



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

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Ms Sandra Lambert AM  
Chair, ACT Remuneration Tribunal  
Email: remtrib@act.gov.au

Dear Ms Lambert

**Sentence Administration Board submission to the ACT Remuneration Tribunal**

Thank you for the opportunity to make a submission in relation to Sentence Administration Board non-judicial member remuneration. The Board requests the Tribunal to consider an increase in non-judicial member remuneration that compensates members for the complex quasi-judicial work they perform and responsibilities they hold, taking into account the sophisticated skill set that is required, the need to offer remuneration that attracts a diverse range of ACT citizens to perform the role and a rate that reflects the higher level of remuneration offered by some other Australian jurisdictions.

**The actual work of the role or entity and its impact on the ACT community**

The Sentence Administration Board (the Board) is established by and makes decisions under the *Crimes (Sentence Administration) Act 2005* (the Act), related regulations (*Crimes (Sentence Administration) Regulation 2006*) and other legislation where relevant depending on the case, including the *Human Rights Act 2004*.

The Board is an instrument of the Executive. Uniquely, it performs a range of quasi-judicial functions similar to a court. The Board is empowered to release a person from custody on a parole order or release them from prison by reinstating an Intensive Correction Order (ICO), cancel a person's parole order or ICO and subject them to full-time imprisonment, vary the conditions of a person's parole order, remand a person in custody, issue an arrest warrant in relation to a person serving a parole order or ICO, and compel an individual to attend a Board hearing.

The Act authorises the Attorney-General to appoint a Chair and two deputy chairs who must be judicially qualified. They may also appoint the Chief Police Officer (who normally delegates their place) and up to eight other 'non-judicial' members. Appointments are for a maximum of three years. The Attorney-General has wide discretion about who they appoint. The current Board was appointed following a process undertaken by the Justice and Community Safety Directorate. Table 1 provides the selection criteria given to applicants:

The Board conducts its business through a three-person division of the Board (Chair or Deputy Chair and two non-judicial members) that holds inquiries. Inquiries are administrative processes that are used to make decisions in relation to a person's application for parole or

reinstatement of their ICO, consider allegations that a person has breached their order and if proved decide an appropriate sanction, or consider other issues such as whether a person remains suitable for parole, consider requests to vary parole order conditions and requests to travel outside Australia. The Board aims to make decisions by consensus, but members may record their dissent when consensus cannot be reached.

Inquiries may be conducted wholly on the papers but most often include one or more face-to-face hearings. Hearings are normally held in a Supreme Court hearing room to facilitate access by detainees. The Board holds separate hearings for victims in the Human Rights Commission offices.

The Board generally conducts paperwork enquiries and face-to-face hearings by sitting two days a week from 0900 to approximately 1700. Board members are required to read a significant amount of material prior to hearings. This includes the offender's court papers (for example, statements of facts, victim impact statements, sentencing transcripts, and criminal histories), corrective services reports, reports and submissions by health and community agencies, the offender's submissions and submissions made by the Director of Public Prosecutions. Board members generally require 3-6 hours reading to prepare for a one-day meeting.

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**Intellectual capacity:**

- High level of expertise in a relevant field such as sociology, criminology, restorative justice, psychology, or criminal justice services.
- An understanding of the ACT's criminal justice system and relevant social policy issues
- Ability to quickly absorb and analyse information

**Personal qualities:**

- Integrity
- Sound judgement
- Decisiveness
- Objectivity

**An ability to understand and deal fairly:**

- Ability to analyse and critically evaluate complex information, identifying key issues and weighing facts and evidence
- Ability to understand and deal fairly with everyone whatever their background
- Ability to treat everyone with respect and sensitivity
- Willingness to listen with patience and courtesy

**Authority and communication skills:**

- Ability to explain procedures and decisions reached clearly and succinctly with appropriate authority and in challenging circumstances

**Efficiency:**

- Ability to work at speed and under pressure
- Demonstrated time management skills
- Demonstrated ability to work efficiently
- Ability to work constructively with others

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**Table 1. Sentence Administration Board Selection Criteria**

Hearings are conducted with as little formality as possible. The meeting is recorded and a transcript is produced. A detainee may apply to the Supreme Court for a judicial review of the Board's decision. An offender may engage a legal representative to support their appearance before the Board.

