



Parole Board
of the
Northern Territory

2009 ANNUAL REPORT

Pursuant to Section 3H of the *Parole of Prisoners Act*

Year Ending
31 December 2009

**The Hon Gerald McCarthy MLA
Minister for Correctional Services**

I am pleased to provide this report on the activities of the Parole Board during the year ending 31 December 2009, in compliance with section 3H of the Parole of Prisoners Act.

A handwritten signature in black ink, appearing to read 'Trevor Riley', with a stylized, cursive script.

**Trevor Riley
Chairman**

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I. Legislative Mandate for the Operation of the Board

Section 3A of the *Parole of Prisoners Act* states:

“For the purposes of this Act, there shall be a board to be known as the Parole Board of the Northern Territory.”

II. Membership of the Board

Sections 3B and 3C of the *Parole of Prisoners Act* require that the Board must have 10 members who are to be:

- (a) the Chief Justice or another nominated Judge;
- (b) the Executive Director of Correctional Services;
- (c) a member of the Police Force nominated by the Commissioner of Police;
- (d) a person who is –
 - (i) a registered medical practitioner; or
 - (ii) a registered psychologist;
- (e) a person who represents the interests of victims of crime; and
- (f) 5 persons who reflect, as closely as possible, the composition of the community at large and include women and Aboriginals and Torres Strait Islanders.

Members described in by (d), (e) or (f) are appointed by the Administrator for three (3) year terms, are eligible for reappointment, and may resign their membership in writing to the Minister.

Although there are 10 appointed members, full constitution of the Board by all members is only required for a matter relating to a prisoner who is serving a term of imprisonment for life for the crime of murder. For all other matters, the Board is constituted by the Chairman; the members of the Board referred to in points (b) (c) and (e) above; and 2 of the members of the Board referred to in point (f).

The Chief Justice or another Judge of the Supreme Court nominated by the Chief Justice is the Chairman of the Board. The Chief Justice nominated Justice Riley Chairman for the 2009 calendar year. Justice Southwood chaired one meeting during 2009.

The Minister may appoint a person to act as a member of the Board while a member is not available or there is a vacancy on the Board. Superintendents Daniel Bacon, Des Green and Sean Parnell each acted in the place of the Police representative on one occasion. Peter Mals acted for Mr Paul Rysavy whilst he was on leave. Community member Ms Patricia Miller retired in November and many thanks for her work.

During 2009, membership of the Board comprised:

Justice Trevor Riley	–	Chairman
Mr Ken Middlebrook	–	Executive Director of Correctional Services
Superintendent Lorraine Carlon	–	NT Police representative
Ms Susan Lowry	–	Victims of Crime representative, Darwin
Mr Paul Rysavy	–	Psychologist, Darwin

Mr John Flynn	–	Darwin
Ms Dawn Ross	–	Alice Springs
Mr Alan Domaschenz	–	Katherine
Ms Jill Huck	–	Darwin
Ms Patricia Miller	–	Alice Springs

Functions of Secretary to the Parole Board were carried out by the General Manager of the Community Corrections Division of Northern Territory Correctional Services throughout the year.

III. Functions and Responsibilities of the Board

In summary, the Board:

- i) decides which prisoners, whose sentence includes a non parole period, will be released to parole;
- ii) sets the conditions of release;
- iii) may vary the conditions of a parole order; and
- iv) determines if and how a parole order should be revoked.

A. Release

The Parole Board considers all cases where a prisoner's sentence has a non parole period specified by the Court. A non parole period is a minimum term of imprisonment during which an offender is not eligible to be released from prison to parole.

