



**GOVERNMENT OF  
WESTERN AUSTRALIA**

# 2013/14 ANNUAL REPORT

PRISONERS REVIEW BOARD  
DEPARTMENT OF THE ATTORNEY GENERAL  
WESTERN AUSTRALIA

# FOREWARD

**THE HON. MICHAEL MISCHIN, MLC**  
**ATTORNEY GENERAL; MINISTER FOR COMMERCE**

To the Attorney General,  
The Honourable Michael Mischin, MLC

In accordance with section 112 of the *Sentence Administration Act 2003* (WA), I present to you the Annual Report of the Prisoners Review Board of Western Australia for the year ended 30 June 2014.



His Honour Judge Robert Cock QC  
Chairperson  
Prisoners Review Board

6 October 2014

IN LINE WITH STATE GOVERNMENT REQUIREMENTS, THE PRISONERS REVIEW BOARD ANNUAL REPORT IS PUBLISHED IN AN ELECTRONIC FORMAT WITH LIMITED USE OF GRAPHICS AND ILLUSTRATIONS TO HELP MINIMISE DOWNLOAD TIMES.

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## ABOUT OUR ANNUAL REPORT

The Annual Report is the major publication produced by the Prisoners Review Board (the Board). It complies with the requirements of the *Sentence Administration Act 2003 (WA)* and is used to inform Parliament, Government, other agencies, the media and members of the community about the activities and achievements of the Board.

As well as fulfilling our statutory responsibilities, the Annual Report is an opportunity to explain the work and function of the Board.

Once tabled in Parliament, the Annual Report is available from our website at [www.prisonersreviewboard.wa.gov.au](http://www.prisonersreviewboard.wa.gov.au)

# CHAIRMAN'S OVERVIEW

## INTRODUCTION

As Chairperson of the Prisoners Review Board in Western Australia I am responsible for chairing many of the Board meetings, as well as the continuing education, training and professional development of Members of the Board.

The 2013/14 period has been an eventful and productive one for the Board.

The work of the Board is always challenging. As the number of prisoners sentenced to imprisonment increases, so too does the work of the Board.

The Board is careful to consider the risk to the safety of any member of the community posed by each prisoner prior to his or her release to parole, and by our conditions, minimise that risk to the full extent to which that is possible. This risk can never be completely eliminated. If the Board is unable to formulate suitable conditions to sufficiently reduce the risk to the safety of the community, we believe we have no alternative but to deny that prisoner the opportunity of release on parole.

The Board is charged with the responsibility of balancing the safety of the community and the management of the risk posed by the prisoner. Once the Board authorises the release of a prisoner, by making a parole order, we continue to monitor their progress on parole through the assistance of Community Corrections Officers employed by the Department of Corrective Services, and take immediate action to suspend or cancel parole should we believe that the risk to the safety of the community is ever increased to a level incompatible with our paramount responsibility to ensure the safety of the community.

## MEMBERSHIP OF THE BOARD

There have been some changes in the membership of the Board during the year.

Ms Catherine Harvey, a diligent and widely respected member of the Board and its only full-time Deputy Chairperson, retired from her position in July this year. Since her first appointment to the Board on 25 March 2011, Ms Harvey has made a significant contribution to the Board by frequently chairing meetings and improving the policies and procedures of the Board, particularly for matters regarding short-term parole considerations. Ms Harvey also supported me with formal training and presentations to staff of various relevant agencies around the State. I formally record my thanks to Ms Harvey for her service to the



Board and her warmth and friendship personally and, on behalf of the other Board Members, wish her well in her retirement.

I am pleased during the year that the Government, on my recommendation, was prepared to enable four of the longer serving community members to hold appointments as Deputy Chairpersons in addition to their continuing membership as community members, each on a sessional basis. This has already been advantageous in providing flexibility to manage the growing number of meetings, as well as providing an adequate pool of deputies to chair meetings and accommodate fluctuations during the year and temporary absences of the other Deputy Chairpersons. As well, there were several new members appointed from the Western Australian Police Service and the Department of Corrective Services to assist in the management of the on-going and growing workload of the Board.

One new community member was also appointed during the year.

## RELOCATION OF THE BOARD TO THE CENTRAL LAW COURTS, PERTH

As noted in the last Annual Report, during 2012-13, the Board had planned the move of its operations from rented accommodation in Wembley, to the Perth Central Business District. Critical in that planning was the decision to locate the Board and its administration staff in an area proximate to other Government offices, so as to create a more harmonious environment for staff as well as to enable managers to more readily access and utilise other staff and facilities of the Department of the Attorney General. Also important was a desire to increase the level of security, and take advantage of synergies by being able to adopt security screening already installed for other users of the building.

The relocation was completed on 22 July 2013 and I am delighted with the purpose built and refurbished accommodation.

I understand all members of staff are enjoying working in the new environment with new and improved facilities. I particularly express my thanks to Ms Cheryl Gwilliam, Director General of the Department of Attorney General for her personal support for this move. It has proven to be a timely development and has greatly facilitated the Board's implementation of other improvements and the holding of the national conference, which without our presence in the Central Business District and close proximity to other staff, may not have been practical.

