

**INQUIRY INTO COMMUNITY BASED SENTENCING
OPTIONS FOR RURAL AND REMOTE AREAS AND FOR
DISADVANTAGED POPULATIONS**

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Theme:

Summary:

ACT submission to the NSW Legislative Council Standing Committee on Law and Justice inquiry into community based sentencing options for rural and remote areas and for special need/disadvantaged populations

The ACT is providing this submission in response to the above enquiry into community based sentencing options for rural and remote areas and for special need/disadvantaged populations. Specifically, the ACT has been invited to by the NSW Legislative Council Standing Committee on Law and Justice to make a submission in respect inquiry term of reference (f), which requires the Committee to consider the experience of other jurisdictions in implementing community based sentencing options.

While the ACT is neither rural nor remote, the jurisdiction has invested considerable effort in implementing community based sentencing options. It is hoped that the following comments will be of use to the inquiry.

Introduction

The Australian Productivity Commission *Report on Government Services 2002* found that ACT Courts are amongst the most likely to use non-prison alternatives when sentencing offenders. In the 2003 - 2004 Financial Year (FY), the ACT had the lowest rate of imprisonment of any Australian jurisdiction at 78 prisoners per 100,000 adult population. The ACT's daily average number of ACT offenders serving community based corrections orders for the period was 485 offenders per 100,000 adult population, a rate well above the national average of 339 offenders per 100,000 adult population. Low usage of imprisonment and high usage of community corrections sentencing options may be due to the ACT's small population (approximately 322,000 residents). Low prisoner numbers may also be influenced by the absence of a prison in the Territory - adult offenders sentenced to imprisonment in the ACT are required to serve the sentence in NSW. The resulting impact on a prisoner's ability to maintain family and community ties may impact upon courts' decisions to sentence offenders to full time imprisonment.

In the Territory, 'a court shall not pass a sentence of imprisonment on any person for an offence against the law of the Territory unless the court, after having considered all other available penalties, is satisfied that no other penalty is appropriate in all the circumstances of the case' (*Crimes Act 1900*, section 345). A range of non-custodial sentencing options are available to ACT Courts, including:

- Fines (*Crimes Act 1900*, section 347);
- Disqualification from driving (*Crimes Act 1900*, section 349) in relation to offenders sentences for stealing motor vehicles;
- Release on recognisance with conditions (*Crimes Act 1900*, sections 402 and 403) with or without conviction;
- Release on recognisance without conditions (*Crimes Act 1900*, sections 402 and 403) with or without conviction;
- suspended sentences (*Crimes Act 1900*, section 403);
- community service orders (*Crimes Act 1900*, part 19);
- home detention orders (*Rehabilitation of Offenders (Interim) Act 2001*, section 6);
- periodic detention orders (*Periodic Detention Act 1995*);
- drug assessment and treatment orders (*Drugs of Dependence Act 1989*); and

- mental health orders (*Mental Health (Treatment and Care) Act 1994*).

Recognisances (with or without conditions), community service orders, home detention orders and periodic detention orders are administered by ACT Corrective Services and will form the focus of this submission. The submission will provide information on the types of community based sentence available in the ACT, the way that these are administered by ACT Corrective Services and expand upon the ACT's experience in implementing community based sentencing options. The submission will also include material on the community based sentences transfer scheme, and the ACT's sentencing review (currently in progress).

Community corrections supervision (recognisances)

ACT Courts may sentence an offender to a recognisance either with or without conditions. ACT Courts may order a recognisance either with or without conviction. ACT Corrective Services undertakes the supervision of all recognisances handed down by ACT Courts.

The daily average number of offenders supervised by ACT Corrective Services has remained stable over recent years. This is illustrated in the table below:

| Year | NIM | % of total | IM | % of total | NIF | % of total | IF | % of total | UM* | UF* | Total |
|------------------|-------|------------|----|------------|-----|------------|----|------------|-----|-----|--------|
| 2002 – 2003 | 1,041 | 79.53% | 82 | 6.26% | 164 | 12.53% | 22 | 1.68% | na | Na | 1,309* |
| 2003 – 2004 | 994 | 79.20% | 82 | 6.53% | 163 | 13.00% | 16 | 1.27% | na | Na | 1,255 |
| July – Jan. 2005 | 925 | 76.89% | 75 | 6.23% | 153 | 12.72% | 21 | 1.75% | 24 | 4.4 | 1,203 |

NIM – Non-Indigenous Male; IM – Indigenous Male; NIF – Non-Indigenous Female; IF – Indigenous Female; UM/UF – Unknown male/female. *na – not available, only started counting UM/UF in FY 2004 - 2005.

