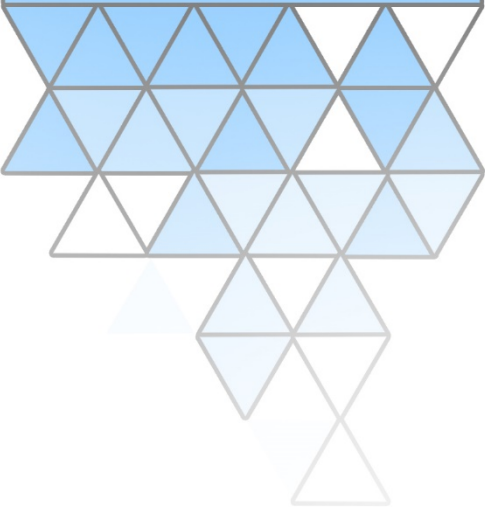


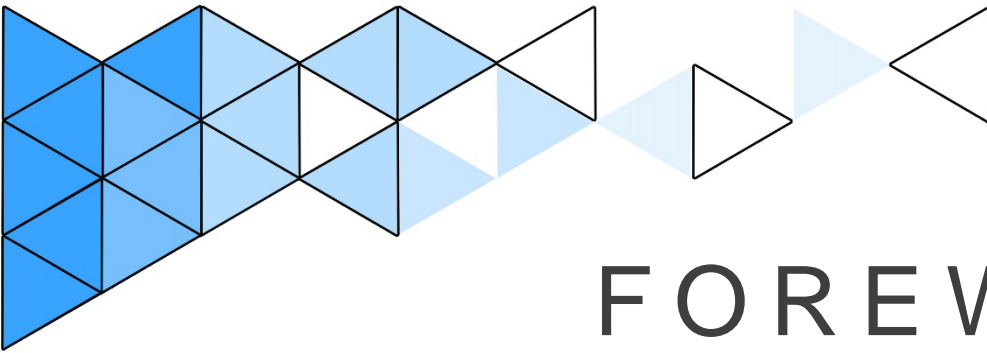


GOVERNMENT OF
WESTERN AUSTRALIA

PRISONERS
REVIEW
BOARD

ANNUAL
REPORT
2019/20





FOREWORD

THE HON. JOHN ROBERT QUIGLEY MLA
ATTORNEY GENERAL

To the Attorney General,
The Honourable John Robert Quigley, MLA

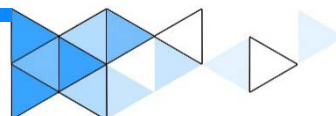
In accordance with section 112 of the *Sentence Administration Act 2003 (WA)*, I present to you the Annual Report of the Prisoners Review Board for the year ending 30 June 2020.

A handwritten signature in black ink, reading "Allan Fenbury". The signature is written in a cursive, flowing style.

His Honour Mr Allan Fenbury
Chairperson
Prisoners Review Board

CHAIRPERSON'S OVERVIEW

INTRODUCTION



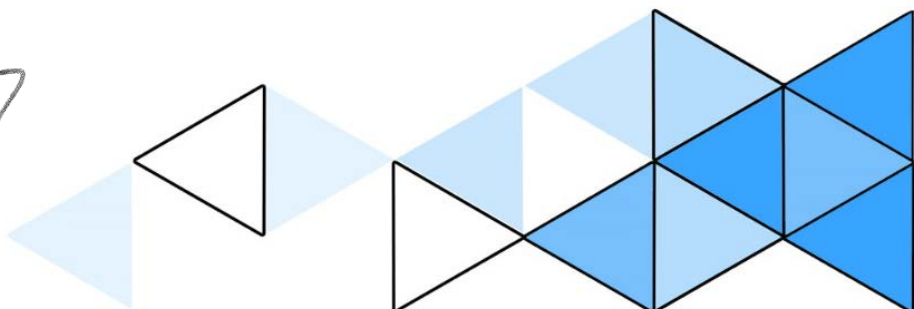
As Chairperson of the Prisoners Review Board (the Board) in Western Australia I am responsible for chairing some of the Board meetings including most of the meetings which review life and indefinitely sentenced prisoners, writing the life and indefinitely sentenced prisoners' statutory reports for the Attorney General as well as the continuing education, training and professional development of Members of the Board.

In considering whether to release a prisoner to parole, the Board is obliged to consider numerous factors but the safety of the community is its paramount consideration. The Board must assess the degree of risk of the prisoner committing a serious violent offence after release on parole and the risk release thereby poses to the personal safety of the community or of any individual member of it. When imposing conditions, we must endeavour to 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 to what the Board regards as an acceptable level, we have no alternative but to deny that prisoner the opportunity of release on parole at that time.