## THE ADMINISTRATION TEAM

A number of recruitment processes occurred throughout the year to appoint administrative staff to vacant positions and reduce our reliance on acting arrangements. I congratulate Mr Greg Rickie on his appointment to the newly created position of Executive Manger/Registrar and have been pleased to see a number of important structural improvements and efficiencies in administration processes which Mr Rickie has made.

The administrative staff are responsible for ensuring that all prisoners eligible for parole are listed for consideration at a meeting of the Board prior to the prisoner's earliest eligible date of release. Administration staff also ensure that prisoners' file are up to date and that all relevant reports have been received by the Board in a timely manner. This is an important responsibility critical to the Board's ability to comply with its statutory duty and one which is the focus of all staff members on a daily basis.

The staff continue to work assiduously to ensure that the Board is provided in a timely manner with the most up-to-date and comprehensive information to facilitate the Board's decision making function. The administrative team never lose sight of this critical responsibility and I have been impressed by their motivation to continually look at ways to improve this part of our business.

## ELECTRONIC FILES

Another significant achievement by the administration team, working with members of the Court Technology Group, was the successful implementation in December 2013 of electronic files. This system now allows Board files to be created and read electronically. Board Members now access all the files for their meeting electronically through a portal, removing the former need for the production and dissemination of multiple paper copies of the files for each sitting Board Member.

Reports submitted as late information for the consideration of the Board are able to be uploaded instantaneously into the electronic portal up until the morning of the meeting for members to read and consider.

This movement to an electronic system has exceeded expectations for its efficiency and ease of access. It has also resulted in substantial reductions in paper use and costs, transport costs with its associated problems and risks as well as reducing the office space required to house paper files. It has also resulted in improvements in the effectiveness of workplace practices and procedures and greatly enhanced the security of confidential and sensitive information.

The Board's electronic files now adequately meet the needs of the business area and have led to more efficient meetings. The successful implementation of the electronic files can be attributed to the hard work of a number of key administrative staff who has worked in close partnership with members of the Court Technology Group. I also record my gratitude to all Board Members for enthusiastically embracing this new technology, which had its challenges and initial teething problems.

## WEBSITE – [WWW.PRISONERSREVIEWBOARD.WA.GOV.AU](http://WWW.PRISONERSREVIEWBOARD.WA.GOV.AU)

The Board has for some time published on the Board's website most decisions to release offenders to parole, as well as all decisions to cancel parole. It is hoped that by our preparedness to be open about identifying by name, so far as is possible, those who we release to parole, and the reasons for granting the privilege of parole, as well as the conditions to which such offenders are subject whilst serving the final part of their sentences in the community, we can contribute positively to an improvement in the community's confidence in our processes and operations.

In this past financial year, the administrative team in partnership with the Board have also maintained and revised its website which describes the work of the Board and its contribution to the safety of the community. The Board wanted to shift the focus of the website from 'the Board' to 'parole'. This shift was underpinned by a strong view that community education about parole remained an outstanding need and that the website could make a significant contribution to meeting this need by explaining the parole system and thereby bolstering community confidence that parole is an integral element in ensuring community safety.

In the last financial year, the Board's website received 64,143 visits and 168,650 views. 'Visits' represent the number of people coming to the website and 'views' tabulates the number of webpages in total that were viewed.

## VICTIM IMPACT STATEMENTS

On 11 December 2013 in the Legislative Council, the Attorney General announced several immediate reforms to improve services for victims of crime across the Western Australia's criminal justice system.

One of those initiatives was that Victim Impact Statements (VIS) used in court would now be automatically provided to the Board and the Mentally Impaired Accused Review Board (MIARB).

Specifically, any VIS submitted to a Western Australian court, pursuant to section 24(1) of the *Sentencing Act 1995 (WA)* was to now be provided to the Board and MIARB administration for inclusion in their files of relevant prisoners or accused.

The Board and MIARB then entered into close consultation with the Victim Support Service and as a result, a clear process was established by which the Board and MIARB will in future be provided with all VIS. Specifically, after a victim consents to the release of their VIS to the Board or MIARB, the VIS will be electronically stored in a secure and restricted access file. The VIS can then be easily searched for and accessed by approved administration staff and the PRB at a later date. Similar arrangements have since been established with the Department of Public Prosecutions and the Western Australian Police Service.

Over 130 VIS have been made available to the Board since the new arrangements have been put in place. These will be available for the Board when considering prisoners for possible release in the future.

## PROFESSIONAL DEVELOPMENT FOR BOARD MEMBERS

In accordance with section 104(1) of the *Sentence Administration Act 2003 (WA)*, I am required to provide on-going professional development to the Members of the Board. This year I have extended the invitation to attend these sessions to Members of the Supervised Release Review Board.

I am very pleased with the response received from these sessions to date which have included presentations from the Inspector of Custodial Services, Commissioner for Victims of Crime, the Department of Corrective Services, Clinipath Laboratories, the Western Australian Police Service, Curtin University and Outcare.

