



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2019-022

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	Waived
6. Processing time (in working days)	20
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Canberra Times FOI - Jervis Bay
Date: Friday, 25 January 2019 2:30:34 PM

Hi CMTEDD FOI team and a happy new year to you all,

I'm writing to request the following documents from the Chief Minister, Treasury and Economic Development Directorate under freedom of information.

- all ministerial briefs dated 1 January 2017 to 25 January 2019 about service delivery to Jervis Bay Territory

I am asking for this information to help inform public debate about service provision to this external territory.

While I'm conscious that under schedule 2.2(a)(x) you could refuse my request as it involves intergovernmental relations, I am hoping on balance you will rule that there are overwhelming factors favouring the disclosure in the public interest.

I believe the release of the information would satisfy provisions 2.1 (a) (i), (ii), (iv), (v) and (viii) of the Act.

I also note that a similar FOI on this same topic was recently approved by your team with redactions only under Sch 2, s2 (a)(ii) of the Act.

You can ring or email me to discuss my request further. Email may be easier to get me on.

Thank you for your help!

[REDACTED]
Reporter - ACT politics
The Canberra Times
m [REDACTED]
www.canberratimes.com.au



[REDACTED]



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2019-022

[REDACTED]

The Canberra Times

via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 25 January 2019 seeking access to the following:

“All ministerial briefs dated 1 January 2017 to 25 January 2019 about service delivery to Jervis Bay Territory”.

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 25 February 2019.

Decision on access

Searches were completed for relevant documents and 16 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to 14 documents relevant to your request. Out of scope information contained within the documents has been removed. I have decided to partially release two documents as I consider parts to be contrary to the public interest information under schedule 1.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

Material considered

In reaching my access decision, I have taken the following into account:

- the Act; and
- the content of the documents that fall within the scope of your request.

Exemption claimed

My reasons for deciding not to grant access to parts of the identified documents are as follows:

Contrary to the public interest information under schedule 1 of the Act

Documents 2 and 3 contain information concerning a Cabinet decision that has not been officially published. This type of information is covered under the provisions in schedule 1 of the Act.

Having considered the information contained in the documents, I am satisfied that disclosure of such information contained in documents 2 and 3 would be contrary to public interest pursuant to section 1.6 of Schedule 1 of the Act.

Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that is not in the public interest to release, while releasing the rest of the documents will ensure the intent of the Act is met and will provide you with access to the majority of information held by CMTEDD within the scope of your request.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(b) of the Act.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log three days after the date of my decision. Your personal contact details will not be published.

You may view the CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

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

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

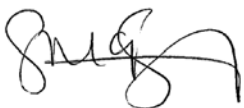
ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on (02) 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Sarah McBurney
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

25 February 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
	All ministerial briefs dated 1 January 2017 to 25 January 2019 about service delivery to Jervis Bay Territory	CMTEDDFOI 2019-022

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Aboriginal and Torres Strait Islander Elected Body Hearings brief 2017	04-Apr-17	Full release	Out of scope material redacted	Yes
2	3-5	Brief - NSW withdrawal from transfer of service to Jervis Bay Territory	10-May-17	Partial release	Schedule 1 1.6 – Cabinet information Out of scope material redacted	Yes
3	6-9	Signed copy of previous brief	10-May-17	Partial release	Schedule 1 1.6 – Cabinet information Out of scope material redacted	Yes
4	10	Attachment to previous brief	10-May-17	Full release		Yes
5	11-14	Brief – Update on Jervis Bay Territory issues	05-Jul-17	Full release	Out of scope material redacted	Yes
6	15-18	Signed copy of previous brief	05-Jul-17	Full release	Out of scope material redacted	Yes
7	19	Attachment to previous brief	05-Jul-17	Full release		Yes
8	20-21	Attachment to previous brief	05-Jul-17	Full release		Yes
9	22	Annual report hearing brief 2016-17: Jervis Bay Territory	2017	Full release		Yes
10	23-24	Budget Estimates brief 2017-18	2017	Full release	Out of scope material redacted	Yes
11	25-28	Aboriginal and Torres Strait Islander Elected Body Hearings brief 2018	1-Mar-18	Full release	Out of scope material redacted	Yes
12	29-31	Annual report hearing brief 2017-18: Jervis Bay and Other Territories	16-Oct-18	Full release	Out of scope material redacted	Yes
13	32-34	Budget Estimates brief 2018-19	04-Jun-18	Full release	Out of scope material redacted	Yes

14	35-59	Chief Minister's weekly brief	1-Jun-17	Full release	Out of scope material redacted	Yes
15	60-82	Chief Minister's weekly brief	15-Mar-18	Full release	Out of scope material redacted	Yes
16	83-110	Chief Minister's weekly brief	2-Aug-18	Full release	Out of scope material redacted	Yes
Total No of Docs						
17						

TITLE: Jervis Bay Territory

Delivery of state-type services by the ACT

- Previous Elected Body Reports to Government have asked the ACT Government to prioritise the resolution of servicing responsibilities by the NSW and ACT Governments to Jervis Bay Territory (JBT) and Wreck Bay communities.
- In late 2013, the Prime Minister, NSW Premier and ACT Chief Minister established a working group with representatives from each government, to develop options for future service delivery arrangements in JBT.
- The Tripartite Working Group Report, finalised in August 2014, presented three options for future service delivery arrangements including:
 - Establishing NSW law in JBT and transitioning service responsibility to NSW
 - Reincorporating JBT into NSW
 - ACT continuing to deliver services to JBT
- Due to JBT's distance from the ACT, the ACT Government maintains that the current arrangements for providing services to JBT residents are not the most effective, efficient nor responsive means of delivering services.
- The ACT Government is currently in discussions with the Commonwealth and NSW Governments to develop a model for transfer of service responsibility from ACT to NSW.
- Despite the delays and difficulties inherent in negotiating agreement between three governments, there is a renewed commitment to progress this issue and we are confident that a resolution will be reached soon.
- ACT Government's arrangements with the Commonwealth for the delivery by the ACT of state-type services to JBT continues. The ACT Chief Minister discussed the transition of service responsibilities to NSW with Premier Berejiklian in February 2016 seeking a pragmatic solution to service delivery in Jervis Bay.

