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**MEDIA RELEASE – FOR IMMEDIATE RELEASE
ACT BAR CONCERNED BY LACK OF CONSULTATION**

Ken Archer, President of the ACT Bar Association, has raised concerns about legislation that was introduced and passed in the Assembly this week aimed at retrospectively correcting problems that have arisen in the context of supervision of people subject to Intensive Corrections Orders (ICOs).

“There are a number of concerns we have in relation to this legislation. It is retrospective and we understand that a number of people who have faced breach action before the Sentence Administration Board (SAB) have been sent to gaol illegally as a result of a failure to put appropriate delegations in place.”

“It is the understanding of the Bar that the Department of Justice and Community Safety (JACS) have known about this issue for some time. It needs to be made clear how many people were sent to gaol illegally, whether this occurred after the problem was identified and what steps were taken to notify affected people or their legal representatives. “

“It is also disappointing that the processes of the SAB apparently did not identify this problem or, if they did, that no action was taken to bring the problem to the attention of people who had been sent to gaol illegally. The Bar expressed its grave reservations when ICO were introduced in March 2016 that the SAB was granted the power to send people to gaol for breaches of an ICO rather than the Courts.”

“The power to deal with breaches of ICOs should be with the sentencing court. Not only would that give the sentencing court the authority to deal with breaches of its own orders but it means that decisions to send people to gaol are dealt according to rules and procedures that ensure people’s rights are protected. “

Mr Archer was critical of JACS for not notifying the Bar and the profession about the proposal to retrospectively cure this problem.

“The Bar is disappointed that JACS did not notify the profession about the introduction of this amending legislation before it was introduced. It might have been an oversight or an attempt to ensure that people affected did not exercise the rights that were available to them. This demands explanation,” said Mr Archer.

ENDS

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