## RELATIONSHIPS AND NETWORKING

During the entire reporting period, the Board has reported to the Attorney General, the Hon. Michael Mischin MLC. The administrative staff and I have continued to enjoy a productive relationship with the Attorney and his staff, which has facilitated the Board's work and the presentation of statutory reports.

Relationships have been maintained, and in several instances noticeably improved, with other key agencies, including the Department of Corrective Services, Western Australian

Police Service, Disability Services Commission, the Commissioner for Victims of Crime, as well as numerous non-government agencies involved in offering support, assistance, training, programmes and accommodation to offenders.

I again wish to thank the Director General of the Department of the Attorney General, Ms Cheryl Gwilliam, for her attention to issues challenging the Board, and her ongoing support for the Board and its administration staff. As I have already noted, Ms Gwilliam was an enthusiastic supporter of the Board's move to its new accommodation and also provided the appropriate resources to develop and successfully introduce the electronic file system for Board meetings.

I have conducted a number of prison visits this year, and particularly thank the superintendents of Acacia Prison, Wandoo Reintegration Facility and Casuarina Prison for their hospitality during the reporting year. I also wish to thank the Managers of the North West and South East Metropolitan Adult Community Corrections Centres who facilitated my visits to their centres and allowed me to meet with their staff and discuss relevant issues. These visits provided me with a valuable insight into the work of Community Corrections Officers and their high level of commitment.

This year has also seen the continuation of the use of video conferencing for prisoners serving life and indefinite terms of imprisonment and has been extended from only those managed under the *Offenders Community Corrections Act 1963 (WA)* to include those whose sentences are managed under the *Sentence Administration Act 2003 (WA)*. The use of video-links provides these long-term prisoners the opportunity to speak directly with the Board and discuss with the Board Members their parole plan and any other issues relevant to the consideration of the prisoner's matter.

In May I was invited to present a paper at the New Zealand Parole Board's Conference. The conference included a variety of guest speakers including presentations on technological advancements, mental health issues, the needs of victims and consideration of parole for sex offenders. I was also fortunate to observe during my visit a New Zealand Parole Board hearing which was a valuable experience. I was able to draw parallels between this work and the work in Western Australia. I take the opportunity to thank the staff in New Zealand for their warmth and hospitality during my stay.

## WORK WITH EDITH COWAN UNIVERSITY

Edith Cowan University (and specifically Dr Cath Ferguson, Sellenger Centre for Research in Law, Justice and Social Change, School of Law and Justice) has been reviewing the publicly available parole cancellations that are posted on the Board website. Data from this research is still being analysed however initial results were presented to the Board Members on 21 May 2014. Results are revealed in an interim report provided to the Board. Part of that presentation is reproduced, with the permission of Dr Ferguson, later in this report.

Dr Ferguson has recently prepared two academic papers for publication based on an analysis of the female parolees data and is working towards the analysis of data for the male offenders from the past 12 months. With my permission, Dr Ferguson also reviewed a small number of the files that the Board holds in relation to parole decisions and she believes there may be a gap in relation to the prediction of parole success. A proposal to review 300 files to investigate if a risk management tool used extensively and successfully



over a long period of time in the United States is being developed. This investigation will determine if the tool is likely to be useful in the West Australian context. If useful the tool could be used by Board members to support their decision to approve or decline a parole application.

## PUBLIC SECTOR INTERNSHIP PROGRAM

The Board is very pleased to be involved in the 2014 Public Sector Internship Program facilitated through the Public Sector Commission. Mr Michael Porter was recently appointed to undertake a research project for the Board and is from Murdoch University and is currently undertaking a Bachelor of Criminology with majors in Criminology and Security, Terrorism and Counterterrorism. The project focusses on recidivism of parole violation in the context of drug use and conducting a review of the Board's current approach to people who breach their parole as a result of drug use.

Mr Porter's research will include:

- Data collection of the number of drug breaches committed, the drugs used, the Board's response to these drug breaches and the incidence of repeat drug breaches and the Board's response to these;
- A comparative analysis of the statistics collected – including, but not limited to, what drugs were used, the background of the offenders that breached, the effectiveness of the Board's response – Custodial vs non-custodial approaches – in relation to the number of offenders that subsequently relapse into drug use;
- Literary review of studies about effective rehabilitators for drug use, and drug breaches – is there research to evidence a more effective approach? Will such alternative approaches reduce the risk of relapse into drug use;
- Whether research supports the view that the path to rehabilitation from substance use often involves a number of isolated lapses, which are part of the normal recovery process, and only a relapse into drug use, and not an isolated lapse, significantly increases a prisoner's risk to the safety of the community; and
- Identification of the possible effect/s of alternative approaches on the community, focusing on the safety of the community and the cost-effectiveness for Government.

At the conclusion of his project, Mr Porter will present a paper documenting the research undertaken and detailing any recommendations based on his research findings. Although the research and project is not expected to be completed until the next financial year, I have been interested in some of the work that has resulted from Mr Porter's work to date and eagerly look forward to his future findings. It is hoped that this research will better enable the Board to make better informed decisions relating to breaches and potential breaches of parole arising from lapse and relapse to illicit substance use.