*Following a meeting with representatives from the ABS, the counting rule was changed for the 3rd quarter of FY 2002-2003. In the new counting rules, offenders who are supervised under more than one order are only counted once.

The ACT's average recurrent cost per community corrections offender per day is \$12.30, the fourth highest after WA, NT and Victoria (and higher than the Australian average of \$9.70 per day).

Unlike some other jurisdictions, the ACT does not terminate supervision but continues active oversight of recognisances for their duration. Consistent with best practice principles, resources are directed at the supervision of high and medium risk offenders. Lower risk offenders continue to be monitored for compliance with court-ordered conditions. Offenders who meet case plan objectives or are considered, after assessment, to be low risk are managed by way of telephone compliance reporting. The average weekly number of offenders being managed by telephone contact with a compliance officer is approximately 100.

The ACT continues to focus on the development of rehabilitation programs for community corrections offenders. The greater emphasis on offence-related programs has contributed to a significant increase in the successful completion of community corrections orders from 78.8% to 86.9% in recent years.

The Reducing Property Crime Program is a new program developed by the ACT Department of Justice and Community Safety, for tackling high-volume, recidivist property offenders. The program is based on research conducted by the Australian Institute of Criminology¹. It is well documented that a relatively small proportion of offenders are responsible for a large

¹Australian Institute of Criminology (forthcoming) *ACT Recidivist Offenders - Final Report*, Commissioned Report, Australian Institute of Criminology, Canberra

proportion of all crimes committed². The research clearly demonstrates that where the criminal justice system can identify and target those high-volume recidivist offenders, stop or reduce their offending behaviour (either through incarceration or a decreased ability/desire to commit crime due to increased supervision or interventions), such action has the ability to effect the overall crime rates in a particular jurisdiction. ACT Corrective Services' role in the Program will be to address property offending through the provision of intensive responses to recidivist and high-risk property offenders. It is expected that between 68 and 80 offenders will be supervised through the program in each 12 month period.

The ACT will intensively supervise targeted offenders encompassing the following relevant components of offenders' criminogenic needs:

- Frequent face-to-face contact at a higher level than is currently possible, including after-hours supervision and random home visits;
- Provision of offender intervention programs;
- Provision of supported accommodation (see below in relation to Home Detention);
- Increased surveillance by way of electronic monitoring; and
- Drug screening.

The program will be tailored to meet the specific criminogenic needs of indigenous offenders (10% of offenders currently supervised). For example, a Healing Journey Program to be run by local indigenous communities will concentrate on the cultural aspects of Indigenous offenders' rehabilitation. This program will liaise closely with other Indigenous programs and initiatives.

Offenders will spend, on average, six months in the program. It is expected that this will result in a significant cost saving to the Canberra community. It is estimated that, for every 60 offenders participating in the program, the net saving to the community, taking into account the cost of the initiative, would be \$2.4 million.

Home Detention

Home detention in the ACT is available under the *Rehabilitation of Offenders (Interim) Act 2001*, as a remand option and as a means of serving a custodial sentence (or part of a custodial sentence) of less than 18 months.

A juvenile or an adult who has been ordered by an ACT Court to serve a period of remand or a custodial sentence can apply to the court to serve that period by way of home detention. The court will determine if an assessment for home detention is warranted. If an assessment is ordered, the matter will be adjourned for the Home Detention Unit to undertake the assessment. The applicant remains in custody while the assessment is undertaken. If an applicant is deemed suitable, the court then determines whether the person can serve the period of remand or the sentence by way of home detention. The court does not have to follow the recommendations of the home detention assessment, although if the assessment indicates that the offender is unsuitable for home detention, the court may not sentence the offender to serve a sentence by way of home detention.

Courts will only grant home detention subject to the seriousness of the offence and any prior offending history. In particular, offenders found guilty of or with a history of the following serious offences, are ineligible for home detention:

- **murder or manslaughter;**
- **serious assault;**

²Wolfgang, M.E., Figlio, R.M. & Sellin, T. (1972) *Delinquency in a Birth Cohort*, University of Chicago Press, Chicago; Blumstein, A., Cohen, J., Roth, J.A. & Visher, C.A. (eds) (1986) *Criminal Careers and "Career Criminals"*, Vol 1, National Academy Press, Washington

- armed robbery;
- aggravated burglary;
- sex offences;
- serious drug offences;
- stalking; and
- domestic violence offences against people with whom the home detainee intends to reside, or have a relationship with.

