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**Submission on the
Charter of Human Rights and Responsibilities
(Public Authorities) Regulations 2009 (Vic)**

26 November 2009



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About the Human Rights Law Resource Centre

The Human Rights Law Resource Centre (**HRLRC**) is an independent community legal centre that is a joint initiative of the Public Interest Law Clearing House (Vic) Inc and the Victorian Council for Civil Liberties Inc.

The HRLRC provides and supports human rights litigation, education, training, research and advocacy services to:

- (a) contribute to the harmonisation of law, policy and practice in Victoria and Australia with international human rights norms and standards;
- (b) support and enhance the capacity of the legal profession, judiciary, government and community sector to develop Australian law and policy consistently with international human rights standards; and
- (c) empower people who are disadvantaged or living in poverty by operating within a human rights framework.

The four 'thematic priorities' for the work of the HRLRC are:

- (a) the development, operation and entrenchment of Charters of Rights at a national, state and territory level;
- (b) the treatment and conditions of detained persons, including prisoners, involuntary patients and persons deprived of liberty by operation of counter-terrorism laws and measures;
- (c) the promotion, protection and entrenchment of economic, social and cultural rights, particularly the right to adequate health care; and
- (d) the promotion of equality rights, particularly the rights of people with disabilities, people with mental illness and Indigenous peoples.

Acknowledgement

The HRLRC would like to acknowledge the substantial assistance provided by Clayton Utz Lawyers in the research and preparation of this submission.

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1. Introduction and Executive Summary

1.1 About this Submission

1. This submission is made by the Human Rights Law Resource Centre (**HRLRC**) in response to the Charter of Human Rights and Responsibilities (Public Authorities) Regulations 2009 (Vic) (**Proposed Regulations**) which will replace the *Charter of Human Rights and Responsibilities (Public Authorities) Interim Regulations 2008* due to expire in December 2009.
2. The purpose of the Proposed Regulations is to declare the Adult Parole Board, Youth Residential Board and Youth Parole Boards (**Boards**) not to be public authorities for the purpose of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (**Victorian Charter**). The exemption will allow the Boards to continue to operate outside the regulation and human rights protections afforded by the Victorian Charter.
3. The Regulatory Impact Statement (**RIS**) in relation to the Proposed Regulations assesses regulatory options for the operation of the Boards in the context of the Victorian Charter. It addresses the so called problem that would arise because of the Victorian Charter's potential negative impact on the Boards' current practices. The RIS recommends that the Boards be exempt from compliance.

1.2 Executive Summary

4. The HRLRC considers that the Boards should not continue to be exempt from compliance with the Victorian Charter. In the HRLRC's view, the human rights analysis contained in the RIS and rationale for continuing to maintain the Boards exempt from the Victorian Charter is misguided.
5. The HRLRC considers that the arguments put forward in the RIS serve only to identify and highlight the real need for the Boards to be subject to compliance with the Victorian Charter. The RIS states that compliance with the Charter would require more stringent decision making processes to be followed by the Boards. This is clearly not the case. A human rights compliant approach would ensure that the Board's policies and practices are flexible and can be tailored and adapted to suit the particular needs of individuals. Indeed, rather than providing an impediment to the Board's current practices, the HRLRC sees compliance with the Victorian Charter as an opportunity to improve and enhance the processes and outcomes of the Boards' decision-making, which ultimately will be for the benefit of offenders and their chances to rehabilitate, as well as the broader community.
6. Requiring the Boards to provide procedural fairness and a right to appeal of Board decisions would improve observance of offenders' human rights but would also improve the integrity of the Boards themselves. It appears that the Boards already aspire to achieve procedural

fairness and the other rights discussed in this submission. Allowing the Boards to be subject to the Victorian Charter, and formalising their process in an appropriately tailored and flexible way, will enable the community to have greater confidence in the integrity of the Boards.

7. For the reasons identified throughout this submission, the HRLRC considers that, rather than undermining the Boards' decision making processes, compliance with the Victorian Charter would:
 - (a) improve the decision making processes of the Boards;
 - (b) enhance the confidence in the Boards' decision making and thereby lead to an improved parole system; and
 - (c) ultimately, result in improved outcomes and better opportunities for the rehabilitation of offenders and their reintegration into society.
8. Despite the supposed negative impacts on the Boards, the application of these human rights would actually strengthen the Boards' decision making processes and procedures and improve outcomes for the community through better and more robust decisions and more effective rehabilitation of prisoners.