Out of Scope

Out of Scope

Background

- Jervis Bay Territory is a Commonwealth Territory; through Commonwealth legislation, ACT laws apply to JBT.
- The ACT has provided services to JBT on a cost recovery basis under a Memorandum of Understanding with the Commonwealth since self-government.
- The service Budget for ACT services to JBT is around \$3.2 million in 2016-17, including \$2.5 million for the Jervis Bay Primary School.
- To ensure equity, the ACT Government ensures ACT taxpayers do not subsidise services to JBT residents and, conversely, that Commonwealth funding provided to the ACT for JBT services is spent in JBT.
- The services delivered by the ACT Government include:
 - Education (Jervis Bay School – pre-school to Yr 6)
 - Childcare licensing
 - Court services (Magistrate's, Children's and Coroner's)
 - Drivers licensing and assessment
 - Births, deaths and marriages, registration and licensing
 - Health protection services, and
 - Environmental protection services.

CONTACT: Geoffrey Rutledge, Deputy Director-General, CMTEDD

TELEPHONE: 7 8884

**Chief Minister, Treasury and Economic
Development Directorate**

UNCLASSIFIED

To: Chief Minister

Tracking No.: CMTEDD2017/1521

CC: Head of Service**From:** Deputy Director General, Policy and Cabinet**Subject:** NSW withdrawal from transfer of service to Jervis Bay Territory**Critical Date:** Normal course of business**Purpose**

To brief you on Premier Berejiklian's decision to withdraw from the Jervis Bay Territory (JBT) Tripartite Working Group (TWG) and next steps in relation to JBT.

Recommendations

That you note the information contained in this brief;

Noted / Please Discuss

Andrew Barr MLA/...../.....

Minister's Office Feedback

UNCLASSIFIED

Background

1. The first JBT TWG comprising NSW, ACT and Commonwealth officials was established in January 2014 and tasked with identifying options for future service delivery arrangements to JBT. The resultant report in late 2014 identified the transfer of service responsibility from ACT to NSW as a preferred option.
2. Following agreement between yourself, former Premier Baird and the then Commonwealth Minister for Territories, in February 2016 the TWG was re-established to agree a model to transfer service delivery responsibilities from ACT to NSW.
3. **Sch 1 1.6**

Issues

4. Since early 2017, NSW has expressed concern regarding the Commonwealth's commitment to meeting the full cost of an expanded service delivery model in JBT and financial support in transitioning to an expanded model. This concern stalled plans for NSW and the Commonwealth to seek their respective Cabinets' approval for the transition model.
5. Premier Berejiklian wrote to you on 20 April 2017 ([Attachment A](#)) to advise that NSW would be withdrawing from the TWG. This decision by the Premier ends all current efforts for the ACT to transfer service delivery in JBT to NSW.
6. **Out of Scope**

Next Steps

7. The TWG will hold a final meeting on 17 May 2017 to agree closing actions, including a strategy for engaging with the JBT community and public messaging regarding the ceasing of work to transfer services to NSW.
8. The 2017-18 service budget for ACT service delivery (\$3.4 million) in JBT is currently with the Department of Infrastructure and Regional Development for approval.
9. The Memorandum of Understanding that governed the service arrangements between ACT and the Commonwealth is overdue for review. The scheduled review of the MoU was delayed pending the outcome of the Tripartite Working Group. ACT and the Department of Infrastructure will develop a new agreement for signature prior to 1 July 2018.
10. A new agreement will provide an opportunity to identify service gaps in JBT and articulate the full service scope required by the Commonwealth and/or the JBT community. This process will also ensure all services are appropriately costed. ACT will also explore the possibility of a multi-year agreement with the Commonwealth.
11. The NSW Department of Premier and Cabinet has offered to share its service gap analysis conducted in their consideration of JBT with the ACT to assist in agreeing a definitive service model with the Commonwealth.

12. There are two options to establish the scope of services for JBT:
 - Option A Internal negotiation with the Commonwealth and ACT Directorates to agree a catalogue of in- and out-of-scope services; or
 - Option B With DIRD, engage in public consultation in JBT to seek the community view on service scope.
13. Agreeing a service scope through Option B is likely to result in a more extensive and expensive service scope, and may give the community misleading expectations regarding the ACT Government's capacity to provide a full range of services equivalent with service provision in the ACT. For example, economic development; arts and cultural; or sports and recreational services are not currently provided by the ACT in JBT as doing so has been historically out of scope and impractical.
14. Confirmation of the approach to determine service scope will be sought following the final TWG on 17 May 2017.

Out of Scope

Financial Implications

17. Establishing a comprehensive service model will allow the ACT to more confidently recover all costs for service delivery to JBT.

Benefits/Sensitivities

Media Implications

18. There may be media interest in the dissolution of the TWG. CMTEDD Strategic Communications will assist with communications.

Signatory Name: Geoffrey Rutledge

Phone: 78884

Action Officer: David Clapham

Phone: 57261

Attachments

Attachment	Title
Attachment A	Letter from Premier Berejiklian to CM

Chief Minister, Treasury and Economic
Development Directorate

UNCLASSIFIED

To:	Chief Minister	Tracking No.: CMTEDD2017/1521
CC:	Head of Service	
From:	Deputy Director General, Policy and Cabinet	
Subject:	NSW withdrawal from transfer of service to Jervis Bay Territory	
Critical Date:	Normal course of business	

Purpose

To brief you on Premier Berejiklian's decision to withdraw from the Jervis Bay Territory (JBT) Tripartite Working Group (TWG) and next steps in relation to JBT.

