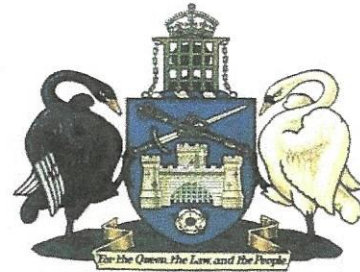


**SENTENCE ADMINISTRATION BOARD OF THE  
AUSTRALIAN CAPITAL TERRITORY**

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The Chair  
ACT Remuneration Tribunal  
PO Box 964  
Civic Square ACT 2608

Dear Chair

This submission is made on behalf of the two judicial members (that is the Chair and Deputy Chair) of the ACT Sentence Administration Board (the Board) in relation to the Remuneration Tribunal's (the Tribunal) annual review of remuneration and allowances for part-time holders of statutory offices.

This submission requests a review of the remuneration paid to the board's judicial members. We are not aware of when this issue was last reviewed by the Tribunal

The grounds of the requested review for the judicial members go to the traditional National Wage fixing principles of an increase in work value, increase in complexity in work, increase in responsibilities and an increase in workload.

As part of its Spring 2016 Review, the Tribunal considered a submission from the then Chair of the Board dated 8<sup>th</sup> September 2016 in respect of the Board's non-judicial members only. We attach a copy of that submission for ease of reference. The case for an increase in the per diem fee paid to non-judicial Board members was largely argued on an increase in preparation time, a change in legislation which required members to be more available than they have been before; and a general increase in the length of hearings. The Tribunal was moved by this submission to grant an increase in the *per diem* fee paid to non-judicial members as set out in Determination No 12 of 2016.

In our view, the increased workload grounds advanced in the 2016 submission apply equally to the workload of the Board's judicial members. We ask that these grounds be considered in the current round in reviewing the remuneration of the Board's judicial members.

Additionally, since taking up our appointments in May 2017, the Chair and the Deputy Chair have alternated in chairing weekly sittings of the Board. Sittings usually start at 9AM and finish at 5PM. Furthermore, the sitting Chair manages the timely turn-around of pre-sitting and post-sitting follow-up, such as calling phone sittings to decide matters where statutory timeframes require it, making decisions about whether to fast-track applications, managing conflict of interest issues, and other issues related to the smooth running of the Board's hearings

Following reviews of paroling authorities elsewhere, the most recent being a 2016 review of the Queensland parole system<sup>1</sup>, the Chair and Deputy Chair have reviewed major areas for improvement

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<sup>1</sup> Walter Sofronoff QC, *Queensland Parole System Review Final Report*, November 2016

and are actioning these. The Chair and Deputy Chair (in consultation with the full Board and key parties) have developed a Strategic Plan, and are also developing Key Performance Indicators and a data system for measuring and monitoring its performance.

Another change is that monthly workshops of all Board members are organised by the Chair and the Deputy Chair. These 2 hour workshops (referred to as Full Members meetings) are primarily devoted to continuous education of members. For example, the July workshop focused on learning about rehabilitation services for Indigenous offenders, the August workshop involved a tour of key facilities at the Alexander McConochie Centre and education about the prison disciplinary regime, and the September workshop was focused on sex offenders, with a number of experts attending.

There is limited transparency about the work of the Board. To address this, the Chair and Deputy Chair have begun developing core elements of a manual, with the Board's first Conflict of Interest and Bias Policy near completion. Other core elements will be developed in future and kept up-to-date. The Chair and the Deputy Chair are working with relevant units to improve Board's website, so that it can be up-to-date and provide more transparency and information about the Board's work.

A significant increase in the value and complexity of work and size of workload for the Chair and Deputy Chair arises from the agendas of the ACT Government and the Commonwealth Government to improve the criminal justice system. The current ACT Government has stated that a core goal is to reduce recidivism. The planning and data system mentioned above will allow the Chair and the Deputy Chair to monitor better how the Board contributes to reducing recidivism, hence its development by the Chair and Deputy Chair.