2. Background and Context

2.1 The Role of the Boards

9. The Boards play an important role in the criminal justice system making decisions about whether offenders should be granted parole an important step in their rehabilitation and re-integration into the general community.
10. The Adult Parole Board (**APB**) is an independent statutory body established under section 61 of the *Corrections Act 1986*. The APB has jurisdiction in relation to offenders for whom a court has ordered a prison sentence where a non-parole period applies and young persons who are transferred to prison from a youth justice centre. The APB has authority to make a home detention order.¹ It is also responsible for setting conditions in relation to extended supervision orders under the *Serious Sex Offender Monitoring Act 2005*. In 2008/09, the APB met for a total of 129 days and considered 8,605 cases.
11. The Youth Parole Board (**YPB**) and Youth Residential Board (**YRB**) are independent statutory bodies governed by the *Children Youth and Families Act 2005*. Together, these boards have jurisdiction in relation to all young people sentenced by a court to a period of detention. The

¹ *Corrections and Sentencing Acts (Home Detention) Act 2003* (Vic).

YPB has jurisdiction in relation to young people aged 15 to 21 years who are detained in a youth justice centre, while the YRB is responsible for young people aged 10 to 14 who are detained in a youth residential centre. Both boards make decisions regarding eligibility for and release on parole, as well as transfers (between youth residential and youth justice centres, and between youth justice centres and prison). In 2008/09, the YPB and YRB made a total of 210 parole orders and issued 15 transfers.

2.2 Exemption of the Parole Boards

12. The Boards are currently exempt from the Victorian Charter by the operation of the *Charter of Human Rights and Responsibilities (Public Authorities) Interim Regulations 2007 (Interim Regulations)*. The current regulations are due to expire in December 2009.
13. Under section 38(1) of the Victorian Charter, it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right. Section 32(1) of the Victorian Charter provides that all statutory provisions must be interpreted in a way that is compatible with human rights, so far as it is possible to do so consistently with their statutory purpose.
14. The Proposed Regulations will serve to exempt the Boards from compliance with the Victorian Charter for a further four years. The Proposed Regulations are made under section 46 of the Victorian Charter which allows the regulations to prescribe entities not to be public authorities for the purposes of the Victorian Charter. The exemption will allow the Boards to operate without regard to the human rights requirements placed on public authorities by the Victorian Charter.

2.3 The Regulatory Impact Statement on the Boards

15. The rationale for exclusion of the Boards is outlined in the RIS which accompanies the Proposed Regulations. The RIS is required to consider the issue to be addressed by the proposed regulations and the feasible options to address the issue. The underlying rationale expressed in the RIS for the continuing exemption to be applied to the Boards is that compliance with the Victorian Charter would require changes to the Boards' current practices and that these changes would have a potential negative impact on the operation of the Boards.
16. The RIS considers two options to address the stated problem. Option 1 considers immediate compliance with the Charter by way of legislative and procedural changes. Option 2 considers the creation of a further four year exemption, with further consideration of options to better comply with the Victorian Charter. The costs and benefits of each option are examined. The RIS recommends Option 2 because the Boards' current case management approach provides the flexibility and responsiveness that is said to promote rehabilitation. It is argued that

compliance with the Victorian Charter would impose a more stringent decision making process that would undermine the Boards' decision making processes.

17. For the reasons identified throughout this submission, the HRLRC considers that, rather than undermining the Boards' decision making processes, compliance with the Victorian Charter would:
- (a) *improve* the decision making processes of the Boards;
 - (b) enhance the confidence in the Boards' decision making and thereby lead to an improved parole system; and
 - (c) ultimately, result in improved outcomes and better opportunities for the rehabilitation of offenders and their reintegration into society.

