



## John Hargreaves MLA

MINISTER FOR DISABILITY AND HOUSING  
MINISTER FOR AGEING  
MINISTER FOR MULTICULTURAL AFFAIRS  
MINISTER FOR INDUSTRIAL RELATIONS  
MINISTER FOR CORRECTIONS

---

Member for Brindabella

Mr John Ley  
Chair  
ACT Community Coalition on Corrections  
c/ ACTOSS, PO Box 849  
Mawson ACT 2607

Dear Mr Ley

Thank you for your email of 19 January 2009 in relation to prisoner remissions in the ACT.

Part 13.2 of the *Crimes (Sentence Administration) Act 2005* (the Act), allows for the remission of a sentence, financial penalty or property forfeiture. This power is conferred on the ACT Executive and therefore may only be exercised by two Government Ministers acting in concert. Governmental agencies, such as ACT Corrective Services, have no authority to grant pardons or remit sanctions under this part.

The power contained in part 13.2 is commonly understood as the prerogative of mercy. In the ACT, as in all other Australian jurisdictions, prerogative powers are exercised by the Government directly. The nature of prerogative powers and the specific circumstances under which they are exercised mean they are not subject to policies but are determined on a case by case basis by the Executive.

The granting of parole is a parallel function which is exercised far more commonly than remission. Instead of being performed by the ACT Executive, this function is the responsibility of the ACT Sentence Administration Board (SAB). As an independent territory authority, any policies which guide its decisions are matters for the SAB. If you are interested, further information about parole decisions may be found in chapter seven of the Act.

The availability of parole provides an opportunity for prisoners to acclimatise to community living while under supervision. The offender's conduct in custody is a factor considered when determining whether release on parole is appropriate. The system therefore encourages and rewards good behaviour in a custodial environment.

I thank you for your continued interest in correctional practices in the ACT.

Yours sincerely,

John Hargreaves MLA  
Minister for Corrections

19 February 2009

---

ACT LEGISLATIVE ASSEMBLY