



Parole Board  
of the  
Northern Territory

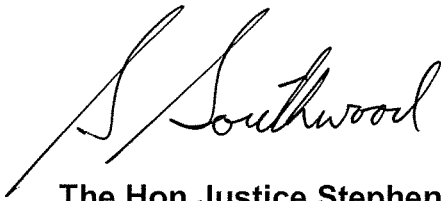
***2010 ANNUAL REPORT***

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

Year Ending  
31 December 2010

**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 2010, in compliance with section 3H of the Parole of Prisoners Act.**

A handwritten signature in black ink, appearing to read 'S. Southwood', written in a cursive style.

**The Hon Justice Stephen Southwood  
Chairman**

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## **I. Parole Board of the Northern Territory.**

The Parole Board of the Northern Territory (the Board) is an independent statutory body established by s 3A of the *Parole of Prisoners Act*.

The Board plays an important role in the Northern Territory criminal justice system by deciding whether a prisoner, who is serving a sentence of imprisonment with a non-parole period, should be released on parole. The Board has jurisdiction over both youth and adult prisoners and the Board's jurisdiction extends to prisoners who are serving a sentence of imprisonment for life for the crime of murder. The Board has power to fix the conditions on which a prisoner is to be released on parole and to direct the Chairman of the Board about whether a parole order should be revoked for either a breach of a condition of parole or for offending committed by a parolee while on parole.

The procedures of the Board provide a framework that enables prisoners to be reintegrated into the community before the termination of their sentence of imprisonment. Six months before a prisoner's non-parole period expires, a prisoner is seen by a probation and parole officer who prepares a report about whether the prisoner is suitable to be released on parole. The parole report is sent to the Board along with the prisoner's file. Upon receipt of a prisoner's file the Board decides whether to grant or refuse parole or to defer the matter pending further information being obtained about the prisoner. The Board also considers written applications for parole which have been made by prisoners whose non-parole period has expired.

A prisoner who is granted parole is entitled to serve the balance of their sentence of imprisonment in the community under supervision on very strict conditions. The purpose of parole is to bring prisoners back into the community in a manner that will give them support, understanding and a good chance to become members of the community who are free of a criminal lifestyle. Longitudinal studies done interstate and overseas demonstrate that parole is a useful process for successfully reintegrating prisoners into the community. Prisoners who are granted parole tend to have a lower rate of recidivism than prisoners who are not granted parole.

## **II. Membership of the Board**

Section 3B of the *Parole of Prisoners Act* stipulates 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 subparagraphs (d), (e) or (f) above are appointed by the Administrator for three (3) year terms, are eligible for reappointment, and may resign

their membership in writing to the Minister.

Section 3C of the *Parole of Prisoners Act* states that the Chairman of the Board is the Chief Justice or another Judge of the Supreme Court nominated by the Chief Justice. At the commencement of 2010 Chief Justice Brian Martin nominated Justice Trevor Riley as Chairman of the Parole Board. On 12 August 2010 Justice Riley resigned and Chief Justice Brian Martin nominated Justice Stephen Southwood as Chairman of the Parole Board.

For a matter relating to a prisoner who is serving a term of imprisonment for life for the crime of murder, the Board is constituted by all the members of the Board referred to in s 3B(1) of the *Parole of Prisoners Act*. For a matter relating to any other prisoner the Board is constituted by the Chairman; the members of the Board referred to in s 3B(1)(b), (c) and (e) of the Act and two members of the Board referred to in s 3B(1)(f) of the Act. However, at a meeting of the Board that is considering a matter relating to a prisoner who is serving a term of imprisonment for life for the crime of murder, a quorum is constituted by the Chairman and seven other members of the Board. For a matter relating to any other prisoner a quorum is constituted by the Chairman and three other members of the Board.

At a meeting of the Board questions of law are determined by the Chairman. Questions concerning the release on parole of a prisoner who is serving a term of imprisonment for life for the crime of murder are determined by unanimity of votes. All other questions are determined by a majority of votes of the members of the Board. The Chairman has a deliberative vote and, in the event of an equality of votes on questions to be determined by a majority of votes, also has a casting vote.

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 Col Goodsell and Des Green each acted in the place of the Police representative on 3 occasions. Mr Peter Mals acted for Mr Paul Rysavy while he was on leave.

Mr Alan Domaschenz retired in April and Ms Dawn Ross retired in August. The Board thanks them for their work. The Members of the Board also thank Chief Justice Riley for the years of dedicated service and hard work he provided as Chairman of the Board. Chief Justice Riley was Chairman of the Board from 2005 until 12 August 2010.

During 2010, membership of the Board comprised:

Justice Riley (1 January 2010 to 12 August 2010) / Justice Southwood (12 August 2010 onwards)	–	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 Jill Huck	–	Darwin
Ms Selina Holtze	–	Alice Springs
Mr Craig Lambert	–	Katherine
Mr Harold Howard	–	Alice Springs

The Secretary to the Parole Board is Mr John Daulby who is the General Manager of

the Community Corrections Division of Northern Territory Correctional Services.

### **III. Decisions of the Board**

The Board may either:

- (i) grant a prisoner release on parole;
- (ii) deny a prisoner release on parole;
- (iii) defer consideration of a prisoner's application for parole until a later date;
- (iv) revoke a parole order.

As an independent statutory body, the Board's decisions are free from political or bureaucratic influence.