Northern Territory legislation requires the Court to fix a non parole period if an offender has been sentenced to 12 months imprisonment or more, unless the Court thinks it is inappropriate. The non parole period must not be less than 50% of the sentence to be served, and cannot be less than 8 months. For certain sex offences, the non parole period set cannot be less than 70% of the head sentence. These provisions do not apply where the sentence of imprisonment is wholly or partially suspended. For a matter relating to a prisoner who is serving a term of imprisonment of life for the crime of murder, the standard non parole period is 20 years or 25 years in certain cases. There is also provision for the Court to consider exceptional circumstances to reduce, increase or refuse to set a non parole period on such matters.

The Board considers a broad range of material when deciding whether or not to release a prisoner to parole. The documentation will always include:

- a Parole Report prepared by the assigned Parole Officer;
- an Institutional Report prepared by staff of the Correctional Centre or Detention Centre where the prisoner or detainee is held;
- a record of prior convictions; and
- a transcript of the Supreme Court sentencing remarks, if the prisoner was sentenced in that Court.

The Board may also consider such other reports as are relevant for the individual case, including:

- Pre Sentence Reports;
- Psychological/Psychiatric Assessments and Reports;
- Medical Assessments and Reports;
- Assessments and Reports from Substance Misuse Programs and Treatment Facilities;
- Legal Opinions;
- Letters and/or Reports from Interstate Services;
- Letters from the prisoner or written on behalf of the prisoner ; and
- Letters from the victim or victim's representative.

For matters relating to a prisoner who is serving a term of imprisonment for life for the crime of murder the Board may also consider:

- submissions from members of the victim's family;
- if the prisoner is an Aboriginal or Torres Strait Islander who identifies with a particular community of Aboriginals or Torres Strait Islanders – representatives of that community.

The Chairman may require a prisoner to be brought before the Board pursuant to Section 3G of the *Parole of Prisoners Act*. No prisoners were required to attend a Board meeting during 2009.

Under section 5 of the Act, the Parole Board has discretion to direct the release of a prisoner on parole, providing that the time of release is after expiration of the non parole period. The Board may decline to release a prisoner to parole, or defer consideration to a later meeting. Prisoners may also decline parole consideration.

B. Conditions of Release

Section 5(5)(a) of the *Parole of Prisoners Act* requires that the person released shall be subject to supervision and obey all reasonable directions of the appointed supervisor for the duration of the parole period. Section 5(5)(b) allows the Board to set such other conditions as it sees fit.

The standard parole conditions attached to every Northern Territory Parole Order are:

1. the parolee must be of good behaviour and must not commit another offence during the period of the order;
2. the parolee shall be subject to supervision on parole of a parole officer, appointed in accordance with this parole order, and shall obey all reasonable directions of the parole officer appointed;
3. the parolee shall report to the parole officer, or other person nominated by the parole officer, in the manner and at the places and times directed by the officer and shall be available for interview at such times and places as a parole officer or nominee may from time to time direct;

4. the parolee shall not leave the Northern Territory without the written permission of the supervising parole officer;
5. the parolee shall enter into employment arranged or agreed upon by the parole officer and shall notify the parole officer of any intention to change employment before such change occurs or, if this is impracticable, then within such period after the change as may have been directed by the parole officer;
6. the parolee shall reside at an address arranged or agreed upon by the parole officer and shall notify the parole officer of any intention to change address before such change occurs or, if this is impracticable, then within such period after the change as may have been directed by the parole officer;
7. the parolee shall not associate with any person specified in a direction by the parole officer to the parolee;
8. the parolee shall not frequent or visit any place or district specified in a direction by the parole officer to the parolee.

The Board frequently sets additional conditions which are tailored to maximise community protection by addressing the factors which underlie a prisoner's offending behaviour. Those additional conditions often include:

- not consume or purchase alcohol;
- breath testing and urinalysis;
- residence at a specified community or outstation;
- participation in and completion of an assessment/treatment/counselling regime (residential or sessional attendance) e.g. alcohol programs, domestic violence programs, sex offender programs, psychiatric treatment;
- not consume a dangerous drug or abuse a prescribed substance that is lawfully obtained
- no contact, directly or indirectly, with a victim or potential victims.

