly susceptible; and
- remove key barriers preventing young people accessing justice, such as lack of specialist legal services for young people, lack of awareness of rights and legal entitlements, the intimidating and formal atmosphere of many legal services and reliance on adults to mediate their access to legal services.

The objective of the Project is to create an inclusive relationship with students, parents, guardians, and teachers that goes beyond the conventional lawyer/client relationship.

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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2020-21 BUDGET DAY BRIEF

TRIM: REC21/4146

Portfolio/s: Gaming

Supporting Community Clubs and Continuing the Gaming Machine Authorisation Surrender Incentive

	2019-20	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	**Total $'000**
Expenses – Support for Clubs	1,500		0	0	0	**1,500**
Expenses – Authorisation Surender		3,750				**3,750**

Expenses

In 2019-20, the Government distributed emergency relief funding of approximately $3.3 million from the Diversification and Sustainability Support Fund (DSSF) to clubs affected by COVID-19 public health emergency closures and restrictions, to support them to keep workers employed or provide other income support.

This included $1.5 million in new funding provided by the Government, supplementing the existing $1.8 million in the DSSF.

Also, $3.750 million has been made available to fund the COVID-19 Economic Survival Package Gaming Machine Authorisation Surrender Incentive. Under this incentive, all gaming machine licensees have the opportunity to access a cash payment of $15,000 per authorisation surrendered, with the payment required to be used towards staff employment, diversification activities and initiatives, and energy and water efficiency measures. Licensees have until June 2021 to access this incentive.

Further Information:

- The $1.8 million in the DSSF referred to above was made up of approximately $0.8 million contributed by clubs according to the number of gaming machine authorisations held and approximately $1 million contributed by the Government as part of its undertaking to match clubs' contributions for the first three years of the DSSF's operation
- As a COVID-19 Economic Survival Package support measure, the Government suspended the obligation of clubs to make payments to the DSSF for 12 months to March 2021.

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2020-21 BUDGET DAY BRIEF

- Despite club contributions being suspended, the Government has contributed its previously Budgeted funding of approximately $1 million to the DSSF in 2020-21. Successful applicants for 2020-21 DSSF funding will be announced in the near future.

- As at 31 January 2021, 129 gaming machine authorisations have been surrendered under the Gaming Machine Authorisation Surrender Incentive, with $1.935 million in cash payments paid to participating clubs.

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2020-21 BUDGET DAY BRIEF

TRIM: REC21/1278

Portfolio/s: Attorney-General

AG 2020-21 Delayed Budget Initiative – Commencing installation of Mobile Device Detection Cameras (E105)

	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Total $'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**
Total Expenses	**936**	**2,979**	**2,983**	**3,056**	**9,954**
Associated Revenue	0	6,311	7,762	5,570	19,643

The Government is supporting the implementation of an 'end to end' technology solution, capable of linking with existing ACT Government ICT systems and processes for the ACT's road safety camera program.

Expenses for JACS ($0.448m over three years)

JACS funding includes:

- 1 FTE ASO4 for Courts from 2021-22 and
- 0.13 FTE GS3 for ACTGSO from 2021-22

Further Information:

There are administration and staff resourcing costs associated with the implementation of the cameras including JACS resources for:

- The ACT Government Solicitor to provide legal advice in relation to the expected work associated with these devices.
- The ACT Courts and Tribunal to manage the expected increase in work associated with people contesting infringements issued from these cameras.

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2020-21 BUDGET DAY BRIEF

TRIM: REC21/1258

Portfolio/s: Gaming

MFG 2020-21 Delayed Budget Initiative – Community Clubs Ministerial Advisory Council (JACS E23)

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts[(a)]					
Expenses	249	489	502	515	**1,755**
Total Additional FTEs (number)	**1.25**	**3.0**	**3.0**	**3.0**	

The Government will establish a Community Clubs Ministerial Advisory Council to support a long-term sustainable clubs sector in the ACT. This measure also includes funding for technical advice to inform the development of policy and legislation to support the introduction of $5 bet limits and $100 load-up limits on electronic gaming machines. A staged rollout of the new limits will commence by the end of 2022.

Expense: ($1.755m over four years)

- The funding is for 3 FTEs x SOG C for 2020-21 for 5 months (ie 1.25 FTE) and 3 FTEs x SOG C ongoing from 2021-22 onwards
- Also includes $50k funding for a technical expertise consultancy to provide advice that is necessary to inform government decision making.

Further Information:

- The Parliamentary and Governing Agreement includes ten commitments aimed at reducing harm from gaming while supporting sustainable clubs.
- The additional staffing resources will support Legislation, Policy and Programs in JACS in the delivery of these commitments.
- The immediate focus of the additional FTE will be to establish and provide ongoing secretariat support to the Community Clubs Ministerial Advisory Council. However, the additional FTE will also research, scope, and undertake policy and legislative development work on the introduction of $5 bet limits and $100 load-up limits.
- Importantly, the funding will also support the procurement of expert technical advice that is not currently available within the ACT Government to inform work on the following commitments:
    - introduce the harm reduction measure of $5 bet limits and $100 load up limits; and
    - match or exceed any further harm reduction gaming reforms commenced in NSW, such as cashless gaming.

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2020-21 BUDGET DAY BRIEF

TRIM: REC21/1257

Portfolio/s: Attorney-General

AG 2020-21 Delayed Budget Initiative – More support for the Public Trustee and Guardian (JACS E19)

Financial Impacts Summary	2020-21 $'000	2021-22 $'000	2022-23 $'000	2023-24 $'000	Totals $'000
Expense Impacts[(a)]					
Expenses	400	410	420	431	**1,661**
Associated Revenue	494	506	519	532	**2,051**

The Government will increase Community Service Obligations funding to the Public Trustee and Guardian and fees and charges to reflect the increased cost and complexity in managing the affairs of its clients.

Expense: ($1.661m over four years and then ongoing)

- Increased Community Service Obligation funding to address funding pressure due to ongoing volatile investment markets and insufficient revenue from Fees & Charges.

Revenue: ($2.051m over four years and then ongoing)

Public Trustee and Guardian intends to increase revenue from Fees and Charges determined for the purposes of the *Public Trustee and Guardian Act 1985* as follows -

- A separate higher hourly rate of $450 to be applied to complex matters to reflect the required greater expertise.
- Adjustment to the current income commission by 1% from 5.5% to 6.6%.
- Alignment of the commission on the gross value of assets to reflect current property/asset values.
- Adjustment of the maximum fee for preparing a (complex) Will capped at $2,250.
- Increase in the minimum estate administration commission to $2,880.

Further Information:

- This initiative will allow PTG to continue to as a largely self-funded entity undertaking complex tasks, while meeting the community's need for the PTG's services.

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2020-21 BUDGET DAY BRIEF

JACS2021/143-002-004

Portfolio/s: Attorney-General

ACT Budget 2020-21 - Rollovers (AG)

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

Section 16b Rollovers

- **Attachment A** provides details of the Attorney-General portfolio FMA s16b capital 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 $0.550m directly related to your portfolio.
- The directorate re-profiled $4.692m of recurrent funding (**Attachment B**), of which $2.695m directly related to your portfolio, $0.500m related to yours and other Ministers' portfolios (for Workers' Compensation true-up) and $1.458m 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. 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.

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

CAPITAL INJECTION ROLLOVERS - DIRECTORATE	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							
ACT Legislation Register Replacement	The rollover was required due to the timing of invoices. The project is expected to be physically completed by August 2021.	107					Aug-21
Better Government - New Jury Management System	The rollover was required due to a prolonged procurement process. The project is expected to be physically completed by June 2022.	34					Jun-22
Better support when it matters - Drug and Alcohol Court Establishment	The design of the Drug and Alcohol Court project has been completed. The rollover was required to financially complete the design part of the project. $0.034m was subsequently returned to government as savings during the 2020-21 delayed budget process.	34					Feb-20
Courts Public Private Partnership	The rollover was required to align funding with the Public Private Partnership contractual arrangement. The new Court facility was physically completed in January 2020, with remaining defect rectification due to be completed by June 2022.	183					Jun-22
Replacement of the Courts and Tribunal ICT Case Management System	The rollover was required due to the timing of invoices. Stage 4 of the project was physically completed in mid-October 2019.	192					Oct-19
Total approved s16b capital rollover - AG		**550**					
2020-21 Budget Rollovers - Reprofiling to and from future years							
ACT Legislation Register Replacement	An additional package of work has been requested for the vendor to address a website search issue. It is expected that this work will carry over into 2020-21. The remaining funds may be used for additional work packages for system issues identified throughout the duration of the project which have not yet addressed. As a result, rollover of $0.406m from 2019-20 to 2020-21 and 2021-22 is required to undertake these works. The project is expected to be physically completed by August 2021.	-406	329	77			Aug-21
Better Government - New Jury Management System	The project has been delayed due to Covid-19 situation, in particular with respect to procurement and the need to align fines management module. As a result, rollover of $0.499m from 2019-20 to future years is needed to re-align the project's funding schedule with its revised delivery schedule.	-499	349	150			Jun-22
Better support for families and inclusion — More resources for the Director of Public Prosecutions	Rollover of 0.058m from 2020-21 to 2019-20 was required to complete minor works to accommodate existing staff within the current footprint, design and development for level 2 refurbishment of the Office of the Director of Public Prosecutions. The project is now physically complete.	58	-58				Dec-20
Courts Public Private Partnership	Rollover of $1.875m from 2019-20 to 2020-21 and 2021-22 is required to pay invoices relating to agreed contract variations that were completed during the construction phase of the project; to undertake post-completion capital works and to manage other Defect Liability Period risks.	-1,875	1,175	700			Jun-22
Introducing a Parole Time Credit Scheme	Rollover was required to complete project in 2020-21. The slight delay is due to timing in assigning business analyst and finalising the Motor Accident Injuries scheme (MAI) legislative changes. The project is now physically and financially complete.	-217	217				Aug-20
Total budget rollover - AG		**-2,939**	**2,012**	**927**	**0**	**0**	

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Attachment B - ACT Budget 2020-21 - Recurrent Rollovers (AG)

RECURRENT REPROFILING - DIRECTORATE	Reason for reprofiling	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						
Reducing Recidivism by building communities not prisons	Contract negotiations with some service providers to deliver the initiative have taken longer than expected. The remainder of the funds allocated to the Yarrabi Bamirr program for 2018-19 were expended.	145				
Commencing operations of the Drug and Alcohol Court	The Drug and Alcohol Court (DAC) project timeline changed following delays in legislation and the judicial appointment. The monitoring and evaluation component could only commence after there is sufficient data to evaluate.	55				
Courts Public Private Partnership	Rollover was required due to the delays to completion of Stage 1 and Stage 2. It will be used to meet the increased capital related project costs for the PPP contract. Costs are primarily related to commercial pressures expected to arise as the construction component of the project comes to a close.	1600				
Improving ACT Coronial Services	$52k relates to the one-off funding for relocation costs. $52k rollover was required to ensure that the one-off funding for relocation costs remains available until recruitment process is finalised.	52				
Legal Assistance Services	Funding for this initiative was received late in the financial year and was unable to be spent prior to the end of the financial year.	296				
Natural Disaster Resilience Program	The Natural Disaster Resilience Program (NDRP) is a program that invests in projects that enhance the capability of the ACT's emergency services and reduce disaster risk. A number of the NDRP projects have inter-dependencies that involve consultation, design, construction and procurement. Several of the inter-dependencies required extended time to resolve. This has prompted the requirement to roll the remaining budget of the various projects into 2019-20.	547				
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 - AG		**3,195**	**0**	**0**	**0**	**0**
2020-21 Budget Reprofilling - Reprofiling to and from future years						
Supreme Court Jury Trials	Underspend due to the reduced operations from COVID-19 operational changes. Expenditure expected to ramp up in 2021-22 to catch up deferred matters.		-339	339		
Courts Public Private Partnership	The rollover of the 2019-20 underspend is required to align future budget with cashflow requirements. In addition, the delays to the PPP contract has necessitated the extension of time needed to finalising commercial agreements with the builder. The rollover is required to meet ongoing cost ramifications of the modifications to the PPP contract (ie. additional space etc).		1,823	731	-280	105
Better Government — New Jury Management System	Delays following the need to colloborate with Shared Services to address recovering debt from jurors who fail to appear after being summonsed.		46			
Improving ACT Coronial Services	Funding is still required for relocation costs once a suitable pathologist is found.		52			
ACT Courts and Tribunal Library and Sentencing Database	Delay in implementation due to SSICT having competing priorities relating to COVID-19 situation.	-166	166			
Delivering a Family Liaison officer to assist families	Delay in recruitment have resulted in underspend, funding required to be rolled into 20-21.	-38	38			
Disability Justice Strategy	Funding is shared (50/50) between CSD and JACS. Business analyst (data linkage development) expenditure has been delayed to align with work being undertaken at a national level on data asset mapping. Education/co-design/ resource development expenditure has been delayed due to COVID-19 public health emergency.		100			
Better supporting vulnerable witnesses	This funding was sought to engage a consultant on judicial directions which will be required for consultation in 20-21 year.	-30	30			

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Attachment B - ACT Budget 2020-21 - Recurrent Rollovers (AG)

Expanding CBR NightCrew	NightCrew services was not provided during COVID-19, since the entertainment district was closed. The Territory and St John agreed through an exchange of letters that NightCrew would provide substitute services during the closure declaration and for an agreed time after (approved by the Attorney-General). Reprofiling will ensure funding is available for NightCrew services once the closure declaration ends (potentially covering additional nights) and that the community's need for the public safety services and support offered by NightCrew can be met.	-150	150			
Commonwealth Grant — Legal Assistance Services	This funding is used to support the legal assistance sector and in light of the Project Agreement for COVID-19 Legal Assistance Funding, there was a need for a holistic consideration of areas of need across the ACT legal assistance sector (to determine what is or is not eligible for Commonwealth funding). The timeframes involved in finalising this assessment and the Project Agreement, as well as negotiating grants with legal assistance sector agencies meant that rollover was required.	-266	266			
More support for families and inclusion — commencing operations of the Drug and Alcohol Court	Due to COVID-19, the stage 4, Monitoring and Evaluation of DAC was delayed. The $70K invoice in relation to this work will be paid in 2020-21 year.	-70	70			
Training ACT Government frontline workers to respond to family violence	Timing for the delivery of training impacted by the COVID-19 pandemic and availability of DVCS personnel. JACS was working with the Office of Coordinator-General for Family Safety to schedule the training.	-55	55			
Supporting smarter working in the new ACT Government office projects	Reprofiling to 2020-21 to align with the completion and transition to the new City Office Block. In addition, the COVID-19 pandemic has impacted on the ability to undertake some office-based preparedness work.	-551	551			
More support for families and inclusion — Building Strong Connected Neighbourhoods	Due to delays in establishing the infrastructure for the new program site it was too early to commence evaluation in 2019-20 year. Procurement for the evaluation will be undertaken in 20/21.	-25	25			
Improving our justice system	The $120k review of the victims of crime financial assistance scheme consultancy has commenced but the consultant will be paid in 2020-21 year on the completion of the review. A $100k final invoice of the $150k consultancy for the review of Protection of rights services review will occur in 2020-21 year.	-220	220			
More Support for families and inclusion — reducing recidivism by building communities not prisons	This funding needs to be rolled over due to the policy work delays pending approval of the RR25by25 Plan. This will involve employing additional staff in 2020-21 to also deal with the backlog resulting from the impacts of COVID.	-186	186			
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 - AG		**-1,757**	**2,457**	**5,227**	**-280**	**105**

ACT Budget 2020-21 - Rollovers (Gaming)

RECURRENT REPROFILING - DIRECTORATE	**Reason for reprofiling**	**2019-20 $'000**	**2020-21 $'000**	**2021-22 $'000**	**2022-23 $'000**	**2023-24 $'000**
2020-21 Budget Reprofilling - Reprofiling to and from future years						
More support for families and inclusion — Reducing the number of gaming machines to 4,000	The Advisory Board for the the Diversification and Sustainability Support Fund was not finalised until 18 December 2019 and will be required to do additional work in 2020-21.	-13	13			
Total budget reprofiling - Gaming		**-13**	**13**	**0**	**0**	**0**

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ACT Government
Justice and Community Safety

2020-21 BUDGET

JACS2021/143-002-005

Portfolio/s: Attorney-General

2020-21 Budget Staffing FTE by Ministerial Portfolio - AG

Justice and Community Safety Directorate
Budget Initiatives related to Attorney-General portfolio

2020-21 Budget Initiatives	2019-20 FTE	2020-21 FTE	2021-22 FTE	2022-23 FTE	2023-24 FTE
Recurrent					
Community Clubs Ministerial Advisory Council		1.25	3.00	3.00	3.00
Enhancing the Victims of Crime Financial Assistance Scheme [1]		1.00			
Commonwealth Redress Scheme for Institutional Child and Sexual Abuse[2]		1.50			
Legislation, Policy and Programs — Funding to Deliver Government Priorities		6.00			
Increased Magistrates Court Resourcing[3]		2.00			
Commencing installation of Mobile Device Detection Cameras[4]			1.13	1.13	1.13
National Legal Assistance Partnership		2.00	2.00	2.00	2.00
Total Recurrent Initiatives	**0.00**	**13.75**	**6.13**	**6.13**	**6.13**

2019-20 Budget Review					
Recurrent					
Charter of Rights and Additional support for Victims[5]	0.00	1.60	2.00	2.00	2.00
Delivering a Family Liaison Officer to Assist Families	0.25	0.50	0.50	0.50	0.50
Disability Justice Strategy[6]	2.00	3.00	3.00	3.00	3.00
Increasing Opportunities for Aboriginal and Torres Strait Islander People Involved with the Justice System	0.54	1.85	1.85		
Improving Access to Restorative Justice	0.50	1.00	1.00	1.00	1.00
Strengthening Legal and court support for vulnerable young people and families affected by domestic and family violence	0.00	2.00	2.00	2.00	2.00
Total Recurrent Initiatives	**3.29**	**9.95**	**10.35**	**8.50**	**8.50**

Notes:
1. This initiative is a Joint bid with MHR, only FTEs related to AG are included in this list.
2. Only AG resources are included above, Minister for Human Rights and ACT Policing also have resources under this initiative
3. Half of this initiative is Budget funded while the other is funded from CAT
4. This initiative has ongoing funding.
5. Only AG resources are included above, Minister for Human Rights and Minister for Corrections also have resources under this initiative
6. This initiative is a joint bid with MC, only FTEs related to AG are included in this list.

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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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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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2020-21 BUDGET DAY BRIEF

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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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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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.

ACT Government
Justice and Community Safety

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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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**

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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: JACS2021/143-002-017

Portfolio/s: Attorney-General

ISSUE: 2020-21 STRATEGIC AND ACCOUNTABILITY INDICATORS OUTPUT 1.1 POLICY ADVICE AND JUSTICE PROGRAMS

Strategic Objective 2

Safe Community

An effective criminal justice system underpins the safety of the community. Although neither the Directorate nor the ACT Government can control all of the factors that impact on community safety, effectiveness can be measured by examining the level of crime against people and property and whether the justice system deals with offenders in a way that reduces the risk of further offending.

Table 3: Strategic Indicator 2: Crime Related Community Safety

Success	Strategic Indicator	2019-20 Targets	2019-20 Actuals	2020-21 Targets
Reduction in level of crime	Number of known and reported criminal offences:			
	- against the person per 100,000 population [1]	682	826	<800
	- against property per 100,000 population [2]	4,875	4,163.1	<4,875
Perceptions of safety	The proportion of people who felt 'safe' or 'very safe': [a]			
	- at home by themselves during the night	=> 89%	92.3%	=>89%
	- walking by themselves in their neighbourhood during the night	=> 54.3%	54.2%	=> 54.3%
	- by themselves travelling on public transport during the night [3]	31.1%	41.3%	n/a

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

Explanation of Strategic Indicators:

a. Perceptions of safety indicators are drawn from the National Survey of Community Satisfaction with Policing, a self-reporting survey conducted by the Social Research Centre. The sample size and landline based methodology may limit how representative the results are of the ACT population as a whole.

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Note(s):

1. The target has been amended in 2020-21 to align with ACT Policing's performance measure target outlined in the Purchase Agreement 2017-21. National and local initiatives over recent years have resulted in an expected increase in reporting domestic and family violence related incidents.
2. ACT Government and ACT Policing have undertaken a range of targeted activities aimed and keeping property crime rates low under the *Property Crime Prevention Strategy 2016-2020*.
3. This indicator is discontinued in 2020-21 as this target has been consistently met and is no longer an indicator that drives JACS performance. ACT results against the national average will continue to be reported and monitored in the Report on Government Services.

Accountability Indicators

Output 1.1: Policy Advice and Justice Programs

Table 16: Accountability Indicators Output 1.1

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
a. Percentage of legislation requested by the JACS portfolio ministers is developed within timeframes agreed by the JACS portfolio ministers	100%	100%	100%	0
b. Proportion of surveyed users of restorative justice programs satisfied with service received [a]	97%	97%	99%	2
c. Number of initiatives that reduce regulatory burden [b]	2	2	2	-
Total Cost ($'000)	28,810	13,779	13,701	(1)
Controlled Recurrent Payments ($'000)	26,219	12,510	12,510	-

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

Explanation of Accountability Indicators:

a. Following a restorative justice conference, surveys designed to monitor convenors' delivery of the process and participant experience for quality assurance and service improvement are provided to each offender, victim and support person. Nine key questions are included in the surveys. These questions capture feedback on different aspects of the restorative justice process to provide an insight into the level of participant satisfaction. 47 participants completed the survey with 99 per cent being satisfied with services received.

b. Relevant initiatives include changes or innovations made as part of legislative reforms or policy or program design or modification and which have been identified as reducing regulatory burden.

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2020-21 BUDGET DAY BRIEF

TRIM: JACS2021/143-002-018

Portfolio/s: Attorney-General

ISSUE: 2020-21 STRATEGIC AND ACCOUNTABILITY INDICATORS OUTPUT 1.2 LEGAL SERVICES TO GOVERNMENT

Accountability Indicators

Output 1.2: Legal Services to Government

Table 17: Accountability Indicators Output 1.2

		2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
a.	Timely legal services provided by the ACT Government Solicitor: percentage of advices completed within 28 days	85%	85%	85%	-
b.	High quality legal services provided by the ACT Government Solicitor: percentage of client survey respondents satisfied with quality of advice and representation [a]	95%	95%	97%	2
c.	Timely legal services provided by the ACT Government Solicitor: percentage of court matters undertaken and completed within courts, tribunal or any applicable statutory timetable	95%	95%	94%	(1)
Total Cost ($'000) [1]		21,120	8,603	11,174	30
Controlled Recurrent Payments ($'000)		11,662	5,813	5,813	-

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

Explanation of Accountability Indicators:

a. The client survey is conducted using the online Survey Monkey Tool.

Note(s):

1. Total Cost is higher than target primarily due to the engagement of additional staff to undertake work for client agencies on a recovery of costs for service basis.

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2020-21 BUDGET DAY BRIEF

TRIM: JACS2021/143-002-019

Portfolio/s: Attorney-General

ISSUE: 2020-21 STRATEGIC AND ACCOUNTABILITY INDICATORS OUTPUT 1.3 PARLIAMENTARY COUNSEL'S OFFICE

Accountability Indicators

Output 1.3: Legislative Drafting and Publishing Services

Table 18: Accountability Indicators Output 1.3

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
a. High level of client satisfaction for legislative drafting and publishing services by the Parliamentary Counsel's Office:	90%	90%	Annual Measure	
- percentage of satisfied client survey respondents [a]				
b. Timely legislative drafting and publishing services by the Parliamentary Counsel's Office:				
- Percentage of drafting responses provided within 30-day standard	95%	95%	100%	5
- Percentage of notifications notified on ACT legislation register on requested notification day	99%	99%	100%	1
- Percentage of republications of changed legislation published on ACT legislation register on day the change happens	99%	99%	100%	1
Total Cost ($'000)	5,715	3,251	3,024	(7)
Controlled Recurrent Payments ($'000)	4,875	2,435	2,435	-

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

Explanation of Accountability Indicators:

a. Parliamentary Counsel Office (PCO) annually conducts three client surveys over a two week period: the ACT Legislation Register Survey, the Legislative Drafting Service Survey and the ACT Legislation Register Notifications Service Survey. Satisfied client survey respondents means respondents who indicated an overall level of satisfaction of 'good' or 'excellent'. The survey will be conducted in Quarter Four.

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2020-21 BUDGET DAY BRIEF

TRIM: JACS2021/143-002-020

Portfolio/s: Attorney-General

ISSUE: 2020-21 STRATEGIC AND ACCOUNTABILITY INDICATORS OUTPUT 1.4 DIRECTOR OF PUBLIC PROSECUTIONS

Accountability Indicators

Output 1.4: Public Prosecutions

Table 19: Accountability Indicators Output 1.4

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
a. Percentage of cases where court timetable is met in accordance with Courts' rules [a]	n/a	n/a	n/a	
b. Average cost per matter finalised [1]	$3,000	$3,000	$2,372	(21)
c. The percentage of cases where the brief is served within two weeks of it being received from the ACT Police [b, 2]	80%	80%	96%	20
d. The percentage of cases where the indictment case statement and questionnaire are filed within the timeframes specified at directions in the Supreme Court [b, 3]	80%	80%	47%	(41)
Total Cost ($'000)	14,665	7,954	7,260	(9)
Controlled Recurrent Payments ($'000)	15,048	7,513	7,513	-

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

Explanation of Accountability Indicators:

a. This accountability indicator is discontinued in 2020-21 as adherence to Courts' rules incorporates functions and timing around serving a brief which are beyond the Director of Public Prosecutions' control.
b. These are new indicators in 2020-21 which better reflect the performance of the Director of Public Prosecutions.

Note(s):

1. The cost per matter is below the target due to the automation of data entry and the roll out of an electronic document process.
2. This is a new indicator and resulted in a better than predicted performance, however the target will be revisited next year once more data is available.
3. This is a new indicator, that has identified instances of delays in filing documents which extends the period of time required to prepare committal documents. The target will be revisited next year once more data is available.

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2020-21 BUDGET DAY BRIEF

TRIM: JACS2021/143-002-023

Portfolio/s: Attorney-General

ISSUE: 2020-21 STRATEGIC AND ACCOUNTABILITY INDICATORS OUTPUT 3.1 COURTS AND TRIBUNAL

Strategic Objective

Accessible Justice System

The ACT justice system seeks to ensure fairness to all persons involved. A fair justice system is accessible, deals with matters in an expeditious manner and is one in which all persons involved conduct themselves in a way that promotes, protects and respects rights.

Table 2: Strategic Indicator 1: Justice System Completion Rates

Success	Strategic Indicator	2019-20 Targets	2019-20 Actuals	2020-21 Targets
Timely completion of civil cases in the courts	Percentage of cases finalised within 12 months from lodgement			
	- Supreme Court (includes Court of Appeal)	85%	57%	85%
	- Magistrates Court [a]	90%	94%	90%
	- Childrens Court	90%	83%	90%
	- Coroners Court	90%	88%	90%
Timely completion of criminal cases in the courts	Percentage of cases finalised within 12 months from lodgement			
	- Supreme Court (includes Court of Appeal)	85%	80%	85%
	- Magistrates Court [b]	95%	93%	95%
	- Childrens Court	95%	98%	95%
	- Family Violence Court	95%	96%	95%
Timely completion of ACT Civil and Administrative Tribunal (ACAT) cases	Percentage of cases finalised within 12 months from lodgement	95%	88%	95%

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

Explanation of Strategic Indicators:

a. Magistrates Court civil cases include those for Childrens Court and Coroners Court.
b. Magistrates Court criminal cases include those for Childrens Court and Family Violence Court.

