



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair),
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Submission Cover Sheet

Inquiry into Dangerous Driving

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SENTENCE ADMINISTRATION BOARD OF THE AUSTRALIAN CAPITAL TERRITORY

Standing Committee of Justice and Community Safety

Office of the Legislative Assembly

LACommitteeJCS@parliament.act.gov.au

18 November 2022

Dear Standing Committee of Justice and Community Safety

Inquiry into Dangerous Driving

Thank you for the opportunity to appear before you on 18 November 2022. I am writing this letter to provide in advance information that I will refer to in my opening statement. The information is as follows:

- Published information for proceedings before the Sentence Administration Board: Mr Akis Livas Parole and Management proceedings 2022 (see attached)
- Sample template letter (revised, as shown in yellow highlight) for communications between the Sentence Administration Board and eligible contactable victims involved with Board proceedings (see attached)
- Finally, I would like to bring to the Committee's attention information that has been stated in the Board's most recent Annual Report about the effectiveness of parole:

"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 2019 report commissioned by the Queensland Government and prepared by the Queensland Sentencing Advisory Council considered the effectiveness of various sentencing options, including prison, supervised orders such as parole and ICOs, and unsupervised orders. After reviewing reliable evidence, it concluded as follows :

- Rates of successful completion of parole and ICOs are high;*
- There is "reasonable evidence that parole is more effective at reducing recidivism than unsupervised release" provided that the focus is "rehabilitation, rather than compliance";*
- "There is good evidence...that ICOs are more effective at reducing recidivism than either periodic detention or short terms of imprisonment";*

- “The evidence shows [that] ...supervision...when combined with critical rehabilitation services such as mental health treatment, drug treatment and housing assistance, supervision focused on service delivery, is effective at reducing reoffending”;

- “The most successful programs [for offender treatment] are those which adopt the risk-need-responsivity approach to rehabilitation, involve cognitive behavioural therapies or include drug treatment, such as therapeutic communities”;

- “At best, imprisonment has a marginal impact on recidivism, [and] at worst, imprisonment increases the likelihood of imprisonment”.¹

...

The community corrections system is critical to the success of the corrective services system and the justice system as a whole. The Board has a unique role in managing persons subject to community corrections orders. The Board relies on annual reporting by the Productivity Commission in its “Report on Government Services” (ROGS 2022)² to monitor higher-level outcomes of its work. ROGS 2022 analyses data up to 2020-2021 and highlights that are relevant to the Board’s work are summarised below³.

The long-standing trend for growth in the number of sentenced persons, who are subject to community corrections orders, changed with a slight drop in numbers⁴, possibly due to COVID emergency factors. The number of persons subject to community corrections supervision has otherwise steadily increased in the ACT since the introduction of Intensive Corrections Orders (ICOs) in 2016 and is expected to grow in the future.

The two ROGS indicators most relevant to the Board are as follows:

-return to corrections within 2 years of those discharged from a community corrections order (community corrections recidivism), and ideally the results for this indicator would show a decrease; and

-successful completion of a community corrections order (community corrections completion), and ideally the results for this indicator would also show an increase.

The ACT results, as reported in ROGS 2022 for the two indicators listed above, have some positives and identify areas of concern as summarised below:

- community corrections recidivism in the ACT decreased to 19.4% from 20.8% in the prior year, is well below the national average of 25.2%, and is well below the recidivism of

¹ ‘Community-based Sentencing Orders and Parole: A Review of the Literature and Evaluations across Jurisdictions’, K Gelb, N Stobbs, R Hogg, Queensland Sentencing Advisory Council (2019), Executive Summary, pages xii – xvi, at [Community-based sentencing orders, imprisonment and parole options - Final report \(sentencingcouncil.qld.gov.au\)](https://www.sentencingcouncil.qld.gov.au)

² “Report on Government Services”, Justice: Corrective Services (ROGS 2022), Figure 8.12 and Table 8.4, at <https://www.pc.gov.au/ongoing/report-on-government-services/2022/justice/corrective-services>

³ Due to ACT’s relatively small numbers any conclusions from the analysis need to be treated with some caution.

⁴ Consistent with the national trend, average daily number of persons subject to community corrections in the ACT declined, down to 1182 from 1235, and the vast majority of these (1071) continued to be subject to supervised orders (Justice: Corrective Services, Table 8A.8, ROGS 2022). The average daily number of persons in prison in the ACT also decreased, down to 411 from 444, consistent with the national trend (Justice: Corrective Services, Table 8A.4, (ROGS 2022).

those being released from prison directly into the community in the ACT (38.5% of offenders returned to prison within two years of release)⁵; and

-the majority of community corrections orders are successfully completed, continuing a trend from prior years. The percent of such orders that are completed in the ACT has increased to 76.3% from 68.1% in the prior year and is above the national average (76.1%). The percent completed for supervised orders which includes orders managed by the Board is higher than unsupervised orders, being 77.9%, continuing a trend from prior years.⁶ For women, the percent of community corrections orders completed now matches that for all persons completing such orders, an improvement from prior years.⁷ Of concern is that the rate of Aboriginal and Torres Strait Islander persons sentenced to such orders is lower than for non-Indigenous persons, and of those subject to community corrections a lower percent (69%) than for non-Indigenous persons complete them, consistent with prior trends.⁸

Further information about the Board is available on the Board's webpages at www.justice.act.gov.au/safer-communities/sentence-administration-board

This letter is able to be made public.