2009 Additional Conditions Set	Number
non consumption – Drugs	36
non consumption – Alcohol	54
Breath Testing	53
Urinalysis	35
Residence	
- Treatment/Program	40
- Community/Outstation	10
Counselling	
- Sex Offender Treatment	7
- General assessment, treatment and/or counselling	35
- Other *	6
Nil Contact – Victim	27
Other **	35

* Includes: Forensic Mental Health counselling, specific anger management, drug and alcohol counselling, Indigenous Family Violence Offender Program.

** Includes: Not visit specified communities; Not to leave Australia; Travel interstate; Curfew; Surveillance; Not possess firearm/prohibited weapon; Not stop/attend specified area;

C. Variation of Parole Conditions

Pursuant to sections 5(6) and (6AA) of the *Parole of Prisoners Act* the Chairman may amend a parole order by varying or revoking a condition of the order at any time before the expiration of the order.

This would usually be done because a condition is no longer workable. For example, the parolee is directed to enter and complete a residential program which closes down before completion of the parolee's treatment.

Under section 5(7) the amendment does not take effect until notice is given to the parolee of that amendment.

During 2009, the Parole Board varied a condition on 2 parole orders.

D. Revocation

If a parolee fails to comply with the conditions of a parole order, the supervising parole officer prepares a report for the Board's consideration setting out the circumstances of the breach. The breaches fall into two categories – re-offending and conditional breach.

The Chairman has the power to revoke a parole order, before or after the expiration of that order, under the circumstances set out in section 5 of the *Parole of Prisoners Act*.

The Board may request the Commissioner of Police to have a parolee who fails to comply with his or her conditions arrested and taken before the Court for cancellation of the parole order. The parolee may then provide any reasons for the non compliance to the Court.

Alternatively, the Chairman may issue an instrument of revocation pursuant to sections 5(6) or 5(6AA) of the *Parole of Prisoners Act*.

2009 Revocation Reports		
Outcome	Number	% of Total
Revoked by Board	26	54
Revoked out of session (Chairman)	2	4
Referred to Court (including extradition)	1	2
Warning letter	11	23
No Action	5	11
Request Further Information/Deferred	3	6
	48	100

2009 – Breaches resulting in re- imprisonment		
Type of Breach	Number	% of Total
Conditional	34	87
Re-offending	5	13
	39	100

IV. Parole Board Activity

- a). The Parole Board met in the Chief Justice's Chambers in Darwin on the following dates during 2009:

21	January	29	July
18	February (Alice Springs)	26	August
25	March	30	September
29	April	04	November (October)
27	May	25	November
24	June	16	December

- b). The Parole Board received parole applications from 142 prisoners.

2009 Key Parole Board Decisions		
Result	Number	% of Total
Granted Parole	66	46
Refused Parole	60	42
Other*	16	12

(*Other includes applications for parole made by prisoners in 2009 after being denied parole by the Board and or notifications made by a prisoner that he or she refused to continue with the application.)

It is noted that during the reporting period a total of 38 prisoners declined parole or withdrew their applications before consideration by the Board and 18 parolees completed their term of parole.

Further Matters Considered Regarding Prisoners Released in 2009		
	Number	% of Total
Parole Still Active	33	48
Parole Order Completed	7	10
Parole Revoked	28	41
Parole Cancelled	0	0
Waiting Court Outcome	1	1
Registration Interstate	0	0
	69	100

- c). The Parole Board dealt with 417 matters of general business, this is reflected in the types and numbers of reports and correspondence dealt with, such as;

Parole Report Primary application for Parole by a prisoner. Provides the relevant background of a prisoner, details assessment and treatment needs, outlines post release plans, recommends whether or not a prisoner should be released, and identifies conditions which should be attached to parole to minimise the risk of re-offending.

Number	% of Total
162	40

Supplementary Report At the direction of the Board the report provides additional information about a parolee to support the application and or may recommend variation to, addition or deletion of conditions.

