

ACTCS

Board Functions

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The [*Crimes \(Sentence Administration\) Act 2005*](#) (CSA Act) requires the board to supervise critical aspects of periodic detention, parole and release on licence including breaches and the amendment of conditions. It also provides uniformity in approach to inquiries and hearings regardless of whether they relate to periodic detention, parole or release on licence. Additionally, it sets out the consequences for any offender who fails to meet their obligations.

Two clear areas of work for the board are articulated in the legislation. The two main functions of the board are supervisory, and advisory. The supervisory functions are in respect to the board's responsibilities in relation to parole, periodic detention and release on licence. The advisory functions allow the Minister to seek advice from the board concerning individuals or young offenders.

The board's functions are to:

- decide the consequences of sentenced offenders failing to comply with their obligations under periodic detention orders;
- review chief executive decisions about performing periodic detention;
- review offenders' periodic detention;
- consider the release of sentenced offenders, for whom a court has set a non parole period, on parole;
- decide additional conditions of parole orders;
- review offenders' parole;
- decide the consequences of sentenced offenders failing to comply with their obligations under parole orders;
- on request, provide a recommendation to the Attorney General in relation to applications for release on licence;
- review offenders' licences;
- decide the consequences of sentenced offenders failing to comply with their obligations under a licence;
- exercise any other function given to the board under the CSA Act or any other territory law.

Structure of the board

The board is established under part 8.1 of the CSA Act. Under section 174 of the Act, the Minister is required to appoint a chairperson and at least one deputy chairperson (and not more than two deputy chairpersons) and not more than eight other members. Only judicially qualified persons may be appointed to the position of chairperson and deputy chairperson.

The criteria for judicial qualification are: a person who is a judge or retired judge of the Supreme Court of the ACT; a serving or retired magistrate; or a person qualified to be appointed as a resident judge of the Supreme Court of the ACT.

Members are appointed for a term of not longer than three years and may be reappointed.

The supervisory functions of the board must be exercised by a division of a board. Each division consists of a judicial member and two non-judicial members. A member of the board may be assigned to two or more divisions. Under section 182, the chair must ensure that there are enough divisions of the board for the proper exercise of the board's supervisory functions.

The advisory functions of the board can be exercised by the whole board.