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. We 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 maintain the safety of the community.

His Honour Mr Allan Fenbury
Chairperson
Prisoners Review Board

18 September 2020





STATISTICAL REQUIREMENTS

PURSUANT TO SECTION 112 OF THE ACT, THE BOARD IS REQUIRED TO PROVIDE THE MINISTER WITH A WRITTEN REPORT ON THE FOLLOWING:

A SNAPSHOT OF FACTS

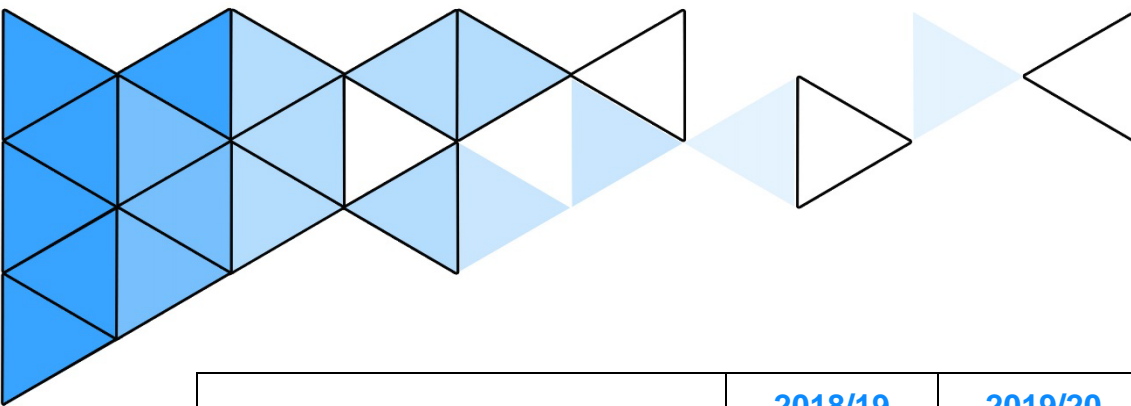


- a. THE PERFORMANCE OF THE BOARD'S FUNCTIONS DURING THE PREVIOUS FINANCIAL YEAR;

During 2019/20 the Board held 620 meetings, including Registrar and Deputy Chair meetings, and considered 7767 matters. This represents an increase of 4.7% in the number of meetings held compared with the previous financial year with a 2.4% increase in the number of cases.

| FINANCIAL YEAR | CASES CONSIDERED | NO. OF BOARD MEETINGS |
|-----------------------|-------------------------|------------------------------|
| 2019/20 | 7767 | 620 |
| 2018/19 | 7618 | 592 |
| 2017/18 | 7846 | 596 |
| 2016/17 | 6964 | 568 |

“Cases Considered” includes all matters listed before the Board including listings in relation to the administration of parole orders. Individual prisoners can have more than one listing over a 12 month period.



| | 2018/19 | 2019/20 | CHANGE (%) |
|---|---------|---------|------------|
| PAROLE ORDERS MADE BY THE BOARD AND GOVERNOR | 2011 | 1895 | 5.8% ↓ |
| PAROLE ORDERS CANCELLED OR SUSPENDED | 369 | 416 | 12.7% ↑ |
| PAROLE APPLICATIONS DENIED BY THE BOARD AND GOVERNOR | 1356 | 1525 | 12.5% ↑ |
| PAROLE CONSIDERATION DENIED AT REQUEST OF PRISONER | 573 | 594 | 3.7% ↑ |
| TOTAL PAROLE APPLICATIONS DENIED BY THE BOARD AND GOVERNOR | 1929 | 2119 | 9.8% ↑ |

This year the total number of parole applications denied by the Board has been broken down to delineate between where offenders have denied their own parole and where parole has been denied by either the Board or the Governor.

- b. THE NUMBER OF PRISONERS WHO BECAME ELIGIBLE TO BE RELEASED UNDER A PAROLE ORDER DURING THE PREVIOUS FINANCIAL YEAR;

| | 2018/19 | 2019/20 | CHANGE (%) |
|---------------------|---------|---------|------------|
| TOTAL NUMBER | 3421 | 3487 | 1.9% ↑ |

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 A RE-ENTRY RELEASE ORDER DURING THE PREVIOUS FINANCIAL YEAR;

| | 2018/19 | 2019/20 | CHANGE (%) |
|---------------------|---------|---------|------------|
| TOTAL NUMBER | 0 | 0 | 0% |

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 Act. Those prisoners sentenced after 2007 may only be released via a Re-Entry Release Order if the sentencing court determined not to make an order than an offender was eligible for parole.