Recommendations

That you note the information contained in this brief;

[Signature]
Noted / Please Discuss

Andrew Barr MLA *[Signature]* 10/5/17

Minister's Office Feedback

UNCLASSIFIED

Background

1. The first JBT TWG comprising NSW, ACT and Commonwealth officials was established in January 2014 and tasked with identifying options for future service delivery arrangements to JBT. The resultant report in late 2014 identified the transfer of service responsibility from ACT to NSW as a preferred option.
2. Following agreement between yourself, former Premier Baird and the then Commonwealth Minister for Territories, in February 2016 the TWG was re-established to agree a model to transfer service delivery responsibilities from ACT to NSW.

3. Sch 1 1.6

Issues

4. Since early 2017, NSW has expressed concern regarding the Commonwealth's commitment to meeting the full cost of an expanded service delivery model in JBT and financial support in transitioning to an expanded model. This concern stalled plans for NSW and the Commonwealth to seek their respective Cabinets' approval for the transition model.
5. Premier Berejiklian wrote to you on 20 April 2017 ([Attachment A](#)) to advise that NSW would be withdrawing from the TWG. This decision by the Premier ends all current efforts for the ACT to transfer service delivery in JBT to NSW.

6. Out of Scope

Next Steps

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10. A new agreement will provide an opportunity to identify service gaps in JBT and articulate the full service scope required by the Commonwealth and/or the JBT community. This process will also ensure all services are appropriately costed. ACT will also explore the possibility of a multi-year agreement with the Commonwealth.
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14. Confirmation of the approach to determine service scope will be sought following the final TWG on 17 May 2017.

Out of Scope

Financial Implications

17. Establishing a comprehensive service model will allow the ACT to more confidently recover all costs for service delivery to JBT.

Benefits/Sensitivities

Media Implications

18. There may be media interest in the dissolution of the TWG. CMTEDD Strategic Communications will assist with communications.

Signatory Name: Geoffrey Rutledge

Phone:78884

Action Officer: David Clapham

Phone: 57261

Attachments

Attachment	Title
Attachment A	Letter from Premier Berejiklian to CM



Gladys Berejiklian MP
Premier of New South Wales

Reference: A2008890

Mr Andrew Barr MLA
Chief Minister of the ACT
GPO Box 1020
CANBERRA ACT 2601



20 APR 2017

Dear Chief Minister,

Thank you for taking the time to meet with me in Sydney on 17 February 2017.

One of the issues we discussed was NSW replacing the ACT Government's role in the Jervis Bay Territory.

Since our meeting, I have further considered the issue of NSW providing services to the territory. My view is that I do not support NSW pursuing this change at this time. Consequently, I have withdrawn NSW from the Jervis Bay Territory Tripartite Working Group.

I understand that this decision will be disappointing to you and the ACT Government. I have written to Senator the Hon Fiona Nash, Minister for Local Government and Territories to inform her of my decision.

I look forward to continuing to work together, in particular on matters being progressed through the *Australian Capital Territory and New South Wales Memorandum of Understanding for Regional Collaboration*.

Yours faithfully,

Gladys Berejiklian MP
Premier
Member for Willoughby

**Chief Minister, Treasury and Economic
Development Directorate**

UNCLASSIFIED

To:	Chief Minister	Tracking No.: Click here to enter text.
CC:	Head of Service	
From:	Executive Director, Policy and Cabinet, CMTEDD	
Subject:	June 2017 update on Jervis Bay Territory issues	
Critical Date:	Normal course of business	
Critical Reason:	Update is not time critical	

Purpose

To provide you with an update on a number of ongoing issues and activities in Jervis Bay Territory.

Recommendations

That you note the information contained in this brief.

Noted / Please Discuss

Andrew Barr MLA /...../.....

Minister's Office Feedback

UNCLASSIFIED

Background

1. CMTEDD policy focus in Jervis Bay Territory (JBT) has shifted following advice in February 2017 by NSW Premier Berejiklian that NSW would not continue to participate in the Tripartite Working Group. The group comprised ACT, NSW and Australian Governments, set up to develop a transition model to transfer legislative and service responsibilities in JBT from ACT to NSW.
2. The Memorandum of Understanding (MoU) that supports ACT service delivery in JBT is due for review.
3. **Out of Scope**

Issues

Service Delivery in JBT

4. You have previously been briefed (CMTEDD2017/1521) on the NSW Premier's decision to withdraw from the Tripartite Working Group.
5. It remains the ACT's position that the Territory is not best placed to deliver services to JBT and that better community outcomes would be achieved for the JBT if it were wholly serviced by NSW. You expressed this view in your recent meeting with the Minister for Territories, Senator Fiona Nash. The Minister expressed disappointment in NSW's decision to withdraw.
6. The ACT will continue to provide services to JBT and the proposed scope and funding of services for 2017-18 is at Attachment A. In addition, we will also continue to advocate to NSW and the Commonwealth for a resumption of the Tripartite Working Group and an agreed model and timeline for transition of services to NSW.
7. The ACT has embarked on a process with the Department of Infrastructure and Regional Development (DIRD) to review service delivery in JBT in order to identify service needs and gaps; reform services where appropriate; develop complete costings and develop a new agreement with the Commonwealth for ACT service delivery in JBT, to commence in 2018-19.
8. On 5 June 2017, CMTEDD attended a meeting of the Wreck Bay Aboriginal Community Council (WBACC) to communicate the end of the Tripartite Working Group and the intention for ACT and DIRD to work with WBACC to identify community needs to aid in the refresh of service delivery arrangements. WBACC were invited to reflect on the community needs and to join a proposed working group to agree priorities for a refreshed service model.
9. Parallel to and supporting this work, DIRD has commissioned CMTEDD Policy and Cabinet to project manage an investigation of and report into community, justice and welfare services. The project will establish an evidence base for Australian and ACT governments' consideration of service changes to meet the needs of the JBT community. (Scope of works at Attachment B.) DIRD has provided \$300,000 to fund this project (\$50,000 for ACT project management and \$250,000 for consultant).