A court will only sentence an offender to serve a sentence by way of home detention if all other people living in the intended residence (other than tenants or boarders) have consented to the order being made.

Courts that sentence an offender to 12 months or more, must set a non-parole period for the sentence. This includes sentences to be served by way of home detention. As such, home detainees must appear before the Sentence Administration Board prior to the expiry of the non-parole period so that the Board may determine whether the offender may serve the remainder of the sentence on parole.

Home detainees are subject to intensive supervision from corrections officers. Electronic monitoring equipment is used to ensure that the home detainee complies with the conditions of their order. Home detainees must remain in an approved residence at all times, unless engaged in an approved activity or program or if faced with immediate danger. Home detainees must abide by conditions set by corrections officers, including attendance at rehabilitative programs, undertaking community service work, maintaining employment and associating with other people. Home detainees must not use drugs or alcohol and must submit to drug and alcohol testing.

The cost per home detention day for the December quarter 2004 was \$224.44. By comparison, the cost per sentenced prisoner housed in a NSW Correctional Facility per day is \$204.89. While serving a sentence of imprisonment by way of home detention does not result in any cost saving to the Territory, it does have other real advantages including enabling the offender to remain in the community, to have contact with family members and maintain family linkages and to maintain or commence employment and continue with education. Unlike in other jurisdictions, home detention is relatively easy to run in the ACT due to the geographical size of the territory.

A legislative review of the home detention scheme as it operates for sentenced prisoners was undertaken in September 2003. The review concluded that in general the legislative provisions for home detention operate effectively. The review noted that there had been a low referral and uptake of home detention in the two-year period to September 2003 (17 referrals for assessment, nine home detention orders made and eight successful completions). The low referral and uptake of home detention noted in the review is consistent with experiences in other jurisdictions where the first few years of home detention experienced low participation rates, which increased over time as awareness and confidence in the program grew.

Home detention became available as a remand option in September 2003. Home detention was also prescribed under the Commonwealth *Crimes Act 1914* in December 2003 to provide for offenders convicted of Federal Offences being eligible to apply for home detention. Over time, and in response to the above initiatives, the number of home detainees has continued to increase. These trends are outlined in the table below:

| Year | NIM | % of total | IM | % of total | NIF | % of total | IF | % of total | Total |
|------------------|-----|------------|----|------------|-----|------------|----|------------|-------|
| 2001 – 2002 | 3 | 50.00% | 3 | 50.00% | 0 | 0 | 0 | 0 | 6* |
| 2002 – 2003 | 2 | 66.67% | 0 | 0 | 1 | 33.33% | 0 | 0 | 3† |
| 2003 – 2004 | 10 | 76.92% | 0 | 0 | 0 | 0 | 0 | 0 | 13‡ |
| July – Jan. 2005 | 14 | 82.35% | 3 | 17.65% | 0 | 0% | 0 | | 17** |

NIM – Non-Indigenous Male; IM – Indigenous Male; NIF – Non-Indigenous Female; IF – Indigenous Female

*Includes one (1) juvenile detainee for each NIM and IM

†There were five (5) detainee carryovers (including one juvenile detainee) from FY 2001-2002, who successfully completed their orders.

‡Includes one (1) detainee on electronic monitoring and two (2) detainees whose orders were revoked during this period.

**Excludes those on electronic bail monitoring as a condition of bail and makes no distinction between youth and adults.

The legislative review found that home detainees who successfully completed their order considered the option preferable to imprisonment because it allowed them to address their offending behaviour, maintain connections with family, complete schooling and remain in the workforce. A further evaluation scheduled to report in September 2005 is expected to report on the longer-term benefits of the program.

One of the eligibility requirements for home detention is a stable home environment. However, homelessness is a wide spread problem among offenders and many offenders will be ineligible for home detention due to the lack of a stable home environment. International and Australian evidence shows that suitable housing is a crucial factor in prison releasees making a successful transition from prison to the broader society. The Australian Housing and Urban Research Institute recently conducted research that looked at ex-prisoners and how their accommodation issues impact on the likelihood of future offending behaviour³. The study found that being highly transient was a predictor of returning to prison in the nine months following release (59% of those that moved twice or more were re-incarcerated as opposed to 22% of those that moved once or not at all). Having appropriate accommodation or being homeless were also found to be associated with an increase in an offender's likelihood of returning to a period of incarceration.

