

Statement of Intent by the ACT Sentence Administration Board

The Statement of Intent (SOI) dated 10 September 2020 sets out the intent of the Sentence Administration Board (the SAB) and provides SAB's response to the Ministers' Statement of Expectations (SOE) dated 9 September 2020.

The SAB will review and amend as necessary its SOI, and at least annually.

The role of the SAB

The SAB's main intent is to make sound, lawful and timely decisions when using its statutory powers, in a therapeutic and efficient manner. The SAB welcomes the commitment in the SOE to support the SAB, in particular to support it to be an independent, high performing and responsive SAB.

By way of background, the SAB is an independent entity within the justice system. Its role is defined by its statutory functions under various legislation as set out in the SOE, in particular the *Crimes (Sentence Administration) Act 2005 (CSA Act)*. The SAB's core role is to exercise a wide range of 'supervisory powers' for the purpose of administering offenders' sentences imposed by a court. While the SAB is a small entity with a limited public profile compared to many other tribunals and the courts, its work is crucial to the just and efficient operation of the justice system. SAB decision-making and operations support building community confidence in the justice system, protecting community safety, the sound administration of court-imposed sentences and the successful rehabilitation of offenders. Increasingly the SAB is involved with victims of serious crimes, and its work is crucial to victims' rights being respected and their perspectives being heard.

The SAB is not a court and its jurisdiction is given to it by legislation or regulation. The CSA Act is relatively prescriptive about how the SAB must exercise its functions. The SAB will seek to continuously improve its operations and decision-making while being consistent with the CSA Act. Given its statutory basis, law reform is a significant determinate of the level of SAB's responsiveness to government initiatives and the nature of any changes to its role. In doing its work, the SAB obtains considerable insight and information that can inform initiatives to improve the SAB's processes, refine its role, and also to inform initiatives to build a more just and efficient justice system.

Balancing Objectives

The SAB from time to time identifies competing objectives placed on it and practical barriers to performing its functions. The SAB welcomes a process whereby it can work closely and

collaboratively with JACSD on issues that require an agency-level response in order to identify and resolve such challenges, while respecting the SAB's independence.

The SAB will give priority to the challenges of meeting the demands of its contemporary caseload and meeting modern standards and requirements for accountability including building a data and information system.

Government Priorities

The SAB welcomes the Government's broad framework for reforms, being protecting community safety, respecting victims' rights, reducing reoffending, promoting successful reintegration of offenders into the community, and initiatives to support disabled persons and Aboriginal and Torres Strait Islander persons involved in the justice system. The SAB will actively participate in opportunities to be involved in the further development of these initiatives and related reviews.

The SAB welcomes the Government's recognition and support for the SAB's legislated requirements to consider the public interest, human rights, and natural justice in its decision-making. In this respect, the SAB is subject to higher standards than most other parole authorities in Australia and internationally, and comparisons with other parole authorities need to take this into account. The SAB strongly supports these legislated standards. In meeting contemporary challenges, including the SAB's increasing and more complex caseload, the SAB will meet these standards and not compromise them.

The SAB welcomes the Government's acknowledgement of the merits of a therapeutic problem-solving approach. Similar to the ACT Alcohol and Drug Court in its management of offenders, the SAB will work therapeutically and problem-solve as necessary in the interests of reducing re-offending. Such an approach is embedded in the CSA Act, for example proceedings must be fair and perceived to be fair, consistent with the principles of natural justice, responsive to the human rights and circumstances of persons involved with its proceedings, informal and procedurally responsive, use the rules of evidence as a guide only, explain decisions, and the SAB can direct that ACT CS overcome gaps in rehabilitation support for offenders subject to a community corrections order.

In order to further embed a therapeutic and problem solving approach in its operations, the SAB will develop a Practice Note and offer SAB members and Secretariat staff training.

Relationships

Relations with Government and Minister

The SAB welcomes the opportunity to meet with the Minister at least annually and to structure that meeting around performance as measured by a strategic plan and related KPIs and also stakeholder input.

The SAB also welcomes the opportunity to provide reports to the Minister at least every 6 months, on operational and exceptional issues as necessary and where the law allows. These reports will be also provided to JACSD.

Relations with JACSD

The SAB acknowledges the key role that JACSD has in advising the Minister and in developing and reviewing implementation of law and policy in the justice system. The SAB welcomes opportunities for its views and experience about policy and law reforms, including about implementation issues, to be considered.