10. There are anecdotal reports that domestic violence and drug abuse are significant issues in the JBT community. To assist in identifying the extent of the issue and best service response, the investigation and report will identify:
- The current profile of justice, community and welfare services available to JBT residents, including NSW state and local services;
 - The extent to which the current service profile meets the needs of the JBT community, best practice and the applicable legislative and policy frameworks;
 - The current and future community, justice and welfare service needs of the JBT community over the next 10 years;
 - Options and recommendations for improvements to community, justice and welfare services in the JBT, including costings.

Out of Scope

Financial Implications

17. The 2017-18 budget for ACT service delivery in JBT is \$3.5million. DIRD funds the ACT Government to provide services in JBT on (nominally) a no net cost basis, although it is likely that this funding level does not represent full cost recovery for the ACT. The review of the MoU between ACT and the Commonwealth provides an opportunity to refine costings and achieve more accurate funding levels for ACT's service delivery.

ConsultationCross Directorate

18. CMTEDD works closely with relevant service delivery unit across ACT Government to coordinate JBT issues.

External

19. CMTEDD developed the attached scope of works (Attachment B) and budget in consultation with DIRD.

Benefits/Sensitivities

20. The largely Aboriginal population of JBT is very sensitive regarding a long history of perceived government neglect, miscommunication, environmental damage and mismanagement. ACT and DIRD's proposed consultation process with WBACC to review service needs will be supported by Indigenous Affairs in the Department of Prime Minister and Cabinet. We will also engage with NSW service providers.
21. A key sensitivity will be managing expectations from WBACC. There is a fine distinction between those ACT services that WBACC feels the JBT community is entitled to and those that are funded through the existing Service Level Agreement and MoU.

Media Implications

22. NSW's decision to withdraw from the Tripartite Working Group attracted media attention. Given the idiosyncratic legacy of service arrangements that exist in JBT, government action there attracts intermittent media interest.

Signatory Name:	Geoffrey Rutledge	Phone:	78884
Action Officer:	David Clapham	Phone:	57261

Attachments

Attachment	Title
Attachment A	JBT 2017-18 Service Budget
Attachment B	Service Improvements in Jervis Bay Territory (Community, Justice & Welfare Services) Scope of Works and Budget

Chief Minister, Treasury and Economic
Development Directorate

UNCLASSIFIED

To: Chief Minister

Tracking No.: Click here to enter text.

CC: Head of Service

From: Executive Director, Policy and Cabinet, CMTEDD

Subject: June 2017 update on Jervis Bay Territory issues

Critical Date: Normal course of business

Critical Reason: Update is not time critical

Purpose

To provide you with an update on a number of ongoing issues and activities in Jervis Bay Territory.

Recommendations

That you note the information contained in this brief.

~~Noted~~ / Please Discuss

Andrew Barr MLA  5/7/17

Minister's Office Feedback

UNCLASSIFIED

Background

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2. The Memorandum of Understanding (MoU) that supports ACT service delivery in JBT is due for review.

3.

Out of Scope

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5. It remains the ACT's position that the Territory is not best placed to deliver services to JBT and that better community outcomes would be achieved for the JBT if it were wholly serviced by NSW. You expressed this view in your recent meeting with the Minister for Territories, Senator Fiona Nash. The Minister expressed disappointment in NSW's decision to withdraw.
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9. Parallel to and supporting this work, DIRD has commissioned CMTEDD Policy and Cabinet to project manage an investigation of and report into community, justice and welfare services. The project will establish an evidence base for Australian and ACT governments' consideration of service changes to meet the needs of the JBT community. (Scope of works at Attachment B.) DIRD has provided \$300,000 to fund this project (\$50,000 for ACT project management and \$250,000 for consultant).

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Out of Scope

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17. The 2017-18 budget for ACT service delivery in JBT is \$3.5million. DIRD funds the ACT Government to provide services in JBT on (nominally) a no net cost basis, although it is likely that this funding level does not represent full cost recovery for the ACT. The review of the MoU between ACT and the Commonwealth provides an opportunity to refine costings and achieve more accurate funding levels for ACT’s service delivery.

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Cross Directorate

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Signatory Name:	Geoffrey Rutledge	Phone:	78884
Action Officer:	David Clapham	Phone:	57261

Attachments

Attachment	Title
Attachment A	JBT 2017-18 Service Budget
Attachment B	Service Improvements in Jervis Bay Territory (Community, Justice & Welfare Services) Scope of Works and Budget

