LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
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Submission Cover Sheet

Inquiry into Community Corrections

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SENTENCE ADMINISTRATION BOARD OF THE AUSTRALIAN CAPITAL TERRITORY

Overview of the Sentence Administration Board

The Sentence Administration Board (the Board) makes decisions under the *Crimes (Sentence Administration) Act 2005* (the CSA Act) and related regulations (*Crimes (Sentence Administration) Regulation 2006*). Its primary objective is to ensure as far as practicable that the sentences imposed by courts are given effect. The Board has a range of decisions it can make. Most of its work is using its 'supervisory powers' under the CSA Act, particularly deciding about applications for release to parole, re-instatement of Intensive Corrections Orders (ICOs), breaches of parole, breaches of ICOs, conducting management hearings into a parolee's progress and compliance in the community, and deciding about overseas travel requests by those on parole or subject to an ICO.

Under the *Crimes Act 1914* (Commonwealth) the Board does not have jurisdiction to make decisions about parole, or breaches of parole or ICOs, for federal offenders, and these matters are referred by the ACT Corrective Services (ACT CS) to the relevant Commonwealth officer or sentencing court. Timeframes for dealing with breaches by federal offenders can be slower than those for the Board because an offender must appear before a court.

The enactment in 2020 of a COVD-measure in the ACT means that ACT Corrective Service officers now have the power to deal with a wide range of breaches of parole and ICOs for any offender - this measure provides for limited or no Board scrutiny of the breach and represents a significant change in arrangements for managing offenders in the ACT.

The Board is an administrative body which makes decisions independently and not under the direction of the ACT government or its agencies. The Board is like a tribunal which means that it can only do what legislation authorises it to do; it does not have the inherent powers of a court. The CSA Act establishes the Board and provides the main legislative basis for its operations and decisions, but other legislation may be relevant depending on the case.

The Board is subject to statutory and common law duties, including applying the principles of natural justice and operating in accordance with the *Human Rights Act 2004* (the HR Act). The rules of evidence do not apply to Board hearings; however, they offer a guide to

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how hearings are conducted. Board hearings are informal and fair, and the Board responds to special needs of persons appearing before it when known and as required.

The Board currently sits each Tuesday and usually each Thursday, and on other days where required and subject to resources. In the absence of a venue to safely conduct in-person hearings and due to the COVID-19 emergency requirements, the Board currently sits at the premises of ACT CS and conducts all its hearings by teleconference or using Microsoft Teams software.

The Board's lists are organised into three divisions that alternate on scheduled sitting days. The divisions are each chaired by the same judicial member, who chairs a Board of three members when exercising supervisory powers. To support efficiency, sound case management and a therapeutic approach to its work, cases are adjourned to the same division wherever possible so that the same judicial member sits on a case until a final decision is made. Board hearings and outcomes of Board proceedings are not public unless the Board decides otherwise.

Board processes and decisions must comply with a comprehensive set of legal requirements, and Board decisions are scrutinised by a range of independent bodies. The Board is one of the few parole bodies in Australia subject to human rights legislation and compliance with the principles of natural justice. Board decisions are reviewable by the ACT Supreme Court. Complaints about the Board's work can be investigated by the ACT Ombudsman, and victims can make complaints to the Victims of Crime Commissioner. The ACT Integrity Commissioner has oversight of the Board and individual members in regard to issues of corruption.

In 2020-2021, there were no new complaints about the Board. No decisions were reviewed by the Supreme Court. There was two freedom of information requests responded to.

The Board is hosted for administrative assistance by ACT CS and is supported by the Sentence Administration Board Secretariat (the Secretariat) which is staffed by officers of ACT CS.

The Board exchanged a Statement of Expectations and Statement of Intent with the ACT Attorney-General to support transparency and clarity about the Board's governance, priorities, relations with government and support by government. They were published in late 2020 and can be found at https://justice.act.gov.au/safer-communities/sentence-administration-board/statement-expectations-and-intent Such documents are commonly in place for statutory entities.[1] The Board developed a 2021-2023 plan to guide the Board's strategic focus, in line with the Statement of Expectations referred to above and the statutory requirements which underpin the Board's work. It focuses on supporting sound and efficient decision-making by the Board, developing various practice notes and policies to guide the

[1] See https://treasury.gov.au/the-department/accountability-reporting/statements-of-expectations/statements-of-intent

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Board and provide more transparency about its operations, and securing a reliable venue that will allow it to return to in-person hearings after the COVID-19 emergency ends.

