



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
Mr Peter Cain MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair),
Mr Andrew Braddock MLA

Addendum

Inquiry into the Corrections and Sentencing Legislation Amendment Bill 2022

Following the release of its report into the Corrections and Sentencing Legislation Amendment Bill 2022, the Standing Committee on Justice and Community Safety received the attached letter from the Sentence Administration Board (SAB) on 3 March 2023 providing some corrections to paragraphs 2.4 and 2.7.

The SAB has also asked to be consulted on the discretion framework and Notifiable Instrument to be developed for the amendment about good behaviour bonds referred to in Recommendation 1.

The Committee thanks the SAB for bringing this to their attention and has referred the letter to the Minister for Corrections for his consideration.

Peter Cain MLA
Chair

15 March 2023



**SENTENCE ADMINISTRATION BOARD OF THE
AUSTRALIAN CAPITAL TERRITORY**

Committee Secretary
Standing Committee on Justice and Community Safety
Office of the Legislative Assembly for the ACT

LACommitteeJCS@parliament.act.gov.au

Dear Committee Secretary

I write in relation to the *Report of the Inquiry into the Corrections and Sentencing Legislation Amendment Bill*, Standing Committee on Justice and Community Safety, Report 14, February 2023 to make a correction and clarify some matters.

Where there is a reference to "SAB" in paragraphs 2.4 and 2.7, this should be a reference to "the sentencing court". Please note, that the SAB does not have any jurisdiction over good behaviour orders which is why it did not make a submission about this proposed amendment.

Regarding paragraph 2.4 that states that the "discretion is based on elements of an existing measure that applies during a COVID-19 emergency", please note the following. As the Explanatory Statement makes clear, this is referring to an existing COVID-19 measure for good behaviour orders only.

What may have confused the issue is that there is a similar COVID-19 measure that was enacted which impacts the SAB in that it empowers Community Corrections Officers (CCOs) to exercise a discretion to deal with breaches of Intensive Corrections Orders (ICOs) and Parole Orders (parole). The SAB has reported in several its Annual Reports that it has concerns about the COVID-19 measure and related Guidelines (which are a Notifiable Instrument) that apply to ICOs, parole and the SAB; the SAB's experience over a number of years with the measure has only increased the SAB's concerns. In summary the SAB is of the view that the measure is not consistent with the stated aim of allowing only 'minor' breaches to be dealt with by CCOs and indeed any breach can be dealt with by a CCO; SAB has little to no oversight or indeed knowledge of when the discretion is applied by a CCO even though the Explanatory Memorandum states that the SAB does have oversight; the legislation is incoherent in its drafting; the measure has been poorly implemented and the SAB observes



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that CCOs do not apply it consistently and at times it is not applied in accordance with its requirements; and the measure increases risks to community and victim safety.

Having now reviewed the Report it seems that the amendment regarding good behaviours orders considered in the Report might be regarded as a precedent for an extension of the COVID-19 measure that applies to ICOs and parole and the SAB. Given this, I request that SAB be included in the list of entities that must be consulted about the discretion framework and Notifiable Instrument for the amendment about good behaviours orders under Recommendation 1.

Laura Beacroft
Chair,
Sentence Administration Board
of the ACT

2 March 2023