Attachment A – 2017-18 JBT Service Budgets

Service Area	Description	2017-18 Cost Estimate
Court Services Justice & Community Safety Directorate	<ul style="list-style-type: none"> - Operation of court servicers from JBT - Ad hoc court hearing s (eg Coroners Court) when required 	\$159,063
Care & Protection Community Services Directorate	<ul style="list-style-type: none"> - Primarily statutory care and protection 	\$297,005
Health Protection Health	<ul style="list-style-type: none"> - Incl. food safety and potable water testing 	\$71,891
Policy & Coordination Chief Minister, Treasury & Economic Development Directorate (CMTEDD)	<ul style="list-style-type: none"> - CMTEDD WhoG policy, coordination and service review 	\$174,842
Vehicle Registration & Licences Access Canberra (CMTEDD)	<ul style="list-style-type: none"> - Testing and issuing of ACT vehicle registrations and licences. 	\$45,461
Births, Deaths & Marriages and Compliance Access Canberra (CMTEDD)	<ul style="list-style-type: none"> - Births, Deaths and Marriage records and certificates - Access Canberra compliance checks (eg worksafe, tobacco sale) 	\$20,930
Environmental Testing Access Canberra (CMTEDD)	<ul style="list-style-type: none"> - Environmental Protection incl. recreational water testing. 	\$28,347
Child Care Regulation Education Directorate	<ul style="list-style-type: none"> - Assessment and regulation by Children's Education and Care Assurance against National Quality Standards 	\$18,290
School Services Education Directorate	<ul style="list-style-type: none"> - Operation of Jervis Bay Primary (approx. 75 students) - Bus transport of secondary school students to NSW schools 	\$2,733,608
	TOTAL	\$3,549,437

Service Improvements in Jervis Bay Territory
(Community, Justice & Welfare Services)
Scope of Works

Scope of Works

Previous consultations with the Jervis Bay Territory (JBT) community, including the Wreck Bay Aboriginal Community Council (WBACC) have identified a number of priorities for Wreck Bay residents, particularly in relation to community, justice and welfare services. The 2014 JBT review and the 2012 Baseline Community Profile of the Wreck Bay Community (prepared by FaHCSIA in consultation with the JBT community) highlight these challenges.

The ACT Government will project manage an investigation of and report into community, justice and welfare services to establish an evidence base for Australian and ACT government consideration of service changes to meet the needs of the JBT community. A desktop analysis of community, justice and welfare matters (for example, crime and court data, recidivism, alcohol and drug abuse statistics) will be used to underpin this evidence base.

The investigation and report will identify:

- The current profile of justice, community and welfare services available to JBT residents, including NSW state and local services;
- The extent to which the current service profile meets the needs of the JBT community, best practice and the applicable legislative and policy frameworks;
- The current and future community, justice and welfare service needs of the JBT community over the next 10 years;
- Options and recommendations for improvements to community, justice and welfare services in the JBT, including costings. These recommendations will be made with reference to:
 - the service needs of the JBT community, including any existing gaps in the service system;
 - the extent to which the options mitigate risks to the JBT community, Australian and ACT governments;
 - the extent to which the options progress relevant Australian and ACT policies (for example, Closing the Gaps targets);
 - the network of interrelated services that would contribute to achieving better community, justice and welfare outcomes;
 - the options that would deliver better outcomes for the JBT community;
 - the options that would represent an efficient, effective and economic use of public monies (value for money); and
 - jurisdictional roles involved and funding mechanisms required to support an effective continuum of justice, community and welfare services.

Stakeholders

The investigation report and recommendations on service improvements for the JBT community will be prepared in consultation with:

- Wreck Bay Aboriginal Community Council, and JBT community more broadly (potentially through targeted focus groups building on previous consultations);
- Australian Government (including the Department of Infrastructure and Regional Development; Department of Prime Minister and Cabinet [Indigenous Affairs]; Department of Health; Department of Social Services);

- ACT Government Directorates; and
- NSW Service Providers.

Note: This project will be progressed in parallel with the Australian and ACT governments’ broader (ongoing) stakeholder consultation strategy to develop an enhanced model for service delivery in the JBT.

The Australian and ACT governments are looking to establish a ‘Working Group’, involving WBACC, to progress service delivery reform in the JBT. To avoid stakeholder confusion no contact will be made with WBACC on this project until after the first meeting of this working group, or WBACC has otherwise been formally informed this project is being progressed.

Methodology

A project steering group jointly chaired by Australian and ACT government representatives will work with the successful consultant to ensure the final report meets the project brief (as outlined above).

Funding

Funding of \$300,000 will be provided in 2016-17 for immediate commencement of the project via the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) Service Delivery Agreement.

Background

Under the *Jervis Bay Territory Acceptance Act [1915]*, ACT law applies in the Jervis Bay Territory (JBT). The 2012 Memorandum of Understanding (MOU) between the ACT and Commonwealth Governments (Delivery of ACT Services to the Jervis Bay Territory) operationalises service delivery arrangements in the JBT. The MOU authorises the ACT to provide state-type services and exercise powers on behalf of the Commonwealth, and for the Commonwealth to pay for these services.

This MOU requires review and refresh. As a part of this review, there is an opportunity for the ACT, Commonwealth and JBT community to work together to assess service needs, identify service gaps in priority areas and explore options for service improvements, particularly to community, justice and welfare services.

Services in the JBT will be delivered in a way that meets the needs and expectations of the JBT community, ACT and Commonwealth legislation and relevant service frameworks, including the Closing the Gap targets under the *National Indigenous Reform Agreement*.

Description of costs	Amount (excl GST)
Project Management	\$50,000
Consultancy Fees	\$250,000
TOTAL	\$300,000

CHIEF MINISTER ANNUAL REPORT HEARINGS 2016-17

ISSUE: JERVIS BAY TERRITORY

Talking points

- The ACT Government is engaged by the Commonwealth to provide a broad range of state-type services in Jervis Bay Territory. These services fall into the following categories:
 - Primary Education
 - Early Childhood Regulation
 - Care and Protection
 - Health Protection Services
 - Environmental Monitoring
 - Vehicle Registration and Drivers Licenses
 - Access Canberra Services – government services and compliance activities
 - Court and Justice Services
- Following a 2014 review of services in Jervis Bay Territory (JBT), the Australian, ACT and NSW governments worked together until February 2017 on options for future service delivery arrangements to the Jervis Bay Territory.
- On 20 April 2017 the NSW Government decided not to continue work on options for future service delivery arrangements. This decision has no impact on the current delivery of government services to the Jervis Bay Territory community.
- The Memorandum of Understanding between the ACT and Australian Government is currently being reviewed with the objective of developing a new agreement to provide for state-type services to Jervis Bay Territory. As a part of this process, the ACT and Australian Governments are working closely with the Jervis Bay Territory community to identify opportunities to improve service outcomes.