3. Application of the Victorian Charter to the Boards

18. The Boards' functions regularly require them to make important decisions regarding the human rights of prisoners and parolees, and the safety of the community. The functions and powers of the Boards have wide ranging impact on the human rights of offenders and members of the broader community.
19. Without specific exemption from the Victorian Charter, the Boards would be "public authorities" and, therefore, be required to give proper consideration to relevant human rights under section 38(1) of the Victorian Charter.
20. Relevant human rights that may apply to the Boards' activities include:
- (a) the right to liberty and security of person (section 21 of the Charter);
 - (b) the right to freedom of movement (section 12 of the Charter);
 - (c) the right to privacy and reputation (section 13 of the Charter); and
 - (d) the right not to be subject to compulsory medical treatment (section 10 of the Charter).
21. As identified in the RIS, compliance with the Charter may require the Boards to adopt policies and procedures relating to their decision making that are compatible with human rights, including:
- (a) considering human rights in their decisions;
 - (b) affording procedural fairness to prisoners and parolees;
 - (c) legal representation for prisoners and parolees;
 - (d) access to information for prisoners and parolees;

- (e) rights of appeal; and
 - (f) criteria for making decisions.
22. Despite the concerns expressed in the RIS, the HRLRC considers that ensuring that the Boards' policies and procedures have proper regard to the above principles will actually *enhance* the ability of the Boards to operate flexibly and to customise their decisions to individual cases.
23. The benefits of improved decision making in accordance with human rights standards are outlined below, particularly with reference to the experience of jurisdictions that do apply human rights standards to parole boards, including other Australian jurisdictions, the United Kingdom, New Zealand and Canada.

4. Principles Relevant to the Boards

4.1 Procedural Fairness

24. The RIS states that compliance with a procedural fairness obligation will impose a more stringent decision making process, inhibit the flexibility of the Boards' decision making and, consequently, undermine the effectiveness of the Boards in meeting their objectives. It suggests that the current flexible approach to case management fosters a high degree of trust between the offenders and the Boards. One of the assumptions made in the RIS is that if the Boards are required to afford procedural fairness it would undermine this trust.
25. The HRLRC considers that the assertion that affording procedural fairness would undermine the trust between offenders and the Boards is misguided. Rather, it is precisely because of the potential impact on human rights, and the reliance and dependence that offenders have on the Boards' processes, that such decision making should be subject to procedural fairness considerations. Fair procedures lead to better decision-making, and a more legitimate process.
26. Principles of procedural fairness are fundamental and include:
- (a) the right to be heard;
 - (b) the right to be treated without bias;
 - (c) the right to be informed of allegations being made against prisoners or parolees;
 - (d) the right to be provided with an opportunity to respond to any allegations made against prisoners or parolees; and
 - (e) the right to information regarding the status of a complaint.

27. The experience from other jurisdictions strongly indicates that subjecting the processes of parole boards to procedural fairness obligations results in:
- (a) boards being more likely to reach a fair and correct decision;
 - (b) greater protection of human rights – both of the offender’s human rights and, just as importantly, the human rights of the broader community;
 - (c) increased understanding of, and therefore increased acceptance of, the parole board’s decision by those affected; and
 - (d) increased confidence in the Boards’ decision making processes.
28. The HRLRC considers that ensuring that these principles are implemented in Victoria by the Boards will serve to improve their decision making processes. Indeed, compliance with the Victorian Charter would enable the Boards to demonstrate that their decisions are robust and therefore promote rehabilitation of offenders and the confidence of the community.
29. Experience from other jurisdictions is illustrative:
- (a) in Western Australia, the Prisoners Review Board has indicated that fair procedures are likely to lead to decisions that will be accepted more readily by prisoners and others;²
 - (b) in the United Kingdom, in a review in 2002, most prisoners regarded the parole process as unfair, with the result that very few prisoners saw parole refusal as an incentive to approaching their remaining time in prison more positively;³
30. In this respect, the HRLRC highlights that *perceptions* of fairness are crucial to ensuring prisoners’ confidence and trust in the decision-making process. Fairness in decision-making is at least as much about how decisions are taken – the manner of the person’s treatment – as it is about the outcomes. Indeed, outcomes may be *less* significant to the person’s sense of the fairness of the decision.⁴

² See for example Prisoners Review Board of Western Australia, *Prisoners Review Board Annual Report for the year ended 30 June 2008* (2008).

³ Roger Hood and Stephen Shute, ‘The Parole System at Work: a Study of Risk Based Decision-Making’ (Research Study No 202, Home Office, 2002).

⁴ See for example Tom Tyler, *Why People Obey the Law* (1st ed, 1990); Tom Tyler and Yuen Huo, *Trust in the Law: Encouraging Public Cooperation with the Police and Courts* (2002); Alison Liebling, ‘Why Fairness Matters in Criminal Justice’ in Nicola Padfield (ed), *Who to Release?: Parole, Fairness and Criminal Justice* (2007) 63.

