

ACTCS

Victim Involvement with Parole/Licence decisions

Updated: Fri, 24 Sep 2010 11:17:42 +1000

Printed: Thu, 27 Feb 2020 14:20:58 +1100

Revision: 9

The Sentence Administration Board

The [Sentence Administration Board](#) (the Board) determines whether an offender is suitable for release to [parole](#) and provides recommendations to the Attorney-General about the release of offenders on [licence](#). The Board also decides the consequences of sentenced offenders failing to comply with periodic detention orders, parole orders and licences.

In the Australian Capital Territory victims are given the opportunity to provide a written submission to the Sentence Administration Board about an offender's possible release on parole or licence.

Proceedings before the Sentence Administration Board are closed to all members of the public.

Release to Parole

The purpose of parole is to assist an offender in his or her transition from prison to the community before the expiry of their total sentence. It can benefit the wider community by ensuring offenders are monitored and supported during their reintegration into the community.

To be considered for release to parole, an offender must submit an application to the Sentence Administration Board. After considering relevant documentation and the public interest, the Board must then decide if the release of the offender is appropriate.

Before it determines an offender's suitability for release to parole, the Board must take all reasonable steps to seek the victim's views about the possible release of the offender. Registered victims, and if considered appropriate, other known victims of the offender, are invited to make a written submission to the Board about the likely effect the release of the offender will have on them or their family. Victims may also express any concerns they or their family have about the need for protection from violence or harassment by the offender. The Board must consider any submission or concern a victim has expressed when determining whether an offender should, or should not, be released and, if release is deemed appropriate, whether additional conditions should be imposed on the offender's parole order.

Release on Licence

An offender that has been sentenced to a term of life imprisonment (and has served at least 10 years of that term of imprisonment) may apply to the Attorney-General for release on licence.

In the Australian Capital Territory a sentence of life imprisonment is for the term of an offender's natural life. An offender granted release on licence is therefore required to abide with the conditions of his or her licence for the remainder of their natural life.

Upon receipt of an application, the Attorney-General will ask the Sentence Administration Board to recommend whether the offender should, or should not, be released on licence. In order to make a recommendation, the Board must hold an inquiry in relation to the offender's application and his or her suitability for release on licence.

Before starting an inquiry into an offender's application for release on licence, the Sentence Administration Board must take all reasonable steps to seek the victim's views about the possible release of the offender. Registered victims, and if considered appropriate, other known victims of the offender, are invited to make a written submission to the Board about the likely effect the release of the offender will have on them or their family. Victims may also express any concerns they or their family have about the need for protection from violence or harassment by the offender. Any written submission or concern expressed by a victim, or a victim's family, will be considered by the Board in recommending to the Attorney-General whether a licence should, or should not, be granted to the offender and, if release is recommended, the conditions that should be imposed on the licence.

What is a victim submission?

A victim submission is a statement written by or on behalf of a victim. Its purpose is to inform the Board of the likely effect the release of an offender may have on the victim or their family. In a submission, victims can express any concerns they, or their family, may have about the need to be protected from violence or harassment should the offender be released.

It is important to understand that a victim submission forms one part of the Board's deliberations only and that there are many other considerations that need to be taken into account when deciding an offender's suitability for release. Factors taken into consideration by the Board include the offender's criminal history, his or her previous response to supervision in the community, their post release plans and any reports, assessments and recommendations made by professionals such as psychiatrists, psychologists, custodial officers and case managers, regarding the offender's release.

Providing a victim submission to the Sentence Administration Board is voluntary.

Who can make a submission?

To be provided with an opportunity to make a submission to the Board, a victim must have suffered [harm](#) as a result of a criminal act committed by an offender who is serving a term of imprisonment with a [non-parole period](#), or in the case of licence applications, a term of life imprisonment. A victim that has suffered harm includes the [primary victim](#) of the offence, or if the primary victim dies as a direct result of

the criminal act committed against them, the financial or psychological dependants of that victim.

Although efforts are made to contact and provide all eligible victims with an opportunity to make a written submission to the Board, to ensure that they are invited to make a submission and are kept informed of matters pertaining to an offender's possible release, it is strongly recommended that victims consider registering on the [ACT Victims Register](#).

What should I write about in my submission?

A submission should provide the Board with information about how you feel about the possible release of the offender. As there are no rules as to what information can, or cannot, be included in a submission, the following is provided as a guide:

- The circumstances of the offence and the continuing issues relating to the impact of the offence on you and your family;
- The likely effect the release of the offender may have on you or your family;
- Any concerns you or your family may have about the need to be protected from violence or harassment should the offender be released;
- Any matters that you feel should be brought to the Board's attention (such as adverse contact you may have had with the offender since the commission of the offence); and
- (Parole only) In the event that the Board decides to release the offender, any conditions you would like placed on his or her parole order.

It is important to note that the Board cannot change the sentence imposed by a court. It cannot hear additional evidence in relation to the crime committed, nor can it refuse an offender's release for the reason that there is a perception that the sentence imposed was lenient.

The Board is also unable to make orders for financial restitution to victims.

Will the offender have access to my submission?

The Board would not normally give an offender access to a victim submission. The Board will not allow the offender or any other person to see a submission if it considers that, in giving it to that person, it could pose a substantial risk to a victim or another person's safety. The process by which a submission is protected in this way is called "securing".

If a victim does not wish to have the offender see their submission, they may request that the submission

be secured. A judicial member of the Board will then decide whether the submission should, or should not, be secured. In the event that the judicial member decides not to secure the submission, the victim will be given the opportunity to withdraw the submission.

Can I attend the offender's parole hearing and make an oral submission to the Board?

There is no provision for victims to provide an [oral submission](#) to the Board.

As proceedings before the Board are closed to the public, a victim (and/or any support person) will need to seek permission from the Board to attend any of its hearings. The Victim Liaison Officer of ACT Corrective Services can assist you with this process.

Who can I contact for assistance or further information?

Should you require further information and/or assistance in the preparation of a written submission, please contact the Victim Liaison Officer of ACT Corrective Services on:

Telephone: (02) 6207 0836

Facsimile: (02) 6207 5246

Email: victims.register@act.gov.au

Postal Address: GPO Box 158, Canberra ACT 2601

It is important to note that, although located within ACT Corrective Services, the Victim Liaison Officer does not deal or interact with offenders.