

Timeliness of matters to be considered by the Sentence Administration Board

as per the 2021-2022 Annual report

The Board aims to hear matters in a timely manner in the interests of human rights and community safety. The Board prioritises breach matters because offenders are in the community and community safety is a Board priority. The time frames for the Board to initially consider matters is much shorter than comparable time frames some years ago for many matters, and importantly, all statutory time frames for the Board to finalise matters were met (refer to Table 2).

The Board changed the type of data collected to monitor time to first hearing of breach matters in 2021-2022. The average time to first hearing for breach is now calculated by only including matters where the Board has not taken any other action i.e., it excludes breach matters where the Board or a judicial member issued a warrant for likely or actual non-attendance. This approach ensures that the timeliness for ordinary breach matters before the Board is monitored; timeliness data is not distorted by matters where an offender has failed to appear, in some cases for years, and the Board has been pro-active and issued a warrant for their arrest. However, to allow for a comparison with the prior year, the data for 2021-2022 in Table 2 also includes the average number of days for breach matters to be first heard by the Board including breach matters where such warrants were issued.

Table 2

Average number of days for matters to be initially considered by the Sentence Administration Board: 2020-2021 to 2021-2022

	2021-2022 Average number of days from receipt to initial Board consideration/hearing: (a) excludes breach matters where a warrant was issued for likely/actual non-appearance, and (b) includes breach matters where such a warrant was issued	2020-2021 Average number of days from receipt to initial Board consideration/hearing: (b) includes breach matters where a warrant was issued for likely/actual non-appearance
Parole application	83.5 days	91.7 days
ICO reinstatement application	59.1 days	75 days
ICO breach	(a) 24.8 days (b) 30.7 days	(b) 32.4 days
Parole breach	(a) 21.7 days (b) 32.4 days	(b) 25.8 days

Days from receipt to first hearing for parole applications ranged from 15 to 152 days, and the average was 83.5 days, which is a decrease from an average of 91.7 days in the prior year. Note, the first paper-based inquiry by the Board and preparation by ACT Corrective Services of the pre-release report usually require up to 8 weeks to prepare the report and a statutory notice period of at least one week notice i.e., a minimum of 63 days. The Board aims to hear parole applications as promptly as its resources allow, taking into account any special circumstances of the offender and their non-parole eligibility date.

Days from receipt to first hearing for ICO re-instatement applications ranged from 19 to 79 days, and the average was 59.1 days which is a decrease from an average of 75 days in the prior year. Note, the preparation by ACT Corrective Services of the pre-release report usually requires up to 8 weeks and there is also a statutory notice period of one week i.e., a minimum of 63 days. The Board aims to hear ICO re-instatement applications as promptly as its resources allow, taking into account any special circumstances of the offender and statutory time periods provided for in the CSA Act.

Days to first hearing for an ICO breach (where no warrant was issued for non-attendance) ranged from 1 day to 50 days, and the average was 24.8 days. If the matters where a warrant was issued are included, the average number of days was 30.7, which is a decrease from an average of 32.4 days in the prior year. Days to first hearing a parole breach (where no warrant was issued for non-attendance) ranged from 1 day to 70 days, and the average was 21.7 days. If the matters where a warrant was issued are included, the average number of days was 32.4, which is an increase from 25.8 days in the prior year. The Board aims to first hear such breaches within 14 days and is working to achieve this target.

The Board or a judicial officer issued 69 warrants which is a decrease of 28.1% compared to the prior year when 96 warrants were issued. This decrease is largely due to a lower number of offenders who breached their community corrections order being imprisoned by the Board. Of the warrants issued, 23 were issued for failing to appear at a Board hearing (compared to 28 in the prior year). A further 28 were issued when an offender was imprisoned during a phone hearing (compared to 51 in the prior year). Note, teleconferenced hearings are not the Board's preferred manner for conducting hearings and are a result of arrangements in place for the COVID emergency and also the fact that the Board had no venue to safely conduct in-person hearings in 2021-2022. As explained below, the Board will resume sitting at the ACT Courts Complex in September 2022, subject to court room availability.