31. The HRLRC also wishes to emphasise that ensuring procedural fairness will *not* make it difficult to maintain community protection.⁵ It must be stressed that procedural fairness rights do not take precedence over the equally important rights that the broader community has in the decision making process that is undertaken by the Boards. Despite greater human rights protection in Europe, Sir Duncan Nichol, the former Chair of the UK Parole Board, expressed in the United Kingdom context that "nothing in the [European Convention on Human Rights] or in the Human Rights Act takes away from our prime consideration to protect the public".⁶
32. The HRLRC also notes that, where the balance between procedural fairness and additional administrative burdens is necessary, appropriate regulations can be effectively implemented. For example, recently in the United Kingdom the right to an oral hearing was amended to provide that offenders only have a right to *request* an oral hearing.⁷ This change was made to allow the Board sufficient flexibility to only hold oral hearings when appropriate or necessary.

4.2 Legal Representation

33. The RIS argues that allowing prisoners the right to legal representation will increase the time taken in hearings, and will adversely impact on the operations of the Boards, and the cost of representation might be prohibitive.
34. However, the HRLRC considers that proper consideration must be given to the concept that legal representation can have beneficial impacts on the quality of decision making and ensure that all relevant considerations, including the protection of the community, are taken into account. In New South Wales (**NSW**), offenders are provided with legal representation by legal aid through the Prisoner's Legal Service (**PLS**). In 2006, the Legal Aid Commissioner's review of the PLS found that the judiciary and other key stakeholders, such as the Parole Authority, regard the PLS as vital to the effective operation of the parole system in NSW and that the PLS should continue to represent prisoners in parole matters as part of its core work.⁸
35. The HRLRC submits that, not only should legal representation at Board hearings be allowed, but that adequate funding of free legal representation should be made available through Victoria Legal Aid.

⁵ See for example Mark Elliott, 'The Parole Board and the Changing Face of Public Law' in Nicola Padfield (ed), *Who to Release?: Parole, Fairness and Criminal Justice* (2007) 43.

⁶ Sir Duncan Nichol, cited in Padfield (ed), above n 5, 18.

⁷ See, *Parole Board (Amendment) Rules 2009* (UK).

⁸ Legal Aid New South Wales, *Prisoners Legal Services Review*, September 2006 at Executive Summary.

4.3 Access to Information

36. The RIS states that compliance with the Charter would most likely require a more stringent decision making process, including providing access to information that may have an adverse effect on a prisoner's or parolee's status or conditions. Although provision of information is generally done in practice, the RIS resists any such formal requirements.
37. It is essential that parolees be given access to information relevant to the Boards' enquiry in order for them to respond to it and to have the opportunity to put forward any relevant mitigating circumstances or correct factual errors. Again, a process that requires the Board to follow a more stringent decision making process should be embraced, and not avoided. Access to information is, arguably, central to the ability of prisoners to make effective contributions to decision-making affecting them, and will add to sense of fairness and accountability in the process and the operation of the parole system.
38. In the United Kingdom, for example, prisoners are provided with a dossier of information regarding their case, including reports prepared by a parole officers. The UK Home Office *Research Paper 202: The Parole System at Work: A study of risk based decision making* comments that despite initial fears that such a system would lead to more "circumspect" or "weaker" reports, "these fears have largely been proved groundless".⁹
39. Similarly, in Canada, access to information and the disclosure of relevant information is considered "a key component of the principles of fundamental justice".¹⁰
40. The HRLRC considers that adequate protections regarding confidential information or information regarding victims can be implemented as appropriate safeguards, as has been legislated in the ACT.¹¹
41. As has been demonstrated by these other jurisdictions, allowing offenders access to information about their own case can improve the process and the quality of decisions made, rather than detract from it.

⁹ Roger Hood and Stephen Shute, United Kingdom Home Office, *Research Paper 202: The Parole System at Work: A study of risk based decision making* (2000) pp 13-14.

¹⁰ *Corrections and Conditional Release Act* 1992 (CAN) s 141. See also National Parole Board Policy Manual, Chapter 10.1, Disclosure of Information on the National Parole Board website: <http://www.npb-cnrc.gc.ca/infocntr/policym/PolicyManual-Vol1No15.pdf>, viewed 23 November 2009.

¹¹ See, *Crimes (Sentence Administration) Act* 2005 (ACT) s 192.