In addition, the Chair and Deputy Chair have identified areas of risk for the more serious forms of recidivism and have raised these as areas for administrative reform and law reform, with ongoing discussions in train.

Also the Chair and Deputy Chair have identified some legal and practical problems with the recently legislated Intensive Corrections Orders, with ongoing discussions in train.

Implementation issues arising from other recent legislative and administrative initiatives of the ACT Government are being worked through by the Chair and the Deputy Chair with relevant agencies, in particular the new restorative justice initiatives that some offenders can participate in, involvement of victims in Board proceedings and how they are best supported, and how conditions imposed on offenders by the Board might utilise expanded family violence services. Impacts from the Commonwealth Government on the work of the Chair and the Deputy Chair include the recent initiative to develop new processes and conditions for the Board to employ to ensure that sex offenders don't travel overseas for sex tourism, and to receive and respond to national security intelligence about offenders.

Also the Chair and the Deputy Chair do everything necessary to support and respond to national monitoring of parole outcomes, including parole for counter terrorism offenders.

The Chair and Deputy Chair are aware that, for the Board to reduce recidivism, the evidence shows that active rehabilitation-focused supervision which targets offenders' criminogenic need and risk factors (i.e. is not just compliance with reporting conditions) is necessary<sup>2</sup>. To this end the Board

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<sup>2</sup> Wai-Yin Wan, Suzanne Poynton, Gerard Van Doorn and Don Weatherburn, *Parole Supervision and Reoffending, Trends and Issues in Crime and Criminal Justice* No 485, 2014



conducts hearings of some duration (usually at least 1 hour) with offenders, involving their families and support services as required, and then adjourns to complete its enquiries where necessary.

Breaches of parole are taken very seriously. The Board's data shows that parole matters have increased since the previous reporting year, driven by increased breach matters (191 in 2016/17 compared to 168 in 2015/16). A higher proportion of outcomes from breach matters resulted in cancellation of parole compared to the previous reporting year (29% in 2016/17 compared to 21% in 2015/2016), formal warnings (43% in 2016/17 compared to 29% in 2015/16) and warrants being issued for the arrest of the offender (22% in 2016/17 compared to 14% in 2015/16). With this result, not surprisingly, a lower proportion of parole breach matters resulted in no further action (6% in 2016/17 compared to 8% in 2015/16)<sup>3</sup>. What this means for the Board's work is that workloads are greater, and also that matters being considered by the Board are more complex.

The Chair and Deputy Chair each sit on a body where there is a need to build stronger understandings and practical connections - the Chair sits on the Victim's Advisory Board and the Deputy Chair sits on the ACT Restorative Justice Implementation Reference Group. The Chair and the Deputy Chair are also involved with inputting into a raft of major law reforms that the current ACT Government has initiated, including a Victims Charter, an Inspector-General of Custodial Services, phase 2 of the restorative justice program so that it is extended to more serious crimes, and a Drugs Court for the ACT.

The Chair and Deputy Chair are also committed to ongoing and regular:


- Ministerial consultation;
- Consultation with other ACT Government agencies including courts and tribunals;
- Consultation with Human Rights and Victims of Crime stakeholders; and
- Consultation with Indigenous, LGBTIQ and Mental Health stakeholders.

In summary, in our view, the evidence indicates both a workload increase and a real and significant addition to the underlying value of the work of the Board's judicial members.


We therefore submit that the current annual payment does not adequately reflect the actual time spent by the Board's judicial members in performing their roles.

We would be pleased to meet with the Tribunal to expand on these submissions and discuss the information provided here or any other information the Tribunal might require in considering this submission.

Yours sincerely

  
 Laura Beacroft  
 Chair  
 ACT Sentence Administration Board

9<sup>th</sup> October 2017

  
 Don Malcolmson  
 Deputy Chair  
 ACT Sentence Administration Board

9<sup>th</sup> October 2017

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<sup>3</sup> All percentages have been rounded to the nearest whole number