- d. THE NUMBER OF PRISONERS WHO WERE REFUSED AN EARLY RELEASE ORDER BY THE BOARD OR THE GOVERNOR DURING THE PREVIOUS FINANCIAL YEAR;

| | 2018/19 | 2019/20 | CHANGE (%) |
|--------------|---------|---------|------------|
| TOTAL | 1820 | 1964 | 7.9% ↑ |

- e. THE NUMBER OF PRISONERS RELEASED UNDER AN EARLY RELEASE ORDER BY THE BOARD OR THE GOVERNOR DURING THE PREVIOUS FINANCIAL YEAR;

| | 2018/19 | 2019/20 | CHANGE (%) |
|--------------|---------|---------|------------|
| TOTAL | 2021 | 1887 | 6.6% ↓ |

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



ea. THE NUMBER OF PRISONERS WHOSE COOPERATION WAS CONSIDERED BY THE BOARD FOR THE PURPOSES OF SECTION 66B(1)(a) DURING THE PREVIOUS FINANCIAL YEAR;

66b1 = Board not to release or recommend release unless prisoner cooperates or victim's remains located

(1) *The Board must not make a release decision, or take release action, in relation to a relevant prisoner in custody for a homicide offence or homicide related offence unless the Board is satisfied that —*

(a) the prisoner has cooperated with a member of the Police Force in the identification of the location, or last known location, of the remains of the victim of the homicide offence; or

(b) a member of the Police Force knows the location of the remains of the victim of the homicide offence.

| | 2018/19 | 2019/20 | CHANGE (%) |
|--------------|---------|---------|------------|
| TOTAL | 1 | 0 | 100% ↓ |

eb. THE NUMBER OF PRISONERS REFERRED TO IN PARAGRAPH (EA) WHO WERE RELEASED UNDER AN EARLY RELEASE ORDER BY THE BOARD OR THE GOVERNOR DURING THE PREVIOUS FINANCIAL YEAR:

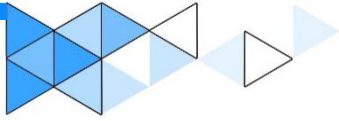
| | 2018/19 | 2019/20 | CHANGE (%) |
|--------------|---------|---------|------------|
| TOTAL | 0 | 0 | 0% |

f. THE NUMBER OF PRISONERS WHO COMPLETED AN EARLY RELEASE ORDER DURING THE PREVIOUS FINANCIAL YEAR;

| | 2018/19 | 2019/20 | CHANGE (%) |
|--------------|---------|---------|------------|
| TOTAL | 1072 | 1142 | 6.5% ↑ |

“Completed” means the prisoner’s parole order was neither suspended nor cancelled during the parole period.

SUSPENSION & CANCELLATION OF PAROLE ORDERS IN THE FINANCIAL YEAR 2019/20



g. THE NUMBER OF EARLY RELEASE ORDERS SUSPENDED OR CANCELLED DURING THE PREVIOUS FINANCIAL YEAR AND THE REASONS FOR SUSPENSION OR CANCELLATION¹;

| | 2018/19 | 2019/20 | CHANGE (%) |
|-------------------------|------------|------------|------------|
| PAROLE ORDERS CANCELLED | 299 | 380 | 27.1% ↑ |
| PAROLE ORDERS SUSPENDED | 70 | 36 | 48.6% ↓ |
| TOTAL | 369 | 416 | |

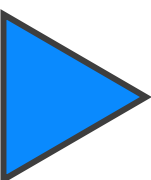
ga. THE NUMBER OF PRISONERS WHO WERE THE SUBJECT OF A REPORT UNDER SECTION 74C OF THE SENTENCE ADMINISTRATION ACT 2003 (WA):

| | 2018/19 | 2019/20 | CHANGE (%) |
|--------------|---------|---------|------------|
| TOTAL | 326 | 435 | 33.4% ↑ |

gb. THE NUMBER OF PERSONS RELEASED SUBJECT TO PSSO'S DURING THE PREVIOUS FINANCIAL YEAR.

| | 2018/19 | 2019/20 | CHANGE (%) |
|--------------|---------|---------|------------|
| TOTAL | 87 | 89 | 2.3% ↑ |

¹ Decisions to suspend/cancel parole should not be compared to the number of prisoners released on parole for the same reporting period as the decision to suspend/cancel can relate to an offender who was granted parole in a previous reporting period. Figures reflect decisions of the Board and do not include Adult Community Corrections decisions to suspend parole.