#### **A. Factors taken into consideration by the Board**

When deciding whether to release a prisoner on parole, the Board considers the interests and safety of the community, the rights of the victim, the intentions of the sentencing authority, the needs of the prisoner, and whether the prisoner has recognised the error of his or her ways and is prepared to change his or her behaviour for the better.

Factors taken into consideration by the Board include:

- The nature and circumstances of the offence(s);
- Comments made by the sentencing Judge when imposing sentence;
- The prisoner's criminal history and patterns of offending;
- The prisoner's previous history of supervision in the community;
- The possibility of the prisoner re-offending while on parole and the likely nature of the re-offending;
- The risk of harm to the community and the victim;
- Release plans including accommodation and employment;
- Reports, assessments and recommendations made by a variety of professionals, including medical practitioners, psychiatrists, psychologists, custodial staff and/or community correction officers;
- Rehabilitation courses undertaken by the prisoner;
- Educational courses undertaken by the prisoner;
- Institutional reports in relation to the prisoner's behaviour while in prison;
- The security rating of the prisoner within the prison;
- Victim's safety, welfare and whereabouts;
- Representations made by the victim or by persons related to the victim;
- Submissions made by the prisoner, the prisoner's family, friends and any potential employers or any other relevant individuals;
- Submissions made by the legal representatives of the prisoner; and
- Whether the prisoner can be adequately supervised in the community under the standard conditions of parole or whether further parole conditions should be imposed.

The Board considers each case on its own merits. The above factors are a guideline only.

A prisoner's release plans including the prisoner's proposed accommodation in the community are an important factor. Re-integration in the community is a fragile process which requires the support of both Territory and Federal Agencies, family and friends. Suitable accommodation is a vital part of re-integration back into the community. Suitable accommodation assists a prisoner to remain stable and free of alcohol consumption, substance abuse and dangerous drugs.

When considering whether a prisoner who is serving a term of imprisonment for life for the crime of murder should be released on parole the Board must have regard to the principle that the public interest is of primary importance and, in doing so, must give substantial weight to the following matters: (a) the protection of the community as the paramount consideration; (b) the likely effect of the prisoner's release on the victim's family; (c) if the prisoner is an Aboriginal or Torres Strait Islander who identifies with a particular community of Aboriginal or Torres Strait Islanders – the likely effect of the prisoner's release on that community.

The Board must give reasons for any decision or direction of the Board on a matter concerning a prisoner who is serving a term of imprisonment for life for the crime of murder and those reasons must be included in the record of its proceedings kept under s 3F(7) of the *Parole of Prisoners Act*.

## **B. Release**

Under the *Sentencing Act* (NT) a sentencing Court may fix a non-parole period for a prisoner who is sentenced to a term of imprisonment. The non-parole period fixed by the sentencing Court stipulates the minimum time a prisoner must serve in custody before the prisoner may be considered for release on parole. The non-parole period fixed by a sentencing Court does not stipulate the time when a prisoner is to be released on parole. It is for the Parole Board to determine if and when a prisoner should be released on parole.

Prisoners serving a sentence of imprisonment do not have a right to be released on parole. The Board may decide that a prisoner is not to be granted parole and should serve the whole of his sentence in prison.

Parole is the release of a prisoner from prison after the completion of the non-parole period fixed by a sentencing Court. A prisoner who is granted parole may serve the rest of his or her sentence in the community on conditional release. While on parole the parolee is supervised by a probation and parole officer and is required to comply strictly with the conditions of his or her parole.

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;
- the facts of the prisoner's offending
- a record of the prisoner's 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;
- Rehabilitation course assessments and reports including assessments and reports about Anger Management Courses, Sexual Offender Programs and the Indigenous Family Violence Offender Programs;
- Medical Assessments and Reports;
- Assessments and Reports from Substance Misuse Programs and Treatment Facilities;
- Legal Submissions made on behalf of the prisoner;
- 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.

It is the practice of the Board to decide parole matters on the papers without the prisoner being present. The Board is of the view that the materials received or obtained by the Board provide a fair and comprehensive basis to decide whether a prisoner should or should not be granted parole.

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 2010.

Both a prisoner and the legal representatives of a prisoner may write to the Secretary of the Board requesting that the prisoner be required to attend his or her parole hearing. Such applications are determined by the Chairman after consultation with members of the Board.

If a prisoner is refused parole, the prisoner is told in writing that the Board has refused to grant the prisoner parole and the reasons why parole is refused. The prisoner is also advised that he or she may reapply for parole at any time before the termination of the prisoner's sentence of imprisonment. In the Northern Territory there is no limitation on the number of applications for parole that may be made by a prisoner who has been refused parole.

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 of a prisoner's parole which are tailored to maximise the protection of the community, address and manage the risk of the prisoner re-offending and to facilitate a prisoner's successful reintegration into the community. One of the purposes of fixing conditions of parole is to address and manage the factors which underlie the 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 other specified persons; and
- accommodation curfew.

During 2010 the following additional conditions were set by the Board.

2010 Additional Conditions Set	Number
non consumption - Drugs	42
non consumption - Alcohol	64
Breath Testing	64
Urinalysis	43
Residence	
- Treatment/Program	42
- Community/Outstation	30
Counselling	
- Sex Offender Treatment	0
- General assessment, treatment and/or counselling	53
- other *	4
Nil Contact - Victim	45
Nil Contact - Children	3
Home Detention	0
Surveillance	9
Other **	21

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

\*\* Includes: Not visit specified communities; Not to leave Australia; Travel interstate; Curfew; 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 parole order at any time before the expiration of the order.