The Board applies its *Conflict of Interest and Bias Policy* to support its independence and lawful decision making. The aim of the Policy is to ensure the Board and its members meet the requirements of human rights and the CSA Act provisions in relation to managing conflict of interest (section 177). It also aims to ensure that the Board meets the principles of natural justice, particularly its second pillar: the twin pillars of natural justice are first, a fair opportunity to be heard, and secondly to have a case considered by a fair-minded person and body open to its merits. Many other similar bodies to the Board are required to meet the principles of natural justice. The Council of Australasian Tribunals (COAT) publishes and regularly updates a "Practice Manual for Tribunals" (2020) to provide guidance to Tribunals and Boards in this respect[2]. The Board uses the manual as a guide in its work and is a member of COAT.

Parole system

The work of the Board and similar parole bodies in Australia is vital and complex. Over the past decade there have been various significant reviews of parole and community corrections arrangements in Australia, including a 2016 review of the Queensland parole system. The main purpose of parole was set out in the report of the Qld review:

> "the only rationale [for parole] is to keep the community safe from crime… [the purpose of parole is to] reintegrate the prisoner into the community… [in order] to decrease the chance that a prisoner will ever reoffend…parole is just a matter of timing; except for those who are sentenced to life imprisonment, every prisoner will have to be released eventually"[3].

The major recommendations of these interstate reviews of parole and community corrections arrangements have been implemented by the relevant governments. Such reviews inform discussion about improvements in the ACT. They emphasise the importance of the Board having key up-to-date information available to it about the risks of re-offending in all matters, and also that it be able to promptly review matters where there is alleged re-offending, breaches of orders or other risky behaviours.

It is important to note that some of the key problems identified in interstate reviews are not present in the ACT. For example, the 2016 review in Queensland, similar to an earlier 2013 review of the parole system in Victoria[4], recommended use of the LSI – R[5]. The latter is a

[2] The Manual is available at https://coat.asn.au/about/practice-manual-for-tribunals/
[3] Sofronoff W QC (2016), "Queensland Parole System Review Final Report", Government of Qld, p1, para 3
[4] Callinan I AC QC, "Review of the Parole System in Victoria", 2013
[5] Sofronoff W QC (2016), "Queensland Parole System Review Final Report", Government of Qld, p113, para 567

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risk assessment tool that has been used in the ACT system for some time[6]. In the ACT, the Board makes its decisions informed by the results of such risk tools, along with assessments of ACT CS community corrections officers, medical records and reports, expert reports about an offender's suitability for and progress in offence-specific programs such as adult sex offenders' programs, other information including from prior court proceedings, and also evidence from the offender and where available input from the victim/s.

The Board acknowledges concerns among the public about the risks of offenders serving all or part of their sentences in the community, for example, under a parole order or an ICO. On this point, in 2015 a phone survey was conducted of 1200 persons across Australia, followed by in-depth interviews with some of them about parole. A significant percentage of respondents indicated support for parole and its rehabilitative goals. There was a majority view that parole should vary depending on the offence, with much less support for it in the case of offences such as murder and child sexual assault and for offenders who breach parole.[7] Secondly, a majority indicated a high-level of confidence in parole board decision-making and had a view that such boards are better placed than judges to consider parole release. However, a majority were concerned that prison over-crowding affects decision-making, when community safety should be the major concern.[8] There was also a majority view that victims should have a say in release decisions. A majority indicated that parole board decisions should be made public. On the latter point, the authors of the survey report acknowledged making all parole body decisions public raises complex issues, citing Callinan in his review of the Victorian parole system.[9] Such an approach raises issues about how this measure can be resourced, and also whether the administrative requirements of public proceedings and decisions might overtake the critical focus by a parole body on community safety.[10]

The Board regards it as important to respond to the public views identified in the above-mentioned survey. With this in mind the Board makes the following points. The Board's primary criteria for release on parole is the public interest, which involves considering community safety in its decision-making. Overcrowding is not an issue that is usually directly relevant to the Board in its decision-making, however it may impact the context relevant to a Board's decision e.g. it may limit timely access by offenders in prison to critical pre-release and/or post-release programs and services. In regard to input by victims, the Board draws attention to the fact that there is a statutory process for eligible victims to contribute to decisions by the Board. Finally, while Board proceedings are not usually open to the public,

