

Inmate accuses board of denying him natural justice

By Sally Pryor Court Reporter

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A Canberra man jailed after failing to complete the terms of a periodic detention order says he has been denied natural justice. Steven James Lewis, 29, had initially been sentenced by a magistrate last January to 12 months of weekend jail for recklessly inflicting grievous bodily harm. The Sentencing Administration Board cancelled the order and issued a warrant for his arrest after he left the ACT without permission. Lewis was arrested in January and jailed, but was released by Chief Justice Terence Higgins in March pending a legal challenge to the board's decision. Lewis is challenging the decision in the ACT Supreme Court on a number of grounds, including that it did not comply with the Human Rights Act. In a hearing before Justice Richard Refshauge yesterday, the court heard the board alerted offenders that they have breached their periodic detention orders by post, in a notice that included details of a hearing.

The notice was usually sent by express post, but did not include a reply paid envelope. The offender's lawyer was not alerted to the hearing, and no attempt was made to ascertain whether an offender had in fact received the notice before the hearing took place. Senior sentence administration officer Amanda Corcoran told the court about half of the board's

hearings were held without the offender present. She said about 50 per cent of those people claimed they did not attend their hearing because they were not aware it was on. In an affidavit filed in the court, Lewis admitted he had left the ACT without informing anyone, and his mother, with whom he had been residing in Canberra, had not sent him his mail while he was away. He said when he returned, there were letters waiting for him, that he believed they were from Corrective Services, and he panicked and did not read them. Consequently, he did not know about the hearing that had taken place in his absence until he was arrested and jailed in January. His barrister, John Purnell SC, said the board acted unlawfully and denied his client natural justice when it ordered Lewis be detained. The hearing is set to continue today. Lewis' case is similar to that of 20-year-old Mitchell Jacka, who was refused bail in the High Court last week. Jacka had also been ordered into full-time detention after breaching his periodic detention. His lawyers are arguing that the board does not have the power to interfere with judicial decisions under the Constitution. They say sections of the Crime Sentence Administration Act are unconstitutional because they invest the board with judicial power. His case has been sent back to the Supreme Court.

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