



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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

Submission Cover Sheet

Inquiry into Community Corrections

Submission Number: 001

Date authorised for publication: 18 August 2021

Standing Committee on Justice and Community Safety
Legislative Assembly for the ACT
GPO Box 1020
Canberra ACT 2601

By email: LACommitteeJCS@parliament.act.gov.au

12 August 2021

Dear Committee,

RE: Inquiry into Community Corrections

Thank you for the opportunity to contribute to your inquiry into community corrections.

Legal Aid ACT provides services to the ACT Community's most vulnerable and disadvantaged individuals as they navigate the criminal justice system. These services range from legal support through the criminal litigation practice, to non-legal support offered by the Community Liaison Unit.

We witness firsthand the impact community corrections can have on these vulnerable individuals and can provide the following submissions.

Parole System

Legal Aid ACT supports the introduction of a parole release date system. This would improve the efficiency of the parole system and provide certainty to all users of this system.

We draw your attention to a similar system that currently operates in Queensland under the *Penalties and Sentences Act 1992*. Under s 160B(3), the sentencing Court is required to set a fixed date for the offender to be released on parole where the head sentence is three years or less (and does not involve a serious violent or sexual offence) and the offender has not previously breached an order for parole.¹

Certainty around parole would assist all parties when navigating the parole system by removing any doubt as to when an offender is eligible for parole.

Currently, an application for parole takes approximately eight weeks and effectively thwarts the Court's sentencing intention. A parole date system may ensure applications for parole are

¹ *Penalties and Sentences Act 1992* ss 160B(2) and (3). The Court is also exempt from setting a fixed date for release on parole where the offender has been convicted of a terrorist act or is subject to a Commonwealth control order per s 160B(4).

processed expediently by reducing the burden placed upon the Sentence Administration Board.

Legal Aid ACT is also concerned by the tendency for offenders to be subject to arbitrarily onerous parole conditions. Such conditions abrogate community safety by impairing an offender's reintegration with society and subsequently increasing the likelihood of recidivism.

Legal Aid ACT acknowledges that parole represents the remainder of an offender's sentence served in the community, and therefore conditions are understandable and necessary. However, the imposition of conditions that significantly impair an individual's opportunity to actively engage with the parole process are counterproductive. For instance, access to transportation and difficult family circumstances are often significant issues for parolees; the imposition of excessive urinalysis or other similar reporting requirements is onerous and can lead to breaches of parole conditions.

Intensive Correction Orders

The ACT is an island territory within NSW, and many offenders move between jurisdictions and have family interstate. Accordingly, this may warrant an alteration to the requirement to reside in the ACT to be eligible for an intensive correction order (ICO).

Currently, a person residing in Queanbeyan is ineligible for an ICO, while a person residing a similar distance from the Courts but in the ACT, such as Banks, McGregor or Theodore is eligible. On occasion, this results in unfairness to clients who do not have the financial capacity to relocate to within the ACT where others will do so to avoid serving a period of imprisonment.

We acknowledge that the current approach provides a clear criterion for eligibility. However, Legal Aid ACT submits that inter-jurisdictional eligibility for ICOs be considered due to the propensity for the current approach to unfairly prejudice individuals on the basis of financial capacity. A regional approach is consistent with the regional role played by the ACT within NSW.

Should you have any questions in relation to the above submissions, please do not hesitate to contact me on [REDACTED] or at [REDACTED]

Yours sincerely


[REDACTED]
Dr John Boersig PSM
Chief Executive Officer
Legal Aid ACT