To overcome the obstacle of homelessness amongst offenders who may otherwise have been eligible for home detention, ACTCS has been investigating the provision of supported accommodation to, among others, persons who are subject to a home detention order. The Home Detention and Operations Unit have been working on the development of a supported accommodation program in the form of a hostel, as an option for offenders for whom lack of accommodation is a significant management issue.

Periodic Detention

ACT Courts may sentence an offender to serve a sentence of imprisonment for 3 – 24 months, by way of periodic detention. Periodic detention is served at a rate of one detention period (from 7 pm on the day that the period commences until 4.30 pm on the second day after the day on which the period commences) for every week of full-time imprisonment.

A court may decide to make an order for a sentence to be served by way of periodic detention if the court is satisfied that it is suitable to do so, if the offender has consented to undertaking a periodic detention order, and if there is accommodation available at the relevant detention centre.

³ Baldry, E., McDonnell, D., Maplestone, P. & Peters, M. (2003) *Ex-prisoners and accommodation: what bearing do different forms of housing have on social reintegration?* Final Report, Australian Housing and Urban Research Institute, Melbourne

The average monthly number of PD detainees serving a periodic detention sentence in the ACT has increased steadily in recent years, as is illustrated by the table below:

| Year | NIM | % of total | IM | % of total | NIF | % of total | IF | % of total | Total |
|------------------|-------|------------|------|------------|------|------------|------|------------|-------|
| 2002 – 2003 | 67.50 | 89.40% | 4.00 | 5.30% | 2.00 | 2.65% | 2.00 | 2.65% | 75.50 |
| 2003 – 2004 | 75.08 | 90.71% | 4.54 | 5.49% | 2.67 | 3.23% | 0.48 | 0.58% | 82.77 |
| July – Jan. 2005 | 88.94 | 90.94% | 4.03 | 4.12% | 4.84 | 4.95% | 0.00 | 0.00% | 97.80 |

NIM – Non-Indigenous Male; IM – Indigenous Male; NIF – Non-Indigenous Female; IF – Indigenous Female

The ACT has one periodic detention centre. Unlike in other jurisdictions, periodic detention is relatively easy to run in the ACT due to the lack of geographical constraints. While the number of periodic detainees serving a periodic detention sentence in the ACT exceeds the PDC's operating capacity, the average number of detainees actually attending the PDC is generally within capacity. This is due in part to the nature of breach proceedings and the ACT Courts' powers to breach periodic detention orders in the Territory. This is reflected in the table below:

| Year | Ave. # of Detainees actually attending | Max # of Detainees actually attending | Min # of Detainees actually attending | Breaches of PD orders* |
|------------------|--|---------------------------------------|---------------------------------------|------------------------|
| 2002 – 2003 | 24.37 | 32 | 17 | 27 |
| 2003 – 2004 | 22.06 | 28 | 15 | 39 |
| July – Jan. 2005 | 23.98 | 35 | 15 | 12 |

The above figures are for internal reporting purposes and are not used as performance indicators.

*If a person is absent for more than 2 detention periods, the PDC Manager reports the breach to a Magistrate, and applies for a summons. This can be presented to the detainee upon their next arrival at the PDC. If the person does not arrive on their next scheduled arrival time, a warrant can be obtained from the Magistrate for the Australian Federal Police to serve upon the detainee.

At admission, and while at the centre, detainees are required to submit to drug and alcohol tests to determine their fitness to be admitted or to remain at the Centre. Detainees who are found to have drugs or alcohol present in their body either at the time of admission or subsequently (even after the conclusion of a formal detention period), without medical excuse, are deemed to have failed to complete the relevant detention period.

Leave of absence may be granted or denied by the ACT CS Executive Director or his delegate. Leave of absence granted or denied may be further reviewed and even redetermined by the Magistrate's Court. Periodic detention sentences may also be varied or extended by the Magistrate's Court. The current system for dealing with breaches is unsatisfactory and has led to some frustration with the way that breaches are handled under current legislation. The ACT has experienced a consequent loss of faith in the current arrangements for periodic detention, which are being addressed in the sentencing review currently being undertaken in the ACT.