Key points and statistics

- The total value of funding provided by the Australian Government to the ACT Government for services in Jervis Bay Territory for the last three years is as follows:
 - 2015-16: \$3,089,478
 - 2016-17: \$3,415,770
 - 2017-18: \$3,540,773 (note that this is the current year agreed amount and is subject to change dependent on service needs).

Background information

- Under the *Jervis Bay Territory Acceptance Act 1915 (Cwlth)*, ACT law applies in the JBT.

Jervis Bay Territory (JBT)

Policy/Program/Project Description and Rationale

The ACT Government provides a number of State-Type Services in Jervis Bay Territory (JBT)

Subject

What is the ACT's current activity in Jervis Bay Territory?

Response

ACT Service in JBT

- Jervis Bay Territory is a Commonwealth responsibility; through Commonwealth legislation, ACT laws apply to JBT.
- The ACT has provided services to JBT on a cost recovery basis under a Memorandum of Understanding with the Commonwealth since self-government.
- The service Budget for ACT services to JBT is approximately \$3.7 million in 2017-18, including over \$2.5 million for the Jervis Bay Primary School.
- To ensure equity, the ACT Government ensures ACT taxpayers do not subsidise services to JBT residents and, conversely, that Commonwealth funding provided to the ACT for JBT services is spent in JBT.
- The services delivered by the ACT Government include:
 - Education (Jervis Bay School – pre-school to Yr 6)
 - Childcare licensing
 - Court services (Magistrate's, Children's and Coroner's)
 - Drivers licensing and assessment
 - Births, deaths and marriages, registration and licensing
 - Health protection services, and
 - Environmental protection services.

Transition of Services to NSW

- In late 2013, the Prime Minister, NSW Premier and ACT Chief Minister established a working group with representatives from each government, to develop options for future service delivery arrangements in JBT.
- The Tripartite Working Group Report, finalised in August 2014, presented a number of options for future service delivery arrangements. The preferred option was to establish NSW law in JBT and transitioning service responsibility to NSW.
- Progress of the Tripartite Working Group since February 2016 to agree a transition model recently ended when premier Berejiklian advised that NSW would not pursue taking on JBT service responsibility at this time.
- This decision will have no impact on the current delivery of government services to the Jervis Bay Territory community.

- Jervis Bay Territory residents will continue to receive the same government services currently provided by the Australian, ACT and NSW governments.
- While the ACT position remains that the ACT is not best suited to provide service to JBT, the Australian and ACT governments will continue to work collaboratively together to ensure government services meet the needs of the Jervis Bay Territory community.
- The MoU with the Commonwealth that provides for ACT service delivery is due for review, and we will be working with the Commonwealth throughout 2017-18 to review the service model and identify opportunities to improve service delivery.
- The Jervis Bay Territory community will be actively engaged in future discussions on potential changes to government services.
- Any future changes to current service delivery arrangements will only be made on the basis that there is a demonstrated benefit to the Jervis Bay Territory community.

Out of Scope

ISSUE: JERVIS BAY TERRITORY

Talking points:

Service Delivery Reform

- The ACT Government is contracted by the Commonwealth Government to supply certain services to Jervis Bay Territory (JBT). The 2017-18 ACT Budget for delivery of services in JBT is approximately \$3.5 million per annum.
- The 2012 Memorandum of Understanding (MOU) between the ACT and Commonwealth Governments for the delivery of ACT services to the JBT authorises the ACT to provide state-type services, and for the Commonwealth to pay for these services.
- This MOU requires review. As a part of this review, there is an opportunity for the ACT, Commonwealth and JBT community to work together to assess service needs, identify service gaps in priority areas and explore options for service improvements, particularly to community, justice and welfare services. The three main outcomes are:
 - A clear understanding of the service needs of JBT developed cooperatively with the JBT community;
 - An agreed service model for State-type services in JBT which is outcome-based and may include services delivered by the ACT, NSW and other providers; and
 - An agreed funding model and agreement, commencing 2019-20.
- The Commonwealth (represented by the Department of Infrastructure, Regional Development and Cities (DIRDC)) has embarked on a co-design engagement process with the Wreck Bay Aboriginal Community Council to identify opportunities for service improvements in JBT. DIRDC has engaged specialist community consultation experts to facilitate this process, and the ACT (led by CMTEDD) is supporting the engagement.
- The second of three co-design workshops was held 20-21 February. Over 2 days the group discussed opportunities for improvements to

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Cleared by: Deputy Director-General Ext: 73751
Contact Officer Name: David Clapham Ext: 57261
Lead Directorate: Chief Minister, Treasury and
Economic Development

education, community, justice and health services. Priorities for improvements are still to be determined, but key emerging themes included:

- Support for coordination and navigation of existing services;
 - Better transport and digital connectivity options;
 - Increased emphasis on early intervention in health, justice and community services.
- As an adjunct project, the ACT Government has agreed to project manage an Investigation and Report into Community, Justice and Welfare Services in Jervis Bay Territory on behalf of the Commonwealth. The Commonwealth has allocated \$250,000 to the ACT Government for this project, including a \$50,000 project management fee. The ACT Government has engaged the consultancy services of Ms Sue Chapman (with considerable professional experience in the Commonwealth, NSW Government and the ACT Government, as the former Director-General, ACT Community Services Directorate) for approximately \$100,000 to conduct the investigation and produce a series of reports, with an expected completion date of the project on 30 June 2018. There is scope and flexibility to undertake additional consultancy services based on the findings of the final report.
 - In brief, the objectives of this project are to:
 - Investigate through engagement with ACT, DIRD and NSW Government stakeholders, as well as the JBT community, the current level of community, justice and welfare service provision in JBT, and gauge the extent to which this service model meets the needs of the community.
 - Report on the current model, the needs of the community (supported by evidence) and advise alternative costed service models that might achieve better outcomes for the JBT community.