Number	% of Total
83	20

Termination Report Notifies the Board that the parolee has completed his or her parole period. Details the parolee's conduct and progress over the course of a parole period, including compliance with parole conditions and other relevant matters.

Number	% of Total
23	6

Revocation Report Details the parolees' non-compliance with parole conditions, and recommends what course of action should be taken (revocation or warning letter).

Number	% of Total
43	10

Revocation Advice Notifies the Parole Board of cancellation of a parole order by a Court, or advises the Board of any Court actions as a result of the parolee's re-offending.

Number	% of Total
36	8

Requests from Prisoners Usually seeking parole release after revocation, refusal or deferral.

Number	% of Total
44	10

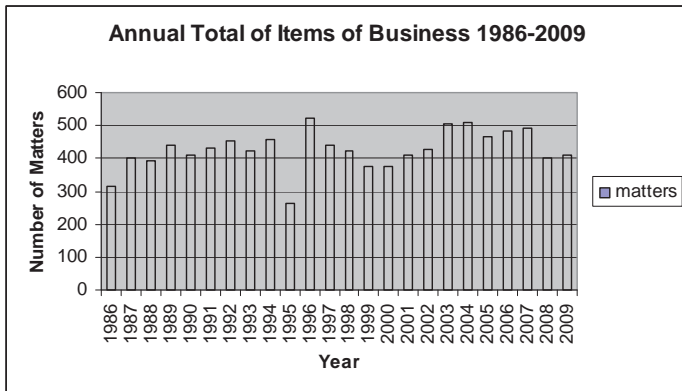
Progress Report Requested by the Board for certain parolees at set intervals (e.g. every 3 or 6 months).

Number	% of Total
18	4

Other Correspondence

May be received from victims, legal counsel, interstate transfer or be in relation to attendance by Board members at conferences, etc.

Number	% of Total
8	2



- d). Over the past 24 years, the workload of the Parole Board has fluctuated between a low of 313 business items in both 1986 to a high of 522 business items in 1997.

V. Parole Orders (Transfer) Act

This Act commenced in 1984 as part of a national scheme under which an offender on parole can transfer to another jurisdiction and have his/her parole order registered under the corresponding Act in the other jurisdiction.

Upon registration, the parolee ceases to have any connection with the originating jurisdiction. The parole order and original sentence are treated as though they were imposed in the receiving jurisdiction.

In 2009 there were two parole orders from other jurisdictions that were registered in the Northern Territory.

Jurisdiction	Transfer to NT	Transfer from NT
QLD	1	
VIC	1	
WA		
SA		
NSW		
ACT		
TAS		
	2	

VI. Extradition

Where a parolee has left the Northern Territory without permission, failed to comply with parole conditions whilst interstate, or committed further offences, the Board may consider extradition of the parolee to the Northern Territory to serve the outstanding balance of the sentence to which the parole order relates. Each case is considered on its merits.

During 2009, one parolee was extradited from another jurisdiction and returned to a Northern Territory prison.

VII. Victims of Crime

The Northern Territory Charter for Victims of Crime lays down basic guiding principles to ensure sympathetic treatment and protection for victims and their families.

Under the Charter the victim may apply in writing to the Secretary of the Parole Board requesting a direction be given to an offender not to approach them whilst on parole, and for advice about the outcome of any parole proceedings concerning the offender.

Victim issues and concerns are frequently identified in reports prepared for the Board's consideration, and those concerns may result in special conditions being added to a parole order to avoid unwelcome contact.

VIII. Office of the Information Commissioner

Promotes knowledge about freedom of information (FOI) and privacy rights within the government and the community.

Deals with complaints about freedom of information and privacy matters and considers related applications and submissions.

In 2009 the Parole Board received 2 FOI applications, both were activated and completed within the accepted timeframe.