Parole conditions may be varied or revoked because of the extent to which the parolee has succeeded in rehabilitating himself or herself in the community. For example, curfew conditions may be varied or revoked to facilitate the further reintegration of the parolee in the community. Under section 5(7) of the *Parole of Prisoners Act* the variation does not take effect until notice of the variation is given to the parolee.

During 2010, the Parole Board varied a condition on 3 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 of parole. Breaches fall into two categories – re-offending and conditional breach. Following receipt of a revocation report the Chairman may revoke the prisoner's parole or, alternatively, write to the prisoner warning the prisoner that the prisoner's parole will be revoked unless the prisoner strictly complies with all of the parole conditions. If a parole order is revoked the prisoner is returned to prison.

The Board may give directions to the Chairman for his guidance for the purposes of

subsections 5 (6) and (6 AA) of the *Parole of Prisoners Act*. It is the practice of the Chairman and the Board to consider recommendations about revocation of a parole order on the papers at meetings of the Board.

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 a 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*.

2010 Revocation Reports		
Outcome	Number	% of Total
Revoked by Board	34	62
Revoked out of session (Chairman)	2	4
Referred to Court (including extradition)	2	4
Warning Letter	9	17
No Action	5	9
Request Further Information/Deferred	2	4
	54	100

2010 - Breaches resulting in re-imprisonment		
Type of Breach	Number	% of Total
Conditional	33	89
Re-offending	4	11
	37	100

#### IV. Meetings of the Board

The Parole Board met on the following dates during 2010:

13	January	28	July
24	February	25	August
31	March	28	September
28	April	20	October
26	May	24	November
30	June	15	December

#### V. Parole Board Activity

During the calendar year 2010 the Board considered **526 parole matters**. Approximately 43 matters were considered by the Board each month. The matters included applications for parole, reports about breaches of parole, notifications that a parolee had completed his or her parole, monitoring parolees and reviewing status reports about their progress while on parole, matters about prisoners declining parole, applications for variation of parole conditions, applications by parolees to travel interstate, and applications by a parolee to be transferred interstate.

During 2010 the Board considered 252 applications for parole by prisoners. The results of the applications for parole are set out in the table below.

<b>2010 Key Parole Board Decisions</b>		
<b>Result</b>	<b>Number</b>	<b>% of Total</b>
<b>Granted parole</b>	<b>79</b>	<b>31</b>
<b>Refused parole</b>	<b>102</b>	<b>41</b>
<b>Undetermined applications</b>	<b>25</b>	<b>10</b>
<b>Prisoner declined parole</b>	<b>46</b>	<b>18</b>
	<b>252</b>	<b>100</b>

During 2010 the Board considered 7 applications for parole made by prisoners serving a sentence of imprisonment for life for the crime of murder. The results of the applications for parole of these prisoners are set out in the table below.

<b>2010 Key Parole Board Decisions - Lifers</b>		
<b>Result</b>	<b>Number</b>	<b>% of Total</b>
<b>Granted parole</b>	<b>2</b>	<b>29</b>
<b>Refused parole</b>	<b>0</b>	<b>0</b>
<b>Undetermined applications</b>	<b>5</b>	<b>71</b>
<b>Prisoner declined parole</b>	<b>0</b>	<b>0</b>
	<b>7</b>	<b>100</b>

#### **VI. Parole Orders (Transfer) Act**

The *Parole Orders (Transfer) Act* commenced in 1984 as part of a national scheme under which a parolee 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 2010 there were 2 parole orders from other jurisdictions that were registered in the Northern Territory. One was from South Australia and the other was from Victoria.

#### **VII. 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 so the outstanding balance of his or her sentence of imprisonment can be served in prison. Each case is considered on its merits.

During 2010, one parolee was extradited from another jurisdiction and returned to a Northern Territory prison.

#### **VIII. Victims of Crime**

The Northern Territory Charter for Victims of Crime lays down basic guiding principles to ensure sympathetic treatment and protection for victims of crime 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 prisoner not to approach them whilst on parole, and for advice about the outcome of any parole proceedings concerning the prisoner.

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 ensure the safety of the victim.

## **IX. Freedom of Information Applications**

During 2010 the Board received 12 freedom of information applications. All applications were dealt with in a timely manner.

## **X. North Australian Aboriginal Justice Agency**

NAAJA has established a Prison Support Officer Project and an Indigenous Through Care Project.

The Prison Support Officer Project started in September 2009. It has two Prison Support Officers who are based at the Darwin Correctional Centre. Their roles include:

- Supporting Aboriginal prisoners applying for parole by liaising between the prisoner and their Probation and Parole Officer and providing access to legal advice and representation.
- Providing some post-release support to selected Aboriginal prisoners leaving prison to reside in the Darwin region after serving an extended sentence
- Making referrals to the Darwin Correctional Centre's Prisoner Services for prisoners/prisoners with complex needs including substance abuse, mental health issues, homelessness and other non-vocational barriers to assist them prepare for release.

