



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Jeremy Hanson MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair),
Ms Jo Clay MLA

Inquiry into ACT Budget 2021–22
ANSWER TO QUESTION TAKEN ON NOTICE
28 October 2021

Asked by Peter Cain MLA on 28 October 2021: Shane Rattenbury MLA took on notice the following question(s):

[Ref: Hansard Transcript 28 October 2021 [PAGE 26-27]]

In relation to:

MR CAIN: Okay. Can you explain what protocols and government arrangements are in place to ensure the privacy of people who appear before the board.

Ms Doran: That is essentially a matter for the Board. I know that it is an issue they are considering themselves in terms of policies that they are looking to develop in that space. I probably cannot answer in more detail than that at the moment, Mr Cain.

MR CAIN: So is that something you would take on notice?

Mr Rattenbury: Mr Cain, I think that is a question better directed to the board itself. Its own arrangements are determined by board members. I mean, we can certainly say that we afford them facilities in directorate offices and ICT facilities and so forth to be able to manage their business. But I think in terms of those specific protocols about the operations of the board that that is really something they would need to answer.

MR CAIN: Well, the Attorney-General is responsible for the Sentencing Administration Board under the administrative arrangements, so I would like that question taken on notice by the Attorney-General. And also, could you inform me, are you considering virtual appearances or the continuation of current arrangements if that is the case?

Mr Rattenbury: Well—sorry.

Mr Glenn: Sorry.

Mr Rattenbury: No, you go.

Mr Glenn: On the question of virtual appearances, certainly the board is doing a range of different modes of appearance, by telephone and by other means. We would expect those to continue.

Shane Rattenbury MLA: The answer to the Member's question is as follows:—

The Sentence Administration Board (the Board) is an independent tribunal-like body which is established under the *Crimes (Sentence Administration) Act 2005* (the CSA Act). It is a small entity and is supported by staff, processes and policies of the ACT Justice and Community Safety Directorate (JACS). More information about the Board can be found at <https://justice.act.gov.au/safer-communities/sentence-administration-board>.

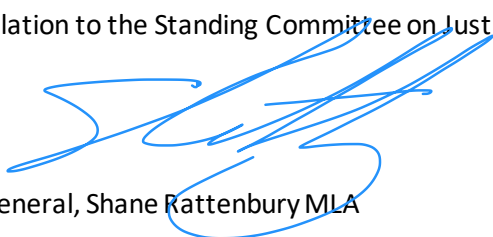
Under the CSA Act, Board proceedings are not public unless the Board decides otherwise in a case (s196(3) CSA Act). As a result, there is no public access to Board hearings, records, or decisions, unless the Board otherwise authorises. The Board rarely authorises making any part of its proceedings public, and if it is contemplating doing so the principles of natural justice apply so the views of persons impacted will be sought beforehand. A judicial member can make any information submitted to the Board 'in-confidence' which means that it is not shared with parties to a proceeding or the public, for example information provided by a victim may be made 'in-confidence' (s 192 CSA Act).

The Board is subject to the *Information Privacy Act 2014* (IP Act). However, like the ACT Civil and Administrative Tribunal, the Board is only required to comply with key requirements of the IP Act in regard to its administrative actions. In the case of the Board, administrative actions are largely undertaken by its Secretariat or other JACS staff. The Board is not subject to key requirements under the IP Act when it is exercising its deliberative and supervisory powers under the CSA, for example when it is conducting an inquiry.

If a privacy issue arises, the Board relies on JACS, in consultation with the Board, to advise and respond to the issue in a manner consistent with the IP Act.

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

Signature:



Date:

10/11/21

By the Attorney-General, Shane Rattenbury MLA