



**PRISONERS REVIEW BOARD  
DEPARTMENT OF THE ATTORNEY GENERAL  
WESTERN AUSTRALIA**

**Annual Report  
2012/13**



# PRISONERS REVIEW BOARD

**The Hon. Mr Michael Mischin, MLC  
ATTORNEY GENERAL; MINISTER FOR COMMERCE**

## **Foreword,**

To the Attorney General,  
The Honourable Mr 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 2013.

A handwritten signature in blue ink, appearing to read 'Robert Cock'.

His Honour Judge Robert Cock QC  
Chairman  
Prisoners Review Board  
27 August 2013

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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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# PRISONERS REVIEW BOARD

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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.com.au](http://www.prisonersreviewboard.com.au)



# PRISONERS REVIEW BOARD

## MESSAGE FROM THE CHAIRMAN



Parole has recently emerged nationally as an aspect of the criminal justice system under the media spotlight and of keen interest to victims, offenders and the community generally. This follows a series of very disturbing homicide offences committed and alleged to have been committed by offenders on parole in Victoria. As Chairperson of the Prisoners Review Board in Western Australia, and responsible for chairing many of the parole Board meetings in Western Australia, as well as the continuing education, training and professional development of members of the Board, whilst deeply saddened by the tragic circumstances in Victoria which have led to this recent attention on all similar Boards nationally, I am however pleased that there is an interest in and emerging debate about parole, its virtues and its problems.

Our Board has for some time been publishing on the Board's website all 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. Whilst my Board can never provide an absolute guarantee that an offender will not relapse into offending whilst on parole, we are careful to consider the extent to which each offender who we release poses a risk to the safety of any member of the community, and by our conditions minimise that risk to the extent to which that is possible. If we are unable to formulate adequate conditions to sufficiently reduce the risk to the safety of the community, we believe we have no alternative but to deny that offender the opportunity of parole. Once we release an offender, we also carefully monitor reports of each offender's progress on parole, and take immediate action to suspend or cancel parole should we believe that the risk to the safety of the community is ever heightened.

During 2012-13, the Board planned the move of its operations from rented accommodation in Wembley, which has been the home of the Board and its staff for a number of years, into the Perth Central Business District. The



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planning was underway throughout the year, with purpose built and refurbished accommodation facilitated by the Department of the Attorney General, designed and fitted out to exactly suit the Board and its processes. Critical in that planning was the decision to locate the Board and its staff in an area proximate to other Departmental offices, so as to create a more harmonious environment for staff as well as to enable managers to more readily utilise other staff and facilities of the Department, something not possible in Wembley. 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. Whilst the actual move occurred on 22 July 2013, after the end of the reporting year, I am delighted with the new offices and understand all members of staff enjoy working in the new environment with new and better facilities.

There have been some changes in the composition of the Board. Dr Susan Gordon, a notoriously diligent member of the Board, did not seek reappointment when her recent term expired in January this year. Dr Gordon still has a number of appointments, and faces challenging demands, despite her retirement. She provided the Board with important insights into the criminal justice system, from her former work as a magistrate, as well as assisting us with her detailed knowledge of Aboriginal culture. I formally record my thanks to Susan for her service to the Board.

I am also pleased that the government appointed two new Deputy Chairpersons, each on a sessional basis, during the year. As well, there was one new Board member appointed, and one former Board member also appointed to the Board, to assist with the heavy workload. Fortunately one of those newly appointed members was able to partially fill the void left by Dr Gordon's departure, due to his considerable knowledge of Aboriginal culture.

The weight of files to be taken home by members so that they can prepare for meetings has been gradually increasing as more and varied reports are available regarding offenders in custody. The creation of those files and the need to produce separate copies for each member has been a huge burden, not only physically, but financially as well. During the reporting year, considerable efforts have been made by a number of key Board staff, working with members of the Court Technology Group, to develop an "electronic solution" so that shortly all Board files will be created electronically and Board members will be able to access all the files for their meeting electronically through a portal, obviating the need to produce multiple paper copies of the files. This is expected to result in a substantial reduction in paper use, less transport problems and cost, as well as improved security of information and ease of access. Although the new system is yet to become operational, as at the time of writing this report, some staff and some members are trialling the new system. It is expected to be fully operational by December 2013.