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Accountability Indicator

Output 3.1: Courts and Tribunal

Table 22: Accountability Indicators Output 3.1

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
Courts				
a. Cost per finalised criminal case [a]				
- Supreme Court	$44,600	$44,600	$44,822	0
- Magistrates Court	$2,250	$2,250	$2,085	(7)
b. Cost per finalised civil case [a]				
- Supreme Court [1]	$21,800	$21,800	$15,056	(31)
- Magistrates Court	$3,600	$3,600	$3,536	(2)
c. Criminal Case Clearance Indicator [a] – Number of Supreme Court finalisations, divided by the number of lodgements	100%	100%	100%	-
d. Criminal Case Clearance Indicator – Number of Magistrates Court finalisations, divided by the number of lodgements	100%	100%	101%	1
e. Civil Case Clearance Indicator – Number of Supreme Court finalisations, divided by the number of lodgements [2]	100%	100%	132%	32
f. Civil Case Clearance Indicator – Number of Magistrates Court finalisations, divided by the number of lodgements [b]	100%	100%	105%	5
Tribunal				
g. Clearance Indicator – Percentage of ACAT finalisations, divided by the number of lodgements [c, 3]	100%	100%	110%	10
Total Cost ($'000)	79,272	36,712	34,547	(6)
Controlled Recurrent Payments ($'000)	58,221	26,361	26,361	-

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

Explanation of Accountability Indicators:

a. For the purpose of this report a 'case' is defined as per the counting rules detailed in the Report on Government Services (ROGS) Data Collection Manual Courts, Chapters 6, 7 and 8.
b. The civil case clearance indicator for the Magistrates Court includes the Coroners Court and Childrens Court.
c. ACAT - ACT Civil and Administrative Tribunal.

Note(s):

1. The Supreme Court had an unanticipated increase in finalised civil cases during this period which has resulted in a relatively low cost per finalised case.

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2. The outcome is above target as there was an unanticipated increase in finalised civil cases and a reduction in Supreme Court Civil lodgements.
3. The outcome is above target as more cases were finalised due to 2019-20 matters being deferred to 2020-21 as a result of COVID-19.

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SHANE RATTENBURY MLA
ATTORNEY-GENERAL/MINISTER FOR GAMING/MINISTER FOR CONSUMER AFFAIRS
QUESTION TIME BRIEFS PACK
30-31 MARCH 2021

COVID-19 Related	
1.	COVID-19 Impacts-Relief to clubs and licensed premises
2.	Awareness of legal assistance services during COVID-19
3.	Support for community service providers during the COVID-19 pandemic
4.	Talking Points - Spitting or coughing at frontline workers (COVID-19) - ACT criminal law response
Racing and Gaming	
5.	Gaming Harm Reduction Measures
6.	Diversification and Sustainability Fund
7.	Updates on incentive applications under Voluntary Surrender Agreements
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ACT Government
Justice and Community Safety

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QUESTION TIME BRIEF

JACS2021/46-001-005

Portfolio: Minister for Gaming

ISSUE: COVID-19 Impacts - Relief to clubs and licensed premises

Talking points:

- The Government has provided urgent financial support to clubs and licensed premises affected by emergency closure directions and ongoing restrictions necessary in response to the COVID-19 public health emergency.
- Amendments passed in the Assembly on 2 April 2020 gave effect to the following Economic Survival Package initiatives:
    - suspending the obligation of clubs to make payments to the Diversification and Sustainability Support Fund (DSSF) for a 12-month period;
    - allowing the Attorney-General to declare certain payments to be emergency community purpose contributions for a certain period during and after the emergency closure directions; and
    - providing that clubs can claim $2 (as a community purpose contribution) for every $1 the club contributes to charitable support by preparing or providing food for emergency-affected people, to assist clubs in meeting their obligations under the *Gaming Machine Act 2004*.

<u>Emergency relief funding</u>

- The Government delivered emergency relief funding of approximately $3.3 million to clubs from the DSSF to support them to keep their workers employed or provide other income support, and continued Government contributions to the DSSF despite the suspension of clubs' payments to the fund.

<u>Cash payments for surrendering gaming machine authorisations</u>

- Since June 2020, the Government has offered cash payments of $15,000 to gaming machine licensees (clubs and hotels) in exchange for each surrendered gaming machine authorisation, with the payments being used towards:
    - staff employment;

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- diversification activities and initiatives; and
- energy and water efficiency measures.

- The incentive remains available to all gaming machine licensees on a 'first come, first served' basis, ending:
  - when applications have been received for a total of $3.75 million in incentive payments (i.e. up to a total of 250 authorisations); or
  - at 11.59pm on 30 June 2021.
- To date, a total of 129 authorisations have been surrendered by clubs under this incentive, for cash payments totalling $1.935m. There are sufficient funds remaining for the surrender of further 121 authorisations.

Emergency Community Purpose Contributions

- Two ministerial declarations were made to allow clubs to meet their community contribution requirements under the *Gaming Machine Act 2004* more flexibly.
- Under the *Gaming Machine (Emergency Community Purpose Contribution—Club Employees) Declaration 2020*, clubs could claim staff wages as community purpose contributions, provided the amount meets or exceeds the relevant minimum wage under the *Registered and Licensed Clubs Award 2010*. This measure extended until 23 March 2021 to provide support to clubs and their workers during the emergency period and into the recovery phase. While the declaration has now expired, clubs can still claim payments made during that 12-month period as part of their community purpose contributions for the relevant reporting year.
- Under the *Gaming Machine (Emergency Community Purpose Contribution—Local Live Performance Industry) Declaration 2020*, clubs can claim contributions made to or for the local live performance industry for music or other live entertainment (other than sport) from 28 August 2020 until 31 August 2021 as community purpose contributions. This measure will provide support to the local live performance industry, which continues to be affected by COVID-19.

QUESTION TIME BRIEF

Fee waivers

- The Government has waived fees for most liquor licences and permits for 12 months to put approximately $5.8 million dollars back into the pockets of licensed businesses at a time when they need it most.
    - In particular, annual liquor licence fees are waived between 31 March 2020 and 31 March 2021 for all on licensees, and for off licensees with a gross liquor purchase value of $3 million or less in the last reporting period. As a tapering measure and to support Canberra's economic recovery, a 50% fee reduction for annual liquor licence fees for *on* licences and *club* licences will be in place for 12 months from 1 April 2021.
    - Fees will also be waived for existing on licensees who apply for general liquor licenses to allow them to sell both in-house and take-away liquor until 30 June 2021.
    - Additionally, free commercial liquor permits were issued to on licensees for three months from 25 March 2020 to allow them to sell takeaway liquor. Fees will also be waived to extend commercial liquor permits to sell takeaway liquor for up to 12 months from the date of first issue.
- These fee waivers and reductions have and will provide support for liquor licensees' efforts to adapt their business models as we continue to adjust to the effects of the COVID-19 pandemic.

Other COVID-19 Economic Survival Package measures

- Other support measures for clubs and licensed premises implemented as part of the Economic Survival Package include:
    - waiver or refund of gaming machine tax liabilities for March 2020 gaming activity (for clubs that pay tax monthly) or gaming activity in the first quarter of 2020 (for clubs that pay tax quarterly);
    - Icon Water rebate of fixed water and sewerage charges for two quarters in 2020; and
    - waiver or refund of annual licence fee and gaming machine tax liability for March 2020 activity for Casino Canberra.

- Clubs may have also benefitted from additional business supports and measures announced in the Economic Survival Package, such as payroll tax relief.
- Some clubs may have benefitted from sport and recreation sector support measures, including a waiver of ACT Government sportsground hire fees for the Winter 2020 season and suspension of existing invoices for sportsground hire fees until 1 July 2020.

Key Information

- On 23 March 2020, the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020* [NI2020-169] (repealed) (the closure direction) directed the closure of:
    - businesses that supply liquor for consumption ON the premises but not including any part of those businesses that sell liquor for consumption OFF the premises as defined by the *Liquor Act 2010*;
    - hotels, whether licensed or unlicensed, but not to the extent that they provide accommodation, takeaway meals or a meal delivery service, or a bottleshop;
    - a casino;
    - cinemas, nightclubs or entertainment venues of any kind;
    - restaurants or cafes, other to than to the extent that they provide takeaway meals or a meal delivery service.
- These restrictions have been eased in line with Canberra's Recovery Plan.
- Casinos and gaming facilities in clubs were permitted to reopen from 9 am on Monday 10 August 2020.

Background Information

<u>DSSF emergency relief for clubs</u>

- In April-May 2020, the Government distributed emergency relief funding of approximately $3.3 million from the Diversification and Sustainability Support Fund (DSSF) to clubs affected by COVID-19.
- This funding was made up of approximately $0.8 million contributed by clubs according to the number of gaming machine authorisations held, approximately $1 million contributed by the Government as part of its undertaking to match clubs' contributions for the first three years of the DSSF's operation, and a further $1.5 million of additional funding provided by the Government.
- These funds from the DSSF were required to be used by ACT clubs to support the payment of wages and other financial support to staff.

- Clubs provided an undertaking to use the funds for the purpose for which they are provided and, as required, provide evidence that funds were used for the agreed purpose.
- At the second Club Presidents' Forum in July 2020, clubs welcomed the former Attorney-General's announcement that the Government would continue to contribute to the DSSF despite clubs' contributions being temporarily suspended. Clubs acknowledged that the DSSF emergency relief funding had assisted clubs, including to support staff ineligible for other income support (see QTB:2021/46-001-031- Diversification and Sustainability Support Fund for further information).

Government amendments to the *Gaming Machine Act 2004*

- Amendments to the *Gaming Machine Act 2004* which were passed on 2 April 2020 (in the *COVID-19 Emergency Response Act 2020* and the *Gaming Machine Amendment Act 2020*) will assist clubs in their compliance with the community contributions scheme. These amendments have allowed the Minister for Gaming to make declarations about what constitutes a community purpose contribution in a COVID-19 emergency. Two emergency community purpose contribution declarations have been made.
    - The *Gaming Machine (Emergency Community Purpose Contribution—Club Employees) Declaration 2020* [DI2020-139] expiring 23 March 2021.
    - The *Gaming Machine (Emergency Community Purpose Contribution—Local Live Performance Industry) Declaration 2020* [DI2020-252] expiring 31 August 2021.
- Amendments will also suspend clubs' obligation to contribute to the DSSF for 12 months and allow clubs to meet their community contribution requirements more flexibly.

Surrender of Gaming Machine Authorisations

- In June 2020, the *COVID-19 Economic Survival Package – Gaming Machine Authorisation Surrender Incentive* offered to gaming machine licensees at clubs or hotels a payment of $15,000 for every gaming machine authorisation surrendered to the Government. Payments received under this initiative had to be used towards the employment of staff. 109 authorisations were surrendered by clubs in exchange for payments totalling $1.635 million, before the deadline on 30 June 2020.
- The Government has subsequently twice extended the availability of the incentive and allowed the incentive payment to be used for an expanded range of purposes, as follows:
    - staff employment;
    - diversification activities and initiatives; and
    - energy and water efficiency measures.

QUESTION TIME BRIEF

- The extended incentive is available on a 'first come, first served' basis, ending:
    - when applications have been received for a total of $3.75 million in incentive payments (i.e. applications have been received for the surrender of a further 121 authorisations in addition to the 129 already surrendered); or
    - at 11.59pm on 30 June 2021.
- In October 2020, one club surrendered a further 20 authorisations in exchange for a cash payment of $300,000.
- To date, the total number of authorisations surrendered under the incentive is 129, with $1.935 million in incentive payments paid to participating clubs. The surrender of these authorisations has reduced the ACT's total number of authorisations from 3,997 to 3,868. This figure was capped by the *Gambling and Racing Control (New Cap on Number of Authorisations) Notice 2020 (No 3) NI2020-762* on 1 November 2020.

QUESTION TIME BRIEF

JACS2021/46-001-023

Portfolio/s: Attorney-General

ISSUE: ACCESS TO LEGAL ASSISTANCE SERVICES DURING COVID-19

Talking points:

- The ACT's legal assistance sector continues to work to support Canberrans respond to the impacts of COVID-19. I would like to reassure Canberra that its legal assistance service providers, including Legal Aid ACT, the Aboriginal Legal Service and the ACT's community legal centres, have continued to operate and have been able to be accessed during this critical time.
- COVID-19 has meant that some service providers are now operating in different ways, including offering services by phone, video or online. I encourage Canberrans to check the websites and social media platforms of service providers for updates about how they can continue to access their services.
- The Government recognises the critical role that the legal assistance sector plays in supporting Canberrans through COVID-19. Organisations within this sector provide vital services to vulnerable Canberrans, including people experiencing domestic and family violence, people with lived experience of homelessness and tenants and occupants who may be involved in disputes about their rental agreements.
- On 25 May 2020, the legal assistance sector launched its new website canberracovidlegalhelp.org.au - a single legal portal to assist Canberrans obtain the right legal information, and the right legal service for their needs. With funding provided through the Chief Minister's Charitable Fund (among other sources) the website brings together the expertise of Canberra Community Law, Women's Legal Centre ACT, Legal Aid ACT, CARE Financial Counselling and Economic Justice Australia, to provide up-to-date legal information for the Canberra Community during this time.

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- Should you require further legal assistance, you can contact the following services:
    - Legal Aid – 1300 654 314
    - Women's Legal Centre – (02) 6257 4377
    - Canberra Community Law – (02) 6218 7900
    - CARE Financial– (02) 6257 1788
    - The Consumer Law Centre – (02) 6143 0044
    - Environmental Defenders Office – canberra@edo.org.au
    - Aboriginal Legal Service NSW/ACT – (02) 6120 88 00
- The services provided by Legal Aid and the Community Legal Centres can be accessed free of charge. If a service provider is unable to help you, they will refer you to someone who can.

If asked about Commonwealth funding to the ACT to support the legal assistance sector during COVID-19

- On 28 May 2020, the ACT Government signed the *Project Agreement for COVID Funding to the Legal Assistance Sector*. The funding will deliver over $1.39 million in Commonwealth funding to the ACT Legal assistance sector between 2019-20 and 2020-21 to help the sector support people who have been impacted by COVID-19.
- This funding will support the sector to have the ICT capacity to deliver services remotely, and provide for increased frontline services to meet the additional demand flowing from the COVID-19 emergency.
- This announcement was welcomed by the ACT Government.
- The frontline services funding will deliver increased legal assistance support for Canberrans in 2020-21 through:
    - the engagement of a family law lawyer and an employment and discrimination lawyer at the Women's Legal Centre;
    - the engagement of a housing law lawyer at Canberra Community Law;
    - enabling the Consumer Law Centre and CARE Inc to provide the Reach Out Program to support Canberrans impacted by economic abuse;

- the engagement of an additional lawyer in Legal Aid ACT's Family Violence Unit and Older Persons ACT Legal Service;
- additional resourcing to support Legal Aid ACT to provide an employment advice service to Canberrans whose employment has been impacted by COVID-19;
- the engagement of a senior trial advocate at the Aboriginal Legal Service NSW/ACT to support Aboriginal and Torres Strait Islander people accessing the justice system.

- The ACT Government has provided further funding to Canberra Community Law to engage a social security lawyer in 2020-21 to support Canberrans who have been impacted by COVID-19.

Key Information

- Legal Aid ACT has a helpline for general legal information and advice that is open to all members of the community. It runs the Tenancy Advice Service and the Older Persons ACT Legal Service in the ACT, as well as many other services. More information is available at: http://www.legalaidact.org.au/
- The Aboriginal Legal Service Canberra Office provides legal advice, court representation and referral support in the area of criminal law for the Aboriginal and Torres Strait Islander community of the ACT and surrounds. It also provides a range of culturally specific community justice programs. More information is available at: https://www.alsnswact.org.au/
- Canberra Community Law (CCL) is providing legal advice, assistance and representation to people in the ACT on low incomes for matters relating to public housing, community housing and occupancy agreements, social security and disability discrimination law, including issues related to COVID-19.
- CCL is still providing public housing, social security and race discrimination legal services to Aboriginal and Torres Strait Islander communities through its Dhurrawang Aboriginal Human Rights Program and general law services to people who are homeless or at risk of experiencing homelessness through its Street Law program.

- CCL's Night Time Legal Advice Service (NTLAS) operates from February to November each year on Tuesday nights. NTLAS provides one off advice in most areas of law not covered by CCL's day time services. NTLAS is available on 02 6218 7000. Intake is done between 6pm and 7pm on a Tuesday night. More information is available at: https://www.canberracommunitylaw.org.au/
- CCL's COVID-19 General Law Clinic provides advice in most areas of law directly or indirectly related to COVID-19 including but not limited to property, employment, debt and contractual disputes. The COVID-19 General Law Clinic is available on 02 6218 7900 on a Thursday night. Intake is done between 6pm to 7pm on a Thursday night. More information is available at: https://www.canberracommunitylaw.org.au
- Additional information is available on CCL's newly launched COVID-19 website: www.canberracovidlegalhelp.org.au.
- Care Inc and the Consumer Law Centre provide support and advice to people in financial stress. They are continuing to provide financial counselling, legal advice and microfinance services. More information is available at: https://www.carefcs.org/
- Environmental Defenders Office's ACT Office provides free initial legal advice on planning and environmental law matters. More information is available at: https://www.edo.org.au
- The Women's Legal Centre is providing specialist advice in relation to family law, care and protection, employment and discrimination issues, including issues related to COVID-19. The Centre's Aboriginal Women's Program, Mulleun Mura, is also still providing culturally safe support to Aboriginal and Torres Strait Islander women. More information is available at: http://womenslegalact.org/

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QUESTION TIME BRIEF

Background Information

- On 25 March 2020, ACT Community Legal Centres issued a joint communique identifying the essential legal assistance services the sector will continue to deliver and the issues it has identified as a result of the COVID-19 outbreak.
- The ACT Government has heard from CLCs that the matters they are facing are becoming more complex following COVID-19. CLCs anticipate increased legal need in the community in early - mid 2021 in alignment with reductions to the JobKeeper payment.
- An ABC News Report about responding to family violence in the ACT on **28 September 2020** quotes the A/g Coordinator-General for Family Safety, Kirsty Windeyer, as stating the following: "after the [COVID-19] restrictions were lifted there was an increase in the number of people who were reporting experiencing violence for the first time in the home" and "there was also an increase in the brutality of the violence and in the physical violence". The article is available via: https://www.abc.net.au/news/2020-09-28/back-to-the-future-for-act-policings-family-violence-response/12709150

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QUESTION TIME BRIEF

JACS2021/46-001-028

Portfolio/s: Attorney-General

ISSUE: SUPPORT FOR COMMUNITY SERVICE PROVIDERS DURING COVID-19 PANDEMIC

Talking points:

BCNP

- Using Justice Reinvestment funding provided by the ACT Government, as part of Building Communities, Not Prisons initiative, the ACT Government has been working with community service organisations that are, in turn, helping vulnerable Canberrans improve their lives, avoid reoffending and prevent crime in the community.
- During the COVID-19 pandemic, the ACT Government has continued this work and provided an additional $14.6 million for new and expanded community programs.

Legal Services

- The ACT Government provided more than $450,000 in funding to the community legal assistance sector to ensure essential legal services could be provided for vulnerable people impacted by the COVID-19 pandemic.
- The ACT Government is also administering $1.39 million in Commonwealth funding to the ACT legal assistance sector across 2019-20 and 2020-21, to help the sector support people who have been impacted by COVID-19.
- This funding will boost frontline services to meet the additional demand flowing from the COVID-19 emergency and also support the sector to have the ICT capacity to deliver services remotely.

CSD grants

- In addition the ACT Government has provided one-off funding to a range of community organisations, including some from the legal assistance sector, through the COVID-19 Community Support Package and the Rapid Response Grant Rounds (RRGR) administered by the Community Services Directorate.

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QUESTION TIME BRIEF

Aboriginal and Torres Strait Islander community

- Programs that focus on our Aboriginal and Torres Strait Islander community have benefited from the funding support (described above). For example:
    - **Throughcare, Yarning Circles and Yarrabi Bamirr** – these important programs assist Aboriginal and Torres Strait Islander detainees to transition back into community, or to selfcare in the community and manage their own lives.
    - **Ngurrambai Bail Support, Duty Lawyer, and Front Up** – which provides appropriate support for Aboriginal and Torres Strait Islander people in their interactions with the Justice system.
    - **The Aboriginal Legal Service** received $50,000 in ACT community legal sector funding, and an additional amount of $21,000 through the Community Services Directorate Rapid Response grants.
    - **The Aboriginal Legal Service** has also been allocated $142,000 in Commonwealth funding, administered by the Justice and Community Safety Directorate.
    - **Winnunga Nimmitjyah Health Service** – received $159,000 from ACT Health for minor capital works, including the setting up of the second reception at Winnunga.
- These services strengthen access to early intervention supports and reduce the risk that relatively minor legal matters unnecessarily escalate.

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QUESTION TIME BRIEF

Key Background Information

COVID-19 specific funding initiatives to Aboriginal and Torres Strait Islander community organisations

Aboriginal and Torres Strait Islander community organisations in the ACT have received funding from a variety of sources to assist them to respond to the immediate impacts of COVID-19. Much of that funding assisted in one off transitional costs in continuing to provide services in more flexible and remote ways. It is not expected that additional funding would be needed to continue to providing these services through 2021:

- ***Yarrabi Bamirr***
  - Delivered by Winnunga and Yeddung Mura. Tjillari Justice has withdrawn their contract and the existing subcontractor has been approached to delivery interim services.
  - Involves face to face contact, but can be by phone which is not ideal.
  - Referral services have required some restrictions, and adjustments have been made to accommodate these.
  - There has been ongoing review with service providers and program clients.
  - Winnunga noted that face to face is their usually delivery method at this current stage in the pandemic and continues to deliver over the phone when required. In addition, group programs have been reinstated.
- ***Ngurrambai***
  - Delivered by the ALS.
  - Involves face to face contact, but can be by phone which is not ideal.
  - Bail plans can be provided by email, and clients/lawyers communications done remotely.
  - Continuing to monitor court activities and restrictions and Alexander Maconochie Centre (AMC) restrictions.
  - Increasing use of Audio Visual Link (AVL) to contact clients at the AMC.
- ***Front up***
  - Delivered by the ALS.
  - Involves face to face contact, but can be by phone which is not ideal.
  - Activity is increasing with support for warrants and breaches of bail.
  - Regular review with ALS to monitor challenges.
- ***Duty Lawyer***
  - Delivered by the ALS.
  - Involves face to face contact, but can be by phone which is not ideal.
  - Continuing to monitor court activities and restrictions and Alexander Maconochie Centre (AMC) restrictions.
  - Increasing use of Audio Visual Link (AVL) to contact clients at the AMC.
  - Regular review with ALS to monitor challenges.
- ***Throughcare***
  - This is face to face contact focussed.

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- Yeddung Mura has made IT systems available to community members wishing to participate in virtual visits at AMC.
- Ongoing monitoring of options with Yeddung Mura.

- ***Yarning Circles for Justice***
  - Face to face preferred, though can be delivered online if necessary, but not ideal.
  - Ongoing monitoring of options with Yeddung Mura.

- ***Galambany***
  - Court continues.
  - Support for existing clients is possible to do by phone, webex, email and in person.
  - The Galambany support worker role was filed temporally by Tjillari; however, this position has recently again become vacant. Other providers have been approached to provide these services.

- ***Strong Connected Neighbourhoods***
  - Delivered by Reclink Australia.
  - Largely face to face dependent.
  - Alterations to the delivery of the program have been made to ensure social distancing and other Covid-19 safety measures can be adhered to for the safety of staff and residents.
  - Regular review with Reclink to monitor challenges.

- ***Mulleun Mura – A2J Program (Access 2 Justice)***
  - Delivered by Women's Legal Centre.
  - Involves face to face contact, but can be by phone.
  - Court activities are being monitored.
  - Funding model is currently being review for distribution of instalment appropriation funds moving forward.

COVID-19 specific funding initiatives to the ACT legal assistance sector

The ACT legal assistance sector has received funding from both the JACS and CSD Directorates and the Commonwealth Government to assist them to respond to the immediate impacts of COVID-19. The majority of these COVID-19 related funding sources for the sector will expire on **30 June 2021.**

Recipients of these COVID-19 funding initiatives include the ALS, Canberra Community Law, CARE Inc (includes Consumer Law Centre), Environmental Defenders Office, Legal Aid ACT and Women's Legal Centre.

The expiration of funding for these programs on 30 June 2021 will reduce the capacity of the sector to respond to legal need in the ACT. This will impact on the ability of vulnerable Canberrans to be supported before their legal problems exacerbate to more significant issues. Legal need has increased in the ACT following COVID-19, and is expected to increase further in 2021.

QUESTION TIME BRIEF

Summary of COVID-19 Initiatives managed by JACS					
Service Provider	**Activity Funded**	**Managed By**	**Amount Funded**	**Funding Type**	**Expiry Date**
Aboriginal Legal Service NSW/ACT (ALS)	Senior Trial Advocate (COVID-19)	JACS	$142,000	Commonwealth Frontline Services (Project Agreement)	30 June 2021
Canberra Community Law (CCL)	ICT infrastructure to support virtual service delivery	JACS	$75,575	Commonwealth ICT funding (Project Agreement)	30 June 2021
	Housing Lawyer	JACS	$114,000	Commonwealth Frontline Services (Project Agreement)	30 June 2021
	Socio-Security Lawyer	JACS	$114,000	ACT Government (JACS resources)	30 June 2021
	CLC Hub Contribution to enable reallocation of resources to frontline services	JACS	$22,000	ACT Government (JACS resources)	30 June 2021
	Support for continuation of legal assistance services (COVID-19)	CSD & JACS	$50,000	ACT Government (CSP)	31 December 2020
CARE Inc (including the Consumer Law Centre) (CARE)	ICT infrastructure to support virtual service delivery	JACS	$30,909	Commonwealth ICT Funding (Project Agreement)	30 June 2021
	Reach Out Program to respond to economic abuse	JACS	$150,000	Commonwealth frontline services funding (Project Agreement)	30 June 2021
	Contribution to Reach Out Program Costs	JACS	$70,000	ACT Government (JACS resources)	30 June 2021
Environmental Defenders Office (EDO)	ICT infrastructure to support virtual service delivery	JACS	$10,000	Commonwealth ICT funding (Project Agreement)	31 December 2020
Legal Aid ACT (LAACT)	ICT infrastructure to support virtual service delivery	JACS	$270,439	Commonwealth ICT funding (Project Agreement)	30 June 2021

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QUESTION TIME BRIEF

Summary of COVID-19 Initiatives managed by JACS					
Service Provider	**Activity Funded**	**Managed By**	**Amount Funded**	**Funding Type**	**Expiry Date**
	Resourcing to increase the capacity of the Family Violence Unit, the Older Persons ACT Legal Service and to provide an Employment Assistance Service	JACS	$314,087	Commonwealth frontline services funding (Project Agreement)	30 June 2021
	Support for domestic violence helpline services	CSD & JACS	$50,000	ACT Government (CSP)	31 December 2020
Women's Legal Centre (WLC)	ICT infrastructure to support virtual service delivery	JACS	$60,315	Commonwealth ICT funding (Project Agreement)	30 June 2021
	Resourcing for a family law lawyer and an employment and discrimination law lawyer, and administrative expenses to support these roles	JACS	$224,200	Commonwealth frontline services funding (Project Agreement)	30 June 2021
	Support for continuation of legal assistance services	CSD & JACS	$50,000	ACT Government (CSP)	31 December 2020

ACT Government's approach to service providers during COVID-19

- Since the commencement of the pandemic, in line with the ACT Government's Guiding Principles, the Justice and Community Safety (JACS) Directorate has engaged with a range of service providers on matters including their COVID-19 planning, their ability to deliver (or modify delivery of) funded services, and swift payment to support sustainability.
- In common with other Directorates, JACS has sought to support the continued delivery of the greatest level of service, in a safe environment.
- The majority of the JACS's service contracts have been drafted to allow the Territory to alter them to respond swiftly to changing circumstances. In the context of COVID-19, this supported approaches such as:
    - Reducing or varying the level, type and frequency of service.
    - Delaying or relaxing reporting obligations.

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- Suspending obligations to meet key performance indicators and outcomes to allow for adaptation to new conditions.
- Removing penalties for non-compliance with contracts arising from the COVID-19 Emergency.