Yours sincerely



Laura Beacroft
Chair,
Sentence Administration Board
of the ACT

⁵ Justice, Tables CA4 and CA5, (ROGS 2022) at <https://www.pc.gov.au/ongoing/report-on-government-services/2022/justice>

⁶ Justice: Corrective Services, Table 8A.21, (ROGS 2022)

⁷ Justice: Corrective Services, Table 8A.21, (ROGS 2022)

⁸ Justice: Corrective Services, Tables 8A.9 and 8A.6, ROGS (2022)



SENTENCE ADMINISTRATION BOARD OF THE AUSTRALIAN CAPITAL TERRITORY

Published information for proceedings before the Sentence Administration Board: Mr Akis Livas **Parole and Management proceedings 2022**

Mr Akis Livas was convicted of Culpable Drive Causing Death on 8 May 2020 by the ACT Supreme Court (the sentencing Court). He was sentenced to a term of imprisonment of 39 months to commence on 19 February 2022 (refer to *R v Livas (No 2)* [2020] ACTSC 116).

The sentencing Court fixed a non-parole period (NPP) to expire on 18 May 2022. The sentencing Court ordered that Mr Livas be disqualified from holding a vehicle licence for 25 months (s62, *Road Transport (General) Act* 1999, the Act) and that at the end of this period he continues to be disqualified until a court sets this aside (s65 the Act).

Mr Livas received a letter from the Sentence Administration Board (the Board) dated 12 October 2021 inviting him to apply for parole, which is a standard letter sent to all eligible detainees.

Mr Livas applied for parole on 18 November 2021.

Mr Livas's application was first considered by the Board at the 'Inquiry' stage on 22 March 2022, which is a paper-based review of the matter that occurs after various information has been obtained for the Board's consideration including the Pre-release Report provided by ACT Corrective Services. The main consideration for the Board at an Inquiry is whether parole can be granted on the papers, or whether a hearing is required and if so what the crucial issues of concern are for parole to be granted. In this case the Board determined that a hearing was required and set out a list of issues of concern.

The parole hearing was set down for 19 May 2022, being a date that was as close to his NPP as practicably possible. The main role of the Board is to administer the sentence of the Court, which involves taking into account the NPP date set by the sentencing Court as far as practicable when setting down a hearing date. While the Board cannot always align the hearing date closely with the NPP date for e.g., if a detainee puts in a late parole application, in this case it was able to be achieved.

The Board has statutory duties and implements practices that serve to advise a range of persons about parole proceedings and to seek submissions (oral or written) from these persons; these persons include eligible contactable victims of an offence of the offender, the Director-General of

JACS, the Director of Public Prosecutions, and police. Submissions to the Board may be made in-confidence, which means they are not shared with any parties to the proceedings. The Board's statutory duties and practices for seeking submissions were met in this matter.

On 19 May 2022 the Board granted Mr Livas parole in accordance with the *Crimes (Sentence Administration) Act 2005*, after consideration of matters set out in section 120 of the *Crimes (Sentence Administration) Act 2005* and also submissions and evidence before it.

Mr Livas was released on 1 June 2022 under a Parole Order. The Parole Order contains standard strict legislated conditions such as reporting to ACT Corrective Services, and also some additional conditions including a condition that is aimed at protecting the victim's family.

Mr Livas is subject to the Board's management and supervision by ACT Corrective Services until 18 May 2023.

On 15 November 2022 the Board conducted a management hearing about Mr Livas's capacity to comply with parole and his compliance with his Parole Order. It resolved to take no further action after considering reports, submissions and evidence before it. The Board made a decision to publish the outcome of the parole and management proceedings as set out above, after considering any relevant submissions.



SENTENCE ADMINISTRATION BOARD OF THE AUSTRALIAN CAPITAL TERRITORY



ACT Corrective Services

{Full name of victim}
{Street number and name}
{Suburb / STATE / postcode}

Dear {Mr/Mrs/Ms} {victim's last name},

Following our telephone conversation, I am writing to inform you an inquiry is being held in relation to an application for parole by {offender's full name}.

The offender's non parole period expired on **date**. The Board will further consider this application at an inquiry on **date of inquiry**.

Should there be any issues, concerns, or sensitivities with regards to the date of the **inquiry/hearing**, please advise the Victim Liaison Officer as soon as possible and also provide the reasons for any request to change the date. Reschedule requests received will be provided to the Board for their consideration and decision.

When making a recommendation about an offender's suitability for release on parole, the Board must take into consideration a number of matters. This includes the likely effect an offender's release on parole would have on the victim or the victim's family, and any views expressed by or on behalf of the victim's family, should the offender be released.

In order for the Board to take into account your views, you are invited to make a submission. The submission may be made in writing or you may request a time to attend a SAB meeting in the absence of the offender, to make an oral submission. Submissions can include any concerns held by you about the offender, any need to be protected from violence or harassment by the offender and any parole conditions that you would like to see included on the order.

You may ask the Board to keep your submission or evidence 'in-confidence'. This means your submission or evidence will be kept confidential to the Board and not disclosed to the offender or any of the parties in the matter. However, it is important to be aware that in some circumstances the law may require the Board to disclose part or all of the content of

your submission or evidence to the offender and other parties. Depending on the circumstances you may not be given prior notice of this disclosure and also you may not be able to withdraw your submission or evidence.

If you want to disclose your submission to the offender or if your submission was to be disclosed in a legal circumstance, your contact details would not be released.

Section 123 of the *Crimes (Sentence Administration) Act 2005* allows for some information about an offender to be released to a registered victim for the purposes of writing a submission. Information that may be provided relates to the type of programs the offender has participated in and the general conduct of the offender while in custody.

If a submission is made, the Board will take the information into account when reaching its decision on granting an offender parole. I have included for you some information about the process of writing a submission.

You can also contact me at any point during the offender's sentence or if you would like to be removed from the Victims Register on 6207 0836 or at victims.register@act.gov.au

Yours sincerely,

[Redacted Signature]

Victim Liaison Officer

18 November 2022