During the reporting period, the Board has reported to the Honourable Michael Mischin MLC. Relations with the Attorney General have been cordial and the Board staff and I have enjoyed productive relationships with the staff



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of the Attorney, which has greatly facilitated the Board's work and the presentation of statutory reports in particular.

Relationships have been maintained, and in several instances considerably improved, with other key agencies, including the Department of the Attorney General, the Department of Corrective Services, Western Australia Police, Disability Services Commission, the State Forensic Mental Health Service, the Office of the Inspector of Custodial Services as well as numerous non-government agencies involved in offering support, assistance, training, programmes and accommodation to offenders. I wish to particularly thank the Director General of the Department of the Attorney General, Ms Cheryl Gwilliam, for her attention to issues confronting the Board, and her consistent support for us, which has allowed us to achieve the move to new accommodation and have the resources to develop and be in a position to shortly introduce an electronic file system for Board meetings.

I have conducted a number of prison visits this year, and particularly thank the superintendents of Bunbury Regional Prison, Albany Regional Prison and Pardelup Prison Farm for their hospitality.

We are currently going through a recruitment process to appoint staff to vacant positions, and reduce our reliance on acting arrangements. I am particularly indebted to Robynann Davies, the Acting Executive Manager throughout the reporting year, for her enthusiasm, energy, planning and problem solving skills. Although Robynann recently left the Board to return to her host agency, before her departure she achieved many important improvements in the Board systems, was influential in negotiating the arrangements for the Board's new accommodation and its design, and was the major champion of a new electronic file system.

The Board is well positioned for the challenges which lie ahead. We are excited about our new accommodation and the new systems to be introduced and are looking forward to hosting other similar agencies in Perth for the 2013 Australasian Parole Authorities Conference which is to be held for the first time in Western Australia, on 30 October to 1 November.

A handwritten signature in blue ink, appearing to read 'Robert Cock'.

His Honour Judge Robert Cock QC  
Chairman  
Prisoners Review Board  
27 August 2013



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## Executive Manager's Report

The administrative staff have been entrusted with a huge responsibility to ensure that all prisoners eligible for parole are rostered to a meeting for the consideration of the Board prior to the prisoner's earliest eligible date of release.

The staff have worked tirelessly to ensure that the Board is provided with the most accurate and complete information to enhance the Board's decision making function. The administrative team never lose sight of this critical responsibility and it is a key motivation for them to continually look at ways to do our business better.

As a testament to the staff's commitment to the Board, for the past 12 months the administrative team have consistently met their target of disseminating Board files seven days prior to the Board meeting. This is an impressive result given that more than 470 files are disseminated each week.

Another significant achievement by the administration team was the reduction in the backlog of statutory reports by the Board to the Minister about life and indefinite term prisoners. At the commencement of the financial year there were more than 40 reports in backlog. Since January 2013 all reports are up to date and there is no backlog of reports. This result epitomises the drive and commitment the staff have to deliver results whilst maintaining a high standard of work quality.

In this past financial year the administrative team in partnership with the Board have also delivered a redeveloped 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 instil community confidence that parole is focused on community safety.

This year has also seen the re-introduction on a trial basis of the use of video conferencing for prisoners managed under the *Offenders Community Correction Act 1963 (WA)*. The use of video conferencing provides prisoners the opportunity to speak directly with the Board and inform the members of his or her parole plan and any other issues relevant to the consideration of the prisoner's matter. There were a total of four matters dealt with via the video conferencing network.

Our focus for the next financial year is on the implementation of electronic Board member files. The administration of the Board with respect to meeting facilitation is currently a manual, hard copy paper process with each agenda item being copied a number of times for distribution to each of the Board members rostered to the meeting.

The implementation of an electronic file solution is expected to result in significant cost savings, improved work practices and processes as well as increased security of sensitive and confidential information.

Our achievements this financial year reflect the hard work and commitment of all the administrative staff and Board members. I would like to thank my colleagues for their support and commitment to ensuring high quality administrative services are delivered.



# PRISONERS REVIEW BOARD

## Overview

### The Prisoners Review Board

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.