## AUSTRALASIAN PAROLE AUTHORITIES CONFERENCE 2013

Each year a different Australian State or New Zealand is called upon to deliver the Australasian Parole Authorities Conference. This conference is intended to present current best practice from around the world to Parole Board members. In addition to the presentation of academic papers, the conference offers the traditional opportunities for those involved in the criminal justice system to network and share practices and evolution of policy.

In October 2013 the Hon Michael Murray AM QC, Chairperson Supervised Release Review Board, the newly appointed Commissioner of Corrective Services, Mr James McMahon and I had the pleasure of hosting the annual Australasian Parole Authorities Conference in Perth. The conference was held across two days at the Perth Concert Hall and also included a gala dinner at Fraser's Restaurant, Kings Park.

The theme of the 2013 conference was 'Innovation towards Rehabilitation and Reintegration'. The first day of the conference was opened by Attorney General, the Hon. Mr Michael Mischin MLC with the second day of the conference opened by the Hon. Joseph Francis MLA, Minister for Emergency Services; Corrective Services; Small Business and Veterans.

Representatives from jurisdictions around Australia and New Zealand were given the opportunity to hear from a range of experts and professionals in specific areas including rehabilitation and reintegration services for people with mental illness, assessing risk and the value of mentoring and employment programmes and how these impact on parole decisions. On the final day, attendees were invited to participate in site visits to the Boronia Pre-Release Centre and the Wandoo Re-integration Facility.

The conference was a huge success and I look forward to attending the next conference, to be held in Darwin, later in 2014.



**Commissioner, Department of Corrective Services, Mr James McMahon, Deputy Commissioner, Department of Corrective Services, Ms Heather Harker and Chairperson, Prisoners Review Board, His Honour Judge Robert Cock QC**

## THE FUTURE

The Board is well positioned for the challenges which lie ahead. We are pleased with our new accommodation, the new technological advancements introduced and believe we are well placed to embrace future legislative changes to parole and the possibility of post-sentence supervision orders.

Our achievements this financial year reflect the hard work and commitment of the administrative staff as well as the dedication of all Board Members. I would like to express my appreciation to the administrative staff for their ongoing commitment to ensuring high quality administrative services are delivered. To those with whom I sit on the Board, I thank you for your continued support. Together we undertake this demanding workload with the aim to contribute to making our community a safer one. I am proud of all we have achieved to date and look forward to continuing the difficult yet important work of the Board.

A handwritten signature in blue ink, appearing to read 'Robert Cock', written in a cursive style.

His Honour Judge Robert Cock QC  
Chairperson  
Prisoners Review Board

6 October 2014

# PROFILE

## THE PRISONERS REVIEW BOARD

The Board was established in January 2007, under section 102 of the *Sentence Administration Act 2003* (WA), as an independent statutory body, following the recommendations of the Mahoney Inquiry for the purpose of improving the management of parole.

One of the key recommendations of the Mahoney Inquiry was that the safety of the community must be the paramount consideration in granting parole. The Mahoney recommendations therefore focus the Board's decision making on the release considerations set out in section 5A and 5B of the *Sentence Administration Act 2003* (WA). These are the factors that Parliament has identified as being relevant to the exercise of the power to release a prisoner on parole and the Board is required to regard the safety of the community as the paramount consideration.

The Board meets at least six times a week to consider approximately sixty parole applications, reports of breaches of parole and requests to amend Parole Orders. Each meeting is chaired by either the Chairperson or a Deputy Chairperson and includes two Community Members, a representative from the Department of Corrective Services and a representative from the Western Australia Police.

The Board has jurisdiction over the following prisoner groups:

- A prisoner serving less than 12 months imprisonment where the court has ordered a parole period must apply;
- A prisoner serving more than 12 months but less than two years where the court has determined a period of parole may apply;
- Prisoners serving two years or more where the court has determined that a period of parole may apply;
- Prisoners sentenced to indefinite or life imprisonment. These prisoners are first eligible for parole after the completion of the minimum non-parole period of their sentence which is set by the court or by statute.

## FUNCTIONS OF THE BOARD

The Board's functions are conferred by the *Sentence Administration Act 2003* (WA). The Board considers prisoners for release from custody on parole, sets or varies conditions of release and considers applications for the suspension and/or cancellation of orders.

The Board also considers re-entry release orders and makes recommendations about re-socialisation programmes for various categories of prisoners.

In relation to prisoners serving life or indefinite sentences, the Board only has the power to make a recommendation to the Attorney General and Governor in Executive Council either for release on parole or for approval to participate in a Re-socialisation Programme.

## THE BOARD'S WEBSITE

The Board's website was launched in July 2013 following an extensive period of stakeholder consultation and redesign.

The focus of the website is parole; who is eligible to apply for parole, what is best included in a parole plan, how a victim can provide the Board with their opinion, how the Board makes its decision, and what happens in the case of a prisoner breaching the conditions of their parole.

The website also publishes the decisions of the Board relating to a prisoner being released on parole and when parole is cancelled. These are published during the same week of the decision being made. The decisions relating to release on parole include the conditions with which the prisoner must comply.