[6] ACT Auditor-General (2015), "Report on the Rehabilitation of Male Detainees at the Alexander Maconochie Centre," Report No 2/ 2015, Appendix A

[7] Fitzgerald R et al (2016), "How does the Australian public view parole? Results from a national survey on public attitudes towards parole and re-entry", (2016) 40 Crim LJ 307, p322

[8] Fitzgerald R et al (2016), "How does the Australian public view parole? Results from a national survey on public attitudes towards parole and re-entry", (2016) 40 Crim LJ 307), p 323

[9] Callinan I, AC QC (2013), "Review of the Parole System in Victoria", Government of Victoria

[10] Fitzgerald R et al (2016), "How does the Australian public view parole? Results from a national survey on public attitudes towards parole and re-entry", (2016) 40 Crim LJ 307), pp 323-324

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the Board has a discretion to do so including making a decision public in an appropriate case. The Board is developing a Practice Note about exercising this discretion.

The Board takes a pro-active approach in performing its functions in that it focuses on compliance with reporting conditions and also factors in the offender's life that cause their offending. The evidence suggests this focus can contribute to better community safety. On this point, reviews of parole and community corrections in Australia and comparable nations emphasise that a pro-active parole system, supported by quality rehabilitation and reintegration services, reduces reoffending. For example, a 2014 evaluation of the effectiveness of parole in NSW studied recidivism of 7,494 offenders released between 2009 and 2010. It concluded that active rehabilitation-focused supervision which targets offenders' criminogenic need and risk factors (i.e. supervision that does not just target compliance with reporting conditions) can reduce recidivism. Offenders who are actively supervised took "longer to commit a new offence, were less likely to commit a new [serious]…offence and committed fewer offences than offenders who were released unconditionally into the community [without supervision]"[11].

An important review of ACT parole processes was undertaken by the ACT Ombudsman's Office. In late 2020 the Ombudsman's Office published its Report on "Parole Processes at the Alexander Maconochie Centre"[12] in which is makes 15 recommendations – the Board is of the view that if implemented these will significantly improve the parole process and outcomes. The ACT government agreed to all of the recommendations as set out in Attachment A of the report. The Ombudsman's Office recommendations focus on changes to improve case-management and support for detainees while in AMC, and also when applying for parole. The recommendations also focus on improving transparency of ACT CS polices and administration practices that relate to parole, and also fine-tuning parole processes. Some of the recommendations are relevant to the discussions that are in progress now to develop a Protocol between the Board and the community corrections team, ACT CS, which is expected to be agreed and published in the near future.

ICOs

The Board has the statutory responsibility under the CSA Act for managing non-compliance with ICOs. The Board's annual report shows that there has been a steady increase in breach of ICO matters before it, as more offenders are sentenced to this type of order. A review of ICOs[13] concluded that ICOs are demonstrating a level of effectiveness and the Board agrees with this overall conclusion: "The general view was that the ICO is an effective sentencing option and some stakeholders considered it was likely to contribute to reducing re-offending, the data also supports this".

[11] Wan W, Poynton S, Van Doorn G and Weatherburn D, "Parole Supervision and Reoffending", Trends and Issues in Crime and Criminal Justice No 485, 2014, p 6

[12] ACT Ombudsman, "Parole processes at the Alexander Maconochie Centre: Investigation into the administration of parole by ACT CS", Report No 05/2020 (November 2020)

[13] "Intensive Corrections Orders Review Report" (2020), Legislative Assembly, page 22

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While the Board agrees with the overall conclusion in the report on the review of ICOs, the detailed recommendations in the review report in the Board's view warrant further investigation and discussion. The review of ICOs was based on very limited consultation with the Board despite the Board's key role in managing ICOs. Also, the potential consequences for community safety if management of ICOs by the Board is watered down is severe, given very serious offenders are subject to ICOs e.g. child sex offenders, offenders convicted of kidnapping/abduction, violent offenders, as is set out in the review.