NAAJA's Indigenous Through Care Project started in February 2010. It has two caseworkers who each provide case management to up to 12 Aboriginal clients. Their roles include:

- Accepting referrals of clients, including from the Darwin Correctional Centre, the NAAJA Prison Support Officer, external service providers or the family of Aboriginal prisoners
- Assessing the transitional needs of Aboriginal prisoners prior to their release, interviewing Aboriginal prisoners individually to determine their needs for rehabilitation, accommodation, family support and employment prospects
- Developing individual case management plans in partnership with the prisoners

who will have identified their goals upon their release;

- Identifying relevant services that can be accessed to achieve their transitional goals upon release
- Working in partnership with key stakeholders to provide the essential services to contribute to the success of transition from prison back into the community. These include community groups and government agencies.

The General Manager of the Community Corrections Division of Northern Territory Correctional Services has entered into formal arrangements with NAAJA. Under those arrangements the following occurs:

- The Secretary of the Board sends to the NAAJA Prisoner Support Officer a copy of the letter he sends to a prisoner, who is a client of NAAJA, informing the prisoner of the decision of the Board about whether the prisoner has been granted parole or not. This means that the Prisoner Support Officer can go through the letter with the prisoner and also obtain further information from the Secretary if necessary.
- Where the Board makes a decision about the parole of a prisoner which is contrary to the recommendation contained in the report of the probation and parole officer a meeting may be held with the probation and parole officer, the NAAJA Prisoner Support Officer and the prisoner to discuss the Board's reasons for decision.

The Chief Executive Officer of NAAJA has been advised that if the prisoner wishes to make an application to be present at the meeting of the Board which considers his or her application for parole then this can be done by the NAAJA Prisoner Advocate or Prisoner Support Officer and any such application will be considered on its merits. Further, NAAJA has been advised that the Board will consider any written submissions that are made on behalf of a prisoner about parole.

Research shows that prisoners on parole face many re-integration barriers that place them at risk of re-offending, including difficulties securing accommodation and employment. It is hoped that NAAJA's through care program will compliment and supplement the through care provided by the Community Corrections Division. The purpose of through care is to assist prisoners who are on parole set realistic goals, identify appropriate support networks and maintain practical plans for re-integration in the community so that prisoners can make a successful transition into the community.

## **XI. 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.

## **XII. List of Appendices**

**Appendix 1** – Characteristics of Prisoners Released to Parole during 2010 by Sex and Aboriginality

**Appendix 2** – Prisoners Released to Parole during 2010 by Age

**Appendix 3** – Prisoners Released to Parole during 2010 by Most Serious Offence

**Appendix 4** – Length of Parole for Prisoners Released to Parole during 2010

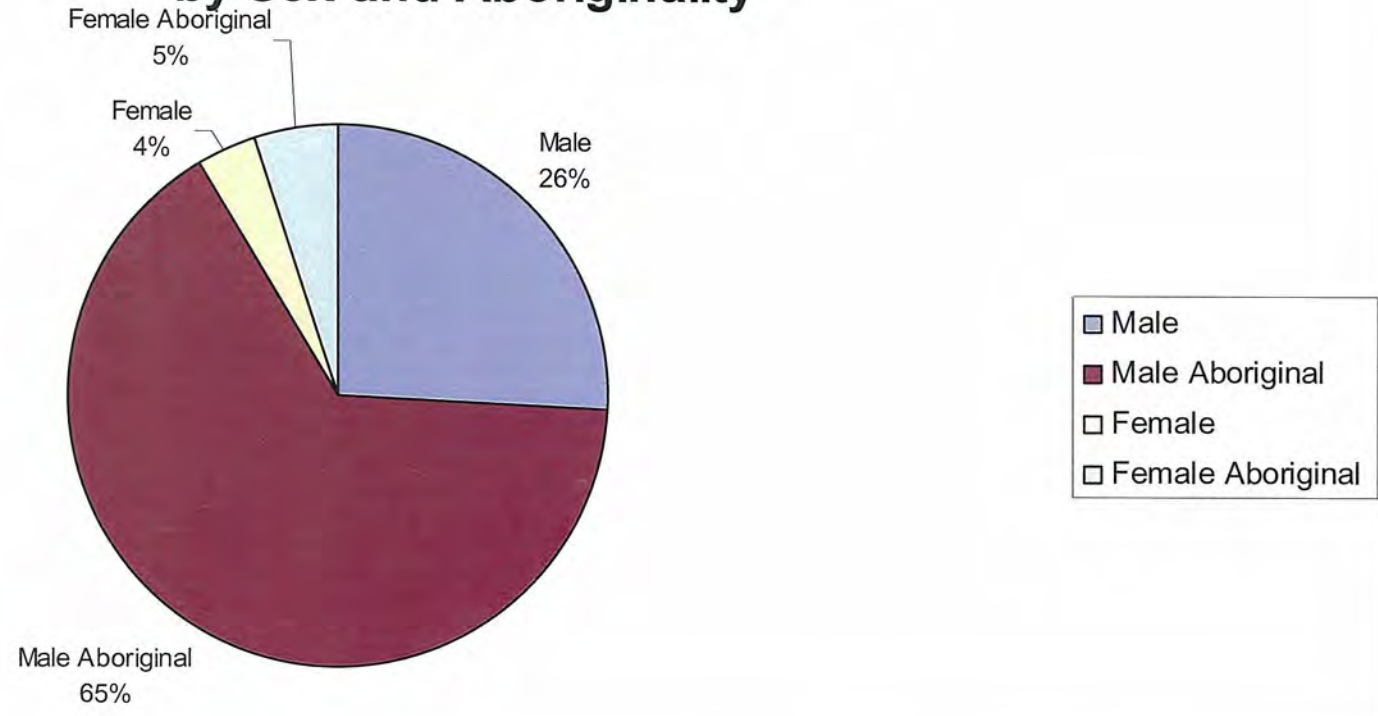
**Appendix 5** – Outcomes of Prisoners Released to Parole during 2010