- To support the Government's economic efforts and ensure that service providers are able and ready to recommence service delivery if and when required, the Directorate has taken a flexible approach with service providers, regarding:
  - their COVID-19 planning and ability to continue to deliver on funded services, while keeping their staff and clients safe;
  - their ability to continue to deliver face to face services;
  - options for delivery online or where this is not possible, their ability to continue to deliver services via electronic means (i.e. telephone);
  - where all client service delivery is no longer possible or appropriate given the service, undertaking work to support delivery of the services when they recommence (i.e. improving reporting, data capture mechanisms etc);
  - otherwise, where necessary, undertaking work that furthers the objectives of the contract in the current environment; or

    where all of these options are not possible, consideration is given, in the particular circumstances, to continuing payment of the contract in the absence of service delivery to allow service providers to continue to pay staff.
- Amendment of the services under a contract will generally not be considered:
  - frustration, under the contract;
  - contract default; and/or
  - grounds to terminate the contract generally.

QUESTION TIME BRIEF

JACS2021/46-001-022

Portfolio/s: Attorney-General

People spitting or coughing on frontline workers (COVID-19) – ACT criminal law response

Talking points:

- The behaviour of people threatening to spread COVID-19 to frontline workers by deliberately spitting or coughing on them is unacceptable.
- This conduct, whether committed against a police officer, health worker or any other person in the community will not be tolerated.
- Under ACT laws, general assault provisions and public alarm offences have long applied so that a person who engages in this criminal behaviour may be subject to maximum penalties of between 2 and 15 years imprisonment.
- Indeed, in March 2020, ACT Policing charged two people with the offence of acting with intent to cause public alarm alarm under section 140A of the Crimes Act, an offence which attracts a maximum penalty of 10 years imprisonment, for separate incidents alleged to involve spitting and coughing in public while claiming to be infected with COVID-19.
- In recognition of the seriousness of any type of assault where our front line workers are involved, last year the Crimes (Protection of Frontline Community Service Providers) Amendment Act 2020 was passed. From 10 June 2020, new offences have been in place specifically for assaults against frontline workers including police officers, paramedics and emergency service workers

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TRIM Ref:	JACS2021/46-001-022	

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QUESTION TIME BRIEF

Background Information

NSW offence for spitting or coughing on public officials

- On 9 April 2020, the New South Wales *Public Health (COVID-19 Spitting and Coughing) Order 2020* commenced. The order was made under section 7 of the *Public Health Act 2010* (NSW) and has been remade a number of times (as an order expires after 90 days), most recently on 8 March 2021. The order directs that a person must not intentionally spit at or cough on a public official or another worker while the worker is at the worker's place of work or travelling to or from the place of work in a way that would reasonably be likely to cause fear about the spread of COVID-19.

- Breach of the order is an offence contrary to section 10 of the *Public Health Act 2019* (NSW). The maximum penalty for an individual is 100 penalty units ($11,000) and/or 6 months imprisonment. It is also a penalty notice offence under the *Public Health Regulation 2012* with a fine amount of $5,000.

ACT criminal laws that apply for spitting or coughing on others

- The *Crimes Act 1900* (Crimes Act) contains offences against the person which may cover spitting or coughing on a police officer, health worker or other person.

- These offences and maximum imprisonment penalties include: common assault (2 years), acts endangering life (15 years), acts endangering health (5 years), threat to inflict grievous bodily harm (5 years) and affray (10 years).

- For conduct which leads to a person's death, the offence of manslaughter (28 years) or murder (imprisonment for life) may apply.

- The Crimes Act, Division 6.7 also includes offences relating to causing public alarm, with maximum penalties of 200 penalty units and/or 10 years imprisonment.

- The Crimes (Protection of Frontline Community Service Providers) Amendment Act 2020 created a new specific offence at section 26A of the Crime Act: *'Assault of a frontline community service provider'* with a maximum penalty of imprisonment for 2 years.

QUESTION TIME BRIEF

JACS2021/46-001-009

Portfolio/s: Minister for Gaming

ISSUE: GAMING MACHINE HARM REDUCTION MEASURES

Talking points:

- The *Parliamentary and Governing Agreement for the 10th Legislative Assembly* includes 10 commitments towards reducing harm from gaming while supporting sustainable clubs. These commitments are:
  - establishing a Ministerial Advisory Council with government, industry and unions to build a long-term, sustainable clubs sector in the ACT
  - targeting a further reduction in the number of gaming machine authorisations to 3,500 by 1 July 2025, with additional incentives where a club venue becomes 'pokie-free'
  - establishing a rigorous, across-venue self-exclusion regime across the ACT, with significant penalties for breaches, aligning with or exceeding reforms currently progressing in NSW
  - matching or exceeding any further harm reduction reforms commenced in NSW, such as cashless gaming
  - introducing $5 bet limits and $100 load-up limits following a thorough review and transition plan to manage impacts on clubs, particularly smaller clubs that update machines less regularly, with a staged rollout to commence by the end of 2022 at the latest
  - facilitating planning and other processes to allow clubs to diversify to other revenue generating streams, particularly development of available land for social housing and land supply purposes, that are supported by the community
  - providing a just transition for workers in the industry
  - conducting a review into water cost for high-intensity club users of non-potable water in 2021
  - establishing a five-year $5 million Building Energy Efficiency Upgrade Fund to be accessed by community clubs
  - supporting clubs to become heat and smoke refuges for local communities, including air filtration systems and financial payments for venues designated as official extreme weather refuge sites.

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- These commitments build on progress made under the previous Government.

Community Clubs Ministerial Advisory Council

- Preliminary work to establish the Community Clubs Ministerial Advisory Council has commenced.
- On 12 February 2021, Minister Cheyne and I co-chaired an initial meeting with key stakeholder representatives from government, the clubs industry, unions and gambling harm advocacy groups to discuss the terms of reference, membership and other matters relevant to the establishment of the Council (please see QTB **JACS2021/46-001-002**).

Reducing the Number of Gaming Machine Authorisations

- On 23 August 2018 the ACT Government announced the pathway to reduce the number of gaming machine authorisations in the ACT to 4,000 by 2020. This pathway was informed by the recommendations of the *Club Industry Diversification Support Analysis* by Mr Neville Stevens AO.
- The number of authorisations in the ACT has reduced by 1,078 (from 4,946 to **3,868)** as a result of strong club industry participation in the voluntary surrender of authorisations and uptake of Government incentives provided through the Pathway to 4,000 and COVID-19 Economic Survival Package, the first stage of compulsory surrender, and forfeitures as a result of trading activity between clubs.
- Gaming machine licensees (clubs and hotels) can access the *COVID-19 Economic Survival Package Gaming Machine Authorisation Surrender Incentive* until 30 June 2021. This incentive provides licensees with a cash payment of $15,000 per surrendered gaming machine authorisation, to be used towards:
    - staff employment;
    - diversification activities and initiatives; and
    - energy and water efficiency measures.

QUESTION TIME BRIEF

Gaming Machine Tax Rebate

- The Government continued the 50 per cent gaming machine tax rebate for small and medium clubs and club groups to support these clubs as they diversify their revenue sources away from gaming machines and facilitate new services and support for the Canberra community.
- Since 1 July 2020, eligibility for the gaming machine tax rebate no longer takes into account gross gaming machine revenue in 2017-18. Instead, a club or club group is considered small or medium where its annual gross gaming machine revenue (GGMR) is not more than $4 million, or where it receives some amount of rebate under new phased reduction provisions. The phased reduction provisions reduce the amount of rebate by $0.50 for every $1 over $4 million in GGMR per annum.

Regulatory reforms (incl. Code of Practice)

- Amendments to the *Gaming Machine Act 2004* enhanced the compliance framework for gaming machines and provided the ACT Gambling and Racing Commission with more tools for effective enforcement, including enforceable undertakings and a higher maximum financial penalty as part of disciplinary action.
- The COVID-19 public health emergency interrupted work on strengthening the *Gambling and Racing Control (Code of Practice) Regulation 2002* through proposed changes that:
  - improve the definition of gambling harm
  - provide greater clarity about the signs of gambling harm for club staff, and their requirement to record and respond to this
  - require club staff to undertake better training more often, in recognition of the crucial role they play in identifying signs of harmful gambling
  - require club board members to be trained to foster a culture where gambling harm reduction and consumer protection is the priority
  - enhance the operation of self-exclusion, and
  - require a Gambling Contact Officer to be on-site at every club whenever the gaming machines are turned on to provide an immediate point of contact for club patrons that are impacted by gambling harm.

- From 25 September 2020 to 11 December 2020 the NSW Government conducted public consultation on the Gaming Machines Amendment (Gaming Harm Minimisation) Bill 2020 (the NSW Bill). The NSW Bill proposed several amendments to the *Gaming Machines Act 2001* (NSW) to reduce gambling harm.
- Proposed NSW amendments include:
    - improved management and intervention by gambling venues to support people who show problematic gambling behaviours
    - an improved scheme for gamblers who 'self-exclude' including State-wide exclusion register and online portal
    - a new exclusion scheme where family members of a gambler may apply to venues for a ban or ask a gambling counsellor to apply on their behalf
    - venues to enforce the ban on excluded gamblers
    - forfeiting prizes of excluded gamblers and minors
    - advanced responsible conduct of gambling training
    - whistle-blower protections for venue staff
    - new offences and increased penalties.
- Many of the proposed NSW measures are similar to the existing ACT legislative framework, including the online self-exclusion portal and prohibition on paying winnings to excluded gamblers and minors.
- Further work on these measures will be considered in the context of the new Parliamentary and Governing Agreement commitments.

Key Information

- There are currently **39** licensed club venues and **5** hotels in the ACT who hold gaming machine authorisations.
- The most recent figures published by the Gambling and Racing Commission (1 February 2021) state there are **3,868** authorisations and **3,579** electronic gaming machines in operation in the Territory.
- Under the COVID-19 Economic Survival Package to date, 129 authorisations have been surrendered in return for $1.935 million in incentive payments to be used towards staff employment, and (under the extended incentive) diversification activities and initiatives, and energy and water efficiency measures. The incentive

has been extended until applications have been received for the surrender of a total of $3.75m in incentive payments (i.e. surrender of a further 121 authorisations), or until 30 June 2021, whichever occurs first.

Background information

Community Clubs Ministerial Advisory Council (please see QTB **JACS2021/46-001-002**).

- Representatives of the following organisations attended the initial stakeholder meeting on 12 February 2021:
    - ACT Council of Social Services;
    - Canberra Community Clubs;
    - Clubs ACT;
    - Gambling and Racing Commission;
    - Gambling Reform Alliance;
    - United Workers Union; and
    - Justice and Community Safety Directorate (ACT Government).
- JACS advertised the calls for nominations on the ACT Diversity Register and ACT Jobs websites, with a closing date of 26 March 2021.
- It is expected that you will convene the first meeting of the CCMAC by the end of May 2021.

Gaming machine bet limits

- The ACT's gaming machines currently have a $10 maximum stake amount ('bet limit').
- The Parliamentary and Governing Agreement includes a commitment to introduce $5 bet limits and $100 load-up limits with a staged rollout to commence by the end of 2022 at the latest. JACS will seek expert technical advice on the implementation of this commitment.
- The *Casino (Electronic Gaming) Act 2017* includes a maximum bet limit of $2 for casino gaming machines in a redeveloped casino.

QUESTION TIME BRIEF

Budget Funding

(JACS 27) AG - 2018-19 Budget Review Initiative - Reducing the Number of Gaming Machine Authorisations to 4,000 and Supporting Clubs to Reduce their Reliance on Gaming Machines

	2018-19 $'000	2019-20 $'000	2020-21 $'000	2021-22 $'000	**Total $'000**
CMTED Directorate – Expenses	122	351	0	0	**473**
JACS Directorate – Expenses	2,206	1,105	1,105	1,105	**5,521**
Depreciation	0	45	45	45	**135**
Total Expenses	**2,328**	**1,501**	**1,150**	**1,150**	**6,129**
CMTED Directorate – Associated Capital	225	0	0	0	**225**
EPSD Directorate – Associated Revenue	-500	-1,714	-1,714	-1,714	**-5,642**

The Government is implementing measures to support the reduction of gaming machine authorisations to 4,000 by 1 July 2020 - as set out in the *Pathway to 4,000 Gaming Machine Authorisations by 2020* - and is continuing to implement the commitments outlined in our *Supporting Local Community Clubs Policy*.

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QUESTION TIME BRIEF

JACS2021/46-001-031

Portfolio/s: Gaming

Diversification and Sustainability Support Fund – 20/21 funding round

Talking points:

- In October 2020 the Diversification and Sustainability Support Fund (DSSF) Advisory Board opened a Tier 2 funding round for applications for payments from the DSSF. This was the first Tier 2 funding round completed by the Board.
- I have agreed to the DSSF Advisory Board's recommendations to:
    - grant payments to seven clubs, totalling $632,811.
    - set aside $300,000 in DSSF funding for the ACT Government to run a tender process to engage a training provider to provide skills development and training to the club industry.
- The $632,811 in funding will be distributed to successful applicants for the following activities:
    - installing solar panels, electric vehicle charging stations and solar light fittings in a venue carpark;
    - developing an Early Learning Centre;
    - upgrading and reopening a kitchen;
    - constructing sheds to store golf carts;
    - developing a strategy to diversify to alternative income streams; and
    - contributing to a Risk Analysis for a venue re-development.
- The seven clubs that will receive payments in this round of grants successfully showed that their proposed activity could meet at least one of the purposes that the DSSF was set up to achieve.
- The Government established the DSSF on 1 July 2019. The DSSF is jointly funded by industry and Government to provide funding for the following purposes:
    - assisting clubs to diversify their income to sources other than gaming machines;
    - supporting the sustainability of clubs;

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  - contributing to projects that help reduce regulatory costs or improve efficiency in administration and compliance for clubs; and
  - training and skills development for club workers, executives and members of club management committees and boards help clubs pursue a future away from gaming machines and support club staff to develop new skills.

- As a COVID-19 relief measure, industry contributions to the Fund were suspended, effectively for the 12-month period April 2020 to March 2021.
- However, the Government made available for distribution in 2020-21 approximately $1 million in previously-appropriated funding.
- The availability of this Government funding allowed for grant applications to be made for this round of funding.

Background Information

- The DSSF operates under a two-tier funding model:
  - Applications for Tier 1 funding, to a maximum amount of $25,000 per application, may only be made by small or medium clubs / club groups, on an ongoing basis.
  - Applications for Tier 2 funding, to a maximum amount of $250,000 may be made by any club or entity that can demonstrate that the funding will be applied towards meeting the Fund purposes.
- Tier 2 applications are restricted to one or more rounds per financial year, at the discretion of the DSSF Advisory Board. The Board also has discretion to recommend payments of more than $250,000 in exceptional circumstances.
- The DSSF Advisory Board is responsible for advising you on matters concerning the DSSF and making recommendations about payments out of the Fund.
- The first round of applications for payments out of the DSSF opened on 18 December 2019 and was due to close on 27 March 2020. However, due to the temporary closure of clubs in response to the COVID-19 public health emergency, this funding round did not proceed. Payments were instead made to clubs as emergency relief funding for club staff.
- A total of $3.3 million was provided to clubs as emergency relief funding to support club staff. This comprised $1.8 million from the DSSF (approximately $1m in Government funding and $0.8m in industry contributions) and $1.5 million of supplementary Government funding.

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- While this funding was generally positively received, some clubs expressed disappointment that the funding round did not continue due to the distribution of funding for COVID-19 emergency relief. The former Attorney-General advised club representatives at the Club Presidents' Forum in July 2020 that the Government would provide its appropriated contribution for 2020-21 to the Fund, even though club contributions were suspended.

Organisations that will receive funding from the DSSF

- The Board received eleven applications for Tier 2 Funding, totalling a requested amount of $2,061,600. Four applications were received for Tier 1 Funding (for a total of $85,000).
- The following organisations will receive funding from the DSSF for 2020/21 as per your agreement to the Advisory Committee's recommendations.

	Recipient	Tier	Amount	Purpose
1	Murrumbidgee Country Club	Tier 1	$25,000	To assist with the construction of a shed to store golf carts.
2	Belconnen Bowling Club	Tier2	$155,000	To allow the club to upgrade and reopen its kitchen.
3	Belconnen Soccer Club	Tier 2	$100,000	To develop an early learning centre on the Club's McKellar site.
4	Canberra Irish Club	Tier 2	$99,093	To install a 65,155 KWP Solar Grid Connect system at its premises.
5	Canberra Southern Cross Club	Tier 2	$101,518	To install the following at its Canberra Yacht Club venue: solar panels, an electric vehicle charging station and solar light fittings in the precinct car park.
6	Eastlake Football Club	Tier 2	$52,200	For the development of a diversification strategy and implementation plan.
7	Hellenic Club of Canberra	Tier 2	$100,000	To contribute to the funding to engage a consultant to conduct a Full Appraisal and Risk Analysis to inform the applicant about redevelopment options for the club's main site in Woden.
	TOTAL		**$632,811**	

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QUESTION TIME BRIEF

JACS2021/46-001-021

Portfolio/s: Minister for Gaming

ISSUE: UPDATES ON INCENTIVE APPLICATIONS UNDER VOLUNTARY SURRENDER AGREEMENTS

Please note: This QTB addresses incentives under the Pathway to 4,000 Voluntary Surrender Agreements – for information on surrender of gaming machine authorisations under the COVID-19 Economic Survival Package, please see QTB titled 'COVID-19 Impacts - Relief to clubs and licensed premises' (JACS2021-46-001-005)

Talking points:

Reducing the number of gaming machine authorisations in the ACT

- The number of authorisations in the ACT is now capped at **3,868** following the surrender of 129 authorisations in response to the COVID-19 Economic Survival Package support measures for clubs.
- The number of gaming machine authorisations in the ACT has steadily reduced since 23 August 2018 following the ACT Government announcement of the *Pathway to 4,000 Gaming Machine Authorisations by 2020* (the Pathway).
- The Pathway was informed by the recommendations of the *Club Industry Diversification Support Analysis* by Mr Neville Stevens AO. At that time, the number of authorisations held by clubs and hotels was 4,946.
- The previous Government's target of reaching 4,000 gaming machine authorisations was achieved ahead of time, with the cap on the number of authorisations reducing to 3,997 by 25 February 2020.
- Under the Pathway, financial and non-financial incentives were available to clubs that voluntarily surrendered gaming machine authorisations to diversify their business models. Applications for these previous incentives needed to be made to the Justice and Community Safety Directorate by 31 January 2019.
- The COVID-19 Economic Survival Package surrender incentive remains available to clubs and hotels until 30 June 2021.

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QUESTION TIME BRIEF

Outcomes of the voluntary surrender process

- Clubs and hotels with 19 or fewer authorisations were exempt from compulsory surrender, and these licensees elected not to access the incentives available through voluntary surrender. All clubs that were facing a compulsory surrender obligation participated in the voluntary surrender process.
- In total, 911 authorisations and 1 authorisation certificate were voluntarily surrendered from clubs. A venue needs to hold an authorisation certificate to operate gaming machines and the certificate provides the maximum number of authorisations for a specific venue.
- The ACT Government budgeted a total amount of $14,390,500 in incentives for the Voluntary Surrender Agreemenst - comprising $648,000 in cash incentives and $13,742,500 in offset incentives for land-related payments, fees and charges.

Cash Incentives

- Five small or medium clubs/club groups elected to receive cash payments under their Voluntary Surrender Agreement with the Territory.
- Cash payments totalling $648,000 were made to eligible licensees.

Offset Incentives

- Four clubs have accessed all or part of their offset incentives to date. The incentives have been applied towards deconcessionalisation payout amounts, lease variation charges and development application fees. The total amount of offset incentives accessed to date is $875,985.
- Twelve clubs/club groups are still eligible for offset incentives under the Pathway. These clubs have seven years, until April 2026, to use their Total Offset Amount entitlement towards land-related payments, fees and charges.

QUESTION TIME BRIEF

Key Information

- The *Gambling and Racing Control (New Cap on Number of Authorisations) Notice 2020 (No 3)* NI2020-762 sets the cap on the number of gaming machine authorisations at **3,868** as at 1 November 2020.
- Under the Pathway, licensees that voluntarily surrendered gaming machine authorisations were eligible for financial incentives as follows:

Club type	Cash per authorisation voluntarily surrendered	Land-related Fees and Charges Offset per authorisation voluntarily surrendered
Small or medium club/club group (not more than $4 million GGMR in 2017-18)	$12,000	$25,000
Large club/club group (more than $4m GGMR in 2017-18)	N/A	$15,000
'Pokie free' club bonus (surrender authorisation certificate, maintain community access to venue)	Additional 25 per cent of eligible incentives	Additional 25 per cent of eligible incentives
Hotels NB: this is the only incentive hotels were eligible for	$6,000	N/A

- The reduction in the number of authorisations from 4,946 (August 2018) to 3,868 (November 2020) was achieved through:
  - voluntary surrender of authorisations under a Voluntary Surrender Agreement (by 14 February 2019) – 911 authorisations
  - first stage of compulsory surrender (1 April 2019) – 9 authorisations
  - forfeitures through trading activity between licensees – 29 authorisations.
  - COVID-19 Economic Survival Package surrender of authoriations – 129 authorisations.

QUESTION TIME BRIEF

Cash incentives paid to date

Club/Club Group	Cash Amount Entitlement	Cash Amount Paid to Date
Belconnen Soccer Club	336,000	336,000
Canberra Irish Club	60,000	60,000
Harmonie German Club	72,000	72,000
The RUC at Turner	120,000	120,000
Yowani Country Club	60,000	60,000
Total	**$648,000**	**$648,000**

Offset incentives accessed to date

Club/Club Group	Payment, fee or charge	Total Offset Amount Entitlement	Offset Amount Accessed To Date
Magpies Group	Deconcessionalisation payout amount and lease variation charge	$625,000	625,000
Ainslie Group	Deconcessionalisation payout amount	$1.2 million	140,000
Eastlake Group	Lease variation charge	$945,000	7,500
Croatia Deakin Soccer Club	Development application fees Lease variation charge	$200,000	3,485 100,000
		Total	**$875,985**

Offset incentives remaining to be accessed

Club/Club Group	Offset Amount Remaining
Ainslie Group	1,060,000
Magpies Group	0
Canberra Highland Society and Burns Club	925,000
Canberra Labor Club Group	1,590,000
Mawson Club	450,000
Raiders Group	1,395,000
Canberra Club Group	375,000
Southern Cross Club Group	1,927,500
Canberra Tradesmen's Union Club	1,140,000
Croatia Deakin Soccer Club	96,515
Eastlake Group	937,500
Hellenic Group	870,000
Vikings Group	2,100,000
Total	**$12,866,515**

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QUESTION TIME BRIEF

Budget Funding

(JACS 27) AG - 2018-19 Budget Review Initiative - Reducing the Number of Gaming Machine Authorisations to 4,000 and Supporting Clubs to Reduce their Reliance on Gaming Machines

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JACS Directorate – Expenses	2,206	1,105	1,105	1,105	5,521
Depreciation	0	45	45	45	135
Total Expenses	**2,328**	**1,501**	**1,150**	**1,150**	6,129
CMTED Directorate – Associated Capital	225	0	0	0	225
EPSD Directorate – Associated Revenue	-500	-1,714	-1,714	-1,714	-5,642

The Government is implementing measures to support the reduction of gaming machine authorisations to 4,000 by 1 July 2020 - as set out in the *Pathway to 4,000 Gaming Machine Authorisations by 2020* - and is continuing to implement the commitments outlined in our *Supporting Local Community Clubs Policy*.

Changes to the *Gaming Machine Act 2004* established the legal framework for the voluntary and compulsory surrender of authorisations. The relevant provisions of the Act relating to the reduction to 4,000 gaming machine authorisations commenced on 11 December 2018. The voluntary surrender period ceased on 31 January 2019 and all voluntary surrender agreements providing incentives to participating licensees were required to be signed on or before 8 February 2019.

Cash incentive payments **($0.648 million)** were made to eligible licensees from the JACS' Territorial account resulting in savings in 2018-19 of $1.3 million. Clubs are also eligible for $13.7 million in incentives for land-related payments, fees and charges over the next seven years.

The voluntary surrender process and forfeitures through trading reduced the number of gaming machine authorisations in the ACT to 4,012 by 14 February 2019. The subsequent first stage of compulsory surrender on 1 April 2019 reduced that number to 4,003, and forfeitures through trading activity has since reduced the number of authorisations to 4,001.

QUESTION TIME BRIEF

JACS2021/46-001-003

Portfolio/s: Minister for Gaming

ISSUE: COMMUNITY CONTRIBUTIONS

Talking points:

COVID-19 support measures in the community contributions scheme

- The community contributions scheme (the scheme) includes support measures for clubs in response to the impacts of the COVID-19 public health emergency, following changes introduced through the *COVID-19 Emergency Response Act 2020* and the *COVID-19 Emergency Response Legislation Amendment Act 2020*. These measures:
    - enable the Minister to declare certain things, including payments to club staff, to be community contributions, where an emergency declaration has been made; and
    - incentivise the provision of food in an emergency by allowing clubs to claim $2 for every $1 of their contribution as a community purpose contribution, where the club is providing charitable support by preparing or providing food for emergency-affected people.
- Under the *Gaming Machine (Emergency Community Purpose Contribution—Club Employees) Declaration 2020*, clubs could claim staff wages as community purpose contributions, provided the amount meets or exceeds the relevant minimum wage (including any relevant allowances) under the *Registered and Licensed Clubs Award 2010*. This measure applied to contributions made between 24 March 2020 and 23 March 2021 (inclusive) to provide support to clubs and their workers during the emergency period and into the recovery phase. While the declaration has now expired, clubs can still claim payments made during that 12-month period as part of their community purpose contributions for the relevant reporting year.

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- Under the *Gaming Machine (Emergency Community Purpose Contribution – Local Live Performance Industry) Declaration 2020*, clubs can claim contributions to or for the local live performance industry for music or other live entertainment (other than sport) as a community purpose contribution. This declaration encourages clubs to host live performances and supports Canberra's musicians, performers and workers in the performance industry, who have been significantly impacted by COVID-19 public health restrictions. This measure applies to contributions made between 27 August 2020 and 31 August 2021 (inclusive).
- Revised Guidelines for the scheme, incorporating these recent changes and providing further clarity in response to feedback, are being finalised for distribution to licensees.

<u>April 2020 changes to the scheme in response to industry feedback</u>

- In response to industry feedback, the Government introduced the *Gaming Machine Amendment Act 2020*, which was passed by the ACT Legislative Assembly in April 2020. The Act includes several refinements to support clubs' compliance and reporting obligations including:
  - removing the requirement for clubs with more than one venue to report on the community purpose contributions for each venue separately and allowing clubs with more than one venue to make community purpose contributions on a group basis;
  - introducing a transitional provision reducing the minimum monetary contribution for clubs that are not small or medium clubs or part of a small or medium club group from 6 per cent to 5 per cent for reporting years ending after 30 June 2019 and before 1 July 2021; and
  - introducing a transitional provision reducing community contributions shortfall tax from 150 per cent to 100 per cent for reporting years ending after 30 June 2019 and before 1 July 2021.

<u>2019 reforms to the scheme</u>

- Significant Government reforms to the community contributions scheme commenced on 1 July 2019.

- The changes to the scheme:
    - increased the funds available to the broader community;
    - required greater transparency in reporting on community contributions;
    - provided more opportunities for community groups to seek community contributions; and
    - increased the minimum contribution payable from net gaming machine revenue (NGMR) by 0.8 per cent for clubs and introduced a contribution requirement for hotels.
- Hotels are required to make mandatory contributions of 0.8 per cent of their NGMR. Clubs are required to contribute 8.8 per cent of their NGMR but may apply for a lower minimum contribution rate where they can demonstrate that meeting the overall 8.8 per cent requirement would seriously affect their viability.
- These contributions are distributed through two funds to provide support to people in the community:
    - 0.4 per cent to the gambling harm prevention and mitigation and
    - 0.4 per cent to the community charitable causes through the Chief Minister's Charitable Fund.
- Large clubs and large club groups must make a minimum monetary contribution of 6 per cent of NGMR. The minimum monetary contribution may be reduced where large clubs have long-term (3 or more years) in-kind arrangements to support a defined facility, space or program (e.g. providing office space for a community organisation).