### Prisoners Review Board Members

The Board comprises members with a broad range of expertise and a variety of skills who are diverse in gender, culture, religion, race, beliefs, age, political affiliation and marital status. Periodic and careful recruitment of staff ensures the Board continues to deliver a high standard of service focussed on making informed, well reasoned decisions about release on parole.

Furthermore, pursuant to section 103(4)(a) and (b) of the *Sentence Administration Act 2003* (WA), community members appointed to the Board must be able to make objective and reasonable assessments of risk and must also possess knowledge and understanding of one of the following:

- The impact of offences on victims;
- Aboriginal culture local to this State;
- A range of cultures among Australians;
- The criminal justice system; or
- Community issues such as issues relating to employment, substance abuse, physical or mental illness or disability, or lack of housing, education or training.





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Since 2010 all new Board members, including new Deputy Chairpersons, have been required to undergo a week long training programme before taking up their positions. The representatives from the Department of Corrective Services and Western Australia Police are also required to undergo training before making parole decisions.

Professional development sessions are also compulsory for all members. These are held on a monthly basis and the focus is on information directly related to the work of the Board. Professional development sessions that have occurred in the 2012/13 financial year have included presentations from the Department of Child Protection on safe parole plans for sexual offenders; University Academics in the criminological field; the Public Sector Commission on ethical and accountable decision making; and the Department of Corrective Services on re-integration leave and treatment programmes.

During Board hearings, Board Members are strongly encouraged to engage in well thought-out, open debate. It is the role of the Chair of each meeting to facilitate debate and ensure that each Board member not only identifies his or her view of the appropriate outcome, but goes on to explain the reasons for that view. In that way, the other members will become aware of factors that they may not, themselves, have considered, or to which they would not otherwise have given sufficient regard.

Of course, the Board is not only required to make a decision with respect to parole, it is also required to give its reasons for allowing parole, refusing it or adjourning consideration to a later date. This is one aspect where attention to improve the quality of the work of the Board also meets another objective, that of improving the quality of communication with prisoners. It is incumbent on the Board to identify every fact or matter which has led to the decision to deny or to release a prisoner on parole and not simply to rely on one or some of those matters.

## **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.

## **Parole is...**

Parole is the release of a prisoner from custody to serve the balance of their sentence in the community. Parole does not mean prisoners are free without supervision. A prisoner on parole is still considered to be a sentenced prisoner.

## **Parole is not...**

Parole is not the shortening of a prison sentence, nor is it granted for compassionate reasons. It is not a reward for good behaviour in prison, nor is it automatically granted to first time offenders. Parole is a privilege and is only given to prisoners who are considered by the Board to be committed to, and demonstrably capable of,



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maintaining a positive lifestyle and becoming a contributing pro-social member of the community.

## How Parole Works

Supervised Parole Orders are subject to a set of standard conditions, set out in section 29 of the *Sentence Administration Act 2003 (WA)*, and any additional stipulated conditions that the Board thinks fit to impose, pursuant to section 30 of the *Sentence Administration Act 2003 (WA)*. Such additional conditions might include:

- A requirement as to where the prisoner must reside;
- A requirement to undergo regular and random urinalysis testing for all illicit drugs and alcohol;
- A requirement that the prisoner engages in training, employment or voluntary work; or
- A requirement to engage in counselling to address specific personal matters.

Prior to release on parole, the prisoner must give a written undertaking to comply with the standard conditions and additional conditions imposed by the Board for the duration of the parole period.

If a parolee fails to comply with any of the conditions of the Parole Order, including receiving a conviction for further offences, they are then in breach of their Parole Order. Information about a parolee's breach of their Parole Order is passed to the Board by the Department of Corrective Services or by Western Australia Police.

If a breach occurs, the Board has a number of options available to pursue:

- Note the breach but take no further action;
- Issue a first and final warning letter;
- Suspend the Parole Order for either a fixed or indefinite term; or
- Cancel the Parole Order.

## Victim Submissions

Victims of crime are invited to write a submission to the Board in relation to a prisoner who has affected them. The Board acknowledges this can be a distressing and difficult process for victims of crime; however, victim submissions can provide valuable information to the Board and victims are encouraged to make a written submission. Valuable information regarding victims is also provided to the Board from some of the Government's victim support agencies, in particular, from the Victim-Offender Mediation Unit and the Victim Notification Register.