Every effort has been made to compile all the information in plain English and there is also the facility to listen rather than read the information.

It is clear that since the launch of the Board's website the number of people who access the site has increased considerably along with how long they spend on the site.

[www.prisonersreviewboard.wa.gov.au](http://www.prisonersreviewboard.wa.gov.au)

## EDITH COWAN UNIVERSITY

As noted in the Chairman's overview, Dr Cath Ferguson of the Sellenger Centre for Research in Law, Justice and Social Change, School of Law and Justice with Edith Cowan University has been reviewing parole cancellations that are posted on the Board's website.

The following is an extract from her Interim Report, which was presented to Board Members at a Professional Development afternoon on 21 May 2014:

### **Method of the Current Research**

Between 1 August 2013 and 31 July 2014 the researcher reviewed the Decision Documents posted on the website of the Board of Western Australia and extracted a range of information about those that reported parole cancellations. The data included:

- Initial sentence
- Length of parole

- Mandatory or discretionary parole
- Reason for cancellation
- Number of additional conditions<sup>1</sup>
- Drugs used (for which cancellation occurred, if applicable)

The extraction of the above data allowed the researcher to determine:

- Number of days in community
- Number of days remaining on sentence
- Cost to the Department of Corrective Services as a result of parole cancellation
- Categorisation of additional conditions into those from Andrews and Bonta (2010)<sup>1</sup>

## **Results**

Interim Results presented as at 21 May 2014 have been split into male and female parolees. This is due to the academic literature indicating that male and female offenders have different pathways to crime, different experiences within the criminal justice system, and some different needs on release.

### **Interim results from male parole cancellations**

One hundred and ninety nine male parolees were recorded on the website as having had parole cancelled between 1 August 2013 and 20 May 2014.

One hundred and fifty one of these cases (76%) were clearly cancelled for a urinalysis test that revealed drug or alcohol use which was banned as part of their additional parole conditions. A further 21 (10%) failed to attend for supervision; eight failed to attend programs (4%); twenty parolees reoffended through the commission of a new crime (10%). A very small number changed address without prior approval of their community corrections officer. Several cases had multiple failures which requires more detailed examination of the data.

The number of days that the parolees remained within the community ranged from zero to 591, with an average of 68 days. If the male offenders who were returned to prison as a result of urinalysis (151) is considered the number of days in community increased to 73 days.

The average number of days remaining of their sentence for male offenders was 160.

The male offenders whose parole was cancelled had an average of six additional conditions place upon them. The number of conditions ranged from one to 11. These conditions could be categorized according to Andrews and Bonta (2010) and included accommodation, education/ employment, mental health, issues with drugs and/or alcohol, family issues. When reviewed in context, these additional conditions could be seen to be specific to individual needs/conditions. In addition there may be other specific additional conditions that relate to the specific crime, an example of this would be not to contact victims.

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<sup>1</sup> Andrews, D. A., & Bonta, J. (2010). Psychology of Criminal Conduct (5th ed.). New Providence, NJ: anderson publishing.

Where the parolees were re-incarcerated as a result of drug use, the following drugs were reported as used, not every cancellation reported the specific drug used:

- Amphetamines (6)
- Methylamphetamine (36)
- Amphetamines and meth together(34)
- Cannabis (32)
- Alcohol (24)
- Opiates (3)

Additionally, poly drug use was evident in a number of the parolees.

### **Interim results from female parole cancellations**

Twenty nine female parolees were recorded on the website as having had parole cancelled between 1 August 2013 and 20 May 2014. Only one of these cases had parole cancelled for a new crime; and one a failure to report to their community corrections officer.

Twenty two of these cases (76%) were clearly cancelled for a urinalysis test that revealed drug or alcohol use which was banned as part of their additional parole conditions. An additional five cases were associated with urinalysis, such as failure to attend. These failures raise the drug related breaches of parole conditions to 93%.

The number of days that the parolees remained within the community ranged from four to 365, with an average of 73 days. This figure included the reoffender who appears as an outlier having parole cancelled after 365 days. Without the inclusion of the reoffender, the average number of days in community reduces to 62 days.

The average number of days left for these parolees to serve to complete their sentence was 145.

The female offenders whose parole was cancelled had an average of 5.6 additional conditions place upon them. The number of conditions ranged from one to 12. Similar to the male data, these conditions could be categorized according to Andrews and Bonta (2010) and revealed similar conditions to those of the male parolees.

Where the parolees were re-incarcerated as a result of drug use, the following drugs were reported as used, not every cancellation reported the specific drug used:

- Amphetamines (7)
- Methylamphetamine (11)
- Benzodiazepine (no prescription) (1)
- Cannabis (3)
- Alcohol (4)
- Codeine (1)

The female parolees appeared to be less involved in poly drug use compared to the male offenders.

The Board is looking forward to receiving the results of continued research of Dr Ferguson and considering the implications of her findings.

# STATISTICAL REQUIREMENTS

Pursuant to section 112 the *Sentence Administration Act 2003* (WA) the Board is required to provide the Minister with a written report on the following.