Background information- further detail on key aspects of the scheme

- The scheme includes a longstanding requirement that clubs must deduct any income or benefits received by the club from the value of a claimed community contribution. This may include entry fees received or profit earned from food and beverage sales.
- The scheme does not limit the amount of in-kind support that a club can provide to the community, but it does limit the amount that can be claimed under the scheme towards meeting clubs' obligations.

- For clubs that already meet their minimum cash requirements, and overall community contribution rates, any decisions about whether they withdraw funding that is provided above those minimum amounts is entirely a matter for each club.
- The scheme has a long-standing incentive to promote women's sport by allowing clubs to claim $4 for every $3 contributed.
- In addition to this specific incentive for claims for women's sport, clubs are able to claim a range of sports related expenses, for both men's and women's sport, as a community contribution, including umpires, trainers, coaches, administrators and maintenance of sports facilities – except to the extent they relate to professional men's sport. In limited circumstances, the Minister may determine that costs relating to a professional sportsman or men's professional sports team may be allowable as a community purpose contribution
- To provide greater transparency to the community, reporting by clubs on the scheme is now contained in the clubs' annual reports which they must make public and the ACT Gambling and Racing Commission (the Commission) publish. Previously this information was provided to the Commission for verification and only summary information was made public.
- Access Canberra (on behalf of the Commission) is responsible for regulating and enforcing compliance with the scheme.
- In accordance with its Accountability Commitment, Access Canberra applies a risk based compliance approach to ensure resources are targeted to where the risks of harm, unsafe practices or misconduct are the greatest, thereby strengthening its capacity to take action where the community, workers and the environment are most at risk.
- Compliance is encouraged through education, but escalating enforcement action will be applied to those whose conduct will, or is likely to, cause harm, or those who demonstrate a disregard for the law. Conduct which contravenes the legislation is considered on a case by case basis, with consideration given to the circumstances of the conduct.

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TRIM Ref:	JACS2021/46-001-003	

QUESTION TIME BRIEF

JACS2021/46-001-002

Portfolio/s: Minister for Gaming

ISSUE: CLUB ENGAGEMENT

Talking points:

- This Government will work with stakeholders, including the club industry, to reduce harm from gaming while supporting sustainable clubs.
- The first commitment in the *Parliamentary and Governing Agreement for the 10th Legislative Assembly* is to establish a Community Clubs Ministerial Advisory Council (CCMAC) with government, industry and unions to build a long-term, sustainable clubs sector in the ACT.
- Work on implementing this commitment is underway.
- On 12 February 2021, Minister Cheyne and I co-chaired an initial meeting with key stakeholders representing government, the clubs industry, unions and gambling harm advocacy groups to discuss the establishment of the CCMAC, including its proposed membership and terms of reference.
- After considering feedback received from the initial stakeholder meeting, on 15 March 2021 a call for expressions of interest for CCMAC membership was advertised on the ACT Diversity Register and ACT Jobs Website. I also wrote to key stakeholders seeking nominations for appointment.
- The nomination process closed on 26 March. After Minister Cheyne and I have considered the applications received, I will announce the successful applicants.
- I intend to convene the Council for its first meeting in May of this year and envisage that meetings will be held once a month.
- I look forward to consulting with the club industry through the CCMAC to deliver the Government's commitments.

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TRIM Ref:	JACS2021/46-001-002	

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QUESTION TIME BRIEF

Background Information

If asked about the composition of the CCMAC:

- On 12 February 2021, key stakeholders provided feedback on the proposed membership of the CCMAC. The CCMAC will comprise the members captured below.

Membership of the CCMAC		
Member	**Role**	**No.**
Minister for Gaming, Mr Shane Rattenbury MLA	Chair	1
Minister for Business and Better Regulation, Ms Tara Cheyne MLA	Deputy Chair	1
Senior Executive, Justice and Community Safety Directorate (JACS)	To advise on policy considerations from the perspective of the Directorate.	1
Representative, ACT Gambling and Racing Commission	Senior Executive, Access Canberra or member of the ACT Gambling and Racing Commission Governing Board to bring practical expertise regarding the application of gaming laws in the ACT and advise on the workability of reform proposals.	1
Chief Executive Officer or Board member, ClubsACT	To represent the views of the constituent clubs of ClubsACT.	1
Chief Executive Officer or Board member, Canberra Community Clubs	To represent the views of the constituent clubs of Canberra Community Clubs.	1
Secretary or nominated representative, United Workers Union	To represent the views of club workers.	1
Representatives, gambling harm reduction organisations or experts	To bring external harm reduction perspectives to the discussions of the Council, particularly with respect to proposed harm reduction regulatory changes. It is proposed that there would be three positions for representatives from gambling harm reduction organisations or experts. Representatives would be appointed by the Minister following a nomination process.	3
Representatives, community clubs	To represent clubs in the ACT. It is proposed that there would be three positions for representatives from clubs, or club members (with a preference for small/medium clubs). Representatives would be appointed by the Minister following a nomination process.	3
Representative, young people	To provide a youth perspective on Council discussions. While the Council's focus is clubs (it is not a broad 'gambling harm' body considering issues such as online gambling), younger Canberrans are the future of club membership. They are also a significant part of the club workforce and may be affected by diversification efforts. The representative would be appointed by the Minister following a nomination process.	1
Representative, Business/hospitality professional	To provide a perspective on business opportunities and constraints. The representative would be appointed by the Minister following a nomination process.	1
	TOTAL	**15**

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QUESTION TIME BRIEF

If asked about which stakeholders you wrote to seeking nominations for appointment:

- On 16 March 2021, I wrote to the following organisations advising of the call for nominations to the CCMAC:

	Position-based appointments	
1	ACT Gambling and Racing Commission	
1	ClubsACT	
1	Canberra Community Clubs	
1	United Workers Union	
	Nominated representatives	
3	Representatives, gambling harm reduction organisations or experts	• Canberra Gambling Reform Alliance • The Hope Project • Care Financial Counselling • Centre for Gambling Research • Menslink • Relationships Australia • University of Canberra Professor Laurie Brown

3	Representatives, community clubs	• Canberra Community Clubs
		• ClubsACT
		• Unaffiliated clubs:
		  ○ Canberra Labor Club
		  ○ Canberra Irish Club

1	Representative, young people	• Youth Coalition of the ACT • Children and Young People Commissioner) • ANU Students Association • University of Canberra Student Representative Council
1	Representative, Business/hospitality professional	• Canberra Business Chamber • Tully Heard Consulting • Canberra Women in Business

QUESTION TIME BRIEF

Recent consultation activity

- A summary of key, recent consultation activity held with clubs is outlined below.

Diversification and Sustainability Support Fund (DSSF)

Date	Document	Club Organisations	Attachment
19 October 2020	Email – information about the DSSF, advising that the Fund is open for applications with a Tier 2 funding round closing on 20 November 2020.	All club licensees, industry groups and community groups	Diversification and Sustainability Support Fund – Funding Application Form Diversification and Sustainability Support Fund – Standard Operating Procedure for Funding Applications – October 2020 *Gaming Machine (Applications for Payments out of DSSF) Guidelines 2019*
16 November 2020	Email – reminder that the DSSF Tier 2 funding round is closing on 20 November 2020.	All club licensees, industry groups and community groups	Diversification and Sustainability Support Fund – Funding Application Form Diversification and Sustainability Support Fund – Standard Operating Procedure for Funding Applications – October 2020 *Gaming Machine (Applications for Payments out of DSSF) Guidelines 2019*
20 November 2020	Email – Chair, DSSF Advisory Board – rejection of extension request for Tier 2 funding round	Austrian Australian Club	
21 - 24 December 2020	Email – request for additional information to support Tier 2 funding application	Hellenic Club Canberra Irish Club Belconnen Soccer Club Belconnen Bowling Club	
18 – 19 March 2021	Letters to successful and unsuccessful applicants for DSSF funding	Various	

Community Clubs Ministerial Advisory Council

Date	Document	Stakeholders
20 January 2021	Email – invitations to initial meeting to discuss establishment of CCMAC	Clubs industry peak bodies, United Workers Union and community groups
12 February 2021	Meeting – CCMAC Initial stakeholder meeting	As above
16 March 2021	Letter – Seeking nominations for appointment to the CCMAC and follow up emails providing Diversity Profile Form	Club industry peak bodies, United Workers Union and community groups, key gambling harm reduction organisations, unaffiliated clubs, organisations representing young people, and organisations representing business.

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QUESTION TIME BRIEF

COVID-19 Support Measures

Date	Document	Club Organisations	Attachment
8 February 2021	Email – Further extension of the COVID-19 Economic Survival Package – Gaming Machine Authorisations	All club and hotel licensees and club industry peak bodies	Access Canberra Notification Form for Surrender of Authorisations; and COVID-19 Economic Survival Package – Gaming Machine Authorisation Surrender Incentive Extension form
19 March 2021	Email – Reminder – expiry of the *Gaming Machine (Emergency Community Purpose Contribution - Club Employees) Declaration 2020*	All club licensees and club industry peak bodies	Q and As for emergency community purpose contribution declarations – club employees and local live performance industry

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QUESTION TIME BRIEF

JACS2021/46-001-010

Portfolio/s: Attorney-General

Economic Development

How the ACT Liquor Act compares to NSW changes

Talking points:

- The sale and supply of liquor in the ACT is regulated under the *Liquor Act 2010* (the ACT Liquor Act) and the *Liquor Regulation 2010*. Decision-making under the Act must have regard to the harm minimisation and community safety principles under section 10 of the Act.
- The ACT applies a risk-based liquor licensing fee framework that links annual fees to three identified risk factors to create a consistent, scalable and transparent fee framework that reflects the relative risk of alcohol-related harms associated with particular types of licensed premises, while supporting a vibrant ACT nightlife.
- In the ACT, annual liquor licence fees are based on:
    - the class/subclass of the licence (i.e. the type of venue that will be operating under the licence);
    - the maximum permitted occupancy loading for the venue (i.e., the density of a venue, or how many people can be in a venue); and
    - the venue's trading hours (license times, i.e., how late they serve liquor).
- The ACT framework does not take a liquor licensee's compliance history into account when determining the licensing fees that the licensee must pay.
- The ACT liquor licensing fee framework considers the costs associated with regulatory and police enforcement at licensed premises, and alcohol-related anti-social or violent behaviour.

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- Some liquor licensees are of the view that the ACT's fees are significantly higher than licence fees in NSW. The fee frameworks of both jurisdictions are not directly comparable:
    - While both jurisdictions operate risk-based licensing fee frameworks, NSW's liquor licensing fee framework has a significant compliance history-based component. Base fees for NSW liquor licences are generally lower than those applying to the equivalent licence type under the ACT framework. However, if enforcement action is taken against a licensee, a compliance risk loading is added to their annual fee, making that fee significantly higher than the fee for the equivalent licence type in the ACT.
- The *Liquor Amendment (Night-time Economy) Act 2020* (the NSW Act) was passed by the NSW Parliament on 17 November 2020 and included a range of amendments to liquor, gaming and planning-related legislation. The Act amended the *Liquor Act 2007* (NSW) and *Liquor Regulation 2018* (NSW) to:
    - replace existing sanctions schemes and disciplinary systems with an integrated demerit points and incentives scheme;
    - provide for cumulative impact assessments;
    - regulate same day deliveries of liquor; and
    - make miscellaneous amendments of an administrative or minor nature.
- Due to inherent differences between the ACT and NSW liquor licensing fee frameworks, the integrated demerit points and incentives scheme and cumulative impact assessment framework introduced in NSW would not be easily subsumed into the current ACT framework.

QUESTION TIME BRIEF

Key Information

- The table below illustrates scalability of licence fees under the ACT framework:

Licence class	Occupancy loading of 80 or less trading at standard licence times[1]	Occupancy loading of 80 or less trading until 5.00 am	Occupancy loading of 350 or more trading at standard licenced times	Occupancy loading of 350 or more trading until 5.00 am
Nightclub on licence	$3,363.00	$7,473.00	$8,969.00	$31,404.00
Bar general licence/ club licence	$2,240.00	$4,981.00	$5,977.00	$20,935.00
Restaurant and café on licence	$1,117.00	$2,488.00	$2,986.00	$10,465.00

- While a nightclub on licence has the highest 'base' annual fee of the three licence classes, a nightclub on licence with a small occupancy loading, trading at standard licence times will pay less than a restaurant/café licence with a large occupancy loading and trading until 5.00am.
- Under the NSW liquor licensing fees framework, all licensees pay a base fee (which varies according to licence type). Licensees trading after midnight also pay a trading hours risk loading. Compliance history risk loadings are triggered where enforcement action for a liquor-related offence has been taken against a licensee within the previous 12 months. If compliance history loadings are engaged, licensees will also be required to pay an additional patron capacity loading and location risk loading (location risk loading is only applicable to Sydney CBD and Kings Cross-based venues).
- For example, a club licensee in Queanbeyan would generally be required to pay a base annual fee of $552.00. However, if compliance history risk loadings are engaged, the annual fee payable by that licensee would increase to up to $19,252.00.

Liquor Amendment (Night-time Economy) Act 2020 (the NSW Act)

Integrated demerit points and incentives scheme

- The NSW Act introduced a single, integrated system based on demerit points. The new system seeks to reward and incentivise well-run venues. Venues that maintain a clear record with no demerit points will be entitled to discounts on their annual liquor licence fees. Venues where demerit points have been incurred will not be eligible for the discount and will have to pay additional licence fees as part of the pre-existing annual compliance risk loadings.

[1] *Standard license times*: no later than 12.00 am.

Cumulative impact assessments

- The NSW Act introduces a new framework for issuing cumulative impact assessments.
- The framework intends to help manage the density of licensed premises in areas of concern and aims to address related cumulative impacts that may arise in the community, including the risks of alcohol-related violence and antisocial behaviour.
- The NSW Act empowers the Independent Liquor and Gaming Authority to publicly issue a cumulative impact assessment if, due to existing issues or risks, it considers that granting further licenses or late-night trading in that area is likely to be inconsistent with its existing duty under the *Liquor Act 2007* (NSW) to ensure community wellbeing.
- Issuing a cumulative impact assessment will create a strong presumption against the Authority granting applications for new licenses or improving more late-night trading in any identified cumulative impact areas, but the Authority is not automatically prevented from approving these applications.
- The ACT Liquor Act and Liquor Regulation do not contemplate a framework for cumulative impact assessments or similar.

Regulation of same-day liquor deliveries

- The NSW Act introduced a range of restrictions on same-day liquor deliveries, including:
    - interstate liquor licensees (including ACT liquor licensees) will be required to hold an NSW liquor licence if delivering alcohol stored in NSW to NSW residents on the same day that the order is placed;
    - same-day delivery providers must not make a same-day delivery, or permit their employees/agents to make a same-day delivery, unless the customer produces evidence of their identity and age;
    - same-day deliveries must not be made after midnight (or 11pm on a Sunday);
    - same-day alcohol deliveries must not be left unattended;
    - same-day alcohol must not be delivered to an intoxicated person;
    - all people making same-day deliveries must complete responsible supply of alcohol training (unlike RSA training, a specific course is not prescribed, allowing industry to create its own training courses); and
    - customers must be able to self-exclude from receiving same-day alcohol deliveries.
- The ACT Liquor Act does not expressly regulate online liquor sales and same-day deliveries. It includes a range of offences relating to the supply of liquor to children, young people and intoxicated people and supply without a current Responsible Service of Alcohol (RSA) certificate. However, these offence provisions only capture

conduct at licensed premises and may not apply to online liquor sales, where the supply occurs away from the licensed premises.

- Access Canberra (Licensing and Registrations) represents the ACT at the Australasian Liquor Licensing Authorities Forum (ALLAF), a forum intended to consider the regulation of online liquor sales to facilitate cross jurisdiction consistency. ALLAF has not met for some time because of the COVID-19 public health emergency.
- JACS and Access Canberra have previously recommended that any reform in relation to online liquor sales should be informed by the work undertaken by ALLAF. Due to COVID-19 delays affecting ALLAF's consideration of reform, most Australian jurisdictions have now moved ahead and are pursuing their own policy reforms in relation to online liquor sales and delivery. Victoria, Queensland and the ACT have not yet progressed reform.

Miscellaneous amendments

- The NSW Act automatically removes certain licence conditions that limit music and performance. This includes restrictions on the genre of music that may be played or performed, the number of musicians on stage, or the types of instruments used.
    - These types of restrictions do not exist in the ACT. Licensed premises must abide by the applicable noise standards. Noise is regulated by the *Environment Protection Act 1997* and the *Environment Protection Regulation 2005*, which aim to protect people from undue noise while facilitating business and social activities.
- The NSW Act enables small bars to offer family-orientated and diverse services for customers. Small bars that regularly provide meals in seated areas from their opening time until 10pm will be permitted to have minors in the company of a responsible adult during those times.
    - This is not an issue in the ACT. Under the ACT Liquor Act, areas within licensed premises can be designated 'adult only areas'. It is an offence for a child or young person to be in an adults-only area unless they are in the care of an adult (parent or guardian etc.).
- The NSW Act streamlines the application process for a low-risk small bar licence by introducing an interim small bar authorisation, to reduce the level of public consultation required.
    - Under the ACT Liquor Act, a public consultation period of 30 days is required when an application is made for a new liquor licence.

QUESTION TIME BRIEF

Background Information

ACT liquor licensing fees framework

- The ACT's current liquor licensing fee framework was introduced in 2010-11 as part of a significant package of reforms.
- In the lead up to the package of reforms, an additional ACT Policing capability was established to collate policing data that allowed for a comparison of alcohol-related incidents at restaurants and cafes, clubs, bar and taverns, and nightclubs. The data showed that the highest number of alcohol-related incidents occurred at nightclubs, followed by clubs, bars and taverns and, after that, restaurants and cafes. The data also showed that the majority of alcohol-related incidents occurred at larger venues (61 percent of incidents occurred at venues with occupancy loadings of more than 350 people) and during late-night trading (80 percent of incidents occurred at venues trading to 4.00am or 5.00am).
- The ACT Government was clear, in establishing the fee framework, that a factor in fee levels was the cost associated with regulatory and police enforcement associated with licensed premises and alcohol-related anti-social or violent behaviour. ACT liquor licensing fees support the cost of ACT Policing's Territory Targeting Team which enforces the ACT's liquor laws and provides policing in the ACT's nightlife precincts.
- The effectiveness of the 2010 liquor reforms was the subject of review in 2013 and 2016. The first review was undertaken by ACIL Allen Consulting and concluded that:
    - most stakeholders consider the reforms have made a positive contribution to community safety; and
    - the adoption of the risk-based approach was a positive step.
- The second consultative review presented a series of proposals for further reforms in the *Building on Liquor Reform: White Paper*. The White paper retained the risk-based license fee framework and delivered a 25 percent annual fee reduction for licensees with an occupancy loading of 150 people or less and licensed times of 2am or earlier, to encourage small bars and restaurants.
- A further review of liquor licensing fees for small and medium clubs was undertaken in 2019-20. Following this review the Chief Minister agreed to a 25 percent reduction in annual fees for club licensees trading within standard license times and with occupancy loadings of over 150 people. This reduction took effect under the *Liquor (Fees) Determination for 2020*, noting that all on-licence liquor fees are currently waived as part of the Government's COVID emergency support measures. The on-licence fee waiver is due to expire on 31 March 2021. Commencing 1 April 2021, on-licence fees will be reduced by 50% for a period of 12 months.
- Please also see QTB 'COVID-19 Impacts-Relief to clubs and licensed premises' (JACS2021/46-001-005) for information about fee waivers and measures to support liquor licensees during the COVID-19 public health emergency.

QUESTION TIME BRIEF

Liquor Advisory Board

- The Liquor Advisory Board (the Board) is established under section 215 of the Act to provide advice to the Minister on matters associated with the Act, including measures that support the harm minimisation and community safety principles. Its members represent a broad range of liquor stakeholder groups, including government, industry, and community organisations.
- Section 218 of the Liquor Act ACT requires the Board to meet at least twice a year. The Board met four times in 2020. The Board met on 16 March 2021 and its next meeting is scheduled for 27 July 2021.

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QUESTION TIME BRIEF

JACS2021/46-001-029

Portfolio/s: Attorney-General

R v UG [2020] ACTCA 8 and the *Crimes (Sentencing) Act 2005*

Talking points:

- I am aware of the ACT Court of Appeal decision in R v UG, to the effect that that there is no basis for taking 'a special approach [to] sentencing for family violence offences'.
- I am also aware that there are a range of approaches in other jurisdictions to sentencing for offences committed in a family violence context.
- The ACT Government is strongly committed to preventing domestic and family violence and supports measures that hold perpetrators to account.
- The ACT Government is considering whether our existing laws give the courts appropriate guidance on the factors to be considered and the weight to be given to these factors when sentencing family violence offenders.

Key Information

- Currently, ACT courts must consider 'the nature and circumstances' of an offence when sentencing the offender.
- ACT courts cannot impose a lesser sentence on the basis that:
    - the offence was a family violence offence, or
    - a family violence order was in place.

Background Information

- In *R v UG [2020]* ACTCA 8, the Court of Appeal found that there is no basis for taking 'a special approach [to] sentencing for family violence offences'.
- Consistent with MIN:2020/002422, JACSD is consulting the following stakeholders on the proposal to add family violence to the list of factors which sentencing courts must consider:
    - The ACT Bar Association
    - ACT Courts and Tribunal
    - ACT Human Rights Commission (including the VIctims of Crime Commissioner)

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- ACT Policing
- The Coordinator-General for Family Safety
- The Director of Public Prosecutions
- The Domestic Violence Crisis Service
- The Law Society of the ACT
- Legal Aid ACT
- The Women's Legal Centre

- Each Australian jurisdiction has a different approach to sentencing:
  - New South Wales' Crimes (Sentencing Procedure) Act 1999 creates a presumption that family violence offenders will be sentenced to full-time detention or a supervised order.
  - Queensland's Penalties and Sentences Act 1992 states family violence is an aggravating factor in sentencing, unless there are "exceptional circumstances".
  - South Australia's Criminal Law Consolidation Act 1935 states that offences against family members (including former partners) are "aggravated".
  - Tasmania's Sentencing Act 1997 states the court cannot order home detention if the offender has perpetrated family violence, and/or if the offender would be living with the victim of the offence. For family violence offences, if a child was present at the time this may be an aggravating factor.
  - Western Australia's Sentencing Act 1995 states family violence is an aggravating factor in sentencing.
  - Northern Territory and Victorian courts have each found the need for general deterrence in family violence matters (e.g. Hardy v Rigby [2020] NTSC 42 and Laa v The Queen [2020] VSCA 136).

QUESTION TIME BRIEF

JACS2021/46-001-015

Portfolio/s: Attorney-General

ISSUE: RESOURCING OF MAGISTRATES AND CORONER'S COURTS

Talking points:

- The ACT Government is committed to providing the ACT Magistrates Court with the resources it needs to meet increasing demand.

Recent Magistrate appointments

- Magistrate Bernadette Boss has taken up a temporary 12-month appointment with the Commonwealth in the role of interim National Commissioner for Defence and Veteran Suicide Prevention. Dr Boss commenced in the role on 16 November 2020. I congratulate Dr Boss on this significant appointment.
- I welcome the appointment of Jane Campbell as a Special Magistrate, who is backfilling Dr Boss' 12-month absence from the Magistrates Court. Ms Campbell commenced in her new role on 11 January 2021 and brings a wealth of experience to the bench, particularly in the area of criminal law practice.
- Ms Louise Taylor has been sitting as the Territory's eighth full-time resident magistrate since 10 September 2018. This appointment supports the efficiency of the justice system and the timeliness of proceedings in the Magistrates Court.
- In addition to resourcing the eighth magistrate position, in the Government's 2018-19 budget, Legal Aid ACT received an additional $1.297 million and the Director of Public Prosecutions (DPP) received $987,000 for additional staff to support the increased capacity of the Magistrates Court.

Dedicated full time ACT Forensic Pathologist

- The 2018-19 Budget also provided $1.9 million over four years for the recruitment of a resident full-time ACT Forensic Pathologist which will ensure efficient and dedicated provision of pathology services to support the Coroner's Court.

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Family Liaison Officer

- The new Family Liaison Officer role commenced in the Coroner's Court on 25 June 2020. The role is critical in providing support to families and friends of loved ones who have passed, as they progress through the coronial system.

Dedicated Coroner

- The Government is committed to considering the establishment of a dedicated full-time coroner's court to help reduce delays, improve consistency and lift the experience of families engaging with the coronial process.

Key Information

Full-time dedicated Coroners Court

- The Parliamentary and Governing Agreement for the 10th Legislative Assembly provides that an Executive reform priority is to '*Explore the establishment of a dedicated full time Coroners Court'* (Appendix 2, Executive Reform no. 5).

Operational issues

- COVID-19 led to a range of measures being implemented by the ACT Courts and Tribunal to support social distancing and reduce the spread of the virus. Where feasible, essential court and tribunal operations continued by using a range of technologies such as video and telephone conferencing.
- The pandemic led to a slowing of the court and tribunal operations and a slowing of finalisation rates. The Chief Magistrate has publicly stated that a significant backlog has accumulated which will take many months to address. Funding has been provided to assist the Magistrates Court with reducing this backlog.

Coroners Amendment Bill 2020

- The Coroners Amendment Bill 2020 was passed in the Assembly in July 2020. The Bill amends the *Coroners Act 1997* to enhance our framework to better respond to the justice needs of families engaging in the coronial system and to make it easier for the Coroner's Court to implement restorative approaches in its daily practice.

QUESTION TIME BRIEF

Background Information

Recent Magistrate appointments

- Magistrate James Stewart is appointed as a part-time magistrate of the ACT Magistrates Court. Magistrate Stewart has been working full-time since 1 August 2019 to support the Court to address the backlog of matters caused by the COVID-19 pandemic, and to assist the ongoing operation of the Court in light of other magistrates' absences anticipated in 2021. The current full-time work arrangement for Magistrate Stewart will end on 30 June 2021.
- The appointment of Ms Margaret Hunter OAM as a Special Magistrate was recently extended to 30 April 2021. Special Magistrate Hunter requested this extension in order to finalise the Brayden Dillon Inquest, noting that, given the volume of evidence to consider by the parties in respect of their submissions, time for submissions was extended to April 2021. Special Magistrate Hunter expects to hand down findings by the end of April 2021.
- Magistrate Boss has been engaged by the Commonwealth for appointment as interim National Commissioner for Defence and Veteran Suicide Prevention for a term of 12 months. She commenced in the role on 16 November 2020. Jane Campbell has been appointed as a Special Magistrate for 12 months, commencing 11 January 2021, to cover Magistrate Boss' absence.

QUESTION TIME BRIEF

JACS2021/46-001-004

Portfolio/s: Attorney-General

ISSUE: REFORMS TO THE OPERATION OF THE CORONER'S COURT

Talking points:

- The Government is focused on improving the coronial system to ensure that cases are finalised as quickly and as sensitively as possible and that the benefits to the community of coronial recommendations for public health and safety improvements are realised.
- The coronial process is a vital part of the judicial system that deserves ongoing focus. Coronial inquiries are complex and time consuming.
- To make the coronial process more timely, effective and sensitive to the needs of grieving families, we are examining our current system and the potential for meaningful process improvements and reform.
- In 2020, having regard to feedback from the November 2019 Restorative Coronial Reform Forum, we amended the Coroners Act to explicitly recognise the impact on family and friends of the death of a loved one, and the interest that family and friends have in the coronial process.
- In addition, a new Family Liaison Officer role commenced in the Coroner's Court on 25 June 2020. The role is critical in providing support to families and friends of loved ones who have passed, as they progress through the coronial system.
- The Government is now committed to exploring the establishment of a full time dedicated Coroner. Currently, the coronial responsibilities are shared across a number of ACT Magistrates.
- Coronial reform is part of a broader initiative to build Canberra as a Restorative City – one where we value relationships, treat each other with care and respect, and seek to solve problems collectively.