- 
- 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;

| | 2018/19 | 2019/20 |
|-------|---------|---------|
| TOTAL | 11 | 4 |

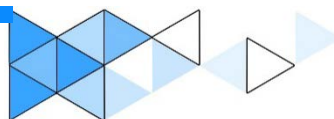
A re-socialisation programme is designed to allow long term prisoners the opportunity to be gradually reintegrated into the community in preparation for release from prison. The purpose of a re-socialisation programme is to equip a prisoner for re-entry into the general community by addressing their 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;

| | 2018/19 | 2019/20 |
|-------|---------|---------|
| TOTAL | 11 | 6 |

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.

BOARD REMUNERATION



The Public Sector Commission's annual report guidelines for the 2019/20 financial year requires board memberships to be reported in the Annual Report. This requirement includes the naming of board members and listing the remuneration that each board member received from the respective board during the financial year. The reporting requirements further acknowledges that for security reasons, or reasons of sensitivity, these disclosures may be withheld. The names of Prisoners Review Board members have been withheld for security reasons.

| Position Title | Member Name | Type of remuneration | Period of membership | Term of Appointment / Tenure | Base Salary / Sitting Fees | Gross/actual remuneration for the financial year* |
|---|-------------|----------------------|-------------------------|------------------------------|----------------------------|---|
| Chairperson - His Honour Mr Allan Fenbury | | Salary | Entire reporting period | Part-time | \$ 233,411 | \$ 233,411 |
| Deputy Chairperson | A | Salary | Entire reporting period | Full-time | \$ 116,714 | \$ 116,714 |
| Deputy Chairperson | B | Sessional | Entire reporting period | Sessional | \$ 619 | \$ 38,997 |
| Deputy Chairperson | C | Sessional | Entire reporting period | Sessional | \$ 619 | \$ 35,573 |
| Deputy Chairperson | D | Sessional | Entire reporting period | Sessional | \$ 619 | \$ 30,331 |
| Deputy Chairperson | E | Sessional | Entire reporting period | Sessional | \$ 619 | \$ 28,721 |
| Deputy Chairperson | F | Sessional | Ended 30/09/2019 | Sessional | \$ 619 | \$ 16,713 |
| Deputy Chairperson | G | Sessional | Ended 31/03/2020 | Sessional | \$ 619 | \$ 14,237 |
| Deputy Chairperson | H | Sessional | Entire reporting period | Sessional | \$ 619 | \$ 13,618 |
| Deputy Chairperson | I | Sessional | Entire reporting period | Sessional | \$ 619 | \$ 11,142 |
| Member | B | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 4,672 |
| Member | C | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 8,148 |
| Member | D | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 18,355 |
| Member | E | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 23,656 |
| Member | F | Sessional | Ended 30/09/2019 | Sessional | \$ 497 | \$ 5,036 |
| Member | G | Sessional | Ended 31/03/2020 | Sessional | \$ 497 | \$ 22,133 |
| Member | I | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 19,383 |
| Member | J | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 35,817 |
| Member | K | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 35,320 |
| Member | L | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 32,535 |
| Member | M | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 28,826 |
| Member | N | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 24,254 |
| Member | O | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 21,205 |
| Member | P | Sessional | Commenced 20/12/2019 | Sessional | \$ 497 | \$ 18,489 |
| Member | Q | Sessional | Entire reporting period | Sessional | \$ 497 | \$ 10,437 |
| Member | R | Sessional | Commenced 02/10/2019 | Sessional | \$ 497 | \$ 7,926 |
| Member Corrective Services | AA | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member Corrective Services | AB | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member Corrective Services | AC | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member Corrective Services | AD | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member Corrective Services | AE | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member WA Police | AF | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member WA Police | AG | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member WA Police | AH | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member WA Police | AI | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member WA Police | AJ | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member WA Police | AK | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member WA Police | AL | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member WA Police | AM | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Member WA Police | AN | Nil | Entire reporting period | N/A | \$0 | \$0 |
| PRB Staff Member | AO | Nil | Entire reporting period | N/A | \$0 | \$0 |
| PRB Staff Member | AP | Nil | Entire reporting period | N/A | \$0 | \$0 |
| PRB Staff Member | AQ | Nil | Entire reporting period | N/A | \$0 | \$0 |
| PRB Staff Member | AR | Nil | Entire reporting period | N/A | \$0 | \$0 |
| Total | | | | | | \$ 855,649.00 |

*Includes rates paid for attendance at training and professional development sessions and payments at an hourly rate applied to unscheduled meetings of the board where a quorum is required at short notice in relation to a single prisoner and where the matter cannot wait until the next sitting of the board