





**ACT HUMAN RIGHTS
COMMISSION**

Australian Capital Territory

Governance and Corporate Support Protocol

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Contents

1.	Intention of Protocol	3
2.	Communication and Responsibilities	3
2.1.	Framework Principles	3
2.2.	Governance and Consultation	4
2.3.	Corporate Support and Services.....	6
3.	Strategic Plan.....	7
4.	Financial Management	7
4.1.	Funding Allocation.....	8
4.2.	Commissioners’ Budgets	8
4.3.	Funding Requests	8
5.	Performance Criteria	9
6.	Financial and Performance Reporting and Auditing	9
6.1.	Financial and Performance Reporting.....	9
6.2.	Audits and Risk Management	10
7.	Definitions.....	10
8.	Schedules	11
A	Budget for Commissioners	12
B	Strategic Plan 2021 -2024	13
C	Performance Criteria	14

1. Intention of Protocol

This Protocol is established as required under s 18(1)(d) of the *Human Rights Commission Act 2005*, which provides that the President of the Human Rights Commission has the function of developing a Governance and Corporate Support Protocol in accordance with s 18A. Section 18A provides:

‘The president must—

- (a) after consulting with the director-general and the other commissioners, prepare a draft governance and corporate support protocol for each 3-year period that includes—
 - (i) how the responsible directorate and the commission will consult and communicate with each other;
 - (ii) a strategic plan for the 3-year period;
 - (iii) how funding will be allocated within the commission for each year in the 3-year period;
 - (iv) a budget for each commissioner mentioned in section 4 for each year in the 3-year period;
 - (v) performance criteria to be met by the commission in each year of the 3-year period;
 - (vi) financial and performance reporting and auditing requirements for the 3-year period;
 - (vii) processes for requesting funding; and
 - (viii) anything else prescribed by regulation.
- (b) give the draft plan to the director-general for endorsement.
- (c) publish the approved plan on the commission’s website.

2. Communication and Responsibilities

2.1. Framework Principles

The President and Commissioners comprising the Commission are responsible to exercise the powers and perform functions under the *Human Rights Commission Act 2005*, and other legislation that specifically confers powers and functions on them.

The Commission’s independence is guaranteed under s 16 of the *Human Rights Commission Act 2005* as not being subject to the direction of anyone, except the Minister in directing the Commission to inquire and report into a matter under s17.

The Commission and JACS will conduct their relationship in a manner which:

- promotes a mutually professional relationship between them;
- encourages regular discussions between them; and
- enables them to fulfil their obligations at law and under this Protocol.

This Protocol does not derogate from the statutory powers or duties of the President, Commissioners, or the Director-General of the Justice and Community Safety Directorate (as the responsible Directorate).

2.2. Governance and Consultation

JACS will:

- consult the Commission in relation to the coordination of JACS portfolio responses;
- assist the Commission with strategic planning at a JACS portfolio level;
- invite the President and Commissioners to participate in regular or other corporate management / governance forums such as the JACS Executive Committee (JEC);
- invite the President and Commissioners to other relevant consultations and meetings (where a consultation or meeting is relevant to a particular Commissioner, JACS should invite that Commissioner directly and copy the President into the invitation if appropriate);
- consult the President on behalf of the Commission on the formulation of systemic policy;
- seek the advice of the President on behalf of the Commission in relation to policy proposals progressed by JACS and other agencies;
- seek the advice of the President on behalf of the Commission in developing Directorate responses to whole of government corporate matters; and
- seek the advice of the President on behalf of the Commission in developing Directorate corporate policies and collective agreement negotiations.

2.2.1. Annual Reporting

The Commission will publish its own annual report in line with statutory requirements and taking into consideration the Annual Report Directions. JACS will work with the President to identify material such as financial reporting that can be included in the Directorate's annual report, as the Director-General is legislatively responsible for annual reporting of the Commission's finances.

2.2.2. Workplace Issues

The President and Commissioners have day-to-day responsibility for members of the staff of the Commission and management of the workplace, consistent with public sector principles and obligations in the Public Sector Management Act.

Training: Appropriate training of all staff is a shared objective; and the President and Commissioners are responsible for ensuring that staff working at the Commission are appropriately trained to perform their functions adequately.

JACS will oversee the development of a JACS portfolio training strategy for all staff; and inform the President and Commissioners of any training opportunities which may be of interest to the HRC. JACS will also provide advice on whole of government and Directorate development opportunities for senior executives.