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Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/46-001-004	

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QUESTION TIME BRIEF

Key Information

Full-time dedicated Coroner's Court

- The Parliamentary and Governming Agreement for the 10th Legislative Assembly provides that an Executive reform priority is to 'Explore the establishment of a dedicated full time Coroner's Court' (Appendix 2, Executive Reform no. 5). This is under active consideration.

Funding from the 2018-19 Budget

- The 2018-19 Budget provided $1.9 million over four years for the recruitment of a resident full-time ACT Forensic Pathologist. This will support the timely provision of manner and cause of death information to expedite the release of the deceased to their family and the making of findings by the Coroner.
- The 2018-19 Budget also included $3.1 million in funding over the next four years for an eighth full time resident magistrate.

Background Information

Law Reform Advisory Council (LRAC) Report

- The LRAC report, *Canberra – Becoming a Restorative City,* recommended that restorative practices be trialled within the coronial system. LRAC's report was released on the Justice and Community Safety Directorate's (JACS) website on 15 November 2019, as a part of the launch of the 'Canberra as a Restorative City' website. The website includes a vision document about Canberra as a Restorative City initiative, which notes coronial reform as a priority.
- Several initiatives are being progressed as part of the Restorative City initiative to strengthen the use of restorative practice in the Coroner's Court, including:
    - Developing Ministerial guidelines for Government responses to coronial reports to promote transparent, respectful, and sensitive engagement between families and coronial staff during the preparation of Government responses.
    - Exploring the use of restorative conferencing to complement current and completed coronial inquiries.
    - Developing information materials to help bereaved families navigate the coronial system.
    - Facilitating discussions between religious and cultural leaders in the ACT and Coroners, Coroner's Court staff and Forensic Medicine Centre staff on different practices around death, autopsy, and burial.
    - Supporting opportunities for Coroners to discuss restorative approaches with colleagues across jurisdictions.

Restorative Coronial Reform Forum

- A forum was held on 19 November 2019 which reflected upon the experiences of families who had engaged with the coronial system, and explored opportunities for restorative coronial reform, in alignment with the recommendations of the LRAC Inquiry into Canberra as a Restorative City.

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- Legislation, Policy and Programs (LPP) is engaged in ongoing work with the Coroner's Court to explore further restorative coronial system reforms.

Recent legislative reforms

- In July 2020, the Legislative Assembly passed the Coroners Amendment Bill 2020 which is part of a package of reforms to better respond to the justice needs of families engaging with the coronial system and to make it easier for the Coroners Court to implement restorative approaches in its daily practices.
- Feedback from families with lived experience in the coronial system significantly informed the amendments to the Coroners Act, which commenced on 29 January 2021.
- The Justice and Community Safety Legislation Amendment Bill 2019 (JACS Bill), passed in June 2019, clarified that the Judicial Council can receive and examine complaints about a magistrate performing the coronial role, and made changes to require a government response to be presented to the Legislative Assembly following the release of coronial findings which identify matters of public safety.

Strengthening Restorative Practice in the Coroner's Court

- As part of the Canberra as a Restorative City commitment, JACS organised for religious and cultural leaders from across the ACT to meet with Canberra's Coroners, Coroners' Court staff and staff from the Forensic Medical Centre to discuss different customs around death, autopsy and burial. These meetings took place on 16 & 17 November 2020.

Family Liaison Officer (FLO)

- The trial of the FLO position in the Coroner's Court commenced on 25 June 2020, with the recruitment of Ms Corinne Vale to the role. The role is currently funded up to December 2021.

National Commissioner for Defence and Veteran Suicide Prevention

- The ACT is participating in national level discussions led by the Commonwealth Attorney-General's Department about the establishment of a National Commissioner for Defence and Veteran Suicide Prevention, and National Coronial Centre. The ACT's coronial reform program is of interest to the Commonwealth as a key focus of the Commissioner's role will be engagement with affected families using restorative and trauma-informed principles.
- ACT Magistrate, Dr Bernadette Boss has been appointed as the interim National Commissioner for the Defence and Veteran Suicide Prevention for 12 months. Dr Boss commenced in this role on 16 November 2020.

Coronial Reform Group (CRG)

- Mrs Eunice Joliffe, Ms Rosslyn Williams, and Ms Ann Finlay (Fennessy) are collectively known as the Coronial Reform Group (CRG). Members of the CRG experienced the coronial system following the death of their sons, Mark Joliffe, Benjamin Williams and Paul Fennessy in 2010.
    - Mark Joliffe died on or about 15 February 2010. Coroner Dingwall's findings were delivered on 30 June 2015.
    - Benjamin Williams died on 28 September 2010. The Chief Coroner's findings were delivered on 17 October 2013.

- Paul Fennessy died on 6 January 2010. Coroner Hunter's findings were delivered on 16 December 2016.

The Health Minister's response to the Coroner's recommendations was tabled in the Legislative Assembly in August 2017.

- The CRG was awarded the ACT's Mental Health Volunteer of the Year Award in 2018 for their work to support a more timely, supportive and effective coronial system and better lives for people affected by mental illness through service improvements.
- Ten family representatives attended the Restorative Coronial Reform forum on 19 November 2019.

QUESTION TIME BRIEF

JACS2021/46-001-007

Portfolio/s: Attorney-General

ISSUE: DRUG AND ALCOHOL COURT/DRUG AND ALCOHOL SENTENCING LIST

Talking points:

- The Government committed to establishing a Drug and Alcohol Court (DAC) in the Parliamentary Agreement for the 9th Assembly. The ACT DAC commenced operations on 3 December 2019.
- On 1 July 2020, former judge of the ACT Supreme Court, Justice Richard Refshauge was appointed as an Acting Judge to oversee the ACT's Drug and Alcohol Court, which is referred to by the Courts as the Drug and Alcohol Sentencing List (DASL).
- The first Drug and Alcohol Treatment Order (DATO) was made on 15 January 2020.
- The Sentencing list commenced with an intake of 10 participants and this will increase to up to 35 participants by June 2021.
- As of 18 March 2021, there have been 56 referrals to the DAC, with 14 participants on Drug and Alcohol Treatment Orders and 11 currently undergoing assessment for suitability.
- The Sentencing List sits each Friday and as required on other days.
- The model is based on proposals that were developed by the DAC Supreme Court Working Group which was led by Justice John Burns and included representatives from key agencies.
- A wide range of community services including health, housing, treatment and counselling programs complement and support the DAC to achieve positive outcomes for offenders and the community.
- Those outcomes include better health outcomes, reduced offending, reduced incarceration rates and improved community safety.

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- In September 2020, the NSW Bureau of Crime Statistics and Research (BOCSAR) published an evaluation of the NSW Drug Court entitled '*The long-term effect of the NSW Drug Court on recidivism*'. The aim of the report was to determine whether the positive results observed in the first and second evaluations of the NSW Drug Court are sustained over a period of more than ten years.
- The report concluded that the NSW Drug Court appears to have long term beneficial effects on the total number of reconvictions and the risk of an offender committing a further offence against another person. The ACT Government will be considering this important research very carefully as it determines next steps for the drug court in the ACT.

Purpose and nature of the DAC

- The ACT DAC operates in the Supreme Court. The fitout of the court room and urinalysis suite for the DAC were included as part of the Courts Building project.
- Offenders are carefully assessed for eligibility and suitability for DAC participation. Criteria include that they must have pleaded guilty to an eligible offence, and be dependent on alcohol or a controlled drug that substantially contributed to their offending.
- Their sentence of imprisonment (between one and four years) will be suspended.
- Participants have individualised treatment and sentence management plans that include intensive judicial supervision, frequent drug and alcohol urine and breath testing, and regular and ongoing contact with health and corrections staff.
- Case management is undertaken by both Health and ACT Corrective Services staff, with agencies working closely together to support the offender throughout the order.
- Justice Refshauge leads a team of representatives from various health and justice agencies to guide the participant through the DAC process.

- The DAC Team includes members from Canberra Health Services, ACT Corrective Services, the Director of Public Prosecutions, Legal Aid ACT and ACT Policing. Importantly, the Team may also include an Aboriginal Liaison Officer from Canberra Health Services and housing support as required.
- A scheme of rewards and sanctions supports compliance. Progress is rewarded, and breaches are sanctioned through a system of swift, certain and proportionate consequences. This sends a strong message about the consequences of continued criminal or antisocial conduct.
- The DAC deals with offences that relate to serious drug and alcohol use. It provides a unique response to a group of high risk and high need offenders in the form of an alternative to full-time imprisonment.
- The DAC will promote community safety and decrease the impact of criminal activity in the Territory by reducing the likelihood of drug dependant people resorting to offending behaviour, and particularly repeat offending.
- The evidence shows that drug courts are effective at achieving long-term behavioural change in offenders.

Participant requirements and cooperation

- An offender may be referred for consideration of eligibility for a DATO if they plead guilty to an eligible offence, if drugs and or alcohol was a factor in the commission of the offence and the offender is facing a sentence of one to four years.
- The offender will be assessed for eligibility and if eligible, will be referred for a suitability assessment. This involves judicial supervision, primary case management by Health staff in conjunction with Corrective Services staff and frequent drug testing or breath testing.
- The offender must give informed consent to be assessed for a DATO.
- Once an offender is sentenced to a DATO, the DAC Team manages the participant through targeted multidisciplinary treatment programs.

- All participants commence on phase one of the program. Progress through the three phases will depend on the participant and their progress on the DATO.
- Intensive supervision ensures that offenders are doing the right thing for themselves and for the community.
- By promoting the reintegration of eligible offenders into the community and taking a holistic approach to addressing key risk factors related to offending, the DAC can reduce recidivism.
- For example, when a DAC participant stops using drugs, and has stable housing and re-engages with their community, some of the risk factors for re-offending are lessened.
- This ultimately helps to reduce the burden on our health and justice systems caused by drug use and offending, and helps to maintain safety in the community.

- Drug courts in NSW, Queensland and Victoria have demonstrated the long-term cost-effectiveness of a therapeutic approach which is able to achieve continuing behavioural change.

Background Information

- The Parliamentary Agreement for the 9th Assembly committed to establishing a Drug and Alcohol Court and associated support programs as part of a goal to reduce recidivism by 25 percent by 2025.
- $6.83 million over 2.5 years was allocated to the DAC in the 2018-19 mid-year budget appropriation.

QUESTION TIME BRIEF

JACS2021/46-001-030

Portfolio: Attorney-General

ISSUE: JUDGE ALONE TRIALS

Talking points:

- The temporary amendments to the judge alone trial provisions in the *Supreme Court Act 1933* were a response to the COVID-19 pandemic and aimed to ensure the continued effective administration of justice.
- ACT Courts and Tribunal has introduced a range of measures to allow jury trials to proceed safely but social distancing requirements mean that two court rooms are required for each jury trial, which has a significant impact on the capacity of the Supreme Court infrastructure.
- The Government is in the process of consulting with stakeholders about the future of judge alone trials in the ACT. It has been nearly 10 years since sexual offences and offences involving the death of a person were excluded from being heard by a judge alone. A review of the ACT's approach is timely.
- The review will include an assessment of the current temporary provisions and I expect to hear a range of views which will be carefully considered.
- I am aware that the legal profession is concerned about the constitutionality of 68BA of the *Supreme Court Act 1933* (now repealed). As there is a case currently before the courts in relation to this issue, I do not propose to comment further.
- I am aware that the Director of Public Prosecutions has commented in his 2019-20 Annual Report that the temporary amendments have impacted on the conviction rate. It is important to note that the data is limited as it covers a period of under 3 months. It is also important to say that the DPP will be given every opportunity to express his views through the consultation process which is underway, noting that both judge alone and jury trials have a place in the ACT.

Background Information

- In 2011, new section 68B of the *Supreme Court Act 1933* (SCA) limited the types of offences which could be heard by a judge alone. The excluded offences were sexual offences and offences involving the death of a person.

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- In April 2020, section 68B of the SCA was temporarily amended in response to the COVID-19 pandemic, including by permitting previously excluded offences to be tried by a judge alone. This amendment currently expires on 30 June 2021.
- Section 68BA of the SCA was enacted as part of the COVID-19 measures in April 2020 but repealed in June 2020. This allowed the court to order a trial by judge alone if satisfied certain criteria were met. This provision has been challenged twice in the courts. The first challenge did not proceed and the second challenge is still before the courts. Attention has also been drawn to the provision by an article co-authored by Dr John Boersig, Jane Campbell (now Special Magistrate Campbell) and S Carmichael which expresses doubt as to the constitutionality of the provision.
- The 2019-20 DPP Annual Report states that 20 trials for sexual offences were held in the Supreme Court with 11 guilty verdicts. This is a conviction rate of 55% and is broadly commensurate with the conviction rate since 2011 reforms which excluded sexual offences and offences involving the death of a person from being heard by a judge alone.
- The DPP Annual Report also states that ".. as at 30 June 2020, of the eight trials that proceeded as 'judge alone' (post COVID-19 shutdown period), seven returned verdicts of not guilty". The DPP does not specify that these were normally excluded offences and, given the timeframe it is likely that that this data includes all offence types.
- The DPP has provided information that, in relation to sexual offences, there have been 9 judge alone trials resulting in 2 guilty verdicts (conviction rate of 22%) to 30 November 2020. This does not correspond with the ACT Courts and Tribunal (ACTCT) data which indicates 6 judge alone trials for sexual offences (to end October 2020) with 3 convictions (conviction rate of 50%). The reason for the discrepancy , based on information from ACTCT, is that the DPP's data includes all matters where a not guilty plea was entered as opposed to ACTCT data which is based on matters which actually proceeded to trial. This reason has not yet been verified with the DPP.

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QUESTION TIME BRIEF

JACS2021/46-001-032

Portfolio/s: Attorney-General

Family Violence Act Review

Talking points:

- Family violence is a complex and challenging area of law, policy and service delivery.
- The ACT Government welcomes the publication of the *Review of the Family Violence Act 2016.*
- The ACT Government is committed to strengthening the protections for victims of family violence in the ACT and to using the consistent themes in the feedback detailed in the review to help shape family violence law and policy going forward.
- We are working to ensure our services and laws are as effective as they can be to prevent family violence, to protect and support victims of family violence, and to hold perpetrators to account.
- The ACT Government is grateful to Professor Lorana Bartels and Professor Easteal for their work in conducting the review and their recommendations, and to the professional stakeholders and people with lived experience who participated in the review.

If asked: Why was a review undertaken?

- The review was commissioned once the *Family Violence Act* had been operating for two years.
- The review was commissioned by Justice and Community Safety Directorate in collaboration with the Office of the Coordinator General for Family Safety.
- The purpose of the review was to gauge the extent to which the Act had improved the protections and experience of victims of family violence and to inform the government family violence work going forward.
- The review was not required by statute and no formal government response is proposed.

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If asked: When was the report delivered?

- The final report was delivered on 14 December 2020.

If asked: Why was publication of the report delayed?

- An earlier version was delivered in March 2020 on which feedback was given. Although some text of the report changed after this review, none of the recommendations changed.

Key Information

- Family violence is a complex and challenging area of law, policy and service delivery.
- The *Review of the Family Violence Act 2016* offers useful insights into the experiences and concerns of those who work in the family violence sector and those with lived experience of family violence.
- The ACT Government is committed to strengthening the protections for victims of family violence in the ACT and acting on the themes in the feedback in the review to help shape family violence law and policy.
- A number of the report's recommendations were for further work and / or research to be done. Some other recommendations are for actions that have already been taken (for example, the recommendations about information on the ACT Courts website) or are already under active consideration (for example, recommendation seven about information sharing, where a pilot program is already being run by the Office of the Coordinator-General for Family Safety and the Victims of Crime Commissioner).

Background Information

- On 23 February 2021, Justice and Community Safety Directorate published the final report of the *Review of the Family Violence Act 2016:* https://www.justice.act.gov.au/final-report-review-family-violence-act-2016
- The report has been the subject of media comment and queries in recent days, following an ABC News article published online on Sunday 21 March 2021. In particular, certain recommendations have been subject to media comment, including:
    - recommendation 1 - amend the Act to expand the definition of 'family violence' by referring to specific types of abuse;
    - recommendation 2 – identify and address issues with after-hours orders
    - recommendation 5 – children being included on family violence orders; and
    - recommendation 10 (and related recommendations of 8 and 13) – better information for victims.

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Cleared for public release by:	Deputy Director-General	Ext: 53504	INDEX
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- The review proceeded largely by way of interviews undertaken with two cohorts of participants: 33 interviews with professional stakeholders and eight with people who had lived experience of family violence.
- The review made 18 recommendations. Half of these were for further consultation, consideration of, or work on particular issues.
- The review does not require a formal government response.
- JACS is working with the Office of the Coordinator-General for Family Safety to develop a forward work program for family violence legislation and policy reform, which will have regard to the recommendations of the review.
- Detailed coordinated talking points have been prepared and provided to the Attorney-General's Office separately.

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QUESTION TIME BRIEF

JACS2021/47-001-031

Portfolio/s: Chief Minister

Police and Emergency Services

Special Minister of State

ISSUE: NATIONAL SECURITY AND PUBLIC SAFETY

TALKING POINTS

Australian Government Critical Infrastructure Reforms (Chief Minister)

- Critical infrastructure is essential to the function of our daily lives in the ACT.
- The ACT's establishment of a second power supply is one example of how the ACT is strengthening the resilience of our critical infrastructure.
- The ACT remains supportive of the focus by the Australian Government to strengthen the security of Australia's critical infrastructure by reforming the *Security of Critical Infrastructure Act 2018*. The ACT remains engaged with the Commonwealth and the state and territory governments to support the development of the reforms.
- The ACT maintains its own critical infrastructure arrangements and relationships between government and non-government owners and operators.
- This relationship was used to great effect during the 2019-20 bushfire season to share information about critical infrastructure.

Cyber Security and Online Safety (Special Minister of State)

- The ACT remains an attractive target for cyber criminals.
- The cyber threat is persistent. State actors, criminal syndicates, issue motivated groups and self-motivated individuals continue to target children, families, businesses, online critical infrastructure and steal Government intellectual property.
- Cyber security remains a top priority for the ACT Government.

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- Our specialist teams work to protect information managed by the ACT Government and regularly meet withthe National Cyber Security Committee to monitor the cyber threat environment.
- In response to recommendations from the Auditor-General's audit on data security, the ACT has engaged a provider to undertake a thorough risk and threat assessment of the ACT's environment. This is in addition to a wide range of other activities to strengthen the ACT's cyber security resilience.
- The ACT supported the development of *Australia's Cyber Security Strategy 2020*, launched August 2020. The strategy responds to continuing malicious cyber threats and activities faced by Australians.
- With more Canberrans working and studying online due to COVID-19, the potential for online harm is increased. Visit the eSafety Commissioner's website for ways to keep you and your family safe online.
- I encourage all Canberrans to follow the IT security advice of the Australian Cyber Security Centre available at cyber.gov.au.

Foreign Interference (Chief Minister)

- The ACT values its open and transparent international engagement with other governments to progress matters of mutual benefit.
- Unfortunately, some foreign actors are pursuing opportunities to interfere in a range of areas such as decision makers, intellectual property, and IT systems in Australia. The ACT is not immune from this interference.
- Foreign interference activities go beyond routine diplomatic influence practiced by governments. Interference may be coercive, covert, deceptive and clandestine in nature and can cause harm to the ACT's interests.
- The ACT partners with the Australian Government and other states and territories on efforts to protect our systems of government, democracy, critical infrastructure, education and media.
- Concerns about foreign interference should be reported to the National Security Hotline on 1800 123 400.

QUESTION TIME BRIEF

Public Spaces and Venue Safety (Minister for Police and Emergency Services)

- Canberra's public places and events remain a safe and attractive place for communities and families.
- While the national terrorism public alert level remains at PROBABLE, there is no specific or credible threat to the ACT at this time.
- The ACT Government and ACT Policing continually monitor the security threat environment. We must all remain vigilant to the threat of terrorism.
- The government remains ready as COVID restrictions ease to host safe and enjoyable public events.
- We have expanded our CCTV Network (the Network), into areas such as Glebe Park,and make use of portable CCTV capability, vehicle protection barriers and other measures as appropriate to protect Canberrans.

Countering Violent Extremism (Chief Minister)

- Our best defence against violent extremism is maintaining a welcoming and inclusive city, where diversity is respected and celebrated.
- Unfortunately during COVID-19 we have seen an increase in racial abuse and hate speech directed towards some members of our community – this is unacceptable and goes against what the ACT stands for.
- The ACT Government recognises communities play an important role in preventing and countering violent extremism, alongside government agencies. This is a shared challenge and requires a whole-of-society approach.
- The ACT's approach is focussed on education, effective community dialogue and safeguarding those most vulnerable to the messages of violent extremists.
- The ACT Government and ACT Policing continue to work to keep Canberrans safe from all forms of violent extremism in partnership with our Commonwealth, State and Territory colleagues.
- I encourage families, friends and communities to contact authorities for help and advice if you are concerned someone may be radicalising or vulnerable to violent extremism.

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- Concerns can and should be reported to the National Security Hotline on 1800 123 400. Please visit the Living Safe Together website for more information.

Fixated Threat Capability (Minister for Police and Emergency Services)

- In the ACT Budget 2019-20, the Government announced $1.08 million over three years to establish and trial a fixated threat capability for the ACT. This capacity has been established.The ACT now has specially trained officers from ACT Policing, and mental health professionals from Canberra Health Services co-located and working closely together to assess and manage fixated individuals in the ACT. The ACT Government is also undertaking a two year review of the capability to ensure it is best practice and meets the requirements of the ACT.
- A fixated individual is a person with an unhealthy obsession or perceived grievance with another person. In many cases, a fixated individual may have undiagnosed or untreated mental health issues.
- A focus for the ACT's fixated threat capability is to reduce harm to the community by engaging (or sometimes re-engaging) fixated individuals with appropriate mental health or other community support services.
- The establishment of this capability completes the ACT's implementation of the October 2017 agreement of the Council of Australian Governments to adopt a national approach to assessing and managing fixated individuals.

Counter Terrorism (Chief Minister)

- The ACT is a successful and harmonious multicultural society. This is one of our greatest strengths against acts of terrorism and violent extremism occurring in Canberra.
- Our identity is defined by an overriding commitment to our nation, its democratic values and the rule of law, not by race, religion or ethnic background.
- The ACT supports community leaders and activities to promote our vibrant, inclusive and culturally diverse community while maintaining the rule of law and protecting human rights.
- We as a government reject those who seek to impose their world view on others through intimidation and violence.

QUESTION TIME BRIEF

- Anyone who singles out any particular group as a target for hatred plays into the hands of terrorists.
- My government is committed to ensuring the safety and security of our community. We work closely with ACT Policing and other law enforcement and intelligence agencies to combat terrorism and violent extremism.
- We cannot eliminate the risk of terrorism any more than any other serious crime. But we will do all we can to keep our community safe from those who seek to do us harm.
- Terrorism is a national issue, and we work closely with our interstate and Commonwealth partners on the national security challenges we face. We need to keep our legislation and capabilities under constant review to meet these evolving issues.
- The Australian National Security website contains information about Australia's security threat environment and terrorism in Australia.
- Concerns about national security or terrorism should be reported immediately to the National Security Hotline on 1800 123 400.
- If a situation requires a police response, call Police Operations on 131 444. If the situation is potentially life threatening, call Triple-Zero (000).

QUESTION TIME BRIEF

JACS2021/47-001-021

Portfolio: Minister for Police & Emergency Services

Attorney-General

ISSUE: CRIMINAL OUTLAW MOTORCYCLE GANG

TALKING POINTS:

- The ACT Government and ACT Policing are committed to countering serious and organised crime by criminal gangs, and maintaining public safety.
- Taskforce Nemesis is focussed on combating criminal motorcycle gang behaviour in the ACT. The taskforce often collaborates across whole-of-government to create innovative strategies to disrupt criminal gang behaviour.
- In 2016, the ACT Government provided $6.4 million over four years for the expansion of Taskforce Nemesis to target organised crime syndicates including Criminal Motorcycle Gangs. This funding included eight staff: four investigators, two intelligence officers, one Forensic Accountant and an Investigative Assistant.
- In the 2018-19 Budget, ACT Government committed a further $1.594 million over four years to bolster the capability of Taskforce Nemesis in providing funding for one Forensic Accountant, one Surveillance Team Member and associated equipment and training.
- ACT Policing will continue to ensure an appropriate police response to target and disrupt those seeking to cause harm in our community.
    - ACT Policing is also in a unique position as it can call on specialist and surge capabilities from the broader AFP to meet changing operational environments.
- In 2017, the Federal Government provided funding to combat organised crime through the National Anti-Gangs Squad (NAGS). Taskforce Nemesis has an embedded NAGS member, enabling interoperability and liaising on matters of operational and strategic importance. NAGS bring together the resources and expertise of Federal and state/territory agencies to cooperate and share information to identify, target, disrupt and deter gang-related crime.

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- ACT Policing has established a whole-of-government interagency working group, with representatives from a number of local and Commonwealth government agencies to consider all aspects of criminal gang behaviour in the ACT. The group is based on the Commonwealth NAGS model that brings a whole-of-government approach to addressing this issue.
- The confiscation of criminal assets is an effective tool to assist in the prevention and disruption of serious and organised crime and prevents the reinvestment of illegally obtained wealth into criminal activity.
- It is anticipated additional agencies will be invited to future working groups to further drive Taskforce Nemesis' ambitions to disrupt Criminal Motorcycle Gang activities.

Operational successes

Taskforce Nemesis Criminal Motorcycle Gang related figures (at 13 Jan 21)	**2018**	**2019**	**2020**
Criminal gang members charged *(person may be charged on numerous occasions)*	27	37	29
Offences charged	78	85	47
Firearms seized	20	12	9

OMCGs in Canberra

- As at January 2021:
  - There are four known Criminal Motorcycle Gangs, two of which have increasingly limited influence, operating in the ACT.
  - The total number of members associated with ACT chapters of these Criminal Motorcycle Gangs is estimated at approximately 30-40 people.
  - This is a decrease from the previously reported numbers of approximately 70 members in 2018-19 and is as a result of members being deported, imprisoned or fleeing interstate.

QUESTION TIME BRIEF

- Criminal Motorcycle Gang membership has traditionally been relatively stable, however, changes to criminal gang membership in recent years highlight a shift towards more fluid concepts of membership.
- Serious and organised crime is not limited to openly-identifiable criminal gangs and ACT Policing will continue to proactively target, prosecute and disrupt those involved in serious and organised crime in the ACT - regardless of their individual affiliations.

Background information

- While 'patch-overs' have been known to occur from time to time, large numbers of patch overs have occurred in recent years. These changes to club numbers can affect the structure and strength of a Criminal Motorcylce Gang, and has had a significant impact upon the strength and rivalry between Criminal Motorcycle Gangs in the ACT.
- Appropriate legislative frameworks are an essential component to enable police to effectively disrupt and dismantle criminal organisations. A number of legislative amendments have been made to increase the tools available to police and enhance the response capacity of police officers. Most recently, these have included legislation passed on fortifications, drive-by shootings and crime scene powers.
- ACT Policing has had additional powers available since 2017 that have enhanced its ability to respond to and prosecute criminal gang-related acts of violence after the fact.
- Recent legislative amendments to help equip ACT Policing in combating Criminal Motorcycle Gang activity has included:
    - Laws providing powers to remove fortification from dwellings;
    - Laws enabling police to establish crime scenes;
    - A tiered regime of affray offences;
    - Laws allowing police to apply to exclude individuals from working in certain industries or attending licensed premises.

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Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-021	

QUESTION TIME BRIEF

JACS2021/46-001-019

Portfolio/s: Attorney-General

ISSUE: SERIOUS AND ORGANISED CRIME RESPONSE

Criminal gangs are involved in illegal activities across Australia, including serious drug offences, fraud and property crime, vehicle rebirthing, firearms offences, money laundering, extortion and serious assaults.