## A SNAPSHOT OF FACTS

### a. The performance of the Board's functions during the previous financial year;

During 2013/14 the Board held 626 meetings, including Registrar and Deputy Chair meetings, and considered 5919 matters. This represents a 15.28% increase in the number of meetings held compared with the previous financial year.

<b>FINANCIAL YEAR</b>	<b>CASES CONSIDERED</b>	<b>NO. OF BOARD MEETINGS</b>
<b>2013/14</b>	5919	626
<b>2012/13</b>	5551	543
<b>2011/12</b>	4887	344
<b>2010/11</b>	4532	298



	2013/14	2012/13	CHANGE (%)
<b>PRISONERS WHO BECAME ELIGIBLE FOR PAROLE IN THE FINANCIAL YEAR</b>	3134	2892	8.37% ↑
<b>PAROLE ORDERS MADE BY THE BOARD AND GOVERNOR</b>	1116	980	13.87% ↑
<b>PAROLE ORDERS COMPLETED SUCCESSFULLY IN THE FINANCIAL YEAR</b>	610	453	34.65 % ↑
<b>PAROLE ORDERS CANCELLED OR SUSPENDED</b>	496	382	29.84% ↑
<b>PAROLE APPLICATIONS DENIED BY THE BOARD AND GOVERNOR</b>	2142	1805	18.67% ↑

The Board determines whether a prisoner is suitable for release on parole by having regard for the release considerations set out in section 5A of the *Sentence Administration Act 2003* (WA). These considerations include:

- (a) the degree of risk (having regard to any likelihood of the prisoner committing an offence when subject to an early release order and the likely nature and seriousness of any such offence) that the release of the prisoner would appear to present to the personal safety of people in the community or of any individual in the community;
- (b) the circumstances of the commission of, and the seriousness of, an offence for which the prisoner is in custody;
- (c) any remarks by a court that has sentenced the prisoner to imprisonment that are relevant to any of the matters mentioned in paragraph (a) or (b);
- (d) issues for any victim of an offence for which the prisoner is in custody if the prisoner is released, including any matter raised in a victim's submission;
- (e) the behaviour of the prisoner when in custody insofar as it may be relevant to determining how the prisoner is likely to behave if released;
- (f) whether the prisoner has participated in programmes available to the prisoner when in custody, and if not the reasons for not doing so;

- (g) the prisoner's performance when participating in a programme mentioned in paragraph (f);
- (h) the behaviour of the prisoner when subject to any release order made previously;
- (i) the likelihood of the prisoner committing an offence when subject to an early release order;
- (j) the likelihood of the prisoner complying with the standard obligations and any additional requirements of any early release order;
- (k) any other consideration that is or may be relevant to whether the prisoner should be released.

The Board is required, pursuant to section 5B of the *Sentence Administration Act 2003* (WA), to regard the community safety as the paramount factor when determining whether a prisoner is suitable for release on parole.

**b. the number of prisoners who became eligible to be released under a parole order during the previous financial year;**

	<b>2013/14</b>	<b>2012/13</b>	<b>CHANGE (%)</b>
<b>TOTAL NUMBER</b>	3134	2892	8.37% ↑

A prisoner's eligibility for parole is determined by the Court as part of their sentence.

**c. the number of prisoners who applied to be released under an Re-entry Release Order during the previous financial year;**

	<b>2013/14</b>	<b>2012/13</b>	<b>CHANGE (%)</b>
<b>TOTAL NUMBER</b>	5	2	150% ↑

Prior to 2007, prisoners eligible for parole could also apply for early release under a Re-entry Release Order, pursuant to Part 4 of the *Sentence Administration Act 2003* (WA). Those prisoners sentenced after 2007 are only eligible for release on parole and, therefore, the number of prisoners eligible to apply for a Re-entry Release Order will decline over time.

d. the number of prisoners who were refused an early release order by the Board or the Governor during the previous financial year;

	2013/14	2012/13	CHANGE (%)
<b>TOTAL NUMBER</b>	2142	1805	18.67% ↑

**BREAKDOWN OF TOTAL PRISONERS REFUSED AN EARLY RELEASE ORDER:**

TYPE OF EARLY RELEASE ORDER REFUSED	2013/14	2012/13	CHANGE (%)
<b>PAROLE</b>	1787	1412	26.56% ↑
<b>RE-ENTRY RELEASE ORDER</b>	5	1	400% ↑
<b>SHORT-TERM PAROLE (SUPERVISED)</b>	350	392	10.71% ↓
<b>Total</b>	<b>2142</b>	<b>1805</b>	

e. the number of prisoners released under an early release order by the Board or the Governor during the previous financial year;

	2013/14	2012/13	CHANGE (%)
<b>TOTAL</b>	1116	980	13.87% ↑

**BREAKDOWN OF TOTAL PRISONERS RELEASED UNDER AN EARLY RELEASE ORDER:**

<b>TYPE OF EARLY RELEASE ORDER GRANTED</b>	<b>2013/14</b>	<b>2012/13</b>	<b>CHANGE (%)</b>
<b>PAROLE</b>	719	603	19.24% ↑
<b>RE-ENTRY RELEASE ORDER</b>	0	1	100% ↓
<b>SHORT-TERM PAROLE (SUPERVISED)</b>	392	371	5.66% ↑
<b>SHORT-TERM PAROLE (UNSUPERVISED)</b>	5	5	0%
<b>TOTAL</b>	<b>1116</b>	<b>980</b>	