Pursuant section 5C of the *Sentence Administration Act 2003 (WA)*, the Board is required to consider the effect that the release of a prisoner would have on a victim or victims and any suggestions from the victim(s) about conditions that should apply to the prisoner if release on parole. The Board is also obliged to have regard to any victim's submission received and to give the submission such weight as it sees fit. It is the policy of the Board that all victims should be treated with courtesy, compassion and respect for their rights and dignity.

Victim submissions are treated as strictly confidential and are bound by confidentiality guidelines outlined in section 5C(5) of the *Sentence Administration Act 2003 (WA)*. In addition, victim submissions are not accessible to prisoners through freedom of information processes as the Board is an exempt agency under Schedule 2 of the *Freedom of Information Act 1992 (WA)*.



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During the 2012/2013 financial period, the Board received 74 victim submissions. Seven victim submissions were sent directly from the victim(s) to the Board, eight submissions were received through the Victim-Offender Mediation Unit and 59 submissions were received through the Victim Notification Register.

The Board liaises with VNR and VMU on a regular basis to ensure that processes relating to the submissions of victims are continuously improving. The Chairperson of the Board has also recently met with the newly appointed Commissioner for Victims and intends to work closely with the Commissioner to ensure the Board is kept informed of all victims concerns

The Board was also fortunate this year to engage in discussions and professional development sessions with the Victims of Crime Reference Group and the Homicide Victims Support Group. The information provided about both groups and about matters involving victims in general was informative and will serve to greatly assist the Board in its future duties.

## **The Board's Website**

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

Early in the process of redesigning the website the Board met with about 20 representatives from 12 different government and voluntary agencies who work with various members of the community to whom Board decisions are important, including victims, prisoners and their families. The overwhelming message from this consultation exercise was that the website should:

- Include the Board's decisions;
- Be about the parole process; and
- Be presented in plain English.

Consistent with this, the new website 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.

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 PRB makes its decision, and what happens in the case of a prisoner breaching the conditions of their parole.

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.

The launch of the new website coincided with the capacity to understand a lot more about the people who use the site. This information will be used as the basis for considering future changes to the site and how it is structured.

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



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## Statistical Requirements

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

**(a) The performance of the Board's functions during the previous financial year;**

During 2012/13 the Board held 543 meetings, including Registrar and Deputy Chair meetings, and considered 5551 matters. This represents a 57.8% increase in the number of meetings held compared with the previous financial year.

Financial year	Cases Considered	No. of Board Meetings
2010/11	4532	298
2011/12	4887	344
2012/13	5551	543*

\*This increase was largely the result of significant increase in the number of Registrar meetings held. In 2011/12 there were a total of 44 Registrar meetings compared with a total of 213 in the 2012/13 financial period. Registrar meetings are those that consider mandatory releases on parole.

### Snapshot of Facts

	2012/13	2011/12	Change (%)
Prisoners that became eligible for parole in the financial year	2892	2639	9.8% ↑
Parole Orders made by the Board and Governor	980	700	40% ↑
Parole Orders completed successfully in the financial year	453	325	39.4% ↑
Parole Orders cancelled or suspended	382	350	9.1% ↑
Parole applications denied by the Board and Governor	1805	1794	0.6% ↑



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The number of orders made to release offenders on parole increased by 40% and the number of cases where the Board denied release on parole increased by 0.6%.

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 though, 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;**

	2012/13	2011/12	Change (%)
Number	2892	2639	9.5%↑

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



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

	2012/13	2011/12	Change (%)
Number	2	7	71.4%↓

Prior to 2007, prisoners eligible for parole could also apply for early release under a Re-entry Release Order. Those 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;**

	2012/13	2011/12	Change (%)
Number	1805	1794	0.6%↑

Breakdown of total prisoners refused an early release order:

Early Release Order Refused	2012/13	2011/12	Change (%)
Parole	1412	1384	2.03%↑
Re-Entry Release Order	1	7	85%↓
Short-Term Parole (supervised)	392	403	2.7%↓
<b>Total</b>	<b>1805</b>	<b>1794</b>	

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

	2012/13	2011/12	Change (%)
Total	980	700	40%↑



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Breakdown of total prisoners released under an early release order:

Early Release Order Granted	2012/13	2011/12	Change (%)
Parole	603	371	62.5%↑
Re-Entry Release Order	1	0	100%↑
Short-Term Parole (supervised)	371	319	16.3%↑
Short-Term Parole (unsupervised)	5	10	50%↓
<b>Total</b>	<b>980</b>	<b>700</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 offender's criminal history, any comments made by the sentencing court, and any victim submission statements and reports from the victim mediation unit. In making decisions to grant, deny, suspend or cancel parole the Board gives paramount importance to the safety of the community.