TALKING POINTS

- Countering serious and organised crime and maintaining public safety is a primary focus for the ACT Government.
- Outlaw motorcycle gangs (OMCGs) have been identified as having high involvement in serious criminal activities. A February 2020 report by the Australian Institute of Criminology found that violent and profit-motivated offending is common among members of OMCGs, and that there is evidence that joining an OMCG increases a person's propensity to commit crime.
- As at 13 January 2021, there are four known OMCGs operating in the ACT, two of which have increasingly limited influence. The total number of members associated with the ACT chapters of these gangs is approximately 30-40 people. This is a decrease from previously reported numbers of approximately 70 members in 2018-2019 and is a result of members being deported, imprisoned or fleeing interstate.
- In 2020, in the ACT, 29 OMCG members were charged with a total of 47 offences. In this period, 9 firearms were seized.

Key Taskforce Nemesis figures (Criminal Motorcycle Gang related figures)	**2018**	**2019**	**2020**
Criminal gang members charged**	27	37	29
Offences charged	78	85	47
Firearms seized	20	12	9

*A person may be charged more than once in a year

Cleared as complete and accurate:	17/03/2021	
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TRIM Ref:	JACS2021/46-001-019	

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QUESTION TIME BRIEF

- The ACT Government is strongly committed to targeting, disrupting, and prosecuting organised criminal gang members and ensuring the safety of all Canberrans.
- ACT Policing's Taskforce Nemesis continues to focus on operational and investigative responses to criminal gang activity. Through the Taskforce, ACT Policing continues to proactively disrupt criminal gang members to deter and detect criminal activity. The Government has provided continued investment to ensure that ACT Policing has the resources it needs to combat criminal gangs in the ACT.
- In the 2018-19 Budget, $1.6 million over four years was provided to Taskforce Nemesis. These resources fund two specialist officers – a forensic accountant and surveillance team member – to bolster the ability of the taskforce to combat organised crime, strip criminal wealth and improve surveillance capability to monitor the activity of criminal gangs.
- The 2019-20 Budget delivered a further $2.8 million over four years to the ACT Director of Public Prosecutions to assist with efforts to combat serious and organised crime including to strip criminals of their criminal profits.
- During the 2019-20 financial year, almost $1.5 million was forfeited to the Territory under the *Confiscation of Criminal Assets Act 2003*. These funds came from the seizure of cash, 16 motor vehicles and 6 real estate properties and mostly involved offenders convicted of serious drug offences. The funds will be used by the ACT Government to fund projects related to criminal justice activities, crime prevention and assistance to victims of crime.

<u>Recent legislative reform</u>

- The *Confiscation of Criminal Assets (Unexplained Wealth) Amendment Act 2020* commenced on 29 August 2020. The Act introduces an ACT-specific unexplained wealth scheme to more effectively prevent and investigate organised crime and target the criminal profits of organised crime groups.

- The new scheme complements existing confiscation of criminal assets laws in the ACT. The new unexplained wealth scheme allows the police and Director of Public Prosecutions (DPP) to intervene when there is a suspicion that part of a person's wealth was not lawfully acquired. The court must make an unexplained wealth order if it is satisfied that there are reasonable grounds to suspect that a person's total wealth exceeds the value of the person's wealth that was lawfully acquired and that the whole or any part of the person's wealth was derived from serious criminal activity.
- The unexplained wealth scheme allows ACT Policing and the DPP to more effectively target those involved in drug trafficking or other serious organised criminal activity and those masterminding or directing criminal activity at arms-length.
- The Commonwealth *Unexplained Wealth Legislation Amendment Act 2018* passed Parliament on 19 September 2018. The Act extends Commonwealth unexplained wealth orders to certain ACT offences.
- The *Crimes (Disrupting Criminal Gangs) Legislation Amendment Act 2019*, which was passed in November 2019, introduced a range of measures to improve public order and safety in the Territory including:
    - New tiered offences of serious affray;
    - Increased penalties for offences of fighting (section 391 of the *Crimes Act 1900*) and offensive behaviour (section 392 of the *Crimes Act 1900*);
    - Increased maximum penalties for specified offences committed in connection with a criminal group or by a person associated with a criminal group;
    - A civil exclusion order scheme under the *Liquor Act 2010* that allows the Chief Police Officer to apply to the court for an order to prohibit a certain person from entering or remaining on licensed premises for a stated period; and
    - A licence cancellation scheme under the *Liquor Act 2010* and the *Construction Occupations (Licensing) Act 2004* that allows the Chief Police Officer to make an application for the cancellation of a person's licence on the basis of their criminal activity.

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TRIM Ref:	JACS2021/46-001-019	

- These measures address serious public safety concerns about the risk to community safety posed by organised crime.
- The *Crimes (Fortification Removal) Amendment Act 2017* commenced on 1 September 2018. The Act introduced provisions that allow the Chief Police Officer to apply to the Magistrates Court for an order that an occupier remove fortifications from their premises. The Act also introduces provisions which prohibit the establishment of fortifications on certain premises.
- These laws work to make the ACT a hostile environment for criminal gangs by preventing the establishment of fortified premises such as criminal gang club houses.
- The *Crimes (Police Powers and Firearms Offence) Amendment Act 2017* commenced on 8 December 2017. The Act introduced statutory crime scene powers to allow police officers to preserve evidence in a timely manner at crime scenes in both public and private places while taking the least restrictive approach to limiting a person's right to privacy.
- The Act also creates a new offence of 'drive by shooting' which deals with people shooting at a building, including a home, whether from a car or otherwise. The offence is punishable by a maximum of 10 years imprisonment.

Background

A review of the effectiveness of ACT policing powers to target, disrupt, investigate and prosecute criminal gang members in conjunction with a statutory review of the ACT crime scene powers was undertaken by Dr Terry Goldsworthy of Bond University in late 2019. The Report on this review was tabled in the Assembly on 20 February 2020. The Report highlights that the ACT Government has successfully implemented legislative responses to combat serious and organised crime to date, and that these legislative tools are effective and proportionate. The Report does not indicate a need for further significant legislative reform, other than an ACT-specific unexplained wealth scheme which has now been introduced.

QUESTION TIME BRIEF

JACS2021/46-001-024

Portfolio: Police & Emergency Services

ISSUE: ASSAULTS ON POLICE AND FRONTLINE COMMUNITY SERVICE PROVIDERS

Talking points:

- Police and frontline community service providers are regularly exposed to a risk of assault and injury as an unfortunate reality of their jobs.
- Assaults on police and emergency services personnel warrant a strong response from Government.
- The *Crimes (Protection of Frontline Community Service Providers) Amendment Act 2020* commenced on 10 June 2020. The Act created a new offence specifically for assaults against frontline workers including:
    - Police officers;
    - Protective service officers and special protective service officers;
    - Corrections workers;
    - Paramedics;
    - Firefighters and volunteer firefighters; and
    - Emergency services employees and volunteers.
- This new standalone offence sends a clear message that violence against workers providing critical frontline services will not be tolerated.
- Previously, offenders have been charged with common assault when an assault has been committed against a frontline worker. The new standalone offence will improve accountability by ensuring that the true nature and seriousness of the crime is described on a criminal record.
- The Amendment Act also created new offences for driving at police and ramming police vehicles to send a clear signal that those who engage in this dangerous behaviour will be held to account.
- Emergency first responders are required to step forward to face risks that others are expected to step away from, and it is appropriate for the law to specifically reflect this and support them.

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TRIM Ref:	JACS2021/46-001-024	

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- The Government is also committed to ensuring a safe and healthy work environment through policies, procedures, and strategies to mitigate the risk of assault and injury. This includes training all of our emergency services personnel, to assist in identifying and managing potentially high risk situations.

Key Information

Background information

Prior to the passage of the *Crimes (Protection of Frontline Community Service Providers) Amendment Bill 2020*, there were no specific ACT offences for assaulting police or emergency service workers while executing their duties.

All other jurisdictions in Australia have introduced specific offence provisions for assaulting police.

Between 30 June 2011 and 16 March 2020, ACT Policing recorded 374 instances of assaults upon police.

The Queensland Sentencing Advisory Council recently conducted a review of penalties for assaults on police and other emergency service workers, corrective services officers and other public officers. Terms of Reference were issued by the Queensland Attorney-General and Minister for Justice, the Honourable Yvette D'Ath MP in early December 2019. The Council publicly released the Final Report on 1 October 2020 (https://www.sentencingcouncil.qld.gov.au/__data/assets/pdf_file/0004/657742/final-report-assault-public-officers.pdf).

QUESTION TIME BRIEF

JACS2021/47-001-023

Portfolios: Attorney-General

Police & Emergency Services

ISSUE: PROPERTY CRIME (Strategy, Outsmart the Offender Campaign and rates)

Talking points:

- The final progress report on the *Property Crime Prevention Strategy 2016-2020* was tabled in the Legislative Assembly on 3 December 2020.
- The *Property Crime Prevention Strategy 2016-20* saw good results, with overall property crime rates reducing over the life of the strategy.
- The report shows that the ACT continues to be one of the safest places to live in Australia.
- The number of property offences in the ACT decreased over the four years of the Strategy. In 2019-20 there were 17,737 recorded property offences, which is 3,933 less than four years ago in 2015-16.
- However, to keep property crime rates down we must not become complacent, there is still work to be done.
- While consideration regarding a new statergy is underway, a number of important activities are continuing to ensure a whole of government focus on property crime is maintained. For example:
    - The *Outsmart the Offender* campaign will continue to raise awareness about how the community can take steps to reduce the likelihood of becoming a victim of crime – including campaigns focusing on protecting your home, vehicle, bike and other property.
    - The *SafeHome* program will continue to improve home security for households in the ACT that are vulnerable to property crime.
    - The *Strong Connected Neighbourhoods* program will continue to run along Ainslie Ave and expand into Illawarra Court to prevent or reduce opportunities for crime, and promote community safety

Cleared as complete and accurate:	19/03/2021	
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and security, to develop pro-social and law abiding community engagement.

ACT Policing focus on property crime

- ACT Policing continues to develop and implement strategies to target recidivist property crime offenders, including the establishment of the Community Policing Proactive Intervention and Disruption Team in October 2020.
- This team will continue the focus on reducing recidivism and calls for service, and will be aligned to the Reducing Recidivism by 25 per cent by 2025 Plan (RR25BY25) and use a whole-of-Government approach.
- ACT Policing's Community Intelligence Team analyses a variety of information sources (incidents, information reports, human source management team etc.) to identify patterns, convergences and prioritisation to maximise crime reduction opportunities and increase community safety.
- ACT Policing has also continued to target persons involved in recidivist criminal activity through intelligence-led policing. This has enabled core groups to be identified as being directly involved in the theft of motor vehicles and has provided police with opportunities to detect, disrupt and prosecute persons involved in the commission of such offences.

Outsmart the Offender campaign

- The *Outsmart the Offender* campaign is a joint ACT Government and ACT Policing initiative, in partnership with Neighbourhood Watch and Crimestoppers, aimed at raising awareness about what individuals can do to reduce the likelihood of becoming a victim to property crime.
- The campaign has been developed with longevity in mind, and will continue to be rolled out in 2021, with the final installation targeting tradie tool theft to be launched in the coming months.
- The key messages of the campaign are based on what ACT Policing have told us about the tactics offenders are using to steal cars and our valuables, and break into our homes and businesses.

QUESTION TIME BRIEF

- Ideally people wouldn't need to worry about becoming a victim of property crime, and our police officers do a great job at keeping Canberra safe, tracking down and arresting offenders.
- However, we all have a role to play and can take steps to safeguard our homes, businesses, cars and personal property.
- The campaign targets important areas of prevention, including:
    - *Lock and hide to protect your ride* – targeting motor vehicle theft and theft from vehicles
    - *Keep out a break-in* – targeting home burglary
    - *Lock up, cover up* – targeting theft from apartments
    - *Lock it or lose it* – targeting bicycle theft
    - *Keep burglars out of your business* – targeting theft from small businesses.
- Since the launch of the campaign in late 2019, ACT Policing have seen some great results in social media engagement on the *Outsmart the Offender* campaign topics, which have been traditionally difficult to engage people on:
    - *Lock and hide to protect your ride* - has reached over 105,000 on Facebook with total engagement sitting around 3,500
    - *Keep out a break-in* – has reached over 120,000 people on Facebook and over 21,000 on Twitter, with engagement across the two platforms sitting around 7,800
    - Engagement across the other areas for key messages is also high, sitting at a reach between 70,000 and 100,000 people on each campaign topic.

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QUESTION TIME BRIEF

Background Information

Property Crime Rates

Offence Type	2018-19 FY	2019-20 FY	Financial YTD 01/07/2020 – 31/12/2020
Total Robbery	209	223	67
Armed Robbery	*104*	*103*	*22*
Unarmed Robbery	*105*	*120*	*45*
Total Burglary	2627	2292	989
Burglary dwellings	*1659*	*1363*	*615*
Burglary shops	*419*	*370*	*147*
Burglary other	*549*	*559*	*227*
Motor Vehicle Theft	1234	1262	658
Theft (excl motor vehicle theft)	8732	8109	3381
Property damage	4954	4175	1894
Other offences against property*	2198	1464	827
TOTAL	**19954**	**17525**	**7816**

*Other offences against property include fraud, traffic, drug and weapon offences and other offences not classified elsewhere

Source: PROMIS as of January 27, 2021

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QUESTION TIME BRIEF

Further Background Information

ACT Policing reported the following property crime offences in its 2019-20 Annual Report:

TABLE 4.2: OFFENCES AGAINST PROPERTY BY OFFENCE TYPE — FINANCIAL YEAR COMPARISON

Offence type	2018–19	2019–20	Change (%)
Robbery	209	223	6.7%
Armed robbery	104	103	-1.0%
Unarmed robbery	105	120	14.3%
Burglary	2627	2292	-12.8%
Burglary dwellings	1659	1363	-17.8%
Burglary shops	419	370	-11.7%
Burglary other	549	559	1.8%
Motor Vehicle Theft	1234	1262	2.3%
Theft (excl motor vehicle theft)	8732	8109	-7.1%
Property damage	4954	4175	-15.7%
Other offences against property*	2198	1464	-33.4%
Total	**19,954**	**17,525**	**-12.2%**

Source: PROMIS as at 2 July 2020

*Other offences against property include fraud, traffic, drug and weapon offences and other offences not elsewhere classified

Under the Property Crime Prevention Strategy 2016-20, four of the five targets were achieved:

- The ACT was below the national rate of 683 victims of unlawful entry with intent per 100,000 population, with an ACT rate of 613 in 2019.
- The year on year increase in the 'other' theft rate has been stopped. The ACT recorded 139 per 100,000 population in 2019-20, 82 less than in 2015-16.
- There were small increases in property damage in 2016-17 and 2018-19, however in 2019-20 the rate of property damage was 94 per 100,000 population, 31 less than 2015-16.
- The bicycle theft rate has remained steady at 17 thefts per 100,000 population.
- The main challenge for the ACT in relation to property crime continues to be motor vehicle theft. The target to date has not been achieved, with the ACT remaining above the national rate and seeing a 2.3% increase from 2018-19 to 2019-20.

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QUESTION TIME BRIEF

JACS2021/46-001-027

Portfolio/s: Attorney-General

ISSUE: STRONG CONNECTED NEIGHBOURHOODS

Talking points:

- The *Strong Connected Neighbourhood* program is one of the ACT Government's targeted place-based Justice Reinvestment initiatives. It commenced in 2008, as a service facilitation initiative, and continues to support the local community today.
- In the 2018-19 Budget Review, the ACT Government committed over $500,000 annually to sustain and expand the program which currently operates on Ainslie Avenue, to also provide support services to Illawarra Court in Belconnen on an ongoing basis.
- This multi-agency initiative includes the Justice and Community Safety Directorate, Housing ACT, ACT Health, ACT Policing.
- The program targets support to high and complex needs residents including:
  - socially disengaged or isolated people
  - Aboriginal and Torres Strait Islander peoples
  - women (including mothers), children and youth, and
  - residents who have had contact with or are at risk of becoming involved in the criminal justice system.
- The program as it is being delivered today, has the objectives of:
  a. preventing or reducing opportunities for crime
  b. promoting community safety
  c. developing pro-social and law-abiding community engagement, and
  d. facilitating access to services that are related to justice, health, mental health, education and employment.
- The 2018 evaluation of the program by the Australian Institute of Criminology (AIC),[1] reported that it met its objectives by:

[1] https://aic.gov.au/publications/rr/rr6

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- reducing violent crime by 50 per cent
- reducing property crime by 60 per cent
- reducing disturbance incidents by 49 per cent
- increasing levels of social cohesion among residents at public housing sites across Ainslie Avenue, and
- providing a realised saving to government (of police time alone) through reduced crimes of at least $0.42 to $0.51 for every $1 invested.

- Reclink Australia is currently funded to deliver the program through a range of structured and informal programs, to promote and deliver health, social and economic benefits to the residents of these public housing sites. This can include activities, where it is COVID-safe to undertake them, such as building and maintaining community gardens, neighbourhood chats and a monthly Run, Roll or Walk event at Lake Burley Griffin.
- The value of the program has also been recognised nationally (in 2013), with a National Crime and Violence Prevention Safety Award through the Australian Institute of Criminology.

Impact of COVID-19 (Ainslie Ave)

- In 2020, the *Strong Connected Neighbourhoods* program was modified to respond to the COVID-19 pandemic. Neighbourhood Chat and garden programs were run from Kanangra Court for all residents in the Ainslie Ave precinct.
- With the easing of restrictions the program will re-commence in all Ainslie Ave sites in 2021.

Illawarra Court (Belconnen)

- Reclink has commenced engagement with tenants residing at Illawarra Court, on the expansion of the program to Illawarra Court in Belconnen on an ongoing basis.
- Work is underway, with Housing ACT to set up a community room and shipping container workshop, to be a hub for programs and support services.

- Some delays to formal programs running have been experienced, largely due to complications surrounding setting up secure facilities to work from.
- Formal programs are expected to recommence in the coming months.

Background Information

- A new CEO was appointed to Reclink at the end of 2020 and JACS is engaging in discussions with the Reclink to improve reporting, program delivery and to address the delays to commencing program formal delivery at Illawarra Court, including the installation of the shipping container at that site.
- In 2018-19 Budget funding was provided to expand the program to Illawarra Court, Belconnen considering the recommendations provided by Australian Institute of Criminology (AIC) in its recent evaluation.
- The 2018-19 midyear Budget provided the program recurrent funding and changed the name of the program to '*Strong Connected Neighbourhoods*' to reflect the key outcomes sought and achieved by the program.
- There has been positive media coverage on ABC radio and in *The Canberra Times* about the program and its successes over the last 10 years. Three examples in mid-2019 and mid-2020 are:

  https://www.abc.net.au/news/2020-08-23/inside-canberras-kanangra-court-and-the-impact-of-reclink/12580084

  https://www.canberratimes.com.au/story/6118437/program-is-a-proactive-way-to-cut-crime-in-canberra/

  https://www.canberratimes.com.au/story/6111795/canberras-new-community-guardian-is-already-saving-lives/digital-subscription/

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QUESTION TIME BRIEF

JACS2021/46-001-025

Portfolio: Attorney-General

ISSUE: 2019-2028 ACT ABORIGINAL AND TORRES STRAIT ISLANDER AGREEMENT/JUSTICE ACTION PLAN

Talking points:

- The Whole of Government *ACT Aboriginal and Torres Strait Islander Agreement 2019-2028* represents a commitment by the ACT Government to recognise self-determination as a key platform to progress initiatives that are important to Aboriginal and Torres Strait Islander people.
- The Agreement enables Aboriginal and Torres Strait Islander peoples to exercise self-determination and to be able to contribute solutions to challenging and complex issues in our local community.
- The Agreement is a 10 year plan that sets the direction in Aboriginal and Torres Strait Islander affairs to ensure all stakeholders work together to deliver equitable outcomes for Aboriginal and Torres Strait Islander peoples in the ACT.

Justice Action Plan

- Under the terms of the Agreement, Directorates, including the Justice and Community Safety Directorate, have developed Action Plans with reportable actions aligned with the specific focus areas.
- The Justice Action Plan contains 10 Core Focus Areas and 20 'measures'.
- Key targets under the Justice Action Plan are to:
  - reduce the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system;
  - increase the number of staff undertaking cultural competency training;
  - increase procurement from Aboriginal and Torres Strait Islander community organisations.
- Implementation of the Justice Action Plan, under the Agreement, is well underway.

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- The Aboriginal and Torres Strait Islander Justice Caucus supports the implementation of the Justice Action Plan in a monitoring and oversight role.
- Progress against the Action Plan was addressed in the October 2020 release of the Elected Body Hearings Report.
- Noting that COVID–19 restrictions have resulted in some impediments for the Justice and Community Safety Directorate in implementing measures under the Justice Action Plan, the Directorate, like all other Directorates, is now reviewing the Report from the Elected Body and recent impediments and is pushing for accelerated progress on cross-Directorate initiatives and renewed action through the Justice Action Plan.
- Work has been undertaken for the audit and acquittal process which has informed the development of a Phase One (extension) Plan and accelerated progress efforts against the Agreement.
- The Caucus provides an opportunity for Aboriginal and Torres Strait Islander people to discuss issues related to the Justice Action Plan and to support shared ownership by the local community of the ongoing development of the Agreement.

NEW Productivity Commission Report 'Overcoming Indigenous Disadvantage report' released 3rd December 2020

- This report measures the wellbeing of Aboriginal and Torres Strait Islander people, providing a comprehensive report card that measures 52 indicators across a range of areas.
- There are essentially no new issues for justice agencies raised by the report.
- The lack of improvement and disproportionate rates of adult imprisonment for Aboriginal and Torres Strait Islander people across all jurisdictions are well documented and remain an area of focus for the ACT Government, and Justice and Community Safety Directorate through current consultation on the Overrepresentation of Aboriginal and Torres Strait Islanders in incarceration.

QUESTION TIME BRIEF

- The new justice target from the 2020 National Agreement on Closing the Gap has informed the development of the draft Outcomes Framework for the *ACT Aboriginal and Torres Strait Islander Agreement*, which is to be finalised early in 2021. This will guide future implementation and iterations of the Justice Action Plan.
- The report findings on common characteristics of successful approaches for improving outcomes for Aboriginal and Torres Strait Islander peoples, including connection to culture, are relevant to the design of emerging programs in Justice and beyond. New Justice programs are currently in development to commence in 2021 that are consistent with the principles inherent in the report findings.

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QUESTION TIME BRIEF

Key Information

- The Justice Action Plan was developed in 2018 by a Steering Committee with Aboriginal and Torres Strait Islander representatives from across the Directorate and portfolio, including with:
    - JACS - ACT Corrective Services (ACTCS)
    - JACS - ACT Courts and Tribunals (ACTCT)
    - JACS - ACT Policing (ACTP)
    - CSD – Children and Young People Services (CYPS)
    - CSD – Victim Support ACT
- The Steering Committee focused on identifying specific, measurable, achievable and relevant targets aimed at improving service outcomes for the ACT Aboriginal and Torres Strait Islander community.
- The Justice Caucus which acts as a critical input to the Justice Action Plan met on 15 February 2021 and is scheduled to meet again later this year in May, July, and October.
- Processes are underway to re-establish the Justice Advisory Group as the second level of governance and reporting to the Inter-Departmental Committee.

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QUESTION TIME BRIEF

JACS2021/46-001-016

Portfolio: Attorney-General

ISSUE: RESTORATIVE JUSTICE

Talking points:

- Since January 2005 the ACT Government's world class Restorative Justice scheme has given people most affected by a crime - the victim, their family and friends - the opportunity to meet with an offender to discuss the harm caused, and work together to determine what needs to be done to repair that harm.
- Restorative Justice is an expression of 'restorative practice' which promotes values of respect, fairness, inclusiveness and empowerment through participation.
- Restorative Justice is a voluntary and respectful process that provides those harmed with an opportunity to talk about how the offence has affected them and others close to them. It provides a forum for offenders to accept responsibility for their actions and to actively contribute to make amends.
- Expert evidence has shown that Restorative Justice participants are less likely to reoffend or to reoffend as often as non-participants. Evidence also shows a positive reduction in the risk of recidivism for Restorative Justice participants and a reduction in the experience of trauma.
- Since Phase Three of the Restorative Justice Scheme commenced on 1 November 2018, victims of *any* offence (ACT Legislation), including family violence and or sexual offences, have been able to access restorative justice.
- This completes the rollout of the ACT's Restorative Justice scheme as it was originally envisioned by the Restorative Justice Sub-Committee of the ACT Sentencing Review Committee in 2003.
- The ACT Restorative Justice Scheme is a victim-centred response which prioritises the safety and interests of people who have been impacted by crime. Participants and processes are carefully assessed by convenors in order to facilitate a restorative process which addresses the unique

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needs of all eligible participants. Restorative conferencing can only proceed if it is safe to do so and meets the needs of the victim of crime.

- In family violence and sexual offence referrals, professional supporters are able to assist participants to be emotionally and psychologically prepared for the RJ process.
- Local support agencies such as Everyman Australia, Victim Support ACT, Family Tree House, ACT Together and the Women's Health Centre help prepare victims and offenders to participate in restorative justice conferences in ways that are safe and satisfying for participants.
- Participants in restorative justice are asked, through a survey administered by an independent agency, to provide feedback on the experience and their satisfaction with the process.
- The current satisfaction rate to end 2020 is 99%. This includes satisfaction with family violence and sexual offence matters.

Impact of COVID-19

- COVID-19 disruptions significantly impacted the delivery of the Restorative Justice Scheme.
- The office of the Restorative Justice Unit (RJU) in the Justice and Community Safety Directorate remains open with up to six staff attending on rostered days to ensure coverage for services. The remainder of the staff are working from home but attend the office as required.
- A Workplace Health and Safety Risk Assessment Plan is in place, and all staff adhere to COVID-19 safety requirements. Convenors utilise a combination of face to face and indirect methods of contact with clients to engage in assessment and preparation for conferencing. Face to face client contact occurs where a COVID-19 specific safety assessment has appropriately addressed any health risk factors.
- In 2019-20, overall referrals dropped by 20% from 2018-19 and overall conferences dropped by 13%. The six months to end 2020 has seen referrals at sustained lower levels.

QUESTION TIME BRIEF

Background information

- Between 2005 and 2016, the Restorative Justice Scheme involved only referrals for young people and less serious offences.
- However, in late February 2016, the scheme moved into a Phase two rollout and the Restorative Justice Unit (RJU) began accepting referrals for adult offenders and serious offences for adults and young people.
- From 1 November 2018, Phase three commenced allowing any person who has been impacted by any category of offence, including where an offence has resulted in the death of a victim, to seek a referral to restorative justice at the appropriate point in the system. (Note: this does not include Commonwealth offences).
- The *Crimes (Restorative Justice) Sexual and Family Violence Offences Guideline 2018*, is a disallowable instrument which outlines the application of Restorative Justice for sexual and family violence offences for victims, offenders, the criminal justice system and the community.
- The dedicated Restorative Justice team, including two Aboriginal and Torres Strait Islander officers working as a convenor and a guidance partner, work to promote confidence in the Restorative Justice process within the local community, cultural competence and safety.

Comparing referral statistics

- In 2019-20 (financial year), the RJU received 212 referrals compared to 2018-19 (financial year) when the RJU received a total of 264. These statistics show a 20% drop in referrals.
- In comparing half-year statistics, from June to December 2020 to June to December 2019 a drop in referrals of 35% is evident. That is, 84 referrals involving 114 victims and 90 offenders and 155 offences were received from June to December 2020. From June to December 2019, 131 referrals were received comprising 22 victims and 143 offenders and 306 offences.

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QUESTION TIME BRIEF

Referrals by financial year

	2018-19	2019-20	Difference
Referrals	264	212	-20%
Victims	439	357	-19%
Offenders	294	234	-20%
Offences	594	491	-17%

Referrals by half-year in 2019-20

	June to December 2019	June to December 2020	Difference
Referrals	131	84	-35%
Victims	222	114	-49%
Offenders	143	90	-37%
Offences	306	155	-49%

- In 2019-20 (financial year), unsurprisingly, there was a 13% drop in conferences completed, with a larger percentage of indirect conferences held – due to COVID-19 restrictions. In 2019/20 the RJU managed 72 conferences to completion compared with 83 conferences for the previous financial year.
- Comparing half year statistics to assess for ongoing COVID-19 disruption effect, 51 conferences were held during the period of June to December 2019 (pre COVID) whereas 25 conferences were held in the same period for 2020, a drop of 51%.