**Appendix 6** – Period on Parole Prior to Breach – Conditional and Re-offending 2010

**Appendix 7** – Prisoners Released to Parole 2001 – 2010

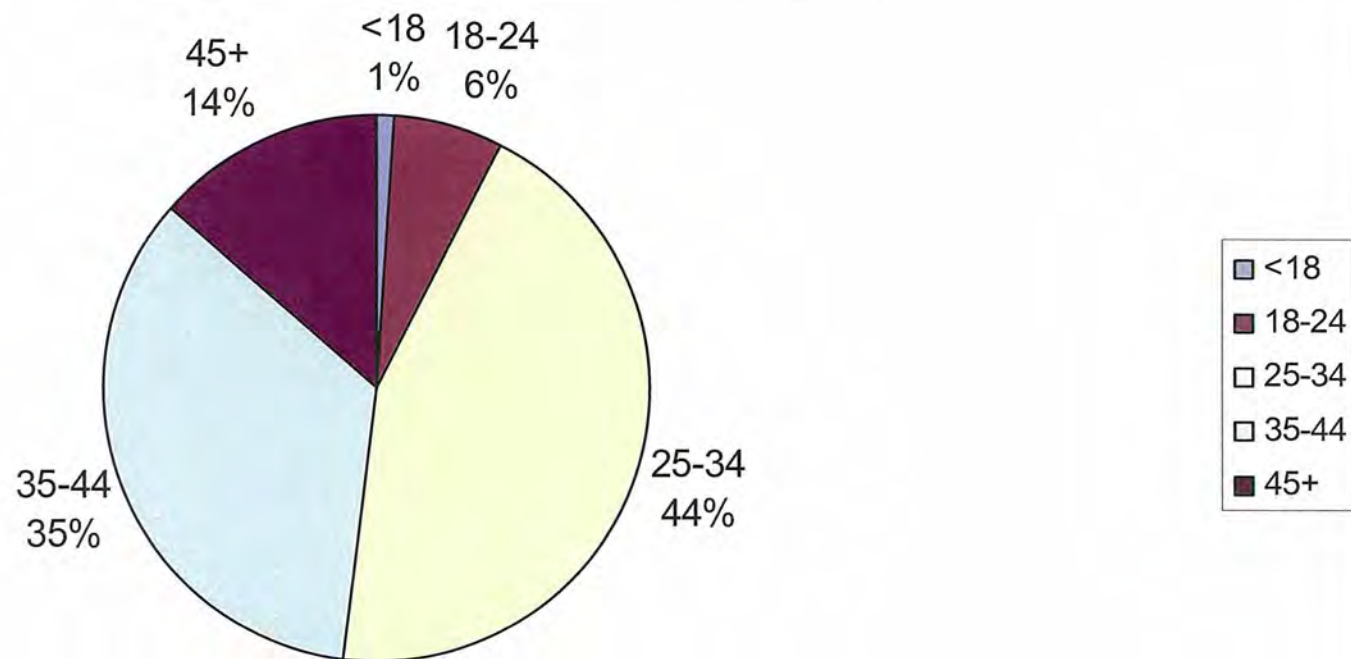
**Appendix 8** - Annual Total of Items of Business 1986 – 2010