During a detention period, detainees may be required to work at the centre or other approved place, or attend programs suitable for the detainee's training or welfare. Periodic detention continues to be an effective alternative to imprisonment for ACT offenders. Detainees make a positive contribution to the community while serving their period of detention by performing unpaid community work. The following table shows the number of work hours performed by periodic detainees per year (for an estimated 7 hours per day).

| Year | Total work hours |
|------------------|------------------|
| 2002 – 2003 | 18,508 |
| 2003 – 2004 | 16,058 |
| July – Jan. 2005 | 5,907* |

*This figure includes only for the work hours performed by periodic detainees in the community, and excludes the work hours performed while at the PDC (for instance when engaged in maintenance, gardening etc).

The average cost per periodic detention day for the ACT for the 2003 – 2004 period was \$354.11, a decrease from the 2002 – 2003 period when the cost was \$380.61 per detainee day but an overall increase from the 2001 – 2002 period when the cost was \$308.00 per detainee day.

Community service orders

An ACT Court may, instead of sentencing an offender to imprisonment, direct an offender to perform unpaid community work for 24 - 208 hours. The court may only direct an offender to complete a community service order if the offender consents, if the court is satisfied that the offender is a suitable person to complete community service work (on the basis of a medical report, if required), and if work is available.

The average number of offenders on community service orders has declined steadily in recent years as is illustrated below:

| Year | NIM | % of total | IM | % of total | NIF | % of total | IF | % of total | UM* | UF* | Total |
|------------------|-------|------------|------|------------|------|------------|------|------------|------|------|-------|
| 2002 – 2003 | 123.8 | 83.88% | 5.0 | 3.39% | 16.9 | 11.45% | 1.8 | 1.22% | na | na | 147.6 |
| 2003 – 2004 | 99.0 | 77.28% | 12.6 | 9.84% | 15.5 | 12.10% | 1.0 | 0.78% | na | na | 128.1 |
| July – Jan. 2005 | 87.7 | 82.19% | 6.4 | 6.00% | 10.4 | 9.75% | 0.57 | 0.53% | 1.29 | 0.14 | 106.7 |

NIM – Non-Indigenous Male; IM – Indigenous Male; NIF – Non-Indigenous Female; IF – Indigenous Female; UM/UF – Unknown male/female. *na – not available, only started counting UM/UF in FY 2004-05.

The administration of community service work involves assessing suitability for placement, continuous assessment to ensure compliance with the order, and reporting to the court when the order is successfully completed. Offenders complete community service in blocks of 8 hours per day, one day per week (Wednesdays or Saturdays). Unless discharged, extended or revoked by the court, community service orders cease to have effect 12 months after they are made.

When a breach occurs, the relevant ACT Court decides the consequences of this breach. The original order may be revoked and possible consequences include no action being taken, an extension of the duration of the order and/or the imposition of fines. The offender may also be given a new order, which could be a new CSO, periodic detention order or recognisance.

Offenders are placed in either community agencies or on community service order work crews. The crews generally perform project type work such as paving for schools, gardening, painting, cleaning graffiti and maintaining cemeteries. Work crews were also involved with providing ground maintenance assistance in the redevelopment of ACT Scouts Association Camp Cotter Mouth project following the 2003 bushfires in Canberra.

Offenders serving community service orders contribute significantly to the Canberra community as illustrated by the table below (figures are in addition to the hours performed by offenders serving periodic detention orders):

| Year | Total CSO work hours* | Value to the Community (\$)* |
|------------------|-----------------------|------------------------------|
| 2002 – 2003 | 25,574 | 290,265† |
| 2003 – 2004 | 17,949 | 211,798‡ |
| July – Jan. 2005 | 8,723 | 102,931^ |

†Based on the FY 2002-2003 Federal Minimum Wage of \$431.40 per week (\$11.35 per hour).

‡Based on the FY 2003-2004 Federal Minimum Wage of \$448.40 per week (\$11.80 per hour).

^ Based on the FY 2003-2004 Federal Minimum Wage of \$448.40 per week (\$11.80 per hour).

In the 2002 – 2003 FY, the ACT had the fourth lowest breach rate of any jurisdiction at 24.4%. In 2003 - 2004 the breach rate fell further to 23.6%, and further still to 22.78% in the period July 2004 – January 2005. This is well below the national breach rate of 28.9%. In this context it needs to be noted that a high breach rate is not necessarily an indication of failure, but may indicate the pro-active management of offenders.