The President and Commissioners will permit staff working at the Commission to participate in JACS portfolio training opportunities, subject to operational needs and resources. Commissioners and staff also have specialist conference and training needs and will submit relevant proposals to JACS to fund such specialist needs.

JACS will also facilitate access to whole of government training for Commission staff if necessary.

Leave: The Director-General has power to approve leave of the President and Commissioners under s 18E(2)(a). The Director-General will delegate to the President power to approve leave for Commissioners and staff working at the HRC. Commissioners, directors and managers will approve leave for staff in their respective teams.

Travel: The President will consult the Minister on overseas travel proposed by the President or Commissioners and ensure that procedures are in place for the Commissioners' travel to be approved by the President.

Personnel: In relation to performance management, the President and Commissioners will make arrangements, in line with any applicable standards developed by JACS, for staff working under the HRC. JACS will:

- raise with the President any personnel matters affecting the Commission or staff working under the Commission that come to the attention of the Director-General;
- negotiate enterprise agreements in relation to JACS portfolio staff; and
- invite the Commission to participate in the JACS whole of staff survey.

2.2.3. Ministerial and Assembly Issues

The President has a responsibility to provide advice directly to the Minister and relevant Ministers on matters of significance. To facilitate provision of material to the Minister by the President, or from the Minister to the President, JACS will:

- provide ministerial services (processing of briefs, ministerial correspondence and cabinet submissions) to the President in a timely manner;
- provide the Commission with such information or assistance on ministerial services as the Commission may reasonably request;
- consult with the President prior to implementing any changes to ministerial services;
- provide the Commission with draft ministerial briefs and Cabinet Submissions;
- seek the advice of the President on behalf of the Commission in relation to Cabinet Submissions; and
- provide the President's coordination comments on behalf of the Commission on draft Cabinet Submissions directly to the Cabinet Office unedited.

Responses to Ministerial correspondence and speeches for the Minister will generally be prepared by JACS, but where it is appropriate to include information from or about the Commission, JACS will seek input from the President on behalf of the Commission prior to finalising material for the Minister.

The President on behalf of the Commission may, but is not required to:

- submit briefs or other material to the Minister using JACS ministerial services. If the President does use JACS ministerial services for this purpose, briefs or other material will be provided to the Minister without 'clearance' or vetting by JACS; and
- consult with JACS prior to submitting a brief or other material to the Minister or any other Member of the Assembly.

Given the Director-General's responsibility for providing policy advice to the Minister, as a matter of courtesy it is desirable for the President on behalf of the Commission to provide the Director-General with an information copy of any brief or other material submitted to the Minister.

The President on behalf of the Commission may provide advice directly to Members of the

Legislative Assembly without the need to notify the Attorney-General, the Minister for Human Rights or JACS. If the President/HRC provides formal written advice on a draft Bill to any Member of the Assembly, it will normally be posted on the Commission website at the appropriate time.

2.2.4. Contact with External Scrutineers and Media

The President and Commissioners are free to speak to the Ombudsman, Privacy Commissioner, other external scrutineers, or the media on matters within the HRC's areas of responsibility.

The President on behalf of the Commission will:

- liaise directly with the Ombudsman or other relevant external scrutineer to resolve complaints that are raised with respect to the HRC's functions;
- if such a complaint is of a sensitive nature or about an internal management issue—inform the Director-General of the existence of the complaint and such details in connection with it as the President considers appropriate; and
- for any other contact with external scrutineers or the media that is likely to be controversial — take reasonable steps to inform the Minister (and/or relevant Ministers) and Director-General (and/or other relevant Director-Generals) of the contact, unless the nature of the contact makes it inappropriate to do so.

2.3. Corporate Support and Services

Consistent with the approach taken by JACS business units and other statutory offices, JACS will provide the following support and services to the HRC, including:

- advice in relation to whole of government corporate policies (including work health and safety, fraud and integrity and other human resource management policies); and
- library and research services.

2.3.1. Accommodation

The ACT Government has developed a policy for accommodation for all business units; and JACS is responsible for providing accommodation for the Directorate.

In relation to the premises of the HRC, JACS will:

- consult with the President about any proposed changes in accommodation arrangements; and
- respect the President's request for officers of JACS in ordinary circumstances only to enter the premises by prior arrangement with the HRC, including officers with security passes that have automatic access to the Commission premises.

2.3.2. Security

The Commission and JACS are both responsible for ensuring that assets and records of the ACT are kept safe, used appropriately and preserved properly.