### Characteristics of Prisoners Released to Parole during 2010 by Sex and Aboriginality

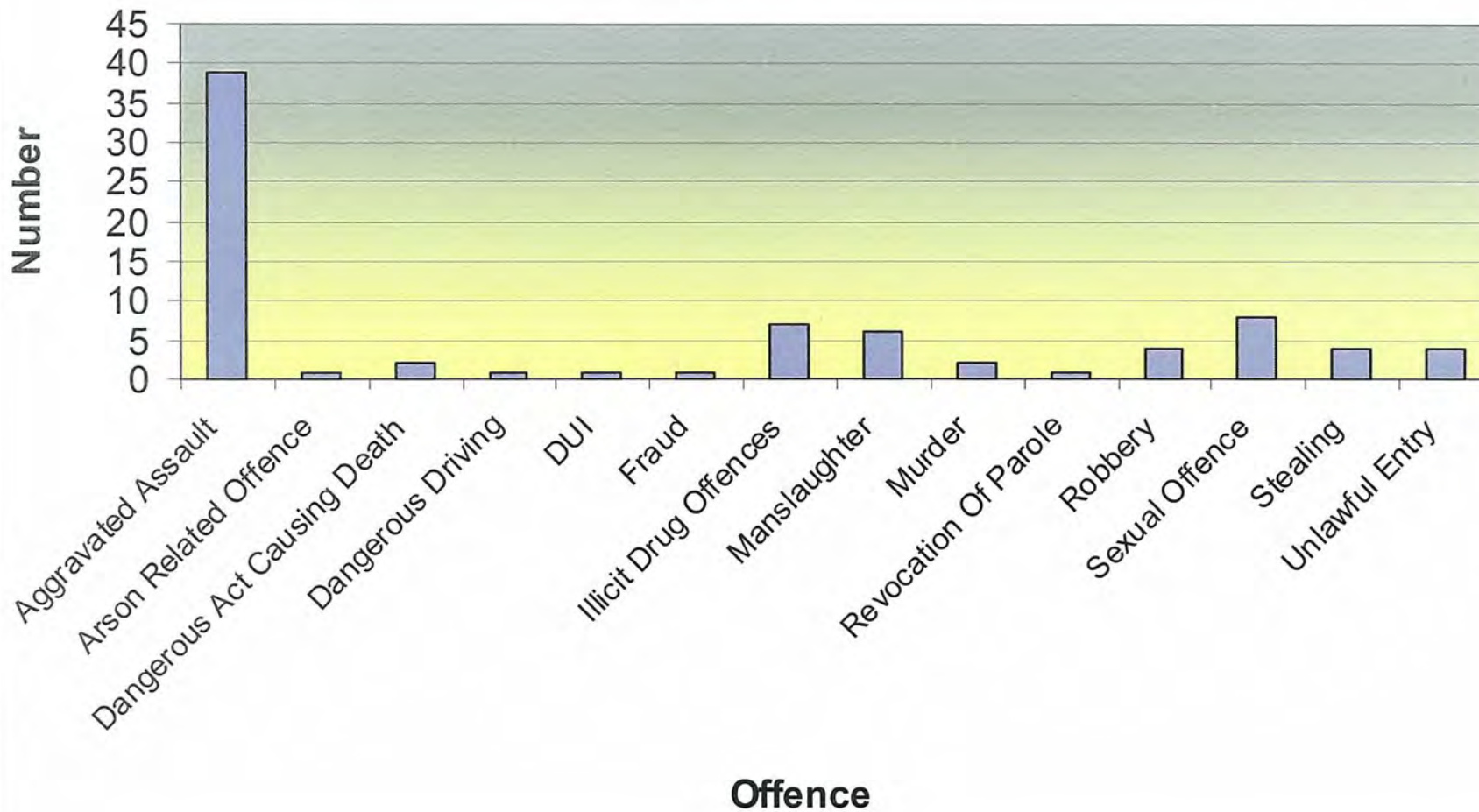




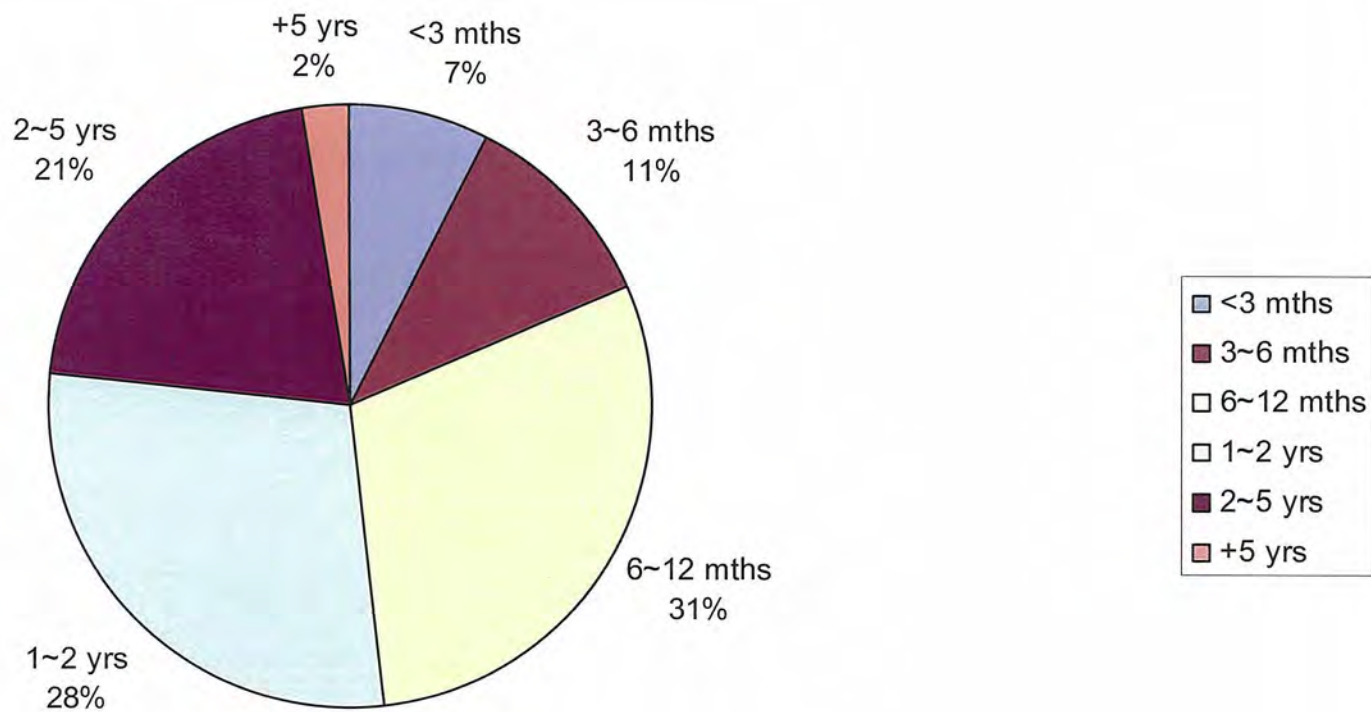
### Prisoners Released to Parole during 2010 by Age