Transfer of community based sentences scheme

The ACT, in conjunction with a Working Group comprised of representatives from each Australian State and Territory, has developed model legislation for the transfer of community based sentences between jurisdictions. The ACT and NSW have now both introduced legislation for this purpose, the ACT *Community Based Sentences (Transfer) Act 2003* and the NSW *Crimes (Interstate Transfer of Community Based Sentences) Act 2004*.

Under the scheme, offenders with community based sentences in the ACT will be able to formally transfer the supervision and administration of the sentence to NSW, and vice versa, provided the requirements of the legislation are satisfied. Following transfer of an ACT sentence to NSW, the offender will be managed in NSW as if a NSW Court had imposed the sentence, except for purposes of appeal or review, which will remain the responsibility of the ACT.

The sentences that may be transferred to and from the ACT under the legislation include:

- Recognisances (good behaviour bonds);
- Home detention orders;
- Periodic detention orders; and
- Community service orders

The ACT and NSW commenced a six month trial of the scheme on 7 March 2005.

The scheme is designed to provide a mechanism for the formal transfer and enforcement of community based orders between jurisdictions. Prior to the introduction of the formal transfer scheme, the supervision of recognisances/good behaviour bonds could be transferred from the sentencing jurisdiction to another jurisdiction, by arrangement. However, informal supervision of this nature left issues of administration, such as amendment, revocation and breach, to the sentencing jurisdiction. This is ineffective and inefficient, issues that the formal scheme is designed to address. The formal transfer scheme permits home detention orders, periodic detention orders, and community service orders to be transferred between jurisdictions for the first time.

Transfers will be considered and where appropriate accepted by Local Authorities appointed in the ACT and NSW. Transfers will be accepted following registration on a Transfer Register.

The development and introduction of legislation for the formal transfer of community based sentences between jurisdictions is expected to be of benefit to offenders, especially women and Indigenous offenders, in providing a mechanism for serving a sentence close to the offender's family and community. The ability for an offender to serve their sentence within the community and close to family networks directly benefits the community, by increasing the chances of the offender fulfilling their sentence, diverting the offender away from the prison system, and reducing the chance of the offender re-offending.

Particular issues have arisen during the implementation of the community based sentences transfer scheme that warrant specific mention. They are as follows:

ACT Periodic Detention Centre capacity

It is anticipated that NSW Courts sentencing in Queanbeyan, Goulburn and other regional centres proximate to the ACT may sentence eligible offenders to periodic detention, on the understanding that the offender will be able to serve the sentence at the ACT PDC (pending successful transfer of the sentence to the ACT under the scheme). At present, the PDC is regularly at or near to capacity which leaves limited ability for the ACT to accept any requests for transfer of periodic detention orders to the Territory. This has a consequent impact on the effective availability of periodic detention to NSW Courts sentencing in areas proximate to the ACT.

The ACT has kept open options for extending PDC capacity to provide for mid-week detention.

NSW Home Detention eligibility criteria

It is understood that in NSW, prisoners with sentences of less than 18 months may apply for home detention. Candidates must undergo an assessment for home detention which is then considered by the NSW Court. The NSW Court may stay the sentence of imprisonment until the home detention assessment can be conducted.

It is understood that home detention is a sentencing option in the Sydney, Newcastle and Wollongong metropolitan areas only. This essentially precludes ACT residents from applying for home detention from a NSW Court, even if their circumstances are otherwise found suitable.

This problem could be overcome by relaxing the NSW home detention eligibility criteria to enable ACT residents who receive sentences of imprisonment of less than 18 months from a NSW Court to apply to serve the sentence by way of home detention in the ACT, on the basis of an assessment conducted by ACT Corrective Services. The sentence could then be stayed while being transferred to the ACT under the community based sentences transfer scheme.

ACT Sentencing Review

The ACT has recently undertaken a review of legislation for sentencing, sentencing options and sentence administration, and is in the process of developing draft legislation to consolidate the currently disparate range of laws relating to these subject areas. The sentencing review will essentially result in a complete overhaul of sentencing and sentence administration in the Territory.

While the details regarding the administration of sentences may change, it is expected that the ACT Courts will continue to provide all community based sentencing options canvassed in this paper.