The Board takes a therapeutic jurisprudence based approach, which aims to promote the offender's psychological wellbeing and motivation to reduce their risk of reoffending. Hearings may be adjourned to allow parties to obtain more information, or for example to confirm accommodation arrangements or a place in a residential rehabilitation centre. The content and implications of Board hearings for the lives of offenders and their families means that hearings can be distressing. This creates a risk that offenders and family members might behave violently toward the other parties. The Board has made arrangements to manage risks during hearings. This includes de-escalation training for members and secretariat staff, managing the presence of family members and liaising with Court Transport Unit correctional officers when a person is in custody.

The public interest is the primary consideration guiding Board decisions. This involves an assessment of the risks presented by the offender to community safety and in particular victim safety. Parole orders and ICOs allow offenders to serve their sentence in the community. Orders are designed to maximise the opportunities for rehabilitation and reintegration by addressing the risk factors in offenders' lives that contribute to their risk of reoffending.

Board decisions and the balancing of competing interests inherent in them lie at the heart of the ACT's community's safety and quality of life. Poor decisions may lead to negative impacts such as reoffending, physical violence, fear, retraumatising victims and economic harm. Conversely, good decisions support offenders to address their risk factors, obtain employment, support their families and overcome generational cycles of offending. Good decisions support the ACT's economy and protect victims of crime.

In summary, the Board is an essential element of the criminal justice system. If the Board is to make sound decisions, it requires members who are highly skilled and knowledgeable about crime and rehabilitation theory and practice, who are able to engage skilfully with offenders and other hearing participants, who reflect their communities' interests and concerns and who have expertise in administrative processes. The Board is highly specialised and there is likely to be a relatively small cohort of citizens who have the knowledge and skills to operate effectively as Board members. Remuneration is required that attracts them to the role in a jurisdiction where such skills can attract significant salaries in alternative roles as public servants, consultants and academics.

### **The role or entity's scope of work, the extent of its advisory or decision-making powers and, where known, its budget**

Much of the information relating to this heading has been provided above. The Board's scope of work and powers are given by the Act and regulations. Essentially, the Board is required to supervise the ACT's parole system and Intensive Corrections Orders. The main scope of work and decision-making powers are described below.

#### **Parole**

When a person is sentenced to a term of imprisonment, the Court may set a period of that sentence called the non-parole period. The offender must serve this period in full-time custody (usually at the Alexander Maconochie Centre). An offender may apply for release on

parole to serve the remainder of their sentence in the community. Parole provides an opportunity to progress the offender's rehabilitation in the community.

The Board may make a decision to release an offender on parole 'only if it considers that parole is appropriate for the offender, having regard to the principle that the public interest is of primary importance' (subsection 120(1) of the Act). Subsection 120(2) stipulates that the Board must consider a non-exhaustive list of matters before making its decision (Table 2):

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- (a) any relevant recommendation, observation and comment made by the sentencing court
  - (b) the offender's antecedents
  - (c) any submission made, and concern expressed, to the board by a victim of the offender
  - (d) the likely effect of the offender being paroled on any victim of the offender, and on the victim's family, and, in particular, any concern, of which the board is aware, expressed by or for the victim, or the victim's family, about the need for protection from violence or harassment by the offender
  - (e) any report required by regulation in relation to the granting of parole to the offender
  - (f) any other report prepared by or for the Territory in relation to the granting of parole to the offender
  - (g) the offender's conduct while serving the offender's sentence of imprisonment
  - (h) the offender's participation in activities while serving the sentence of imprisonment
  - (i) the likelihood that, if released on parole, the offender will commit further offences
  - (j) the likelihood that, if released on parole, the offender will comply with any condition to which the parole order would be subject
  - (k) whether parole is likely to assist the offender to adjust to lawful community life
  - (l) any special circumstances in relation to the application
  - (m) anything else prescribed by regulation.
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**Table 2 Matters the Board must consider before making a parole order (subsection 120(2))**

The Act gives the Board broad discretion. Board members must have the ability to identify and elicit the information required to make sound decisions. They must be able to interpret the written and verbal evidence before them to assess the offender's risk levels, their likely behaviour in certain situations, the services that will support the offender to address their risks and the conditions that are necessary to mitigate these risks. They must be able to understand contemporary correctional models, including the 'Risk-Needs-Responsivity model of offender management and rehabilitation. The Board must also take into account the *ACT Human Rights Act 2004* when it makes its decisions.