The Commission will:

- develop and maintain a security plan in accordance with the JACS Security Plan and the ACT Protective Security Policy and Guidelines;
- report security breaches or incidents to the JACS security representative;

- arrange for coordination of any necessary security clearances through the JACS security representative;
- advise the JACS security representative, as part of the ACT Contact Reporting Scheme, of any work related overseas travel, visits by Official Government foreign delegations or contacts by foreign nationals that may appear suspicious, in accordance with the ACT Government [Standard Operating Procedure on Foreign Delegations](#).

JACS will:

- provide the Commission with advice on whole of government and Directorate protective security policies, procedures and issues, including physical, personnel and information security; and
- take all reasonable steps to provide appropriate security for people, assets and information in the HRC.

2.3.3. ICT Support

JACS will:

- provide assistance as requested with access to shared or other services provided for the ACT Public Service otherwise than by JACS; and
- provide the Commission with high level advice on whole of government and Directorate ICT policies.

The Commission will work in alignment with whole of government and JACS ICT policies and governance frameworks.

2.3.4. Access to Other Professional Services

Consistent with the approach taken for requesting service from other ACTPS functions in the ordinary course of business, the Commission can request professional services from functions under the JACS portfolio:

- In seeking JACS Legislation, Policy and Programs assistance with policy development the Commission should first consult with the Director-General or their deputy;
- The Commission can provide drafting instructions to the Parliamentary Counsel as necessary for legislative amendment agreed to by government;
- The Commission will obtain its legal services in accordance with the Law Officers (General) Legal Services Directions 2012 (Legal Services Directions) and any arrangement entered into with the Solicitor-General on behalf of the Attorney-General. Under 1.2 of the Legal Services Directions, the Government Solicitor may agree to an agency outsourcing Territory legal work with the approval of the Chief Solicitor, eg if there is a reasonable apprehension of a conflict of interest on the part of the Government Solicitor.

3. Strategic Plan

The Human Rights Commission's Strategic Plan 2021-2024 is set out in [Schedule B](#).

4. Financial Management

JACS has overarching responsibility for the whole of the Directorate's operating budget, which includes the operating budget of the HRC.

4.1. Funding Allocation

The President has day-to-day responsibility for the HRC's operating budget, including in respect of travel. Commissioners will arrange work programs consistently with budgets allocated to them.

The President will:

- recognise that all Commissioner statutory functions are weighted equally when making decisions about funding allocations;
- make the best use of available resources to fulfil the HRC's functions; and
- make adequate financial provision from the Commission operating budget for the recruitment of new Commissioners in the event of vacancies, provided that:
 - the Director-General will liaise with the President about proposals for such recruitment prior to commencing recruitment action, with a view to agreeing on a reasonable level of expenditure, eg advertising and/or executive search consultants; and
 - if more than one vacancy arises in any financial year, the Director-General will consider funding the recruitment action (including relocation allowances for inter-State applicants) from available JACS contingency funds if any.

4.2. Commissioners' Budgets

Schedule A sets out each Commissioner's Budget for 2021/2022. There are six cost centres:

- President and Human Rights Commissioner, including whole of Commission corporate expenses (24281);
- Victim Support (24123);
- Public Advocate and Children and Young People Commissioner (24270);
- Discrimination, Health Disability, and Community Services Commissioner (24280);
- Intermediary Program (24136); and
- Official Visitor Scheme (24053).

Employee Expenses and related Supplies and Services (travel, training, contractors, consultants, and professional expenses) are set out in each Commissioner's Budget.

Whole of Commission Fixed Expenses (eg rent, electricity, insurance etc) and running Supplies and Services expenses (eg phones, ICT, and stationery) are paid by the President, and each Commissioner's cost centre has contributed proportionately, in accordance with FTE staff, who have an oncosts allocation included as set out in the Treasury On-Cost Guide.

The President may also request a contribution from a Commissioner's cost centre for whole of Commission fixed expenses for FTE staff, who do not have such an oncosts allocation. This contribution may include on-costs for PC/Monitors; ICT Infrastructure; and corporate overhead on-costs as set out in the Treasury On-Cost Guide.

4.3. Funding Requests

JACS will:

- provide the Commission's budget bid proposals with Commission agreed rankings to the Minister during the annual Budget Process who will make the decision as to whether they proceed to the Treasurer, as well as applications for supplementary

appropriations in exceptional cases mid-term. If JACS does not support the proposals, they will still be forwarded to the Minister, but JACS will discuss them with the President and the relevant Commissioner.