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

	2012/13	2011/12	Change (%)
Total	453	325	39.3%↑

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



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

	2012/13		2011/12	
	No.	% of those released on Parole	No.	% of those released on Parole
Parole Orders cancelled	341	34.8%	312	44.6%
Parole Orders suspended	41	4.2%	38	5.4%
<b>Total</b>	<b>382</b>	<b>39%</b>	<b>350</b>	<b>50%</b>

Parole can be suspended for a fixed term or cancelled 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. 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.

Overall in 2012/13, there was a 22% decrease in the number of Parole Orders cancelled or suspended by the Board compared to the previous financial year.

**(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;**

	2012/13	2011/12
Total	3	0

A Re-Socialisation Program is designed to allow long term prisoners 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 and family and community support networks. The aim is to improve the prisoner's ability to pursue a pro-social and law abiding lifestyle.





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

	2012/13	2011/12
Total	0	4

Re-socialisation Programmes can run for varying durations of time, from 6 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.



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## OTHER BOARD FUNCTIONS

### Life and Indefinite Term Prisoners

In 2009/10, a separate Board was constituted by the then Chairperson to consider the matters of prisoners serving life or indefinite terms of imprisonment. In 2012/13, 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 268 life and indefinite sentenced prisoners. The Board currently reviews and reports on 138 of these prisoners. The other 130 life/indefinite prisoners have not yet reached their first reporting date and are not yet eligible for consideration for inclusion in a Re-Socialisation Programme.

In 2012/13 the Board met on 38 occasions to consider 290 matters relating to life and indefinite term prisoners.

Financial year	2012/13	2011/12	Change (%)
Cases Considered	290	200	45% ↑
No. of Life/Indefinite Board Meeting	38	46	17.4% ↓

### 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 2012/13 the Board completed a total of 81 statutory reports relating to 79 prisoners and provided these reports to the Attorney General for his consideration. This represents a 145.4% increase in the number of reports completed compared with the previous year. This large increase can be attributed to the elimination of a backlog of overdue statutory reports from previous financial years.



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	2012/13	2011/12	Change (%)
Total no. of statutory reports completed	81	33	145.4%↑

Breakdown of the 138 life/indefinite prisoners by reporting cycle

	Total number of prisoners	% of total number of life/indefinite prisoners	Number of prisoners subject to <i>Offenders Community Corrections Act 1963 (WA)</i>	Number of prisoners subject to <i>Sentence Administration Act 2003 (WA)</i>
No. of life/indefinite prisoners required to be reported on annually	14*	± 10%	12	2
No. of life/indefinite prisoners required to be reported on three-yearly	126*	± 90%	47	79

\*Two prisoners are currently serving concurrent life and indefinite terms of imprisonment and the Board is therefore required to provide a report to the Attorney General on a yearly and a three-yearly basis.

### 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.



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	2012/13
No. of Re-Socialisation Programme matters considered by the Board	25
No. of recommendations made to the Attorney General and Governor for a prisoner to be included in a Re-Socialisation Programme	7
No. of recommendations for a prisoner to be included in a Re-Socialisation Programme endorsed by the Governor & Attorney General as at 30 June 2013	1
No of recommendations declined by the Attorney General	1
No. of recommendations not yet endorsed or declined by the Attorney General and Governor	5

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.

	Number of prisoners	% of total number of life/indefinite prisoners
No. of life/indefinite prisoners subject to the <i>Offenders Community Corrections Act 1963 (WA)</i>	57	21.2%
No. of life/indefinite prisoners subject to the <i>Sentence Administration Act 2003 (WA)</i>	211	78.8%

### **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



## PRISONERS REVIEW BOARD

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.