If it decides to grant parole, the Board may make conditions in addition to the standard conditions provided by the Act. As a general rule the conditions should provide the least restriction necessary to mitigate the offender's assessed risk. Examples of additional conditions include curfew conditions requiring an offender to be present at their approved address during particular hours, attendance at rehabilitation programs, entry into a residential drug rehabilitation centre, participation in a domestic and family violence program and conditions to protect victims.

ACT Corrective Services is required to report a breach of parole conditions to the Board. The Board will direct the offender to appear before it to hold a hearing in relation to the alleged breach. If the breach is found proved, the Board is required to take no further action, give the offender a formal warning or cancel the offender's parole order and place them in custody. The Board will decide whether it remains appropriate for the offender to remain on parole and whether fresh or amended conditions are necessary. The Board may issue a warrant for the offender's arrest if they do not appear or are assessed as an unacceptable risk to the

community. The Board may also remand a parolee in custody for two periods of eight days while it completes its inquiry.

A further power exercised frequently by the Board is to a management hearing. Management hearings provide an opportunity to review a parolee's progress on parole, review and amend parole conditions and, if the Board decides, cancel their parole order. By way of example, Community Corrections might inform the Board that a parolee is engaging in risky behaviours but no breach of conditions has been detected. The Board can bring the parolee before it to discuss the parolee's progress, identify any concerns and make appropriate directions about the Board's expectations. Management hearings extend the Board's scope beyond adjudication to a case management function in which the Board has the opportunity to monitor rehabilitation progress and promote positive behaviours.

### **Intensive Correction Order**

Intensive Correction Orders are a sentencing option available to the Court as an alternative to full-time imprisonment. The Board is not involved in the sentencing decision or deciding the particular conditions attached to the order, but is responsible for supervising an offender's adherence to an ICO.

The Board will conduct a breach hearing to adjudicate on an alleged breach of an ICO. If the breach is proved the Board may take no further action, make a formal warning, suspend the order for three or five days (as stipulated by the Act) or cancel the order. If the Board cancel's an offender's order they must serve their sentence in full-time custody unless they apply successfully to the Board for the ICO to be reinstated. As with parole, the Board has the power to issue an arrest warrant to bring the offender before the Board or, if that is not possible, a magistrate.

### **Additional responsibilities**

The Board has additional responsibilities such as providing advice to the Attorney-General about the release on licence of an offender who is subject to a life sentence without parole and providing a report on any matter that is referred to it by the Attorney-General.

### **The Sentence Administration Board Budget**

The Board is funded to meet the costs of Board member remuneration and a secretariat. It is funded through ACT Corrective Services' appropriation.

### **Summary**

In summary, the Board has an extensive scope of powers and responsibilities that can have a significant impact on the lives of the offenders it supervises. Board decisions not only affect offenders; they impact offenders' families, victims and the broader community. Many of the Board's powers are court-like. The Board can deprive an offender subject to a parole order or ICO of their freedom to live in the community by issuing a warrant for their arrest or cancelling an order and issuing a warrant of imprisonment. The Board also makes decisions that constrain and limits an offender's freedom in the community by imposing behavioural conditions as part of a parole order or making directions that they attend residential rehabilitation centres.

### **What members are responsible for and what work they do**

Members are responsible for undertaking the work described in the preceding sections. The work is complex and requires a sophisticated skillset that combines specialised content

knowledge, analytical skills, administrative skills and communication skills. Board members are responsible for exercising authority in meetings that are often highly emotionally charged and which require managing the potential of violence to meeting participants. Board members make risk decisions that have a direct impact on community safety.

The Board sits in divisions of three members. Members are expected to contribute equally to decision making. This involves reviewing and analysing the written material provided by the relevant parties (usually the applicant, Community Corrections and the Director of Public Prosecutions). They are expected to conduct themselves in hearings impartially and fairly. Members are required to declare any conflicts of interest.

During hearings, members are responsible for eliciting information from the parties that will support Board decisions. Being able to *engage effectively* with offenders, family members, legal representatives and other agency representatives and advocates during face-to-face hearings is markedly different to paper-based decision making. The Board is aware that other jurisdictions tend to conduct most of their business on the papers. In the ACT oral hearings make up the substantive amount of its work. This is consistent with the Board's commitment to a therapeutic jurisprudence model and what works in reducing reoffending.

