

STATEMENT OF EXPECTATIONS

ACT SENTENCE ADMINISTRATION BOARD

This statement (SOE) sets out the ACT Government's expectations for the ACT Sentence Administration Board (the SAB). It outlines the Government's expectations for how the SAB fulfils its independent legislated role, while also balancing its objectives and responding to changing circumstances in the context of the Government's policy priorities. It also outlines expectations for how the SAB manages its relationship with the Government, the Justice and Community Safety Directorate (JACSD) and other relevant agencies, and its approach to issues of transparency and accountability.

The Government recognises and respects the independence of the SAB and acknowledges the importance of the SAB acting, and being perceived to act, independently in performing its role and meeting its responsibilities under the *Crimes (Sentence Administration) Act 2005* (the CSA Act). The Government also recognises that the SAB needs to be adequately supported and resourced to operate independently and in accordance with its legislated responsibilities.

The Government expects the SAB to take into account the Government's policy priorities in performing its role and discharging its responsibilities, to the extent the law allows.

The SAB is expected to reply to the SOE with its own Statement of Intent. The SOE will be reviewed and amended as necessary, at least annually.

The Role of the SAB

The SAB is established under section 171 of the CSA Act. The SAB's functions – referred to as the 'supervisory functions' - are to:

- administer sentences imposed by the courts
- consider the release on parole of sentenced offenders for whom a non-parole period has been set by the sentencing court
- decide on the additional conditions of parole orders
- review offenders' parole
- decide the consequences of offenders failing to comply with their obligations under parole orders, intensive correction orders or release on licence

- decide reinstatement of an intensive correction order following cancellation
- on request, provide a recommendation to the Attorney-General in relation to applications for release on licence
- review offenders' release on licence
- exercise any other function given to the Board under the Act or any other territory law.

The SAB is made up of the Chair and up to two Deputy Chairs, and up to eight other members. The Chair has the added responsibility of guiding the SAB in undertaking its functions through the development of practice instruction and maintenance of effective governance. The Chair also represents the views of the SAB in inputting to the development of relevant legislation and policy.

Balancing Objectives

The Government acknowledges that, in performing its role, the SAB is required to balance at times competing objectives, and the appropriate balance will require professional judgement.

The Government expects the SAB to work closely and collaboratively with JACSD in identifying, and having open discussions about the balancing of, these objectives.

The Government expects the SAB to focus on its professional role and responsibilities under the CSA Act, and to establish understandings with JACSD for the provision of the administrative and operational supports to facilitate this. The Government acknowledges that the SAB will interact with a range of agencies, including the Courts, ACT Human Rights Commission, the Victims of Crime Commissioner, the ACT Director of Public Prosecutions and the Act Ombudsman's Office in performing its supervisory functions.

The Government expects the SAB to be appropriately resourced to effectively and efficiently achieve its objectives. The Government also expects the SAB to undertake its functions as expeditiously and efficiently as the requirements of the CSA Act allow, and to consult with JACSD on any impediments to achieving this in practice.

Government Priorities

The Government expects the SAB to take into account the Government's policy priorities for protecting community safety, respecting victims' rights, reducing reoffending, promoting successful reintegration of offenders into the community, as well as initiatives to better support people with disability and Aboriginal and Torres Strait Islander persons, in performing its supervisory functions.

The Government expects the SAB to consider the public interest, human rights implications and the principles of procedural fairness in its decision making.

The Government acknowledges the merits of a therapeutic, problem-solving approach in making sound decisions that support these policy priorities. The Government supports the SAB in developing and promoting practices which avoid harm for victims and help offenders through building genuine motivation and realistic plans to not re-offend.

Relationships

Relationships with Government and Minister

The Ministers and the SAB will meet at least twice annually to discuss the SAB's performance and matters relevant to judicial outcomes. The discussion will draw on feedback from relevant stakeholders on the SAB's performance and the SAB's reported progress in achieving its objectives, including those articulated in a strategic plan.

It is acknowledged that the SAB will provide reports to the Minister at least every 6 months, on operational and exceptional issues as necessary and where the law allows.

Relationship with JACSD

Policy

JACSD has a key role to support and advise Ministers on a wide range of issues, including policy development and maintenance, and the performance of the justice system.

To fulfil this role, JACSD and the SAB are to maintain a close and collaborative relationship. JACSD is to take into account the views and experience of the SAB when considering and advising on changes to relevant policy and legislation. By advising JACSD on the implementation impacts of policy initiatives, the SAB contributes to effective policy development.

Corrections information

In performing its supervisory functions, the SAB is reliant on information (reports, data and other inputs) from the ACT Corrective Services Community Corrections, a business unit within JACSD. The Government expects the SAB to work collaboratively with ACTCS to facilitate a productive working relationship, and through the development of procedures and protocols to provide clarity of expectations on the information requirements from Community Corrections.

Legal services

The SAB may at times require legal support or advice in the performance of its functions, or in the management of complaints, FOI requests or similar. The SAB will develop protocols with GSO for arrangements to access legal support or advice.

Transparency and Accountability

The SAB was established as an independent board. Nevertheless, the SAB operates as part of the ACT Government and is accountable to the Legislative Assembly, and ultimately to the public, through the Ministers, the Assembly processes and the tabling of its annual report.

The Government expects the SAB to be transparent and accountable in its operations and communication of outcomes to the extent that the law allows. This includes transparency of key operational and decision-making processes, and the development of a protocol for exercising its power to publish decision outcomes.

The Government expects that the SAB will develop a strategic plan with performance measures, will collect and analyse relevant statistics, and subsequently report on outcomes against performance measures in its annual report.

The Government expects that the SAB will, in collaboration with JACSD, develop a protocol for managing complaints about the SAB or SAB members.

The Government expects that the SAB will continue efforts, in collaboration with JACSD, to optimise effectiveness and efficiency in its operations within budgetary parameters.

Operational Issues

The SAB is supported by a Secretariat, the staff of which are employed under the Public Sector Management Act 1994.

The Secretariat is hosted by ACTCS within JACSD. In this capacity, ACTCS provides administrative, staff management and other resource management support to the Secretariat to facilitate its effective and efficient operations. In hosting the SAB, ACTCS will provide these supports in a manner that respects the independence of the SAB.

The Secretariat, in supporting the SAB to undertake its supervisory functions, is directly responsible to, and reports through, the Chair of the SAB. In undertaking this role, the Secretariat staff will

recognise the separation of their responsibilities to the SAB from any to ACTCS and appropriately preserve the confidentiality of SAB matters.

Conclusion

The Government's vision is for the SAB to be a high performing and responsive board that undertakes its functions independently and in accordance with law, and in a way that supports the priorities of government and maximises efficiency, effectiveness and transparency.

A handwritten signature in blue ink, appearing to be 'SR', with a large, sweeping flourish underneath.

Shane Rattenbury MLA
Minister for Corrections and Justice Health
9 September 2020