Out of Scope

Out of Scope

Key Information

- The ACT position is that it is not best placed to deliver services in JBT and that better outcomes would be achieved from the community if service and legislative responsibilities were transferred to NSW.

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Lead Directorate:	Chief Minister, Treasury and Economic Development	

TRIM Ref:

- Until February 2017, Tripartite negotiations between the ACT, NSW and Commonwealth were underway to agree how services could be transferred to NSW, including legislative change to apply NSW law in JBT.
- NSW has indicated that it is not willing to pursue a transition of services in the near future.
- The 2017-18 Budget for ACT services in JBT is approximately \$3.5 million. The scope of current services provided by the ACT in the JBT is limited to:
 - Access Canberra Services and compliance, including:
 - Worksafe
 - Births, Deaths and Marriages services
 - Drivers licences and vehicle registration
 - Registrations and licencing
 - Care and Protection Services
 - Court services, including court sittings in the JBT
 - Jervis Bay Primary School
 - Environmental Health Monitoring
 - Population Health Monitoring (primarily through potable water testing)
 - Policy Coordination (CMTEDD)
 - Children’s Education and Care Assurance (Child Care Regulation)
 - Corrective Services (currently unfunded)

Background Information – may not be suitable for public disclosure

- Jervis Bay Territory (JBT) is a Commonwealth Territory. Under the *Jervis Bay Territory Acceptance Act 1915*, ACT law applies in the JBT.
- The population of JBT is approximately 400 people, including a significant (approx. 50%) Aboriginal community – the Wreck Bay Community.

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ISSUE: JERVIS BAY AND OTHER TERRITORIES

Talking points:

Jervis Bay

- The Jervis Bay Territory (JBT) is a separate Commonwealth Territory, located on the coast of NSW. Under Commonwealth law, ACT legislation is applied in JBT. The ACT Government is engaged by the Australian Government to provide a broad range of state-type services in Jervis Bay Territory. These services fall into the following categories:
 - Primary Education
 - Early Childhood Regulation
 - Care and Protection
 - Health Protection Services
 - Environmental Monitoring
 - Vehicle Registration and Drivers Licenses
 - Access Canberra Services – government services and compliance activities
 - Court and Justice Services
- The Memorandum of Understanding between the ACT and Australian Governments is currently being reviewed with the objective of developing a new agreement to provide for state-type services to Jervis Bay Territory. As a part of this process, the ACT and Australian Governments are working closely with the Jervis Bay Territory community to identify opportunities to improve service outcomes.
- To support this process, the ACT has partnered with the Australian Government in a program of community engagement to better understand service priorities and any gaps that should be addressed.

Cleared as complete and accurate:	16/10/2018	
Cleared by:	Deputy Director-General	Ext:73751
Information Officer name:	Release not assessed at time of clearance.	
Contact Officer name:	Leesa Croke	Ext: 73751
Lead Directorate:	Chief Minister, Treasury and Economic Development	

- In 2017-18 officers from across ACT Government participated in a series of intensive workshops with the Wreck Bay Community Board to identify where better outcomes can be achieved for the Wreck Bay community.
- This engagement work is being led by DIRDC and planning is currently underway to engage more broadly with the JBT community before the end of 2018.

Key Information

- The total value of funding provided by the Australian Government to the ACT Government for services in Jervis Bay Territory for the last three years is as follows:
 - 2016-17: \$3,415,770
 - 2017-18: \$3,482,773
 - 2018-19: \$3,986,774 (note that this is the current year agreed amount and is subject to change dependent on service needs).

Out of Scope

Out of Scope

Background Information

- Following a 2014 review of services in Jervis Bay Territory (JBT), the Australian, ACT and NSW governments worked together until February 2017 on options for future service delivery arrangements to the Jervis Bay Territory.
- On 20 April 2017 the NSW Government decided not to continue work on options for future service delivery arrangements. This decision has no impact on the current delivery of government services to the Jervis Bay Territory community.
- ACT continues to hold the position that the ACT is not best placed to deliver services in JBT and that better outcomes would be achieved if the services were delivered by NSW. However, for as long as the ACT continues to provide services the Government is committed to working with the Commonwealth to achieve the best possible outcomes for the community of JBT.

Cleared as complete and accurate:	16/10/2018	
Cleared by:	Deputy Director-General	Ext:73751
Information Officer name:	Release not assessed at time of clearance.	
Contact Officer name:	Leesa Croke	Ext: 73751
Lead Directorate:	Chief Minister, Treasury and Economic Development	

Portfolio/s: Chief Minister

ISSUE: JERVIS BAY TERRITORY

Talking points:

- The ACT Government is engaged by the Commonwealth to provide a broad range of state-type services in Jervis Bay Territory (JBT). These services fall into the following categories:
 - Primary Education;
 - Early Childhood Regulation;
 - Care and Protection;
 - Health Protection Services;
 - Environmental Monitoring;
 - Vehicle Registration and Drivers Licenses;
 - Access Canberra Services – government services and compliance activities; and
 - Court and Justice Services.
- CMTEDD Intergovernmental Relations coordinates ACT services delivered in JBT and provides strategic policy oversight on issues that arise from this complicated legacy arrangement.
- The service Budget for ACT services to JBT is approximately \$3.5 million in 2017-18, including \$2.7 million for the Jervis Bay Primary School.
- The 2012 Memorandum of Understanding between the ACT and Commonwealth Governments is currently being reviewed with the objective of developing a new funding model and agreement to commence in 2019-20. As a part of this process, the ACT and Commonwealth Governments (represented by the Department of Infrastructure, Regional Development and Cities (DIRDC)) are working closely with the JBT community to identify opportunities to improve service outcomes.