Rather than watering down management of ICOs, the Board's view is that its powers to manage ICOs should be enhanced to bring it more in line with its powers for breaches of parole. While the Board acknowledges that the legislative framework underpinning ICOs will differ from parole, it queries whether it is necessary for some elements of the legislative framework for ICOs to differ from that for parole. In particular, the Board is of the view that it should have a power similar to its management power under the CSA Act (s153) for parole orders, that provides the Board with a broad discretion to bring an offender subject to an ICO before it without a breach having occurred. Such a power would enable the Board to proactively manage risky offenders on ICOs, similar to those on parole, for example, where there is an 'in-confidence' report made by police or a victim that raises issues of concern. At the moment the Board has no power to bring an offender on an ICO before it without a breach being raised, unlike the situation with parolees.

Drug and Alcohol Court

The Board supports the establishment of an effective Alcohol and Drug Court in the ACT. The Board queries whether the eligibility criteria of the Court need to be reviewed to enable the Court to operate at a greater scale given the number of offenders who offend largely due to long-standing substance abuse issues. The Board is currently managing the vast majority of these offenders, and in its experience the rehabilitation services are not at a scale and/or tailored adequately to support these offenders.

Recidivism

The Board currently relies on annual reporting by the Productivity Commission in its "Report on Government Services" (ROGS) to monitor its high-level performance and outcomes, in particular its contribution to reducing recidivism. Reducing recidivism is an indicator for correctional services used in ROGS reporting and is agreed by all governments in Australia.

'Recidivism' in ROGS reporting refers to the proportion of prisoners who are returned to either prison or community corrections within two years of being released from prison or being discharged from a community corrections order. The Productivity Commission's 2021 Report on Government Services (ROGS 2021) analysed data from 2019-2020 and reported on 'recidivism'.[14]

[14] ROGS data about the ACT should be interpreted with caution because the ACT has a small population and therefore small changes in numbers can significantly affect percentages and rates. Further, differences in

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Community corrections is the element of ACT Corrective Services where the Board has its most influence on reducing recidivism. It refers to sentences served in the community, not a prison, such as court-ordered sanctions (for example in the ACT, an ICO) and post-prison orders (for example in the ACT, parole), that involve supervision, meeting requirements such as program participation and in some cases participation in community service[15]. In the ACT, community corrections supervises offenders in the community and these offenders are usually also subject to the Board's supervisory functions. The Productivity Commission reports on recidivism for all offenders on community corrections using data from 2019-2020 which includes results for offenders subject to the Board's supervisory powers.

The Productivity Commission also reports on 'completion' of community corrections orders, which is defined as "the percentage of community corrections orders completed in a year that were not breached for failure to meet the order requirements or because further offences were committed"[16]. The Productivity Commission recommends high or increasing percentages for order completion. It needs to be noted that if an order is not completed this situation does not mean the offender has committed a new offence. In the ACT, the Board can cancel a parole order or an ICO due to breaches of conditions that involve risky behaviour by an offender in the context of their offending history, for example taking illicit substances, not attending rehabilitation programs, or residing in unapproved or unknown places (sometimes referred to as 'technical breaches').

The ROGS 2021 reported that there continues to be increasing use of community corrections as a sentencing option in the ACT. While the average number of prisoners/day decreased (412), the average number of community corrections participants/day increased (1235) similar to prior years.[17] As set out in more detail below, there continues to be a significant proportion of recidivists being returned to community corrections not prison.

In the ACT, 37.1 per cent of prisoners released in 2017-18 had returned to prison with a new sentence within two years. While any recidivism is a concern, this level compares favourably with the Australian average of 46 percent and is the lowest level of recidivism for those returning to prison that the ACT has recorded in six years. Overall recidivism for those released from prison and who are returned to corrections, i.e. prison or community corrections is the lowest for 2 years (63.4%). But overall recidivism in the ACT is one of the highest in Australia and well above the national average (54.9%). Of most relevance to the Board is that this result shows that there is a significant proportion of recidivists who were released from prison being returned to community corrections, not prison. [18]

jurisdictional practices and the profile of offender populations mean that comparisons with the states and the NT should be interpreted with caution.