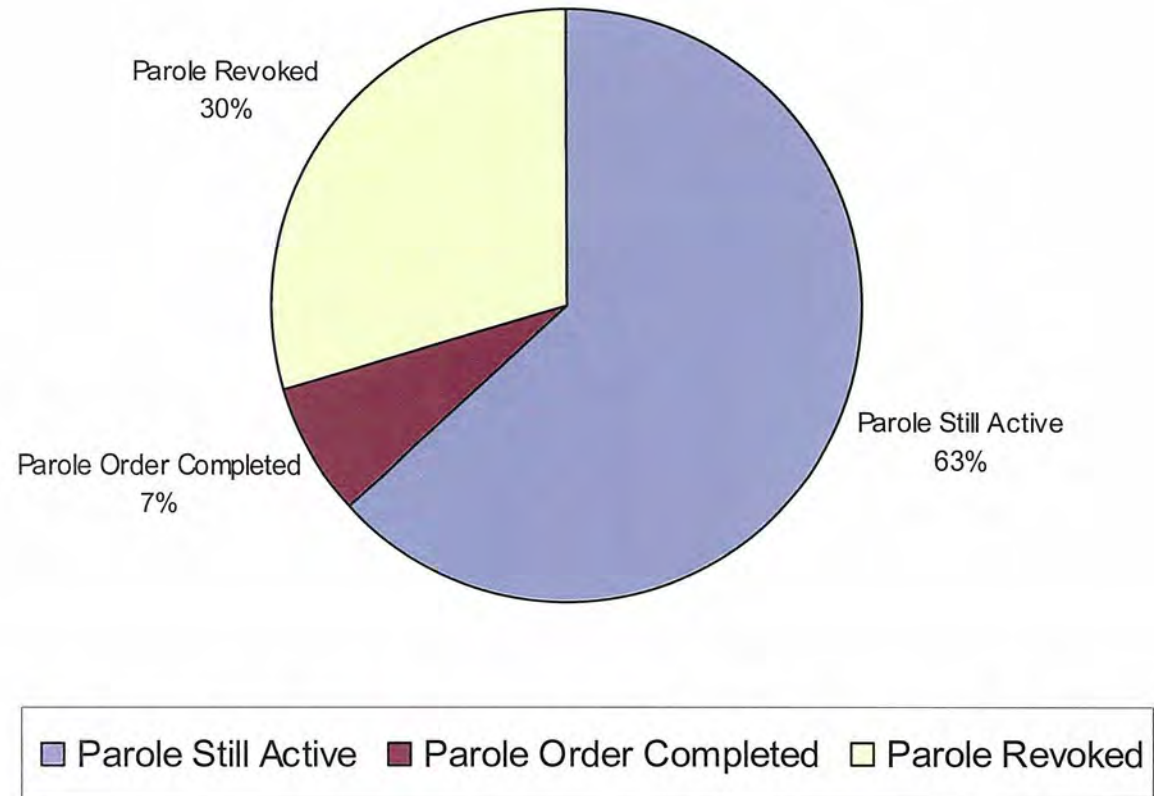
### Prisoners Released to Parole During 2010 by Most Serious Offence



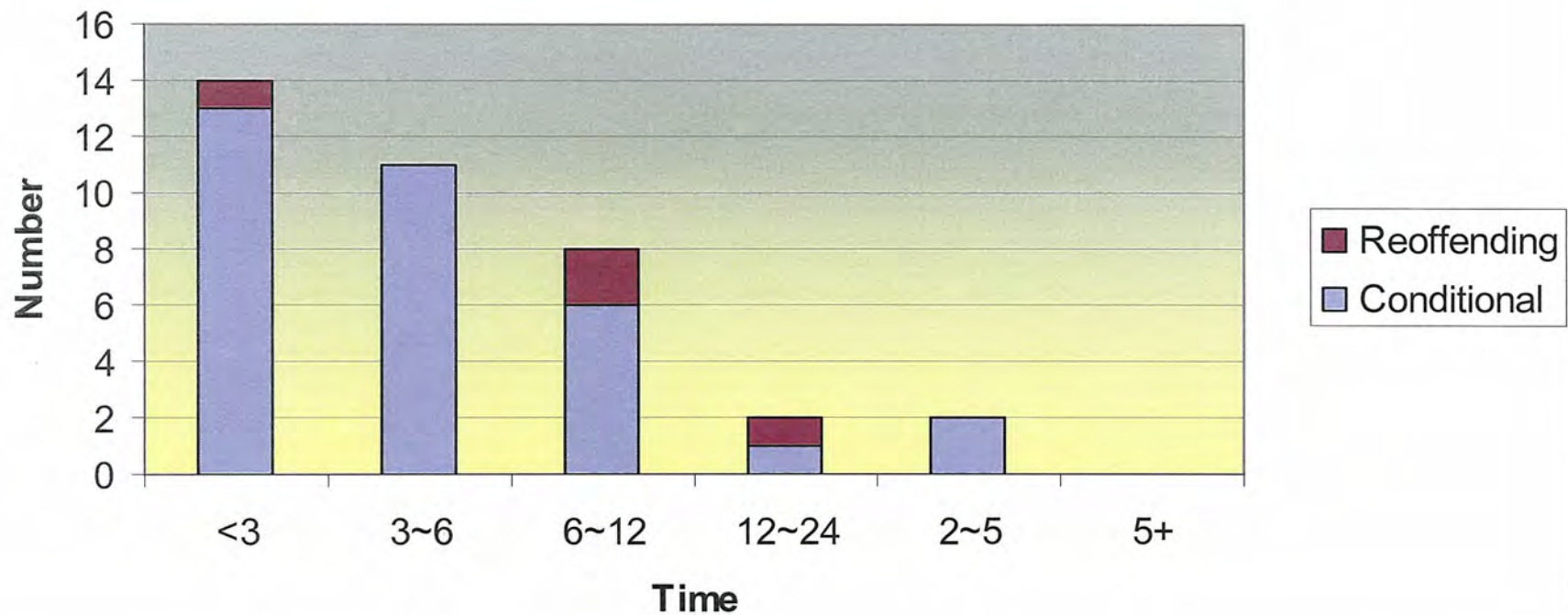
### Length of Parole for Prisoners Released to Parole During 2010