Restorative justice conferences by financial year

	2018-19	2019-20	Difference
Conferences	83	72	-13%
Face to face	56	45	-20%

Indirect	27	27	even

Restorative justice conferences by half year in 2019-20

	June to December 2019	**June to December 2020**	**Difference**
Conferences	51	25	-51%
Face to face	36	12	-67%
Indirect	15	13	-13%

Aboriginal and Torres Strait Islander impacts

- The COVID-19 related reduction in face to face client contact has also impacted on Aboriginal and Torres Strait Islander clients.
- 48 Aboriginal and/or Torres Strait Islander people were included in referrals in 2019-20 (financial year). These referrals were predominantly from ACT Policing (19 young people and two adults), the Magistrates Court (13) and the Galambany Court (11).
- In 2018-19 (financial year), 52 Aboriginal and/or Torres Strait Islander people were included in referrals, including from ACT Policing (13 young people and three adults); the Magistrates Court (10) and the Galambany Court (20).
- This reduction in referrals has continued in the last six months to end 2020, for example the RJU received no referrals from the Galambany Court during this period (see table below under heading 'Referring entity activity').
- Only two (6%) of Aboriginal and/or Torres Strait Islanders referred to RJU participated in conferences for 2019-20 (financial year) compared with eight (21%) in 2018-19 (financial year).
- In response, the RJU is in the process of reviewing all procedures and practices in relation to referrals involving Aboriginal and Torres Strait Islander participants to consider ways to lift participation.

Referrals including Aboriginal and Torres Strait Islander people

Aboriginal and/or Torres Strait Islander people	**2018-19**	**2019-20**
Total referrals	52	48
ACT Policing	16	21
ACT Magistrates Court	10	13
Childrens Court	4	
Galambany Court	20	11
Supreme Court	2	2
ACT Corrective Services		1

Referring entity activity

- ACT Policing were the highest referring entity in 2019-20 (financial year), with 110 referrals involving 101 young people and 31 adults. However, this was down by 15% compared with ACT Policing referrals in 2018-19 (financial year), when 129 referrals were received involving 118 young people and 37 adults.
- The ACT Magistrates Court was the second highest referring entity with 55 referrals. This was down 30% compared with 2018-19 (financial year), when 79 referrals were received.
- Referrals from all Courts were reduced in 2019-20 (financial year) compared to 2018-19 (financial year).
- A review of half-year statistics reveals that ACT Policing and the Magistrates Court remain the highest referring entities and that the numbers of referrals have decreased in the period from June to December 2020 by between 25 to 33% due to COVID-19.

QUESTION TIME BRIEF

Referring entity activity by financial year

Referring entity	2018-19	2019-20
ACT Policing	129	110
ACT Magistrates Court	79	55
Childrens Court	22	17
Galambany Court	20	11
Supreme Court	11	10
Drug and Alcohol Court	-	2
ACT Corrective Services	-	5
Child and Youth Protective Services	-	2

Referring entity activity by half-year in 2019-20

Referring entity	June to December 2019	June to December 2020
ACT Policing	62	43
ACT Magistrates Court	44	33
Childrens Court	5	7
Galambany Court	9	0
Supreme Court	7	4
Drug and Alcohol Court	-	1
ACT Corrective Services	3	2
Child and Youth Protective Services	1	0

Reporting of statistics for family violence and sexual offences

Family Violence referrals

- Family violence and sexual offence matters are often complex and sensitive. Power imbalances can be significant and the impacts of offending can be traumatic for primary and secondary victims. For these reasons many such offences are assessed as not suitable to proceed to conference.

- Despite a potential increase in family violence during COVID-19, referrals for these matters dropped by 19% in 2019-20 (financial year)compared to 2018-19 (financial year).
- In 2019-20 (financial year), 39 referrals involved family violence offences. Fourteen offences involved 'intimate partner violence' (11 being a current partner and three involving ex partners).
- In 2018-19 (financial year), 48 referrals involved family violence offences.
- In 2019-20 (financial year), nine (23%) family violence related referrals were managed to completion of conference. Eight conferences were conducted face to face and one was completed using indirect facilitation.
- For matters not proceeding to conference, victims and offenders are linked into support services and appropriate time is spent with victims who frequently report feeling validated and heard, despite a conference not occurring.
- Compliance figures for family violence related conference agreements include matters that were referred in the previous financial year. Seven young people either complied with their formal Restorative Justice agreements (three) or their participation in the conference itself fulfilled the needs of the person harmed (four). Four adults either complied with their formal Restorative Justice agreements (three) or their participation satisfied the needs of the person harmed (one).

<u>Referrals for sexual offences</u>

- In 2019-20 (financial year), five referrals involved a sexual offence, of which three related to a family member and two were non-familial. Five referrals were also received in 2018-19 (financial year).
- In 2019-20 (financial year), two conferences were managed to completion, both involved non-familial circumstances. In one case the conference itself satisfied the needs of the victim and no formal Restorative Justice Agreement was necessary. The other conference resulted in a formal Restorative Justice Agreement which is still being monitored for compliance. (NB: conferences may not be concluded the same year that they are referred).

QUESTION TIME BRIEF

JACS2021/46-001-013

Portfolio: Attorney-General

ISSUE: REDUCING RECIDIVISM THROUGH BUILDING COMMUNITIES NOT PRISONS

Talking points:

- Since 2018, the ACT Government has committed to Building Communities Not Prisons (BCNP), by engaging in a broad Justice Reinvestment approach.
- Key pillars of the ACT Government's BCNP initiative include:
    1. reducing the over-representation of Aboriginal and Torres Strait Islander people in custody;
    2. responding to justice housing needs;
    3. supporting people who are in contact with the justice system with substance use disorders;
    4. supporting people living with a mental illness or disability who are in contact with the justice system;
    5. supporting detainee reintegration;
    6. developing community capacity; and
    7. responding to the needs of women in the justice system.
- These pillars are critical to meeting the ACT Government's 2020 target to reduce recidivism rates in the ACT by 25% by 2025 (RR25BY25). By addressing factors such as inadequate housing, drug and alcohol dependence, poor mental health and social isolation, these pillars focus on the underlying causes of repeat offending. The ACT Government is pursuing a range of targeted initiatives, interventions and programs under each pillar.
- Addressing these underlying causal issues will also be critical in achieving parity in the incarceration rates between Aboriginal and Torres Strait Islander and non-Indigenous Canberrans by 2030.
- To achieve these ambitious goals, the ACT Government must collaborate closely across justice and human service systems and with the local community, particularly Aboriginal and Torres Strait Islander community members.

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QUESTION TIME BRIEF

Justice Reinvestment

- Justice Reinvestment is about developing a smarter, more cost-effective approach to improving criminal justice outcomes by reducing crime and diverting offenders, and those at risk of becoming offenders, from the criminal justice system. It can help keep families together and build a safer, more secure ACT community.
- The ACT Government provided an initial $14.6 million in funding for new and expanded community programs as part of the 2018-19 ACT Budget Review. This funding included:
    1. a family-centric model of support for Aboriginal and Torres Strait Islander families in contact with the justice system;
    2. a bail accommodation transition support service;
    3. sustaining and expanding an 'on-the-ground' service support model to public housing residents;
    4. support for victims of crime.
- A further $70.9 million was allocated in the 2019-20 ACT Budget to bring together strengths-based supports and inclusive pathways that lead to better life outcomes for people in and out of prison. This includes:
    1. providing more supported housing for better justice outcomes, particularly for women and Aboriginal and Torres Strait Islander detainees;
    2. expanding the ACT Bail Support Programs to support accused people to comply with bail to keep them and the community safe;
    3. improving rehabilitation options for detainees at the Alexander Maconochie Centre, including through a purpose built Reintegration Centre that will support detainees transitioning back to the community; and
    4. boosting staff capacity at the Alexander Maconochie Centre to strengthen our focus on rehabilitation.

Reducing Recidivism

- The RR25by25 Plan (the Plan) expands on the ACT's commitment to Build Communities Not Prisons (BCNP).

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- A key component of the RR25by25 Plan is a Reducing Recidivism Research Collaboration with the Australian National University (ANU) to examine and evaluate the impact of initiatives and how the ACT is tracking against targets related to RR25BY25. The Research Collaboration with the ANU was signed in August 2020.
- The Research Collaboration is overseen by an Advisory Committee with representatives from the ACT Government and the ANU Centre for Social Research and Methods (CSRM). The Advisory Committee informs and directs the Research Collaboration and makes recommendations to the Director-General of the Justice and Community Safety Directorate on research and evaluation-based initiatives.
- The RR25BY25 Plan is also driven forward by the Reducing Recidivism Advisory Group, which consists of a cross-section of stakeholders from government, academia and the community.
- An Executive Coordination Group and Human Services Cluster Inter-Directorate Committee provides high-level oversight from key government senior executives.
- The ACT's Justice Reinvestment approach marks some of the most ambitious justice work underway in Australia.

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Background Information

Building Communities Not Prisons (BCNP)

- The overall aim of BCNP is to deliver a range of initiatives that are designed to reduce reoffending, reduce the prison population as appropriate, improve the lives of offenders and their families, and improve community safety.
- The BCNP package focuses on areas including housing, alcohol and other drug services, mental health and disability, as well as family and other group services for Aboriginal and Torres Strait Islander peoples.
- Initiatives are intersecting and overlapping with initiatives that address key opportunities in the human services system to reduce recidivism and incarceration, and align with the ACT Government's strategic priorities.
- BCNP aims to:
    1. reduce trauma and costs for victims and their families associated with crime and related costs for government and the broader community
    2. reduce overcrowding at the Alexander Maconochie Centre (AMC)
    3. use restorative, cultural and evidence informed approaches that transform people's contact with the justice system, particularly prison
    4. address a number of the recommendations of the Australian Law Reform Commission Report *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*
    5. reinvest funds from the criminal justice system that might be otherwise used for detaining people in a correctional centre, into homes and community supports, making the ACT a safer and more inclusive city.

The ACT's recidivism rate

- Recidivism is a critical measure of the BCNP in initiative. While measuring the rate at which adult offenders return to custody is an important indicator, which is reported on annually by the Australian Government Productivity Commission, there are several other indicators that are important for measuring the success of the ACT's recidivism reduction priority.
- In 2018-19, the percentage of adults released from detention who were re-sentenced and returned to prison within two years fell by 1.8% (42.4%) as compared to 2017-18 (44.2%) .
- Of note, the recidivism rate for offenders in 2025 will not be measurable until 2026/27. Achieving the target measurement of a reduction in the recidivism rate by 2025 would mean a reduction of the recidivism rate from 42.4% to 31.7%; a reduction of 146 detainees returning to custody.

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- The recidivism rate for those who have been released from prison and have returned to corrective services (prison or community corrections) is 71.3% in 2018-19 up 1.4% from 69.9% in 2017-18.
- The recidivism rate for ex-offenders returning to corrective services is 19.1% in 2018-19 – this is up 2.3% from 16.8% in 2017-18.
- However, these headline figures are a crude indicator for measuring success, as they do not show slowing in reductions in otherwise expected increases to 2025. Data also does not take into consideration a range of qualitative factors, for example, reductions in the seriousness or frequency of offending, meaning this data is not the only relevant indicator of success of the RR25by25 initiative.

Data

- Key ACT data driving the RR25by25 commitment includes the following, noting that given the comparatively small numbers of offenders in the ACT, even minor fluctuations in figures from year to year can significantly affect rates from year to year particularly for certain cohorts:
  - 60% increase in the ACT prisoners between December 2012— (268 detainees) and December 2019 (429 detainees).
  - 10% increase in adult prisoners in ACT prisons in 2018 (from 449 in 2017 to 493 in 2018).
  - In 2018, three-quarters of prisoners had previously been imprisoned (75% or 369 prisoners). This was the largest proportion of any state or territory (noting the national average was 57%).
  - 36.3% (177 prisoners) of the adult prisoner population comprised of un-sentenced prisoners. This was the highest proportion of un-sentenced prisoners across all states and territories (which was 33.5% nationally).
  - 1.9 % of the ACT population is Aboriginal and Torres Strait Islander but they make up 22 per cent of the ACT's prison population.
  - Aboriginal and Torres Strait Islander people are 14.6 times more likely to be incarcerated than non-Indigenous people in 2018 in the ACT (11.3 times nationally).
  - 91% of the ACT Aboriginal and Torres Strait Islander male detainees at the AMC have a previous history of incarceration in ACT (77.3% nationally).
  - 92% (454 prisoners) of the total prisoner population of ACT is male in 2018.
  - 95% increase in the female population at the AMC between 2015 and June 2018, while the other jurisdictions saw increases of between 23.5% and 27%.
  - 48.1% increase of female prisoners in comparison to an increase of 24.5% of males from 2016 to 2018.

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- 64.1% of female prisoners were un-sentenced, compared to 35.7% of male detainees in ACT.
- 80% of Indigenous women in the AMC were on remand and two-thirds of these women had been there for less than two months.

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QUESTION TIME BRIEF

JACS2021/46-001-006

Portfolio/s: Attorney-General

ISSUE: CRIMES (OFFENCES AGAINST VULNERABLE PEOPLE) LEGISLATION AMENDMENT ACT 2020

Talking points:

- The *Crimes (Offences Against Vulnerable People) Legislation Amendment Act 2020* is due to commence on 20 April 2021, having passed the Legislative Assembly in August 2020.
- The delayed commencement of the Act has allowed for the development of education and training materials to ensure that people affected by the new laws are aware of them.
- When it commences, the Act will:
    - amend the *Crimes (Sentencing) Act 2005* to introduce new factors for the Court to consider when sentencing if the victim of a crime was a vulnerable person; and
    - introduce three new offences to the *Crimes Act 1900*, being:
        - abuse of a vulnerable person;
        - failure to protect a vulnerable person from a criminal offence; and
        - neglect of a vulnerable person.
- A vulnerable person has been defined to mean:
    - an adult of any age with a disability as defined under the *Disability Services Act 1991*; or
    - someone 60 years old or older to whom one of the following additional elements of vulnerability applies:
        - a disorder, illness or disease that affects the person's thought processes, perception of reality, emotions or judgement or otherwise results in disturbed behaviour;
        - an intellectual, psychiatric, sensory or physical impairment and that impairment results in a substantially reduced capacity of the person for communication, learning or mobility; or

- the person is, for any other reason, socially isolated or unable to participate in the life of the person's community.

- The purpose of the Act is to provide additional protections for vulnerable adults in the ACT and ensure that those who abuse vulnerable people are subject to appropriate criminal sanctions.
- The Justice and Community Safety Directorate has established two stakeholder groups to support the implementation of the Act, including the identification of any unanticipated issues or unforeseen consequences.

How do the offences interact with existing laws?

- The Act complements existing legislative and non-legislative protections for vulnerable people.
- The new offences do not prevent the use of any other existing criminal offences if those offences better capture the scope of the offending.
- The penalties have regard to the seriousness of the new offences, relative to existing offences and the continuum of penalties for ACT offences.

Background Information

- In 2019, the ACT Government invited public submissions on the potential for legislative reform to address elder abuse in response to the 'A Proposed Response to Elder Abuse in the ACT' discussion paper. Community feedback highlighted the need for a range of protections (including legislative protections) not only for older people, but also adults who have vulnerabilities arising from non-age related factors, such as disability.
- The Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020 (the Bill) was introduced to the Legislative Assembly on 7 May 2020.
- As a result of stakeholder feedback, the Bill was amended to:
    - include an eight-month delay in the commencement of the new provisions; and
    - bring forward the requirement for a statutory review mechanism to 12 months post-commencement.
- On 13 August 2020, the Bill was debated and passed (as amended) by the Assembly.

QUESTION TIME BRIEF

- The *Crimes (Offences Against Vulnerable People) Legislation Amendment Act 2020* was notified as an amending Act on 20 August 2020. It will commence on 20 April 2021.
- JACS has established an Implementation Working Group and a Reference Group to support implementation of the Act, including the identification of any unanticipated issues or unforeseen consequences. The Implementation Working Group comprises representatives of: relevant government agencies; ministerial advisory bodies; and the Reference Group. The Reference Group is comprised of representatives of community stakeholder organisations and individuals with an interest in contributing to the implementation arrangements for the new legislation.
- Feedback from members of both groups has highlighted the need for a range of information material to be developed, including material in Easy English and other languages. JACS is developing this material for publication ahead of the Act commencing.

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QUESTION TIME BRIEF

JACS2021/46-001-014

Portfolio/s: Attorney-General

ISSUE: RESIDENTIAL TENANCIES

Talking points:

"Rent bidding"

- There has recently been media coverage of the challenges faced by prospective tenants in the ACT, specifically including claims about a practice known as "rent bidding". This involves applicants for rental properties offering to pay rent above the advertised rental price in an attempt to secure the property.
- There is no specific prohibition on this practice in the *Residential Tenancies Act 1997*.
- Noting the restricted housing market for tenants at this time, I have asked the Justice and Community Safety Directorate to explore reforms which might combat the challenges posed by the practice of rent bidding, including considering whether the practice should be banned.

Commitment to end no cause terminations

- I have asked the Justice and Community Safety Directorate to begin policy development work on the Parliamentary and Governing Agreement commitment to end no cause evictions.
- I am committed to implementing this commitment in consultation with the ACT community and will ensure that community views are sought during the policy development process.

COVID-19 support measures

- Since April 2020, a range of temporary changes to the *Residential Tenancies Act 1997* have been in place **to protect tenants impacted by COVID-19** and **to assist landlords**. These changes include:
    - a 6 month moratorium on evictions for non-payment of rent for COVID-19 impacted households and related social distancing restrictions in relation to inspections and repairs which was in place from 22 April to 22 October 2020;

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- a transition or grace period which commenced at the end of the moratorium on 23 October 2020 and will operate until 30 April 2021 which prevents tenants who were COVID-19 impacted from being evicted on the basis of arrears that accrued before or during the moratorium on the condition that they pay rent as it falls due during the transition period;
- a requirement for ACAT to consider making a payment order rather than ordering an eviction for tenants that have been COVID-19 impacted if a tenant is unable to meet their rent payments as they fall due during the transition period (23 October 2020 – 30 April 2021);
- the ability for landlords and tenants to negotiate reduced rent (to operate until 30 April 2021);
- restrictions on negative listings being made about COVID-19 impacted persons on tenancy databases (to operate until 30 April 2021);
- the ability for COVID-19 impacted tenants to terminate their fixed-term tenancy agreements early, without penalty (to operate until 30 April 2021);
- the ability for all tenants on pre-6 April 2020 fixed term tenancies to be able to pay just two weeks' rent in advance to assist to manage cost of living pressures (to operate until 30 April 2021). All other fixed term and periodic tenancies are already able to pay just 2 weeks' rent in advance; and
- the ability for a tenant from a COVID-19 impacted household who had previous ACT Civil and Administrative Tribunal (ACAT) orders suspended during the moratorium to apply to ACAT to vary or set aside those orders.

- Until 30 June 2021, the Government has also offered rates and land tax rebates to landlords who reduce their tenants' rent by 25%. The value of the rebate is up to 50% of the rent reduction, up to a maximum of $1300 per tax quarter (roughly $100 per week).

QUESTION TIME BRIEF

Residential Tenancies Amendment Act 2020 (No 2)

- The *Residential Tenancies Amendment Act 2020* (No 2) (the Amendment Act) passed the Assembly on 27 August 2020 with most provisions commencing on 3 March 2021. The amendments improve protections for occupants and co-tenants.
- To support community understanding of the changes made, factsheets relating to occupancy laws and co-tenancies are available on the Justice and Community Safety website: https://justice.act.gov.au/renting-and-occupancy-laws/reforms-tenancy-and-occupancy-laws

Occupancy laws

- The Amendment Act increases protections for occupants, including by:
    - clarifying the difference between an occupancy agreement and a residential tenancy agreement, so that occupants and grantors have greater certainty about their rights and obligations
    - introducing mandatory minimum principles for occupancy agreements, including:
        - protections against unreasonable evictions
        - entitlements for access to communal areas
        - tighter rules around when a grantor can enter the premises
        - requirements for grantors to provide occupants with information, and
        - limitations on penalties that may be charged
    - creating a new obligation for grantors to lodge security deposits with the ACT Revenue Office (an exception applies for universities), and
    - providing more dispute resolution options for occupants and grantors, by giving them access to free, informal and enforceable conciliation through the ACT Human Rights Commission.
- In addition, the Amendment Act resolves some issues specific to owner-occupiers in residential parks (where a person owns their dwelling but has an occupancy agreement in relation to the site their dwelling is on).

- The Amendment Act also substantially reforms the law on share housing to better reflect modern community behaviours and expectations. People living in share houses deserve clear laws that are adapted to their circumstances.

Co-tenancies

- The reforms:
    - introduce a legal framework into the RTA for co-tenancies, which is a common way to set up a share house, where all tenants have equal rights and responsibilities;
    - provide clear processes for co-tenants to move in and out of share houses, including managing transfers of interest in the bond; and
    - ensure that the ACT Civil and Administrative Tribunal can be used to resolve disputes between co-tenants as well as between co-tenants and landlords.

Universities

- For universities the changes in relation to occupancy agreements will commence on 30 January 2022 - in line with the commencement of the 2022 academic year.
- The Amendment Act includes a number of exemption-style provisions that apply only to occupancy agreements provided by universities - namely:
    - an exemption from the requirement to lodge any security deposit taken in respect of occupancy premises with the Territory;
    - clarifying that the currently existing university disciplinary requirements and medical leave rules established under statute will not be displaced by the occupancy principles in the event of any inconsistency between the disciplinary requirements or medical leave rules and the occupancy principles;
    - requiring parties of occupancy agreements who have a dispute to which to which a university dispute resolution procedure applies to exhaust internal dispute resolution procedures (within a reasonable time) prior to making an application to the Tribunal;

- a clarification that occupancy agreements can be terminated under university disciplinary requirements and medical leave rules and that agreements terminated in these circumstances are not subject to the requirement that the termination is reasonable having regard to the nature of the occupancy agreement; and
- delayed commencement and transitional provisions that apply to education provider occupancy agreements, including universities.

- Universities were exempted from the requirement to lodge security deposits after the universities provided feedback that they currently manage thousands of occupancy agreements for students living on on-campus which would be administratively difficult to lodge all at once. In addition, when invested collectively, the interest gained from the investment of students' security deposits generates significant income which is then used to help cover the administration costs of student accommodation.
- Other exemptions ensure that occupancy laws do not conflict with the universities' pre -existing disciplinary procedures or internal dispute resolution procedures (which are established under the university governing statues).

QUESTION TIME BRIEF

JACS2021/46-001-018

Portfolio: Attorney-General

ISSUE: REVIEW OF CHILD PROTECTION DECISIONS IN THE ACT

Talking points:

Government review of decision-making by CYPS

- The Government is continuing to progress its review of child protection decisions in the ACT.
- A public consultation process on the discussion paper, *Review of child protection decisions in the ACT* was undertaken from May to June 2019, seeking views from the community, and in particular those who provide support and advocacy for children and young people. An independent consultant was engaged to report on the key themes from submissions.
- The report, titled *Stakeholder Feedback on the Discussion Paper: Review of Child Protection Decision in the ACT* (the Report) was finalised in October 2019 and can be found on the JACS website.
- In April 2020, the Minister for Children, Youth and Families provided an update to the Assembly on the progress and outcomes of the Report.
- The Minister noted that the Report had highlighted three over-arching pieces of work that are currently being progressed in order to strengthen and ensure a robust child protection decision review framework:
    - working to improve internal decision-making processes
    - working to provide a more transparent and consistent internal merits review processes
    - consideration of an external merits review process for child protection in the ACT
- On 30 July 2020, the Standing Committee on Health, Ageing and Community Services tabled in the Assembly its report on its Inquiry into information sharing in the child protection system.
- The Minister for Families and Community Services tabled the Government Response to the Standing Committee on 3 December 2020.

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TRIM Ref:	JACS2021/46-001-018	

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- The response noted that comprehensive legislative reform would be required to respond to the Committee's recommendations and that the discreet elements of legislative reform would be subject to future Government funding decisions.

Sharing of information in the child protection system

- Concerns have been raised recently about the legal regime for the disclosure of sensitive information relating to children and young people in the care and protection system.
- The Government is conscious of striking the right balance between ensuring transparency of Government decisions, and protecting information that is highly sensitive in nature.
- In June 2019, the Legislative Assembly passed a law which made a minor amendment to the *Freedom of Information Act* to ensure that there is a single set of rules governing access to sensitive information in child protection cases.
- This was a minor 'technical amendment'. It does not change the way in which information about child protection cases can be accessed in practice.

Key Information

<u>Update on CSD work on the government review of CYPS decisions</u>

- Work is underway to improve internal decision making processes within Child and Youth Protection Services (CYPS) in response to stakeholder feedback about what needed to change to improve the consistency and transparency of decision making.
- There are a variety of views expressed about the best way forward for external review. Meetings have been held between Minister Stephen-Smith, the Human Rights Commission (HRC) and representatives from CSD to discuss the work currently underway and to continue discussions about a constructive and collaborative way forward.
- In partnership with the ACT Human Rights Commission, CYPS are consulting with targeted stakeholders through the hosting of roundtables. JACS officers have collaboratively participated in two roundtables to date:
    - On 22 July 2020, the experiences of other jurisdictions in establishing external merits review of child protection decisions. Guests included local ACT stakeholders and colleagues from Queensland and Victoria.
    - On 17 September 2020, the principles that will underpin the external merits review and the types of decisions that should be reviewable. Guests included local ACT stakeholders.

QUESTION TIME BRIEF

Information sharing and amendment to the FOI Act

- Separately to the review, minor changes to the *Freedom of Information Act 2016* (FOI Act) concerning sensitive information held by CYPS were passed in the *Justice and Community Safety Legislation Amendment Act 2019*, which commenced on 21 June 2019.

Background Information

Government review of CYPS decisions

History of the government review

- In April 2016, the *Report of the Inquiry: Review into the system level responses to family violence in the ACT* (the Glanfield Report) made a number of recommendations relating to the operations of Child and Youth Protection Services (CYPS). Recommendation 12 of the Glanfield Report was that a review should be undertaken (chaired by JACS) "of what decisions made by CYPS should be subject to either internal or external merits review." The review is being conducted at present.
- In December 2016 a working group with representatives from JACS and CSD was established to address this recommendation. In May 2019, a discussion paper, 'Review of child protection decisions in the ACT' was published for public consultation until 28 June 2019.
- On 16 October 2019, a report was finalised by an independent consultant based on the submissions received. JACS published the report and submissions where consent had been given to do so. Some parts of submissions were redacted to comply with secrecy provisions in the *Children and Young People Act 2008* (ACT), and the right to privacy in the *Human Rights Act 2004* (ACT).

Assembly motion

- On 18 September 2019 the Assembly passed a motion calling on the Minister for Children, Youth and Families to update the Assembly no later than March 2020 regarding:
    a) How the voices of children and young people are included in this consultation process;
    b) The progress and outcomes of this review and the consultation process; and
    c) What steps will follow, and when these are expected to conclude.
- The ministerial statement in response to this motion was noted by the Assembly on 2 April 2020.

Information sharing in the child protection system

Standing Committee Inquiry

- On 16 May 2019, the ACT Legislative Assembly asked the Standing Committee on Health, Ageing and Community Services to inquire into CYPS, and specifically:
    - first, "to provide an analysis of the decisions of the ACT Court of Appeal in the case of *CP v Director-General of Community Services Directorate* (ACTA 32) and to identify potential systemic issues that may need to be addressed" (Part 1), and

- secondly, "to inquire into the ability to share information in the care and protection system in accordance with the *Child and Young People Act 2008*, with a view to maintain community confidence in the ACT's care and protection system (Part 2)."