4.4 Access to Reasons

42. The RIS also argues that the requirement for the Board to provide offenders with reasons for their decisions will make the decision making process more stringent. To the contrary, the HRLRC submits that the provision of reasons can only serve to benefit the process and enhance prisoners', and indeed the community's, confidence in it.
43. While it is acknowledged that in order to comply with this requirement the Board would have to keep more detailed records, access to reasons is likely to also have positive practical consequences. Reasons provide the prisoner with a record of the issues the prisoner must address and a time-frame in which to address them if the prisoner is to be successful in his or her next parole hearing. Reasons also allow the community to have a better understanding of the Boards' processes.
44. Indeed, providing reasons is standard practice in many other jurisdictions:
- (a) in New Zealand reasons are provided for any refusal to grant parole.¹²
 - (b) in Canada reasons are provided for all decisions and are considered a hallmark of good decision making.¹³
 - (c) in the United Kingdom reasons are provided to prisoners which help them and those working with them to understand the decision, the reasons and what needs to be done to manage or reduce their risk effectively.¹⁴
 - (d) similarly, other Australian jurisdictions provide reasons, including in Western Australia where the parole board is required to provide a prisoner with written notice of any decision and reasons for that decision, as soon as practicable after the decision is made.¹⁵
 - (e) in Queensland, South Australia, Tasmania, and the ACT, boards must provide reasons to prisoners when refusing their parole application.
45. Access to reasons is also an essential accountability mechanism for the Boards. It encourages reasoned decisions based on clear criteria and relevant information. In this respect, it improves confidence in the Boards' decisions, as well as assists prisoner

¹² See, New Zealand Parole Board website: <http://www.paroleboard.govt.nz/information-for-offenders/after-the-hearing.html>, viewed 23 November 2009.

¹³ See *Crimes (Sentence Administration) Act 2005* (ACT) s 161. See also, National Parole Board Policy Manual, Chapter 2.2, *Hallmarks of Quality Decision Making* on the National Parole Board website: <http://www.npb-cnrc.gc.ca/infocntr/policym/PolicyManual-Vol1No15.pdf>, viewed 23 November 2009.

¹⁴ Parole Board of England and Wales Annual Report 2008/2009, p. 8.

¹⁵ *Sentence Administration Act 2003* s 107(B). Furthermore, victims registered with Victim Notification Register (VNR) will be notified of a decision, and provided with reasons for a decision.

rehabilitation by allowing prisoners and those who assist them (such as parole officers) to understand how behaviours can be improved and risks reduced.

46. In the United Kingdom context, it has been observed that “[n]othing caused more bitterness and frustration under the old parole system than the refusal to give any reasons for a ‘knock-back’ – a decision to refuse parole.”¹⁶ For this reason, the HRLRC considers that access to reasons, in appropriate circumstances, will enhance the operation of the Boards’ policies and practices.

4.5 Rights of Appeal

47. The concern expressed in the RIS regarding increased litigation arising from a right to appeal Board decisions is overstated.
48. The right of appeal is central to a just legal system. Appeals or reviews allow mistakes and injustices to be corrected. In Victoria there is no statutory right of appeal, although informal reviews may be available. In contrast:
- (a) in Canada full rights of appeal are available.¹⁷
 - (b) in New Zealand review decisions are available.¹⁸ In New Zealand only 98 application for review were considered out of 4261 decisions made in the year 2007/2009.
 - (c) in the United Kingdom human rights litigation has not undermined the Board's decision making.¹⁹
49. A formal process for appeal of the Boards’ decisions, along with improvements in the process of their initial decision making, would enhance the credibility of the Boards. For similar reasons identified throughout this submission, rights of appeal would assist to enhance the sense of fairness and credibility about the Boards’ processes, which has the benefit of enhancing confidence in the parole system for both prisoners and the broader community.

¹⁶ See Stephen Livingstone, Tim Owen and Alison Macdonald, *Prison Law*, (4th ed, 2008) at 535.

¹⁷ *Corrections and Conditional Release Act 1992* (CAN): s. 110, 143(2), 146 & 147; Regulations: 166(2) (b) & 168. See also, National Parole Board Policy Manual, Chapter 2.2, Hallmarks of Quality Decision Making on the National Parole Board website: <http://www.npb-cnrc.gc.ca/infocntr/policym/PolicyManual-Vol1No15.pdf>. viewed 23 November 2009.

¹⁸ *Parole Act 2002* (NZ), s.62.