Cleared as complete and accurate:	04/06/2018	
Cleared by:	Deputy Director-General	Ext: x73751
Contact Officer Name:	Kristie Cockfield	Ext: x52838
Lead Directorate:	Chief Minister, Treasury and Economic Development	

- As an adjunct project to this review process, the ACT Government has agreed to project manage an Investigation and Report into Community, Justice and Welfare Services in JBT on behalf of the Commonwealth. The Commonwealth has allocated \$250,000 to the ACT Government for this project, including a \$50,000 project management fee. The ACT Government has engaged the consultancy services of Ms Sue Chapman (with considerable professional experience in the Commonwealth, NSW Government and the ACT Government, as the former Director-General, ACT Community Services Directorate) to conduct the investigation and produce a series of reports, with an expected completion date of the project on 30 June 2018.
- The JBT is home to the Wreck Bay Aboriginal community. Part of ACT Government's joint work with the Commonwealth to improve outcomes for the JBT has been to strengthen engagement with the Wreck Bay Aboriginal Community Council in order to assess key priorities of the community.

Out of Scope

Background Information – may not be suitable for public disclosure

- JBT is a Commonwealth Territory. Through Commonwealth legislation, ACT laws apply to JBT.
- The ACT has provided services to JBT on a cost recovery basis under a Memorandum of Understanding with the Commonwealth since self-government.
- To ensure equity, the ACT Government ensures ACT taxpayers do not subsidise services to JBT residents and, conversely, that Commonwealth funding provided to the ACT for JBT services is spent in JBT.
- Following a 2014 review of services in Jervis Bay Territory (JBT), the Australian, ACT and NSW governments worked together until February 2017 on options for future service delivery arrangements to the Jervis Bay Territory.
- On 20 April 2017 the NSW Government decided not to continue work on options for future service delivery arrangements. This decision has no impact on the current delivery of government services to the Jervis Bay Territory community.

2017-18 Approved Budget for ACT service delivery in JBT

- The 2017-18 ACT Budget for delivery of services in JBT is approximately \$3.5 million per annum. The scope of current services provided by the ACT in the JBT and approximate Commonwealth budget allocations per service area are as follows:

Directorate	Service Area	Budget Allocation 2017-18
Chief Minister, Treasury and Economic Development Directorate (CMTEDD)	<ul style="list-style-type: none"> ▪ Policy Coordination ▪ Access Canberra services and compliance monitoring, including Environmental Health Monitoring 	Approx. \$260,000
Education Directorate	<ul style="list-style-type: none"> ▪ Jervis Bay Primary School ▪ Children’s Education and Care Assurance (Child Care Regulation) 	Approx. \$2.7million
Justice and Community Safety Directorate (JACS)	<ul style="list-style-type: none"> ▪ Court services, including court sittings in the JBT ▪ Corrective Services (currently unfunded) 	Approx. \$160,000
Community Services Directorate (CSD)	<ul style="list-style-type: none"> ▪ Care and Protection Services 	Approx. \$300,000
Health Directorate	<ul style="list-style-type: none"> ▪ Population Health Monitoring (primarily through potable water testing) 	Approx. \$70,000

Cleared as complete and accurate: 04/06/2018
 Cleared by: Deputy Director-General Ext: x73751
 Contact Officer Name: Kristie Cockfield Ext: x52838
 Lead Directorate: Chief Minister, Treasury and Economic Development



CHIEF MINISTER'S WEEKLY ISSUES BRIEF

DATE: 1 June 2017

CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE

Chief Minister

Policy and Cabinet Division

- ACT officials, with representatives from the NSW Government and Commonwealth, will attend a meeting of the Wreck Bay Aboriginal Community Council in Jervis Bay Territory on Monday 5 June. The meeting is to assure the Wreck Bay community that there will be no disruption to service delivery in Jervis Bay as a result of the recent decision by the NSW Government to withdraw from the Tripartite Working Group that was developing a model to transfer services from ACT to NSW.
- The ACT and Department of Infrastructure have already begun work to review the agreements in place to support service delivery in order to identify how better outcomes can be achieved for the Jervis Bay Territory community. The ACT will continue to deliver services in Jervis Bay for the foreseeable future, however the ACT position remains that better outcomes would be delivered for Jervis Bay if it were fully folded into the NSW service system.

Out of Scope

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SENSITIVE



ACT
Government

CHIEF MINISTER'S WEEKLY ISSUES BRIEF

DATE: 15 March 2018

CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE

Chief Minister

Policy and Cabinet

Out of Scope

Jervis Bay Territory

- On 21 March, PCD Intergovernmental Relations is hosting a Community and Justice Services workshop, facilitated by Sue Chapman, who has been engaged by CMTEDD to conduct an Investigation and Report into Community, Justice and Welfare services in the Jervis Bay Territory.
- Following the workshop, Ms Chapman will develop options for service improvements in JBT, which will then be tested with the Commonwealth.

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SENSITIVE



ACT
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CHIEF MINISTER'S WEEKLY ISSUES BRIEF

DATE: 2 August 2018

CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE

Chief Minister

Policy and Cabinet

Out of Scope

JBT Co-design

- Policy and Cabinet will meeting with officials from DIRDC on 7 August to discuss the ongoing service co-design process for JBT residents.

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