- routinely consider applications for annual Special Projects and Capital Upgrade Works by the HRC.

5. Performance Criteria

The Commission undertakes, so far as possible, to comply with performance indicators for the Commission as set out in the budget papers and reported through the JACS Annual Report (copies are provided at [Schedule C](#) – Strategic and Accountability Indicators).

6. Financial and Performance Reporting and Auditing

6.1. Financial and Performance Reporting

The President on behalf of the Commission undertakes to:

- comply with Director-General Financial Instructions;
- take reasonable steps to remain within budget, and provide timely variance explanations and forecast updates in line with the Directorate internal management reporting;
- provide quarterly Statement of Performance reporting; and
- provide JACS with required information in a timely manner to enable JACS to meet the Minister's, Treasury, Financial Management Act, Auditor General, Shared Services and other financial management and reporting requirements, including advance notice of any likely budget overspend.

JACS will:

- provide the Commission with information in relation to the Output level reporting;
- provide coordination/liaison on a whole of Directorate budgetary and other financial issues to Treasury, the ACT Auditor-General and other agencies external to JACS;
- provide monthly reports of expenditure against budget and will provide financial advice to the Commission to assist in explaining and addressing any areas of concern with budget administration; and
- provide coordination/liaison on a whole of Directorate Statement of Performance reporting to the Legislative Assembly.

The President on behalf of the Commission will:

- notify JACS when new appropriate performance indicators have been developed;
- notify JACS in a brief and timely manner of any factors which may affect the HRC's ability to meet performance indicators;
- report information on progress against performance indicators to JACS in a timely manner; and

- provide JACS with such periodic reports as the Director-General may reasonably request.

6.2. Audits and Risk Management

It is incumbent on all Executives and Officers of the Directorate to provide all possible assistance to the Audit, Risk and Fraud team in carrying out internal audit and review functions. The internal audit team provides assurance to the Director-General that JACS financial and operational controls are in place to manage risks and achieve the Directorate's objectives, which includes assurance that controls are operating in an efficient manner. The internal audit team assists in improving the Directorate's business performance.

Internal audit reviews may cover any of the programs and activities of the Commission as provided for in relevant business agreements, memoranda of understanding or contracts.

JACS will provide the following internal audit and risk management support to the HRC:

- where required, the scheduling and conduct of audits identified in the JACS Strategic Internal Audit Program relating to Commission activities;
- assistance in the identification of Commission risks and the development of risk treatment and monitoring plans as part of the ACT Government and JACS risk management frameworks; and
- assistance in the identification of fraud risks, including the development of fraud prevention and monitoring strategies.

JACS will seek the advice of the President in developing:

- the Directorate's Annual Strategic Audit Program; and
- Directorate responses to whole of government audit and risk matters.

JACS will invite the President and Commissioners to participate in the JACS Audit and Performance Improvement Committee to discuss Commission related audit and risk matters.

JACS will liaise between the Commission and the ACT Audit Office during the conduct of external performance and financial statement audits.

7. Definitions

The following definitions apply in this Protocol, unless the context otherwise requires. Otherwise words in this Protocol are to be interpreted in accordance with the *Legislation Act 2001*.

ACT	Means: <ol style="list-style-type: none"> 1. when used in a geographical sense, the Australian Capital Territory; and 2. when used in any other sense, the body politic established by section 7 of the Australian Capital Territory (Self-Government) Act 1988 (Commonwealth).
Commissioners	means the Commissioners appointed under the Human Rights Commission Act 2005.
Director-General	means the Director-General for JACS and for this Protocol includes deputy Director-General as delegates.

Directorate	means JACS and the business units under the umbrella of, and territory authorities reporting through, JACS, including the HRC.
Financial Management Act	means the Financial Management Act 1996.
HRC	means the Human Rights Commission formed under the Human Rights Commission Act 2005.
JACS	means the administrative unit known as the Justice and Community Safety Directorate and for this Protocol includes the staff working under the Director-General unless otherwise indicated.
JACS portfolio	means the JACS administrative unit and the other business units (including the HRC) that come within the Minister’s responsibilities under the administrative arrangements.
Minister	means the Minister responsible for all functions of the directorate, who at the date of this Protocol is the Minister for Justice.
Ministers	means the relevant Minister, including the Attorney-General, eg in respect of matters under the Human Rights Act 2004.
President	means the President appointed under the Human Rights Commission Act 2005.
Public Sector Management Act	means the Public Sector Management Act 1994.