The Board takes into account the individual merits of each case to determine whether to release a prisoner to parole. Before making its decision, the Board may review reports from Community Corrections Officers, Custodial Staff, Treatment Programme Facilitators, Victim Support Organisations, Medical Practitioners, Psychologists and Psychiatrists. In addition, the Board examines the prisoner’s criminal history, any comments made by the sentencing court, and any victim submissions, statements and reports from the Victim-Offender Mediation Unit. In making decisions to grant, deny, suspend or cancel parole the Board gives paramount consideration to the safety of the community.

f. the number of prisoners who completed an early release order during the previous financial year;

	2013/14	2012/13	CHANGE (%)
<b>TOTAL</b>	610	453	34.65 % ↑

“Completed” means the prisoner neither breached the conditions of parole nor was convicted of another offence for the duration of the Parole period.

g. the number of early release orders suspended or cancelled during the previous financial year and the reasons for suspension or cancellation;

	2013/14		2012/13	
	No.	% of those released on Parole	No.	% of those released on Parole
<b>PAROLE ORDERS CANCELLED</b>	430	38.5%	341	34.8%
<b>PAROLE ORDERS SUSPENDED</b>	66	5.9%	41	4.2%
<b>TOTAL</b>	<b>496</b>	<b>44.4%</b>	<b>382</b>	<b>39%</b>

Pursuant to section 39(1) of the *Sentence Administration Act 2003* (WA), the Board may at any time during the parole period, suspend a Parole Order. Pursuant to section 44(1) of the *Sentence Administration Act 2003* (WA), the Board may cancel a Parole Order at any time during the parole period. The Board can determine to suspend for a fixed term or cancel if the prisoner either re-offends or breaches the conditions of their Parole Order or behaves in any way that poses an additional risk to the safety of the community.

h. the number of prisoners for whom participation in a re-socialisation programme was approved by the Board or the Governor during the previous financial year;

	2013/14	2012/13
TOTAL	4	3

A re-socialisation programme is designed to allow long term prisoners the opportunity to be gradually reintegrated into the community in preparation for release from prison. The purpose of a re-socialisation programme is to equip a prisoner for re-entry into the general community by addressing their education, employment, family and community support networks. The aim is to improve the prisoner's ability to pursue and maintain a pro-social and law abiding lifestyle.

i. the number of prisoners who completed re-socialisation programmes during the previous financial year;

	2013/14	2012/13
TOTAL	6	0

Re-socialisation programmes can run for varying durations of time, from six months to two years and can encompass multiple stages. As such, not all re-socialisation programmes commenced in a financial period will end in that same financial period.

A proportion of prisoners serving life and indefinite sentences have their sentences administered under the *Offenders Community Corrections Act 1963 (WA)*. There are no provisions under this legislation that allow these prisoners to participate in re-socialisation programmes.

# OTHER BOARD FUNCTIONS

## LIFE AND INDEFINITE TERM PRISONERS

In 2009/10, a separate Board was constituted by the then Chairperson to specifically consider the matters of prisoners serving life or indefinite terms of imprisonment. Since then, this advancement has continued to be particularly successful as it allows for a far greater level of debate and consideration of the relevant issues unique to this group of prisoners.

There are a total of 281 life and indefinite sentenced prisoners, including those who are currently on parole in the community and participating in re-socialisation programmes.

In 2013/14 the Board met on 29 occasions to consider 162 matters relating to life and indefinite term prisoners.

The Board has included a reduced amount of statistics in this area as compared with previous year's annual reports. This is in view of the *Sentence Administration Act 2003* (WA) not requiring the Board to provide these statistics and further, that the collation of many of these statistics requires manual calculations which is neither practicable or an efficient use of resources.

FINANCIAL YEAR	2013/14	2012/13	CHANGE (%)
CASES CONSIDERED	162	290	44.14% ↓
LIFE/INDEFINITE BOARD MEETINGS	29	38	23.68% ↓

## STATUTORY REPORTS

Prisoners sentenced to terms of life or indefinite imprisonment are initially reviewed by the Board after serving their minimum non-parole period which is set by the court under section 90 of the *Sentencing Act 1995* (WA) or is set out in section 12A of the *Sentence Administration Act 2003* (WA). Thereafter, the Board is required to review a life or indefinite prisoner on either a yearly or three yearly cycle depending on the statutory requirement set

out in section 34(2)(d) of the *Offenders Community Corrections Act 1963 (WA)* or section 12A(2) of the *Sentence Administration Act 2003 (WA)*. On each occasion, the Board is required to provide the Minister with a statutory report in relation to the prisoner.

A statutory report provided by the Board deals with the release considerations relating to the prisoner and recommends whether or not the Governor should exercise the power to release the prisoner and on what conditions.