IX. Acknowledgements

The Parole Board wishes to express appreciation for the ongoing assistance provided by Northern Territory Correctional Services, and other government and community organisations which have assisted the Board with its work during the year.

Finally the Board wishes to record it's appreciation for the work ably carried out by the Secretary and the Parole Board Administrator.

X List of Appendices

Appendix 1 – Characteristics of Prisoners Released to Parole during 2009 by Sex and Aboriginality

Appendix 2 – Prisoners Released to Parole during 2009 by Age

Appendix 3 – Prisoners Released to Parole during 2009 by Most Serious Offence

Appendix 4 – Length of Parole for Prisoners Released to Parole during 2009

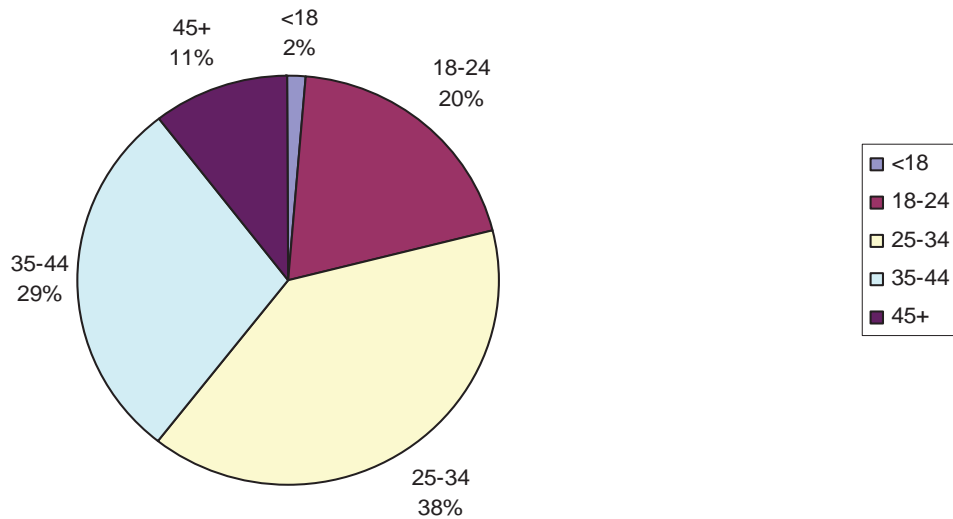
Appendix 5 – Outcomes of Prisoners Released to Parole during 2009

Appendix 6 – Period on Parole Prior to Breach – Conditional and Re-offending

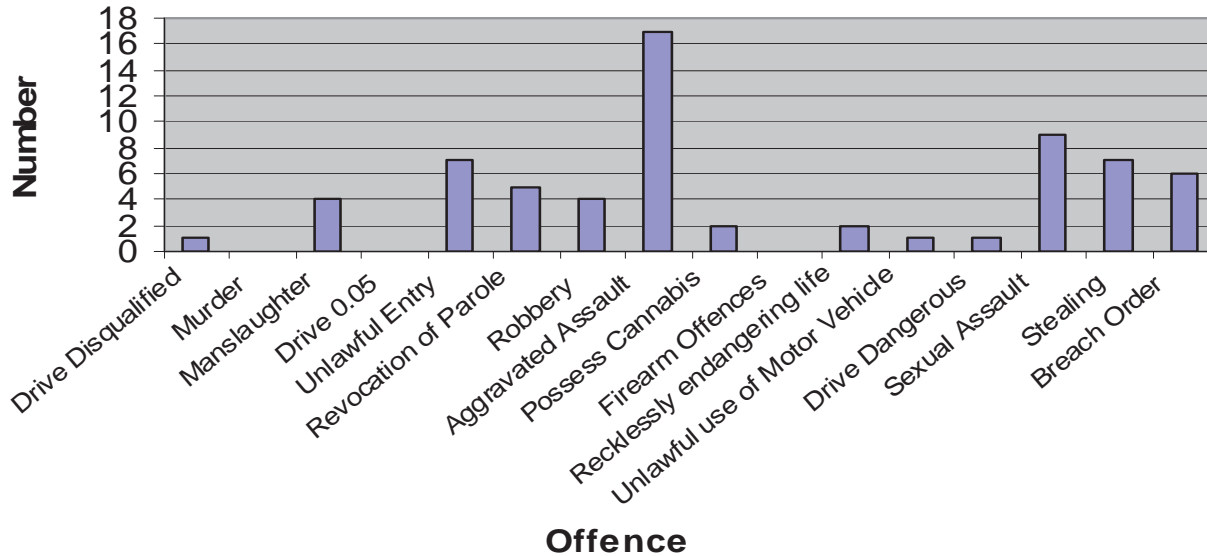
Characteristics of Prisoners Released to Parole during 2009 by Sex and Aboriginality