¹⁹ According to Sir Duncan Nichol (former Chair of the Parole Board of England and Wales) in the years 2002 to 2007 only 7 of 294 judicial review decision founded in the right to a fair trial under the European Convention have been lost. See, Sir Duncan Nichol in Padfield (ed), above n 5, 18.

5. Political Considerations

50. A significant factor in the reluctance of parole bodies to expose their decision-making to public scrutiny is the fear of public criticism.
51. Experience from other jurisdictions indicates that compliance with procedural fairness and other human rights obligations can, in fact, promote and enhance the credibility of the role of parole boards and the importance function that they play.

5.1 The Western Australian Experience:

52. In Western Australia, the parole board provides reasons for decisions and publishes those decisions when it is in the public interest to do so. Indeed, the Prisoners Review Board of Western Australia actively engages with the media to promote understanding (and increase public confidence in) its decision-making.²⁰ Valerie French (Chairman of the Parole Board) states that the media have been actively encouraged to investigate and report on the work of the Boards rather than just on the cases that excite public attention.²¹ The number of decisions that have been released to the Western Australian Parole Board's website has increased.²²
53. Additionally, the Western Australian parole board has the ability to publish decisions and reasons for decisions on its website when a request is received, if it is in the public interest to do so.²³ Ultimately, Western Australia has not found the requirements to provide, and in some instances publish, reasons too onerous.

5.2 The New Zealand Experience:

54. In New Zealand, the parole board provides reasons for decisions and publishes those decisions when it is in the public interest to do so.
- (a) The NZ Parole Board also publishes decisions on its website that are considered to be of public interest. Reasons for decisions can be requested by such stakeholders as the media (as was the case in the Capill Case²⁴). However, all or part of a decision may be withheld under the Act, particularly on privacy grounds.

²⁰ See Prisoners Review Board of Western Australia, *Prisoners Review Board Annual Report for the year ended 30 June 2008* (2008).

²¹ Ibid 10.

²² Ibid 24.

²³ *Sentence Administration Act 2003*, s 107C(2). Generally it will not be in the public interest to publish anything that would prejudice a prisoner's successful completion of parole because that could impact on the risk of reoffending.

²⁴ Graham John Capill, Parole Hearing, 24 September 2009; at <http://www.paroleboard.govt.nz/decisions-statistics-and-publications/decisions-of-public-interest/capill---graham-john---240910.html>.

- (b) The NZ Parole Board reported, in its Annual Report, “[p]ublic interest in the Board’s work continues to be high, with media covering many Board activities and decisions. This coverage has been well balanced, with a wide variety of parole based issues receiving attention.” See New Zealand Parole Board, *Annual Report 2007/08* (2008).
- (c) Indeed, in the 2007/08 year, 310 decisions were supplied to the media.

5.3 The ACT Experience:

- 55. In the ACT, the parole boards are not exempt from compliance with the *Human Rights Act 2004* (ACT).
- 56. The ACT provision regarding 'public authorities' provides greater transparency than the Victorian definition, as it does not exclude entities, such as parole boards,²⁵ from the obligations of public authorities through regulation.

6. Economic Considerations

- 57. The RIS identifies an increased costs in the Board implementing human rights compliance measures. There is little doubt the proper resourcing of fair proceedings for effective and credible parole proceedings is essential, and that additional resources may be required.
- 58. However, economies at one vital point in the criminal justice process can have huge costs elsewhere.²⁶ Ultimately, if the decision making policies and process of the Boards are enhanced by ensuring compliance with the Victorian Charter and human rights principles, this is likely to lead to a more effective parole system, thereby reducing rates of recidivism. Indeed, detaining a prisoner who could have been released costs the taxpayer directly, whilst at the same time reducing their potential for subsequent reintegration, just as releasing a prisoner inappropriately results in huge costs to society.
- 59. For these reasons, the HRLRC considers that there will also be economic benefits, and not detriments to ensuring compliance with the Victorian Charter.

²⁵ *Charter of Human Rights and Responsibilities Act 2006* (Vic), s 4(1)(k); see Gabrielle McKinnon, 'Strengthening Human Rights: Amendments to the Human Rights Act 2004 (ACT)' (2008) 19 PLR 179 for further commentary on the Human Rights Act 2004 (ACT) and its interaction with the Victorian Charter.

²⁶ Padfield (ed), above n 5, 11, 243.