[15] 8.3 Definitions of Key Terms, Corrective Services interpretative material, ROGS 2021

[16] Box 8.11, Completion of community orders, Corrective Services interpretative material, ROGS 2021

[17] ROGS 2021, Table 8A.15, Table 8A.4, Table 8A.8

[18] ROGS 2021, Table CA.4 and CA.5

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In the ACT, 20.8% of adults discharged after serving community corrections orders returned to corrections within 2 years, and most of those returned to community corrections, not prison. This level of community corrections recidivism is among the lowest in Australia, well below the national average (25.7%), and is the lowest level of recidivism for those discharged from a community corrections order that the ACT has recorded in two years. It is a level that is much lower than the overall recidivism for offenders released from prison who return to corrections within 2 years in the ACT as reported above (63.4%).[19]

In the ACT, the majority of community corrections orders were successfully completed (68.1%), but this is slightly lower than the national average (71.4%). Men and non-Indigenous offenders on community correction orders continued to show higher completion percentages than women and Indigenous offenders.[20]

In summary, the results in the ACT for 'recidivism' and 'completion' of community corrections orders as reported by the Productivity Commission in ROGS 2021 are positive as follows:

-overall recidivism of those being released from prison is the lowest for 2 years,

-recidivism for those discharged from a community corrections order is well below the national average and the lowest that the ACT has recorded in two years,

-a high percent of community corrections orders are completed even though the numbers of offenders sentenced to community corrections orders has increased.

These results suggest that there are many strengths to the corrective services system, including the community corrections system, in the ACT. They show that the numbers and proportion of sentenced persons including recidivists, who are subject to community corrections orders and not in prison, continues to grow. This situation indicates that the community corrections systems is increasingly critical to achieving outcomes in the corrective services context. The results suggest that the community corrections system requires ongoing attention and increased support if positive outcomes are to be maintained and improved, which includes effective support for Aboriginal and Torres Strait Islander persons, women, persons with a disability, and other disadvantaged groups who come before the Board.

Experiences of offenders and their families

The Board applies a therapeutic and problem-solving approach. This approach is consistent with the CSA Act, natural justice, and human rights. It contributes to the Board delivering the best possible outcomes for the community, offenders, and victims. In regard to offenders, it involves a way of working by the Board that promotes acceptance of the Board's decisions

[19] ROGS 2021, Table CA.5
[20] ROGS 2021, Table 8A.21

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and supervision by ACT CS by offenders including relating to them in a manner that reinforces their internal motivation to complete an order successfully. It involves the Board applying a problem-solving approach, for example it might identify gaps in an Indigenous person's rehabilitation plan that will undermine their ability to meet the requirements of a community-based order and then working with parties to fill these gaps, adjourning proceedings if necessary for this purpose. This approach is consistent with the ACT Government's "Aboriginal and Torres Strait Islander Agreement 2019-2028"[21] and the "Reducing Recidivism in the ACT by 25% by 2025 Plan"[22].

A therapeutic and problem-solving approach is not 'soft' on offenders, and it is consistent with protecting the public interest, victims, and community safety. It can reduce non-compliance and re-offending, and therefore protect community safety and deliver efficiencies in the Board's work. The Board is developing a Practice Note to support working therapeutically and in a problem-solving manner. This initiative will be in line with other initiatives to embed similar approaches into court and tribunal practices in Australia and Canada.[23]

Experiences of victim survivors

Legislation in the ACT aims to acknowledge, protect, and promote the interests of victims of crime in the administration of justice. The *Victims of Crimes Act 1994* contains principles and rights that govern the way that criminal justice agencies, including the Board, must engage with eligible victims. The ACT Charter of Rights for Victims of Crime commenced in 2021 following amendments to the latter Act, and it enhances victims' rights and the Board's responsibilities to eligible victims.[24] The CSA Act also has important legislative provisions that offer support and a voice for eligible victims in certain Board proceedings. The Board will engage with unregistered eligible victims if practicable.

Importantly, before the Board determines an offender's suitability for release from custody, the Board will take all reasonable steps to seek the views of eligible victims about the possible release of the offender to parole, licence, or to reinstate an ICO. The Board can seek a victim's views in other matters, e.g. where there has been a breach of an order, where it is practicable.