8. Schedules

- A Commissioner Budgets
- B Strategic Plan 2017-2019
- D Performance Criteria (as set out in the annual budget papers)

Schedule A – Commissioners’ Budgets

**ACT Human Rights Commission
Internal Budget 2020-21 \$'000**

Description	HRC J2009	PRESIDENT		DHSDCS	PACYPC	VOCC	Intermediary
		Legal & Policy	Corporate				
Revenue:							
GPO	11,146		2,842	1,570	1,596	3,801	1,337
Miscellaneous	501		20			481	
Total Revenue	11,647		2,862	1,570	1,596	4,282	1,337
Expenses							
Employee Expenses	8,831	1,125	488	1,636	1,538	3,230	909
Supplies and Services - Variable	1,961	45	539	147	65	884	281
Worker's Compensation	109	10	2	14	15	51	17
Rent (incl Parking)	753		753				
Outgoings (incl Utilities & Cleaning)	90		90				
Insurance	12		12				
Depreciation & Amortisation	298		298				
Total Expenses	12,150	1,180	2,183	1,797	1,618	4,165	1,207

Schedule B – Strategic Plan 2021-2024

ACT Human Rights Commission Strategic Plan 2021-2024

Our Vision
An inclusive community that respects and realises human rights and ensures access to justice for everyone.

What we do

Our Purpose

- We **listen** to, engage, educate and inform you and your community.
- We **deliver** accessible services to empower and support you.
- We **advocate** for your rights to justice, dignity and wellbeing.
- We **hold** governments, systems and people to account to uphold your human rights.
- We **drive** rights-based systemic change.



How we do what we do

Our Values

- Independent**
We are courageous, providing an independent voice that is frank and fearless in challenging inequality and injustice.
- Respectful**
We respect and support people of all identities and experiences.
- Culturally safe**
We respect cultural rights and spiritual values accepted by Aboriginal and Torres Strait Islander peoples, and we provide culturally safe services.
- Accessible**
We provide services that are flexible and responsive to your needs.
- Collaborative**
We empower and actively engage others within and beyond the Commission.
- Integrity**
We are professional. We live our values. We are consistent and strive for high quality.
- Innovative**
We continuously innovate. We gather evidence, we evaluate, and we are open to change and improve.



Where we focus

Our Priorities

- 1. Listen actively and connect to ensure people know their rights, and that the HRC understands and prioritises the most important issues.**
- 2. Ensure all our work is client-centred so we deliver a safe, respectful and timely service to everyone we deal with.**
- 3. Drive systemic change in laws, service delivery, and standards to improve human rights outcomes for everyone.**
- 4. Support all staff to deepen and strengthen their application of human rights in their everyday work.**

Schedule C – Performance Indicators

Output Class 1 Justice Services
 Output 1.5 Protection of Rights
 Description

	2017-18 Original Target	2018-19 Amended Target (where changed)	2020-21 Target
Total Cost (\$'000)			
Controlled Recurrent Payments (\$'000)			
Accountability Indicators			
ACT Human Rights Commission			
a High level of client satisfaction with Human Rights Commission complaints process:			
– Percentage of survey respondents who consider the process fair, accessible and understandable	75%		75%
– Percentage of complaints concluded within Commission standards	75%		75%
b High level of community education, information and advice in relation to human rights and (i) services for children and young people, (ii) disability services, (iii) discrimination, (iv) health services, and (v) services for older people:			
– Number of community engagement activities undertaken by the Commission	30	50	70
Public Advocate of the ACT			
c The Public Advocate of the ACT's actions towards achieving a caring community where the rights and interests of vulnerable people are protected:			
– Proportion of client survey respondents for whom advocacy services are provided by the Public Advocate of the ACT where a high level of satisfaction is reported	75%		75%
<i>Public Advocacy</i> Individuals, excluding guardianship clients, brought			

to the attention of the Public Advocate:

–	Total number of individuals provided with direct advocacy	500	N/A	N/A
–	Proportion of individuals brought to the attention of the Public Advocate for whom direct advocacy is provided	N/A	25%	25%
–	Percentage for clients referred to the Public Advocate for whom a review of the documentation was undertaken	60%		75%
Victim Support ACT				
d	Percentage of referrals to Victim Support ACT or the Victims of Crime Commissioner - actioned within five working days	95%		95%