- The Committee's final report for Part 1 of the inquiry was tabled in the Assembly on 27 August 2020, and Part 2 was tabled on 30 July 2020. The Part 2 inquiry report provides 44 recommendations, including the following specific to the Attorney-General.
  - Recommendation 15: that the Attorney-General should remind all directorates that any amendment(s) to legislation that removes a fundamental right should not be brought forward in an omnibus bill; and
  - Recommendation 33: that the Attorney-General update the Assembly by the last sitting day in August 2020 on the identification of specified proposals as to how a therapeutic justice approach in the care and protection jurisdiction would work in the ACT
- The Minister for Families and Community Services tabled the Government Response on 3 December 2020. The response 'notes' recommendation 15 and 'agrees in principle' to recommendation 33.

FOI Act amendment

- The amendment to the FOI Act made through the *Justice and Community Safety Legislation Amendment Act 2019* makes clear that a person cannot apply for the release of "protected information" that is also "sensitive information" under the *Children and Young People Act 2008* (CYP Act). This fixed a drafting anomaly in the FOI Act. The disclosure of sensitive information is regulated by the CYP Act, and its release other than in limited circumstances is prescribed to be an offence under that Act.
- The amendment ensures the FOI Act operates consistently with the CYP Act. In practice, the amendment will see no change to the way in which CYPS processes FOI requests, as CYPS has always interpreted the FOI Act consistently with the CYP Act, and so did not release sensitive information under the FOI Act prior to the amendment.

QUESTION TIME BRIEF

JACS2021/46-001-020

Portfolio/s: Attorney-General

ISSUE: TENANTS ADVICE SERVICE

Talking points:

- On 28 February 2020, the Justice and Community Safety Directorate (JACS) entered into a contract with Legal Aid ACT to provide the Tenants Advice Service ACT (TAS) until 30 June 2023.
- Canberrans are actively accessing and seeking support from the TAS. The Tenancy Advice Service provided assistance to 4,602 individuals between 1 March 2020 and 24 February 2021.
- As a part of the TAS, Legal Aid ACT also provides a weekly clinic to support tenants and occupants to understand their rights and obligations under the law and respond to the legal problems that they are facing. Between 1 March 2020 and 28 February 2021, the clinic provided 1,046 assistance services to 840 individuals.
- If you need support to respond to a tenancy or occupancy law issue, the TAS service is available to help you. The Tenancy Advice Line is open and taking calls from 8.30 am – 7pm four nights a week (Monday to Thursday) as a result of COVID-19. It also takes calls on Fridays from 8.30 am – 5pm.

If asked how you can access the TAS:

- The TAS can provide free and confidential support for all tenants and occupants in the ACT.
- You can find out more about the service through its website www.tasact.org.au
- The phone number of the Tenancy Advice Line is 1300 402 512.
- Legal Aid ACT have been providing tenancy advice services for many years.

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Cleared as complete and accurate:	30/11/2020	
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Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/46-001-020	

If asked about community legal education and campaigning for tenants rights:

- The contract requires Legal Aid ACT to undertake law and policy reform activities. Since the contract commenced, Legal Aid ACT has provided comprehensive and detailed submissions to government about matters affecting tenants and occupants in the ACT.
- Legal Aid ACT's TAS has been an active participant in all stakeholder consultations with JACS in relation to residential tenancies reform since the service commenced. This includes several consultations in relation to COVID-19 residential tenancy response measures and in relation to amendments to the *Residential Tenancies Amendment Bill 2020.*
- Independent of consultation invited by JACS, Legal Aid ACT's TAS service also provided a submission to and appeared before the Select Committee on the COVID-19 pandemic response.
- Legal Aid ACT is conducting an extensive social media program about rights and responsibilities under tenancy law, focusing on the COVID-19 pandemic. You can access this information through Legal Aid ACT's Facebook page.

Key Information

General

- JACS signed a contract with Legal Aid ACT to provide the TAS on 28 February 2020. The contract will run until 30 June 2023. The contract price for this period is $1,621,995 (GST exclusive) which includes an additional payment of $40,000 which supported Legal Aid ACT to commence providing the service in March 2020 as a result of the closure of the Tenants Union ACT's office on 28 February 2020.
- The TAS ACT is a weekday advice and information service for tenants and occupants, which assists them to understand their rights and obligations under the Residential Tenancies Act 1997, understand the legal problems they are facing and the steps they can take to resolve them, and where appropriate assist in the resolution of those legal problems.
- Legal Aid ACT also provides casework and legal representation services as a part of the TAS service. These services will be targeted towards those persons who would be considered priority clients under the National Partnership Agreement on Legal Assistance Services.

- Legal Aid ACT and JACS will have quarterly operational meetings to discuss and review the operation of, and reporting about, the service. This will include six monthly reviews to assess the delivery of the service and consider what improvements could be made to enhance the TAS.

Matters involving Tenants Union ACT

- The Tenants Union ACT closed their offices on 28 February 2020.
- Their final report was provided to JACS on 10 June 2020.
- The Tenants Union's most recent grant to provide the Tenants Advice Service was signed on 10 September 2019. This grant funded the Tenants Union ACT **$348,171** (GST exclusive) from the ACAT Trust to provide the Tenants Advice Service from July 2019 – March 2020.
- Whilst operated by the Tenants Union ACT, the Tenants Advice Line was closed for new calls on 67 per cent of working days between 1 January and 14 November 2019. This data was sourced from the Tenant's Union's Twitter Feed on 15 August, 24 September, 23 October and 14 November 2019.
- The Justice and Community Safety Directorate has invited the Tenants Union ACT to participate in consultation about residential tenancies reform. The Tenants Union ACT has provided written input in response to a stakeholder consultation paper and has also appeared before the Select Committee on the COVID-19 pandemic response.
- The Tenants Union ACT has recently relaunched its website as a subscriber only service which provides information resources for tenants and occupants in the ACT. The Tenants Union ACT's 2019-20 annual report is paywalled, and has not been reviewed by JACS.

Canberra Times article regarding Tenants Union ACT (5 January 2021)

- The Canberra Times published an article on 5 January 2021 about the Tenants Union ACT and its future as an independent organisation. The article noted that the Tenants Union ACT is in talks to see if it could be combined with or subsumed into another territory organisation, like ACT Shelter.
- The article comments on the tender process which resulted in the TAS service being provided by Legal Aid ACT. The article contains factual inaccuracies.
- The ACT Government's 2020-21 Budget provided $700,000 over four years for systemic advocacy through ACT Shelter to increase its capacity as the peak body advocating for the interests of people living in and looking for affordable and social housing. A copy of the Canberra Times article can be provided upon request.

QUESTION TIME BRIEF

JACS2021/46-001-026

Portfolio/s: Attorney-General

ISSUE: AGE OF CRIMINAL RESPONSIBILITY

Talking points:

- The ACT Government has committed to raising the minimum age of criminal responsibility as one of the key legislative reform priorities for the 10th ACT Legislative Assembly.
- As Attorney-General, this issue is a very high priority for me.
- We all know the detrimental and lasting effects that facing the courts and spending time in detention can have on children. We also know, from the evidence, that early contact with the criminal justice system is one of the key predictors of future offending.
- That is why the ACT Government is focussing on stopping children from being sentenced to detention, and instead is focusing on early intervention approaches which address the underlying causes of offending behaviour - making the community safer by changing children's pathways and reducing the likelihood of reoffending, including as those children become adults.
- Raising the minimum age of criminal responsibility is an essential building block for this reform.
- We will be working across the ACT Government to make sure we have the right systems in place to support children who exhibit harmful behaviours.
- Work is underway to consider how a higher minimum age of criminal responsibility would be implemented in the ACT, taking into account the specific needs of the Territory's at-risk children and young people, and their families, and the characteristics of our criminal justice, and youth and family service sectors.
- This includes a gap and needs analysis review due to report in August 2021, which will include targeted stakeholder consultation on the therapeutic services required to meet the needs of children from 10 to 13 years of age.
- The ACT is, and will continue to be, an active participant in national conversations on increasing the minimum age of criminal responsibility, and will be a leader in implementing this reform across Australia.

Cleared as complete and accurate:	18/03/2021	
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Cleared for release:	Yes	
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TRIM Ref:	JACS2021/46-001-026	

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QUESTION TIME BRIEF

Background Information

- The ACT Government is committed to raising the minimum age of criminal responsibility (MACR).
- This commitment builds on a motion passed by the ACT Legislative Assembly in August 2020 which called on the ACT Government to:
    - support raising the MACR to 14 years of age, taking into account medical and other relevant evidence, and with consideration given to exemptions for serious offences;
    - ensure that reform in this complex area engages with and enhances support services identified through a gap analysis, noting that keeping young people safe and diverting them from the justice system is a whole-of-government and whole-of-community responsibility; and
    - continue to progress policy work, and consider programs and resources that may be required in order for the tenth Assembly to consider legislation raising the age.
- The age of 14 years has not been specifically referenced in the Parliamentary and Governing Agreement. However, given medical evidence, the position of the United Nations and the consensus building in stakeholder consultations, it is expected that recommendations will be made to raise the minimum age of criminal responsibility to 14 years of age for endorsement in due course.
- The 2020 motion and subsequent Government commitment has been reported favourably in media across Australia.
- The Justice and Community Safety Directorate (JACS) is working with other Directorates (primarily the Community Services Directorate) to develop the approach for raising the MACR in the ACT. The ACT Government's vision is to build Canberra as a Restorative City, and raising the MACR supports the integration of preventative and rehabilitative approaches into our justice system.
- As part of the work to raise the MACR, an independent review of the service system needs and implementation requirements for raising the MACR in the ACT has been commissioned using $120,000 from the Confiscated Assets Fund. This review commenced in February 2021, led by Emeritus Professor Morag McArthur in consortium with Aboriginal consultancy Curjio and Dr Aino Soumi. They are consulting across the ACT community to identify what reforms are needed in the ACT service system to support a higher MACR, including what restorative and therapeutic services need support to care for children who are at risk of harming themselves or others. The final report is expected to be delivered in August 2021.
- A further $380,000 of funding from the Confiscated Assets Trust Fund is supporting a 12-month pilot of a family-centric therapeutic program that will work with children and young people coming into contact with the criminal justice system. The program has a priority focus on children and young people up to 14 years of age, and Aboriginal and Torres Strait Islander children and young people, and their families.

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QUESTION TIME BRIEF

National Consideration of the MACR

- In all Australian jurisdictions, including the ACT, the MACR is 10 years old. However, children aged under 14 years cannot be held criminally responsible unless the prosecution proves they knew what they were doing was wrong (*doli incapax* principle)
- The Northern Territory has also publicly committed to raising the MACR to 12 years of age. This commitment was made in 2018 in response to the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory in 2017.
- The MACR was previously being considered at the national level through the Council of Attorneys-General (CAG) in response to the United Nations Committee on the Rights of the Child recommendation in 2019 that the MACR be raised to at least 14 years of age and children under 16 years not be placed in detention.
- In June 2020, a CAG Working Group finalised a report on MACR reforms, including findings and recommendations, for presentation at the July 2020 CAG meeting. Despite revisions to the report that attempted to address the concerns of some jurisdictions, the Commonwealth, New South Wales and Queensland did not endorse the report. However, the Working Group did agree that the MACR could not be raised without a clear framework for implementation and support first being in place. A majority position was determined to allow the report to be settled for discussion at CAG Senior Officials Group (CAGSOG).
- On 7 July 2020, the Western Australian Attorney General, as the sponsor of the MACR CAG agenda item, withdrew the Working Group's report and it was not considered at CAG on 27 July 2020.
- Instead participants noted the need for further work around adequate processes and services for children who exhibit offending behaviour.
- On 23 October 2020, National Cabinet agreed to the new ministerial forums structure as part of the recommendations of the Conran Review of Former COAG Councils and Ministerial Forums. As a result, CAG has been replaced with 'time-limited' and 'when needed' forums for select issues.
- On 20 November 2020, Attorneys-General met to discuss the future of the work that was previously progressing through CAG, including the MACR. It was agreed that the first meeting of the CAG successor body would be in March 2021. It was also agreed that this meeting would include one more discussion on MACR, but it would not be an ongoing item.
- The first meeting of the CAG successor body will be held on 31 March 2021. Given the recent Western Australia election, it is unlikely that any formal paper will be presented by the Western Australian Attorney General for discussion by Attorneys-General at this meeting. Given the expected continuation of lack of consensus at the national level, a range of interjurisdictional issues will for example with New South Wales and the Commonwealth, will be considered as part of the policy work on raising the MACR in the ACT.

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QUESTION TIME BRIEF

JACS2021/46-001-001

Portfolio/s: Attorney-General

ISSUE: CANNABIS PROSECUTION ASSISTANCE

Talking points:

Can the ACT intervene in a Commonwealth prosecution for personal possession of cannabis in the ACT?

- If a defendant prosecuted under a Commonwealth law for cannabis possession in the ACT seeks to rely on the ACT law as an excuse or justification, or challenges the interpretation or validity of the ACT or Commonwealth law, the ACT Attorney-General may intervene in the proceedings.
- Section 27 of the *Court Procedures Act* 2004 (ACT) provides that the Attorney-General has a right to intervene in proceedings where the interpretation or validity of a law of the Territory or the Commonwealth is in issue.
- Whether such an intervention is justified or appropriate will depend on the circumstances of the case.

If asked

Q - *Are police arresting and charging adults, under Commonwealth laws, for possessing personal amounts of cannabis in the ACT? Are charges being prosecuted?*

- ACT Policing advise that, since the changes to ACT laws came into effect, so that it is not an offence for an adult to possess a small amount of cannabis or cultivate no more than two plants, no criminal charges have been laid.
- On 17 March 2021, ACT Policing issued a reminder to Canberrans not to exceed the two per person limit for cultivating cannabis plants following the confiscation of four plants from one man.
- Under ACT law, one person cannot be responsible for cultivating more than two plants, regardless of how many people live at the address.

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QUESTION TIME BRIEF

Q – *Has anyone challenged the ACT or Cth cannabis laws?*

- ACT Policing advise they are unaware of any challenge to the interpretation or validity of the ACT law since the new laws commenced.

Q - *Do the new provisions make it easier for children to get cannabis?*

- No. Criminal penalties remain in place for the offence of supplying another person (including children) and for using cannabis in public places or around children.
- Further, it remains an offence for a person under 18 years of age to possess a small amount of cannabis.

Q – *Do the new cannabis laws apply in the Jervis Bay Territory?*

- No. The new provisions that allow a person over the age of 18 to possess or cultivate small amounts of cannabis are limited to the geographical confines of the ACT.
- A person who is an area outside of the ACT where ACT laws apply, for example in the Jervis Bay Territory, may be charged for possessing or cultivating a small amount of cannabis or issued with a simple cannabis offence notice under section 171A (Offence notices).

Key Information

- A challenge by the Commonwealth DPP or Australian Attorney-General to the validity or interpretation of an ACT law may only arise in a criminal prosecution:
    - if a person is charged with a Cwlth offence and raises a defence under division 313 of the *Criminal Code Act 1995* (Cwlth) relying on the ACT law;
    - *and* the CDPP challenges either:
        - the validity of the ACT law; or
        - whether the ACT law meets the description of the kind of law that could amount to an excuse or justification for the Cwlth offence.

Background Information

- Defences to Cwlth drug offences are provided for in div 313 of the *Criminal Code Act 1995* (Cwlth) including that the offences do not apply to conduct that is "justified or excused" by or under a law of the State or Territory in which the conduct occurs or if a person was "under a mistaken but reasonable belief" that the conduct was so justified.
- Where there is state or territory law that deals with the same conduct, the Cwlth law allows police and courts to apply the law of that state or territory when deciding how to deal with an offender. This is how the ACT and other jurisdictions have been able to decriminalise

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personal cannabis possession; it also provides the basis of our current Simple Cannabis Offence Notice scheme (SCON).

- If the ACT removed an offence for cannabis possession from ACT law entirely the prohibitions on possession of cannabis in the Cth criminal code would then apply as the primary law here putting Canberrans at risk of being arrested and prosecuted under Cwlth law without a legal defence.
- To deal with this, the new provisions of the *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019* (the Act), which commenced 31 January 2020, maintains the offence of cannabis possession but removes penalties for adults cultivating and possessing a personal amount of cannabis in the ACT.
- This approach maintains an ACT-specific legal framework for dealing with cannabis possession, and therefore provides an alternative to the Cwlth law being applied.
- This does not entirely remove the risk of people being arrested under Cwlth law. The ACT is the first jurisdiction in Australia to have made these reforms and there is still some uncertainty about how these changes will unfold given the complex legal environment.
- The ACT laws aim to provide a legal defence to adults who possess small amounts of cannabis in the ACT who may be prosecuted under a Cwlth law but cannot stop an arrest and charge if an ACTP member is minded to do so, or prosecution if the Cwlth DPP considers it appropriate– the defence provided by ACT law would then be a matter for the Court.

QUESTION TIME BRIEF

JACS2021/46-001-017

Portfolio/s: Attorney-General

ISSUE: REVIEW INTO WHOLE OF JUSTICE SYSTEM INTERACTIONS WITH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE

Talking points:

- Like all Australian states and territories, Aboriginal and Torres Strait Islander people are overrepresented in incarceration.
- In 2018 in the ACT, approximately 1.9 per cent of the population were Aboriginal and Torres Strait Islander peoples, but Aboriginal and Torres Strait Islander people make up approximately 22 per cent of the prison population.
- Almost a quarter (23 per cent) of all children and young people under justice supervision in the ACT, were Aboriginal or Torres Strait Islander people.
- We must turn this around. We must take radical action to reduce the rate at which we incarcerate Aboriginal and Torres Strait Islander people in the ACT so that it matches that of non-indigenous people.
- Reducing incarceration of First Nations women and men to match non-indigenous incarceration rates by 2030 is a priority action for the ACT Government, as set out in the Parliamentary & Government Agreement of the 10th Legislative Assembly.
- The Legislative Assembly motion on 9 February 2021 endorsed this approach by calling for a proposed review into the overrepresentation in the ACT justice system.
- Reducing the overrepresentation of Aboriginal and Torres Strait Islander people in custody is already a key pillar of the ACT's Building Communities Not Prisons Initiative (BCNP) and its 2020 Reducing Recidivism Plan.
- However, to make a difference, we require a shared plan across the justice and human service systems, and for that work to be led by local Aboriginal and Torres Strait Islander women and men.
- In order to understand how a review or other action would be best led by Aboriginal and Torres Strait Islander people, the Minister for Aboriginal and

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QUESTION TIME BRIEF

Torres Strait Islander Affairs and I hosted a Roundtable on 25 March 2021 to listen to representatives of the local Aboriginal and Torres Strait Islander community.

- The discussion at the Roundtable highlighted that, historically, many reviews have been conducted.
- Community members will now meet separately and consider how they think we can best secure reforms that have real impacts on the systemic problems that have led to the overrepresentation of Aboriginal and Torres Strait Islander people in the ACT justice system.

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Background Information

Building Communities Not Prisons (BCNP)

- The overall aim of BCNP is to deliver a number of initiatives that are designed to reduce reoffending, reduce the prison population, improve the lives of those individuals and their families, and improve community safety.
- The BCNP package focuses on areas including housing, alcohol and other drug services, mental health and disability, as well as family and other group services for Aboriginal and Torres Strait Islander peoples.
- Initiatives are intersecting and overlapping with initiatives that address key opportunities in the human services system to reduce recidivism and incarceration, and align with the ACT Government's strategic priorities.
- BCNP aims to:
    - reduce trauma and costs for victims and their families associated with crime and related costs for government and the broader community
    - reduce overcrowding at the Alexander Maconochie Centre (AMC)
    - use restorative, cultural and evidence informed approaches that change people's contact with the justice system, particularly prison
    - address a number of the recommendations of the Australian Law Reform Commission Report *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*
    - reinvest funds from the criminal justice system that might be otherwise used for detaining people in a correctional centre, into homes and community supports, making the ACT a safer and more inclusive city.

Overrepresentation of Aboriginal and Torres Strait Islander peoples in incarceration

- Overrepresentation of Aboriginal and Torres Strait Islander peoples in custody is a persistent and growing problem across Australia with incarceration rates increasing by 51% between 2012 and 2018. However, the degree of urgency in the ACT is acute with a 135% increase over the same period.
- The original commitment to a Review of the rates and causes of indigenous incarceration in the ACT, to be led and informed by the Aboriginal and Torres Strait Islander community, had its genesis in a letter of 23 July 2020 from Ms Julie Tongs, OAM and CEO of Winnunga Nimmityjah to the then Attorney-General highlighting the ACT's high rate of increase in the incarceration of Aboriginal people and seeking: "a detailed, comprehensive and independent inquiry into the effectiveness of all these arms of the justice system in their contact with and response to members of the Aboriginal and Torres Strait Islander community".

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Information Officer name:	Jennifer McNeill		
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- On 14 August 2020, the Attorney General and Minister for Aboriginal and Torres Strait Islander Affairs replied to this letter and, in addition to continuing existing work, committed to commence consultation and planning for a community led review into the over-representation of Aboriginal Torres Strait Islander people in the ACT justice system.
- However, on 19 August 2020 Ms Tongs was quoted by *The Canberra Times* as saying: "(w)e don't need any more reviews. We know what the problems are, start to address them. Don't keep throwing money at consultants to tell us what we already know". Ms Tong implied the Royal Commission into Aboriginal Deaths in Custody recommendations provided the answers.
- One of the more recent and relevant reviews on incarceration of Aboriginal and Torres Strait Islander peoples is from the Australian Law Reform Commission in the *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* report, tabled in Parliament by the Commonwealth Attorney-General in March 2018. That report gives an overview of the issues to be addressed nationally, many of which have already informed work in the ACT, including through Justice Reinvestment to reform:
    - Bail
    - Sentencing (including Community-based sentences and mandatory sentencing)
    - Prison Programs
    - Parole
    - Fines and infringements (including driving when unlicensed)
    - Policing
    - Out of home care
    - Access to Justice (for example through interpreters)
    - Alcohol related offending.
- To progress work into the overrepresentation of Aboriginal and Torres Strait Islander people in incarceration in the ACT, a Roundtable discussion with key community members, experts, and Government staff was held on Thursday, March 25, 2021 (3pm - 5pm) at Yarramundi Cultural Centre.
- The purpose of the Roundtable was to hear from the community on:
    - whether a review is required and if so, clearly communicating that this will be an Aboriginal and Torres Strait Islander led response
    - whether any further consultation is required on the scope and proposed processes for a review (and/or any other actions), and

- initial indications (if any) of what is needed to redress overrepresentation of Aboriginal and Torres Strait Islanders in the ACT justice system.

- One of the potential review models is to mirror the Our Booris, Our Way review process. At the Roundtable, Ms Barbara Causon who was the former Chair of the Our Booris, Our Way Review Committee, presented and provided an overview of the process and timeline which was delivered over a 3 year period. Ms Causon also discussed how the Our Booris, Our Way process could potentially be applied to a justice review.
- Victims of Crime Commissioner, Ms Heidi Yates, also presented and shared her insights about using processes similar to the Disability Justice Strategy.
- In response, Ms Tongs emphasised the lack of trust by the Aboriginal and Torres Strait Islander community in government. Ms Tongs suggested a Royal Commission may be required because Aboriginal and Torres Strait Islander people need an independent commission with powers to recommend broad ranging actions.
- Ms Tong offered to host a further meeting of key community members to discuss how they see the scope and governance arrangements for further action and a possible Royal Commission. The community will then come back to Government on their position and preferred review approach.

Truth Telling

- The *Uluru Statement from the Heart* in 2017 called for Voice, Treaty and Truth. In particular the statement sought a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about Aboriginal and Torres Strait Islander history.
- In order to address that statement, Victoria is establishing the Yoo-rrook Justice Commission from July 2021-2024. The Victorian Commission will be able to make broad recommendations about practical actions and reforms, including to effectively redress and address systemic injustices, essentially as a pre-condition to Treaty.
- It is understood that the Commission is likely to canvass overrepresentation of Aboriginal and Torres Strait Islander people in incarceration.
- In a letter dated 14 March 2021, the ACT Bar Association has called on the Attorney-General and ACT Government to publicly investigate the history of injustice to Aboriginal and Torres Strait Islanders. At this stage, it is not clear that this is supported by Aboriginal and Torres Strait Islander people in the ACT.
- In any event, the ACT Government is currently pursuing conversations regarding Treaty in the ACT, and it is anticipated that this is likely to result in a truth telling process. At this stage, the issues regarding a review of overrepresentation of Aboriginal and Torres Strait Islander people in incarceration will be pursued independently of any truth telling commission, given the current momentum and need for urgent work on that issue.

Cleared as complete and accurate:	26/03/2021		
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Lead Directorate:	Justice and Community Safety		
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TRIM Ref:	JACS2021/46-001-017		

QUESTION TIME BRIEF

JACS2021/46-001-011

Portfolio/s: Attorney-General

POSITIVE DEFINITION OF CONSENT

- The ACT Government is committed to protecting people from sexual abuse and ensuring that those who commit sexual offences are appropriately held to account.
- A strong criminal justice response to sexual offending is important, not only for victims and survivors but also for the entire community.
- The Parliamentary and Governing Agreement of the 10th Legislative Assembly includes agreement to legislative reforms to sexual offence laws, including consideration of a positive definition of consent.
- The ACT Government welcomes the opportunity to consider potential improvements to our criminal laws as outlined in the Government Response to the Justice and Community Safety Standing Committee's Report on the inquiry into the Crimes (Consent) Amendment Bill 2018.
- The ACT Government will also examine the findings of the NSW Law Reform Commission final report "Consent in relation to sexual offences", published on 18 November 2020, in considering how to implement the PGA.
- In considering law reform in this area, we will consult closely with key stakeholders including those represented in the Sexual Assault Reform Program Reference Group.

Key Information

- ACT sexual offences and 'intimate image abuse' offences are contained in the *Crimes Act 1900* (Crimes Act). The ACT is the only Australian jurisdiction with no statutory definition of consent. Rather, s 67 of the Crimes Act includes a list of circumstances which 'negate' consent.
- All States and the Northern Territory have statutory definitions of consent that are variations on the concept of 'free and voluntary agreement'.

<u>Law reform commission recommendations</u>

- The 2010 Australian Law Reform Commission's *Final Report Family Violence – A National Legal Response* recommended that ACT sexual offence provisions should 'include a statutory definition of consent based on the concept of free and voluntary agreement' (recommendation 25-4).

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- The NSW Law Reform Commission recently published their final report "Consent in relation to sexual offences" (NSWLRC Consent Report). A review of this report is currently being undertaken.

Background Information

- On 11 April 2018 a draft Private Members Bill titled *Crimes (Consent) Amendment Bill 2018* (Bill) was presented in the Legislative Assembly. The Bill sought to amend the *Crimes Act 1900* to introduce a new statutory definition of consent for certain sexual offences and the distribution of intimate images, and to exclude the application of specified child sex offences to some young people.
- On 8 May 2018 the Legislative Assembly referred the Bill to the Standing Committee on Justice and Community Safety (the Standing Committee) for inquiry and report. The Standing Committee Report recommended that the Bill should not proceed in its current form and that any enactments or legislative changes to the definition of consent should wait until consideration of the NSW Law Reform Commission final report "Consent in relation to sexual offences" (NSWLRC Consent Report). The Government Response[1] agreed to all but one aspect of the Committee Report that related to consideration of affirmative vs communicative models of consent. The NSWLRC Consent Report was published on 18 November 2020.[2]
- Many of the recommendations from the NSWLRC Consent Report link to other work done in this area, including the Royal Commission into Institutional Responses to Child Sexual Abuse, Criminal Justice Report (CARC CJ Report) as well as the joint 2010 ALRC/NSWLRC Report 'Family Violence: A National Legal Response' [Report 114] (ALRC Report).
- JACS is in the process of briefing the Attorney-General on options to progress the PGA commitment, including proposed engagement with key stakeholders.

[1] https://www.parliament.act.gov.au/__data/assets/pdf_file/0004/1322509/9th-JAC-03-Report-On-Inquiry-into-The-Crimes-Consent-Amendment-Bill-2018.pdf

[2] https://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_current_projects/Consent/Consent.aspx

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