The purpose of a victim's submission is to provide the victim's views about issues relevant to the decision that the Board is making, and in particular to provide information about any

[21] https://www.communityservices.act.gov.au/atsia/agreement-2019-2028
[22] https://justice.act.gov.au/sites/default/files/2020-08/Plan%20-%20RR25by25%20-%20Plan%20for%20printing%20-%20web-%20%20Final_0.PDF
[23] Michael S King (2009), "Solution-Focused Judging Bench Book", Australasian Institute of Judicial Administration at https://aija.org.au/publications/solution-focused-judging-bench-book/ ; Susan Goldberg (2011), "Problem Solving in Canada's Courtroom's: A Guide to Therapeutic Jurisprudence", Canadian National Judicial Institute at https://sasklawcourts.ca/images/documents/Provincial_Court/Problem-Solving%20in%20Canada's%20Courtrooms.pdf
[24] *Victims Rights Legislation Amendment Act* 2020

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concerns they or their family have about the need to be protected from violence or harassment if the offender be released. Note, any victim impact statements provided during the court proceedings that resulted in conviction of the offender are usually also available to the Board and on this basis a victim may decide it is not necessary to make a submission to the Board.

The Chair or Deputy Chairs may make a victim submission confidential in certain circumstances. For example, a victim's submission can be made confidential if a judicial member of the Board considers it to be in the public interest or if there are safety concerns. A victim's submission is usually in the form of a written submission; however, a victim can give oral evidence to the Board and increasingly victims are choosing to do so.

During 2020-2021 there were 13 written submissions by victims and 8 hearings were conducted to hear evidence from victims. There were 48 new victims who registered and there are now 166 registered victims who have actively notified the Board they wish to be involved in its proceedings. There is expected to be a growth in victim's submissions, oral and written, to the Board as the new ACT Victim's Charter is further implemented.

The Victim Liaison Officer (VLO) position supports the Board to engage with victims. The VLO can assist eligible victims register and also with the process of making a submission to the Board. This position will transfer to the Victims of Crime Commissioner's office in 2021-2022. The Board is working with the Victims of Crime Commissioner about this transfer of the VLO and implementing the Charter.

Any other relevant matter

At this time no reliable venue for safe in-person hearings is available to the Board. Up until some years ago, the Board sat in the ACT Courts Complex and held in-person hearings unless other arrangements were required. However, ACT Courts advised the Board that it is not to sit in the ACT Courts Complex. This development is of concern to the Board and presents a risk to the community. At 30 June 2021, 19.6% (9) of the warrants issued by the Board during 2020-2021 were unexecuted warrants for offenders who participated in a teleconferenced hearing and had their order cancelled or suspended; many of these unexecuted warrants have led to offenders who's community corrections orders have been cancelled being at large in the community for some time. This risk to the community would be wholly avoided if the Board were to return to holding its hearings in-person in the ACT Courts Complex, once the COVID emergency ends.

The enactment in 2020 of a COVD-measure in the ACT means that ACT CS officers for the first time have the power to deal with a wide range of breaches of parole and breaches of ICOs for any offender. This is a major change in arrangements for managing offenders in the ACT that is not widely known and one that the Board does not support in its current form. More background to this major change and the Board's concern follows.

During the COVID-emergency the *Crimes (Sentence Administration) COVID-19 Emergency Guidelines* 2020 were notified and brought into effect, following enactment of the *COVID-19*

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Emergency Response Legislation Amendment Act 2020 which amended the CSA Act. The amendment and Guidelines (the new law) empower ACT CS community corrections officers who allege certain types of breaches to also determine that no action is required or that a warning is required. They have this discretion to deal with breaches for any offender, including serious offenders such as child sex offenders and family violence offenders. Unfortunately, the Board was not consulted before the passage of the new law but has subsequently raised concerns about whether the new law is necessary during the COVID-19 emergency given the Board has achieved reasonable timeliness in hearing breach matters during the emergency. Also, the Board is concerned that the new law raises community safety issues, and that there is an unjustified inconsistency between this new law and the principles of natural justice and human rights. During 2020-2021, ACT CS community corrections made 20 reports to the SAB that it had exercised the power to impose a warning for a breach. When the ACT CS decides to deal with a breach and take no further action, this action is not notified to the Board, so the total number of instances where ACT CS has dealt with a breach is not known by the Board. The Board has requested that this temporary legislative measure not be made permanent and that it be repealed. The Board has proposed that if ACT CS is to be empowered to deal with breach matters, then this power should be confined to matters that involve genuinely minor breaches, for offenders who are low risk and subject to sentence for minor offences, and that whenever it is used this be promptly notified to the Board for possible review.

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