During 2013/14 the Board determined to prepare a statutory report for the Attorney General on 67 occasions. Administration staff at the Board have worked diligently over the past two years to eliminate the backlog of overdue statutory reports from previous financial years.

	2013/14	2012/13	CHANGE (%)
<b>TOTAL NO. OF STATUTORY REPORTS COMPLETED</b>	67	81	17.28% ↓

## RE-SOCIALISATION PROGRAMMES

Pursuant to section 13(2) of the *Sentence Administration Act 2003 (WA)*, the Department of Corrective Services are required to assess the suitability of prisoners serving terms of life and indefinite imprisonment for inclusion in a re-socialisation programme at a prescribed time in their sentence. This usually occurs two years prior to their first statutory reporting date. The Department of Corrective Services is subsequently required to provide this assessment to the Board for consideration.

	2013/14	2012/13
<b>RE-SOCIALISATION PROGRAMMES APPROVED BY THE BOARD OR THE GOVERNOR</b>	4	3

A proportion of prisoners serving life and indefinite sentences have their sentences administered under the *Offenders Community Corrections Act 1963 (WA)*. There are no provisions under this legislation that allow prisoners to participate in re-socialisation programmes.



	<b>NUMBER OF PRISONERS</b>	<b>% OF TOTAL NUMBER OF LIFE/INDEFINITE PRISONERS</b>
<b>LIFE/INDEFINITE PRISONERS SUBJECT TO THE <i>OFFENDERS COMMUNITY CORRECTIONS ACT 1963 (WA)</i></b>	57	20.28%
<b>LIFE/INDEFINITE PRISONERS SUBJECT TO THE <i>SENTENCE ADMINISTRATION ACT 2003 (WA)</i></b>	224	79.72%

## PAROLE FOR LIFE/INDEFINITE PRISONERS

Pursuant to section 25 and 27 of the *Sentence Administration Act 2003 (WA)*, the Governor may parole a prisoner serving a term of life or indefinite imprisonment but only if the prisoner has served the minimum period set by the court or by statute and a report about the prisoner has been provided by the Board under section 12 or 12A of the *Sentence Administration Act 2003 (WA)* or section 34 of the *Offenders Community Corrections Act 1963 (WA)*.

Pursuant to section 25(3) and section 27(3) of the *Sentence Administration Act 2003 (WA)*, the parole period must be at least six months but not more than five years.

## INTERSTATE TRANSFERS OF PAROLE

On 18 August 2010, the Minister delegated in writing his duties and powers under sections 5, 6 and 7 of the *Parole Orders (Transfer Act) 1984 (WA)* to the Registrar of the Board. The Registrar assumes the title of Minister's Delegate for Interstate Transfers of Parole when considering any applications for interstate transfers of parole.

On 27 June 2012, the Board implemented its Interstate Transfers of Parole Policy Statement. This policy document outlines the processes and procedures for interstate transfers of parole and supports inter-agency cooperation in relation to interstate transfers of parole. The Board is also required to comply with the National Operating Procedures for Interstate Transfers of Parole which govern the permanent transfers of parolees between Australian jurisdictions.

In 2013/14, the Minister's Delegate for Interstate Transfers considered 15 incoming applications and 33 outgoing applications. A total of 48 applications were considered which overall represents a 26.31% increase compared with the previous financial year.

## INCOMING APPLICATIONS FOR INTERSTATE TRANSFER OF PAROLE INTO WA

	2013/14	2012/13	CHANGE (%)
<b>INCOMING APPLICATIONS RECEIVED</b>	15	24	37.5% ↓
<b>CONDITIONAL APPROVAL OR APPROVAL BY THE MINISTER'S DELEGATE</b>	7	12	41.66% ↓
<b>DECLINED BY THE MINISTER'S DELEGATE</b>	7	8	12.5% ↓
<b>WITHDRAWN BY PAROLEE</b>	4	2	100% ↑
<b>NOT YET DECLINED OR APPROVED</b>	1	2	50% ↓

## OUTGOING APPLICATIONS FOR INTERSTATE TRANSFER OF PAROLE OUT OF WA

	2013/14	2012/13	CHANGE (%)
<b>OUTGOING APPLICATIONS RECEIVED</b>	33	14	135.71% ↑
<b>CONDITIONAL APPROVAL OR APPROVED BY THE MINISTER'S DELEGATE</b>	21	6	250% ↑
<b>DECLINED BY THE MINISTER'S DELEGATE</b>	2	1	100% ↑
<b>WITHDRAWN BY PAROLEE OR DISCONTINUED DUE TO THE PRISONER BEING DENIED RELEASE ON PAROLE</b>	9	7	28.57% ↑
<b>NOT YET DECLINED OR APPROVED</b>	1	0	100% ↑

## MINISTERIALS

Ministerials are required to be completed by the Board when a member of the public, a prisoner, not-for-profit organisation, local Government representative, media or other individual writes to the Attorney General in relation to a matter of parole or a prisoner's eligible for parole.

	2013/14	2012/13	CHANGE (%)
<b>MINISTERIALS ALLOCATED TO THE BOARD</b>	176	96	83.3% ↑