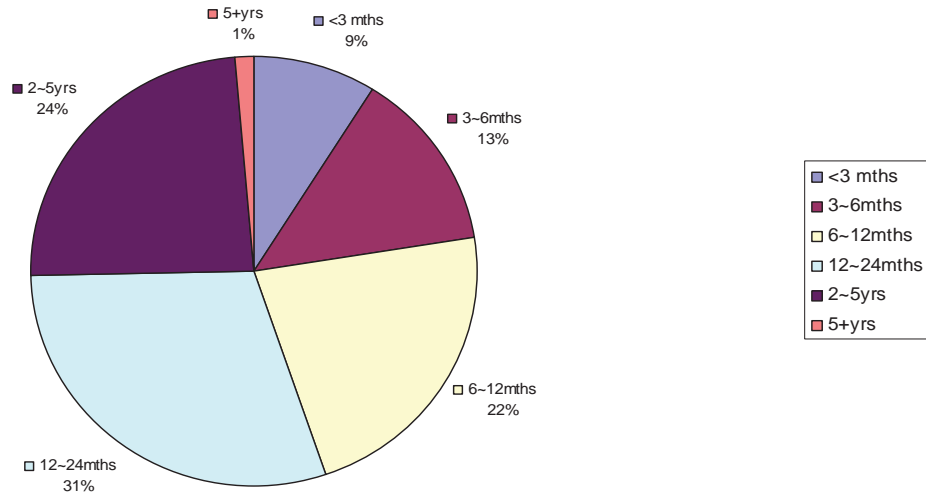
Prisoners Released to Parole during 2009 by Age



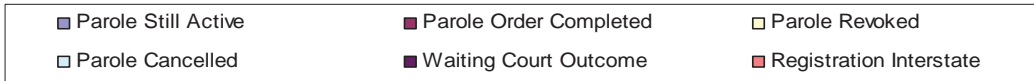
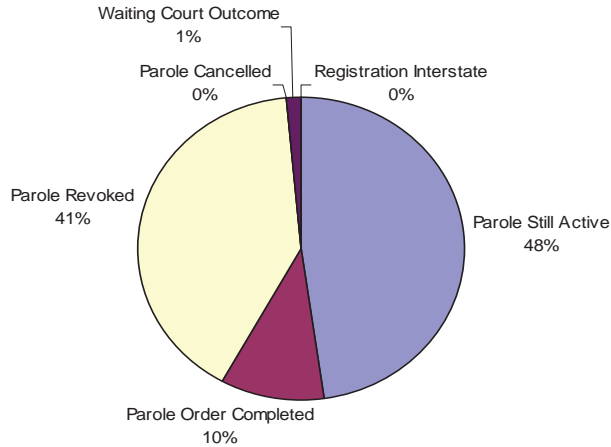
Prisoners Released to Parole During 2009 by Most Serious Offence



Length of parole for prisoners released to parole during 2009



Parole Outcomes of Prisoners Released in 2009



Period on Parole Prior to Breach - Conditional and Reoffending -