Central to the decision-making process during an oral hearing is the evaluation of an offender's readiness for reintegration into the community. This involves an in-depth analysis of the offender's behavioural changes, engagement in rehabilitation, and the existence of a support network conducive to successful community reintegration. Being able to pose often difficult questions that can elicit answers to an in-depth analysis of the offender's risks requires a highly skilled group of Board members with sophisticated communication and analytical skills.

Board members are expected to understand rehabilitation theory, in particular the Risk-Needs-Responsivity Model of Offender Management and Rehabilitation, the use and limitations of specialised risk assessment tools and balance the interests of offenders, victims and the broader community. This is particularly challenging when assessing and supervising high risk offenders who often have complex needs such as anti-social attitudes and beliefs, substance abuse disorders, anti-social associates and mental health challenges. Members must also be familiar with the relevant legislation and aware of the services available to offenders and their families in the community.

Transcripts of hearings are made to the relevant parties. Board decisions are reviewable by the Supreme Court and members must be conscious of their conduct during hearings to ensure parties are accorded procedural fairness.

Offenders and their families are naturally nervous at hearings and anxious about the Board's decision, particularly when it is possible that an offender may lose their freedom. Meeting participants may have poor emotional regulation and conflict management skills. They may be habituated to the instrumental use of violence. Board members are required to be able to manage and when necessary deescalate proceedings to minimise the risk of violence to parties. Unfortunately the hearing room used by the Board is not ideal, security or custodial staff are not present at all hearings and there have been a number of violent incidents when offenders or their families have been angry about Board decisions.

Incidents such as this and the day to day content which Board members must read or hear from offenders and victims raises a significant risk of direct and vicarious trauma. Board members require a high level of self-awareness and the capacity to seek professional support.

In summary, the responsibilities of Board members are diverse and require a repertoire of skillsets that are generally not required for government Boards which are generally concerned with governance and the preparation of advice. The Sentence Administration Board requires members to give effect to the sentences of the court in a manner that promotes community safety and offender rehabilitation. To exercise these responsibilities, Board members must be able to exercise duties and powers similar to a court, conducting hearings fairly and in accordance with procedural fairness. They must understand correctional theory and practice, and be aware of the range of services available to offenders in prison and the community. They must be able to elicit information from offenders and other hearing participants in a way that allows members to identify and assess criminogenic needs and appropriate rehabilitation strategies.

### **A recommended remuneration for the role and any comparative data or examples that support the recommendation**

Non-Judicial Board members receive \$1190 per day. This does not include reading and preparation time or time spent in self-initiated professional development. Board members are remunerated for part day whole of Board meetings, training organised by the Board secretariat and in instances when meeting preparation is longer than usual.

On average Board members sit 29 days per year. They are also required to attend whole of Board meetings on average four times a year, as well as undertaking professional development. This means that Board members are required to commit approximately 2-3 months each year to Board work, taking into account the need to put aside a day for reading and preparation for each hearing day.

The Board recognises that membership involves an element of community service and that this may be a significant motivation to join the Board. However, the financial and career 'cost' of Board membership may be significant, given the leave that a member needs from their full-time employment, or the lost financial opportunities if they are self-employed. While not the only reason for wanting to join the Board, this may be a particular concern for young and early and mid-career individuals. The Board seeks a diverse membership but the current level of remuneration and depth of commitment required may inhibit applications to join the Board given the impact on a person's primary remuneration, parenting and leave entitlements that they would otherwise receive from full-time employment.

Preferably Board membership will reflect the community it serves. Fairly compensating board members would assist the ACT to attract a wider and more diverse pool of candidates and encourage applicants from underrepresented backgrounds to consider board roles, including younger professionals, women and those who cannot financially afford to lose salary in order to participate.

The Board's submission is that the current daily rate paid to non-judicial members over the year does not reflect the actual proportion of a full-time professional salary that is commensurate with the skillset and responsibility exercised by Board members.

The Board operates differently to other Australian boards that perform similar functions. They are not directly comparable. For example, unlike the ACT which supervises parole and intensive correction orders, many boards supervise parole orders only. Some Boards have more complex membership categories. The Sentence Administration Board also appears to hold a higher proportion of face-to-face hearings than other boards, which conduct most of

their work ‘on the papers’. Table 3 summarises Australian state and territory board remuneration drawn from internet searches.