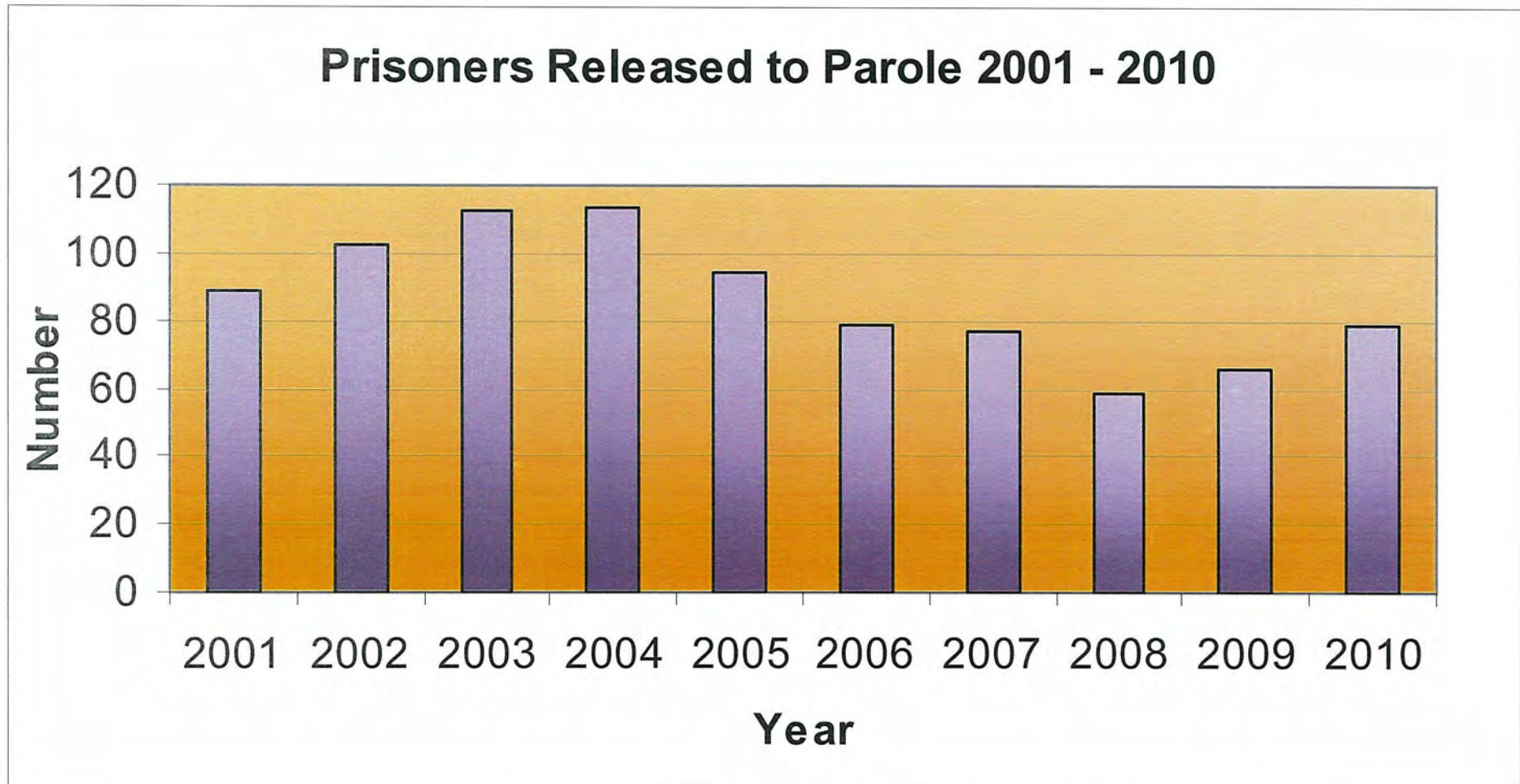


## Parole Outcomes of Prisoners Released in 2010



## Period on Parole Prior to Breach - Conditional and Reoffending





## Annual Total of Items of Business 1986-2010