The SAB notes that JACSD provides operational support to the SAB, and that a Memorandum of Understanding (the MOU) is being developed which will set out key operational support to the Board that JACSD will provide. The SAB anticipates the proposed MOU and to building a close and collaborative relationship with JACSD, while the SAB's independence is respected. The SAB will be responsive and work collaboratively with the designated contacts at JACSD.

The SAB will develop, with JACSD, a process for managing complaints. Until this process is established, the SAB welcomes a process whereby complaints about the SAB or SAB members made directly to the Board will be referred to JACSD for investigation.

The SAB is highly dependent on ACT CS Community Corrections, within JACSD, to provide key information so that the Board can effectively and efficiently exercise its supervisory functions. The SAB will work collaboratively with JACSD, to clarify roles and responsibilities in its working relationship with Community Corrections, . The SAB will work with JACSD in the context of the MOU to develop communication processes and expectations of the information and evidence that the SAB requires from Community Corrections.

Liaison with other government and non-government agencies.

The SAB will continue to liaise as necessary with other government and non-government agencies while maintaining its independence, for example the ACT Director of Public Prosecutions, ACT Legal Aid, the Human Rights Commission, the Victims of Crime Commissioner, the ACT Ombudsman, the Inspector of Correctional Services, the Law Society, and key service providers.

Transparency and Accountability

The SAB acknowledges and welcomes its accountability to the ACT Government, the Legislative Assembly and ultimately to the public, through the relevant Ministers and the Attorney-General, the assembly processes and committees, and its annual reports.

The SAB acknowledges that the SAB is made up of independent statutory officeholders, who are required to meet various ACT public service requirements, for example, the ACT APS Code of Conduct, the ACT Government Boards and Committees Code of Conduct, and the ACT Code of Ethics (s9 *Public Sector Management Act 1994*). Also, the SAB and its members are subject to conflict of interest requirements under the CSA Act and as set out in the SAB's Conflict of Interest and Bias Policy. They are subject to the jurisdiction of the ACT Integrity Commissioner. Complaints about the SAB can be made directly to it, or to the ACT Ombudsman, the Human Rights Commission, and in the case of victims to the Victims of Crime Commissioner. The SAB is subject to freedom of information requests, subpoenas, and various statutory-based requests for information. The SAB will ensure that these requirements and standards are met.

The SAB maintains webpages that are hosted by JACSD, and the SAB will keep these up-to-date.

In the interests of transparency, the SAB will develop a Practice Note on publishing of outcomes of proceedings under the CSA Act. It will then publish the outcomes, for cases where the SAB makes such an order, on the SAB's webpages.

The SAB will develop a three-year Strategic Plan and KPIs, and report on these to the extent its data and information system allows. The SAB notes that its long-term outcomes are to some extent reported on in the annual Report on Government Services (ROGS) and it will continue to analyse the ROGS in its annual reports.

The Secretariat

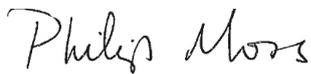
As noted, the SAB is dependent on JACSD for all its operational support. The arrangements for operational support, while cost-effective, can present challenges in maintaining the SAB's independence. The role of the Secretariat staff is critical in the implementation of this arrangement, and staff must understand and respect the independence of the SAB, that it is a separate to JACSD and that relations are guided by the SOE and the SOI. The SAB will ensure that its culture and operations supports this.

The SAB welcomes the clarification in the SOE that the Secretariat staff are directly responsible to, and report through, the Chair on SAB business. The SAB will work collaboratively with JACSD to provide input into any performance reviews and recruitment processes involving Secretariat positions. The SAB also welcomes the clarification in the SOE that, in working for the SAB, the

Secretariat staff will appropriately preserve the confidentiality of SAB matters. The SAB will seek to have an audit of its systems included in the audit program for ACT CS to ensure that its systems are well aligned with these arrangements.

Conclusion

The SAB's core intention is to make sound, lawful and timely decisions when using its statutory powers, in a therapeutic and efficient manner. The SAB welcomes the commitment by Ministers in the SOE to support the SAB, in particular to support it to be an independent, high performing and responsive SAB that undertakes its functions in a way that supports the priorities of government and maximises efficiency, effectiveness, and transparency.



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10 September 2020