	2012/13
No. of recommendations made to the Attorney General and Governor for a prisoner to be released on parole	8
No. of recommendations for a prisoner to be released to parole endorsed by the Governor & Attorney General as at 30 June 2013	3
No of recommendations declined by the Attorney General	1
No. of recommendations not yet endorsed or declined by the Attorney General and Governor	4

### **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 2012/13, the Minister's Delegate for Interstate Transfers considered 24 incoming applications and 14 outgoing applications. A total of 38 applications were considered which represents a 9.5% decrease compared with the previous financial period.



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## Incoming applications for interstate transfer of parole into WA

	2012/13	2011/12	Change (%)
No. of incoming applications received	24	27	11%↓
No. conditionally approved or approved by the Minister's Delegate	12	8	50%↑
No. declined by the Minister's Delegate	8	15	46.6%↓
No. withdrawn by parolee	2	4	95.6%↓
No. not yet declined or approved	2	0	200%↑

## Outgoing applications for interstate transfer of parole out of WA

	2012/13	2011/12	Change (%)
No. of outgoing applications received	14	15	6.6%↓
No. conditionally approved or approved by the Minister's Delegate	6	10	40%↓
No. declined by the Minister's Delegate	1	0	100%↑
No. withdrawn by parolee or discontinued due to the prisoner being denied release on parole	7	5	40%↑
No. not yet declined or approved	0	0	0%



# PRISONERS REVIEW BOARD

## Ministerials

The Board was involved in a total of 96 ministerials in the 2012/13 financial period. Ministerials are required to be completed by the Board when a member of the public writes to the Attorney General in relation to a matter of parole or a prisoner eligible for parole.

## Stakeholder Relationships

In order for the Board to operate effectively the Board has actively sought to improve relationships with the following agencies during the 2012/13 financial period:

- The Department of Corrective Services;
- The Department of Child Protection;
- Legal Aid;
- Western Australia Police;
- Disability Services Commission;
- The Victim Notification Register; and
- The Victim Notification Register.

Several memorandums of understanding are currently being developed with several of these agencies.

## Electronic Files

In the 2012/13 financial period, the Board worked towards the implementation of electronic files through the use of a secure portal which will allow Board members to access their files for upcoming meetings. A detailed manual was also developed by staff at the Board during the 2012/13 financial period which provides the step by step process to create an electronic file through the Board's database, the Boards Assessment Review System (BARS). An electronic file solution is expected to be implemented within the next financial period.

## Staff donations to charity

In the 2012/13 financial period, the staff at the Board commenced participating in a Casual Friday in exchange for donations to several charities. Donations were made to the following charities during the 2012/13 financial period.

Charity	Amount
Save the Children	\$82.10
SIDS and Kids	\$119.05
Sane	\$68.75
Jeans for Genes	\$65.85
Shenton Dogs	\$95.40
Breast Cancer	\$92.55
Children Leukaemia	\$95.80
Aust. Bushfires	\$71
QLD Floods	\$75
Fred Hallows	\$85



# PRISONERS REVIEW BOARD

## CASE STUDIES

### Case Study for Suspending Parole

The prisoner is serving a four year term of imprisonment for grievous bodily harm and aggravated burglary of a dwelling. The Prisoners Review Board considered the prisoner's application for parole and determined that release would not present an unacceptable risk to the safety of the community and released the prisoner to a 12 month parole period to be served in the community.

The prisoner is subject to the standard obligations under section 29 of the *Sentence Administration Act 2003* (WA).

The prisoner is also subject to the following requirements:

- You must not commit an offence;  
You must not use or be in possession of any illicit drug including cannabis;
- You must not leave the State of Western Australia without written permission from the Board.

And further, the prisoner is subject to the additional requirements under section 30 of the *Sentence Administration Act 2003* (WA):

- No direct or indirect contact with the victims;
- Not to change address without prior Community Corrections Officer approval;
- Attend programmes and counselling as directed;
- Regular and random urinalysis for all illicit substances and alcohol;
- Substance abuse counselling and programmes as directed;
- Not to consume alcohol;
- Not to attend licensed premises other than licensed cafes and restaurants;
- Submit to breath testing as required by Police.