Jurisdiction	Remuneration	Details
Sentence Administration Board	\$1190 per diem	ACT Remuneration Tribunal Determination 15 of 2024. Members do not receive remuneration for preparation time unless there is an exceptional amount of material.
New South Wales State Parole Authority	\$1522 per meeting	< <a href="https://paroleauthority.nsw.gov.au/documents/spa-community-member-information-package-/2024_SPA_Community_Member_Information_Package.pdf">https://paroleauthority.nsw.gov.au/documents/spa-community-member-information-package-/2024_SPA_Community_Member_Information_Package.pdf</a> >
Parole Board of the Northern Territory	\$540 per diem	< <a href="https://cmc.nt.gov.au/_data/assets/pdf_file/0005/440087/ntg-statutory-bodies-classified-for-remuneration-purposes.pdf">https://cmc.nt.gov.au/_data/assets/pdf_file/0005/440087/ntg-statutory-bodies-classified-for-remuneration-purposes.pdf</a> > Decisions are made on the written materials. Members may also receive payment for preparation time.
Parole Board Queensland	\$1650 per diem	Payment rate depends on type of membership, preparation and meeting length. A rate of \$1650 per diem appears comparable with an ACT member’s responsibilities and workload. < <a href="https://www.qld.gov.au/_data/assets/pdf_file/0025/39481/remuneration-procedures.pdf">https://www.qld.gov.au/_data/assets/pdf_file/0025/39481/remuneration-procedures.pdf</a> >
Parole Board of South Australia	\$554 per session	It is unclear whether this remuneration is comparable with the ACT. The duration of a ‘session’ or whether members receive additional remuneration for preparation time is not specified. < <a href="https://www.remtribunal.sa.gov.au/_data/assets/pdf_file/0016/1090240/Final-Determination-Members-of-the-Parole-Board.pdf">https://www.remtribunal.sa.gov.au/_data/assets/pdf_file/0016/1090240/Final-Determination-Members-of-the-Parole-Board.pdf</a> >
Victoria	\$603 per session	It is unclear whether this remuneration is comparable with the ACT noting a proportion of members are full-time members. The duration of a ‘session’ or whether members receive additional remuneration for preparation time is not specified. < <a href="https://www.adultparoleboard.vic.gov.au/system/files/inline-files/APB%20Annual%20Report%202023-24.pdf">https://www.adultparoleboard.vic.gov.au/system/files/inline-files/APB%20Annual%20Report%202023-24.pdf</a> >
Tasmania	\$831 per diem	It is unclear whether this remuneration is comparable with the ACT. The duration of a ‘session’ or whether members receive additional remuneration for preparation time is not specified. This fee appear to be subject to a 20 per cent whole of government discount that may be increased on an individual basis by the minister. < <a href="https://www.dpac.tas.gov.au/divisions/office_of_the_secretary/Executive_Services/tasmanian_government_boards/Tasmanian_Government_Board_Fee_Policy_4.6_as_at_August_2021.pdf">https://www.dpac.tas.gov.au/divisions/office_of_the_secretary/Executive_Services/tasmanian_government_boards/Tasmanian_Government_Board_Fee_Policy_4.6_as_at_August_2021.pdf</a> >

Prisoners Review Board of Western Australia	\$497 per session	It is unclear whether this remuneration is comparable with the ACT. The duration of a 'session' or whether members receive additional remuneration for preparation time is not specified.  < <a href="https://www.wa.gov.au/system/files/2024-10/department-of-justice-annual-report-2023-2024.pdf">https://www.wa.gov.au/system/files/2024-10/department-of-justice-annual-report-2023-2024.pdf</a> >
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**Table 3. Internet search of Australian parole board remuneration (These may not be the current payment rates.)**

The Board respectfully submits a per diem rate in the range of \$1500 to \$1600 would be appropriate, taking into account member's responsibilities, the Board's impact on community safety, the need to attract diverse members and the ACT's competitive employment environment.

Thank you again for the opportunity to make this submission. Please contact me if you require any further information.

Yours sincerely



Dominic Mulligan  
Chair, ACT Sentence Administration Board  
9 July 2025