The prisoner was complying with all conditions of parole until the Board received breach advice from their Community Corrections Officer that the prisoner self reported the use of alcohol at a work Christmas function. The prisoner remained in employment, was participating in psychological counselling and had completed substance use counselling. The prisoner had not breached any aspects of the no direct or indirect contact with the victim. The Community Corrections Officer had requested a warning letter in view of the prisoner's compliance with parole and self admissions to the use of alcohol and that the prisoner was willing to re-engage with substance use counselling in the community. The Board determined to suspend parole for a fixed term of four weeks and then re-release the prisoner back to the community in view of the prisoner's prior compliance with other aspects of parole and to allow for the prisoner's re-engagement with service providers to assist in rehabilitation.





# PRISONERS REVIEW BOARD

## Case Study for Cancel Parole

The prisoner is serving a two year term of imprisonment for two counts of attempt to manufacture a prohibited drug, stealing a motor vehicle and driving recklessly.

The Prisoners Review Board considered the prisoner's application for parole and determined that their release would not present an unacceptable risk to the safety of the community.

The prisoner is subject to the standard obligations under section 29 of the *Sentence Administration Act 2003* (WA) such as:

- To report to Community Justice Services Centre within 72 hours of release;
- To notify Community Corrections Officer of any change of address or place of employment within 2 working days after the change; and
- To comply with section 76 of the *Sentence Administration Act 2003* (WA).

The prisoner is subject to the requirements:

- You must not commit an offence;
- You must not use or be in possession of any illicit drug including cannabis;
- You must not leave the State of Western Australia without written permission from the Board.

And further the Board imposed additional requirements as deemed necessary. The prisoner's additional requirements under section 30 of the *Sentence Administration Act 2003* (WA) included:

- Regular and random urinalysis for all illicit substances and alcohol.
- Not to consume alcohol.
- Not to attend licensed premises other than licensed cafes and restaurants.
- Submit to breath testing as required by Police.
- Substance abuse counselling and programmes as directed.
- Not to change address without prior Board approval.

The Prisoner complied exceptionally well for the first six months of his release however the Board was informed that he provided a positive urine result to methylamphetamine. As a result he had breached his Parole Order. The prisoner's explanation for the positive result was that he was at a party and someone may have spiked his drink as he knew a lot of people there were on drugs. His parole was suspended by his Community Corrections Officer and a warrant for his arrest was issued. The Board considered the matter when he was received to custody. The Board determined to cancel his Parole Order and he served the remainder of his sentence in custody.



# PRISONERS REVIEW BOARD

## Case Study for Suspending Parole

After a two year period in prison for possession of and intent to sell drugs the prisoner was released to parole. Her plan was to live with her partner who had care of their children, to engage with the Department of Child Protection parenting programmes and to stay away from her previous associates who had also abused and sold drugs.

After two months of being on parole and complying with all requirements the prisoner told her Community Corrections Officer that her relationship with her partner had broken down and, as she was no longer living with the children, she did not want to attend the parenting programme and would be moving in to a house with an old friend as she had no where else to live. The Community Corrections Officer informed the Prisoners Review Board.

The Board considered that the prisoner was now planning to be in regular contact with people known to use and sell drugs, that she did not have the support of her partner and was not engaging with a support service to develop her personal skills. The Board concluded that in this environment the prisoner was vulnerable to re-offending and so placing the community at risk. The Board accepted the prisoner had no where else to live other than with her friend and that she had not so far re-offended. The Board concluded that her Parole Order should be suspended and the prisoner returned to prison for six weeks to allow time to make an alternative plan for parole which would ensure she had the support necessary to resume living in the community without re-offending.

## Case Study for Cancelling Parole

The prisoner was released to parole following a 12 month period in custody for assaulting his partner. The conditions of parole were not to consume alcohol, to stay away from the town where the victim lived, to attend substance abuse counselling, immediately engage in training or employment and abide by the conditions of a Violence Restraining Order which had been taken out by the victim.

The Prisoners Review Board received notice from Western Australia Police that the prisoner had been arrested for disorderly behaviour whilst under the influence of alcohol and in the town he was specifically required to avoid. The Board decided that as the prisoner was abusing alcohol and had travelled to where the victim lived the risk to the safety of the victim was too high and Parole was immediately cancelled.