



Western Australia

Sentence Administration Act 1995

PAROLE BOARD

ANNUAL REPORT

for the year ended June 30, 2003

SENTENCE ADMINISTRATION ACT 1995

TO: The Attorney General

FROM: The Parole Board of Western Australia

REPORT PURSUANT TO SECTION 112

“Before 1 October in each year, the Board is to give a written report to the Minister on-

- (a) the performance of the Board’s function during the previous financial year;*
- (b) the number of prisoners released on parole during the previous financial year; and*
- (c) the operation of this Act and the relevant parts of the Sentencing Act 1995 so far as they relate to parole orders, to work release orders and to the activities of Community Corrections Officers in relation to those orders during the previous financial year.”*

The report is submitted for your information and for general information and covers the period July 1, 2002 to June 30, 2003.

PAROLE BOARD MEMBERSHIP

The following persons constituted the Parole Board of Western Australia as at June 30, 2003.

CHAIRMAN

The Honourable T A Walsh QC

MEMBERS

Mr A Piper - Director General, Department of Justice (Ex officio)
Mr T Fraser - Community Justice Services, Department of Justice (Ex officio)
Inspector W Mitchell - Police Department, (Commissioner nominee)
Dr N Morgan
Ms C Chamarette
Dr M Winch

DEPUTY MEMBERS

Ms A Walsh (Deputy for Director General, Department of Justice)
Mrs J Thompson (Deputy for Dr N Morgan)
The Reverend D A Robinson (Deputy for Ms C Chamarette)
Mr R Lane (Deputy for Mr T Fraser)
Mr C Somerville (Deputy for Dr M Winch)
Sergeant B Bale (Deputy for Inspector W Mitchell)

The following persons also performed duties as members during part of the year in their capacity as Officers within the Department of Justice or Police Department:-

Sergeant J Dart, Mr A Howson, Ms A Rabbitt, Ms J Tang, Ms K Doyle, Ms V Bell and Mr D Bandy.

CHAIRMAN'S PREAMBLE

1. Increase in Workload

There has been an overall significant increase in the workload of the Board, and this is largely attributable to problems in the community arising from the use of illicit drugs and misuse of alcohol. The number of meetings has increased by 32.8% over the past 12 months in order for the Board to give proper consideration to the growing number of cases. For the year 2001/2002, the Board considered 2981 cases; for 2001/2002, 3127 cases; and for 2002/2003, 3657 cases.

2. Availability of Programmes and Programme Evaluation

The Department of Justice offers a number of treatment programmes to target particular groups of prisoners. These programmes are run at selected prisons, mostly in and around the Perth metropolitan area. The Board remains concerned about the lack of availability of programmes in prisons and the consequential impact on prisoners:-

- Prisoners in regional prisons often only access such programmes if they are transferred to other locations;
- The transfer of prisoners to another prison means that they are displaced from their families and Aboriginal Communities;
- Prisoners in protection units and those serving short sentences are particularly disadvantaged by the lack of available programmes; and
- There is an urgent need for the development and delivery of culturally appropriate programmes for Aboriginal prisoners especially in the light of the fact that the Board considered 1,118 Aboriginal prisoners for parole releases in 2002/2003.

The Board emphasises that prisoners should be allowed to participate in a relevant programme in a timely manner to enable prisoners to complete the programmes prior to their eligibility date for release.

The Board is also concerned that many of the prison-based treatment programmes have not been subject to systematic evaluation in terms of their impact on recidivism or other measures of effectiveness.

3. Visits by Board Members

The Board made a number of visits to metropolitan and regional prisons, Community Justice Services centres, regional Magistrates Courts and Aboriginal communities. Regional areas visited were the South West, Mid West, the Pilbara and the North West. The visits have generally had a positive impact. They enhanced the Board's profile, explained the Board's composition and functions, and helped prisoners to understand the processes regarding work release, parole and breach of the conditions of their early release orders. The Board plans to continue with the visits.

4. *The Sentencing Legislation (Amendment and Repeal) Act 2003 and the Sentence Administration Act 2003*

Two Bills affecting the work of the Parole Board were tabled in Parliament in August 2002 and legislation was enacted in June 2003. The Board made a number of representations to the Minister, the Department and Parliament in the period from August 2002 to April 2003 and a number of amendments were made to the legislation following these submissions.

The new legislation will impact on the work of the Board in a number of ways, including the following:-

- (a) The legislation may lead to a higher proportion of offenders being deemed to be not eligible for parole by the courts.
- (b) There are clearer statutory guidelines for parole decision-making.
- (c) A new scheme of “CEO Parole” has been introduced for offenders serving sentences of less than 12 months. However, provision has been made for offenders to appeal to the Board against decisions of the CEO with respect to the grant, suspension or cancellation of parole.
- (d) Work Release Orders have been abolished and replaced by the “Re-Entry Release Order”. The Re-Entry Release Orders will have a somewhat similar operation to that of Work Release Orders. Prisoners must still have served at least 12 months in prison and be within 6 months of release. However, the Re-Entry Release Order applies to offenders who are “low” risk rather than a “minimum” risk to public safety. A Re-Entry Release Order can also be made where the Board considers that the “personal safety of people in the community would be better assured if the prisoner were released under an RRO instead of at the time when he or she would otherwise have to be released.”

5. Enforcement of Orders

The Board considers that Community Corrections Officers generally performed well in what can be difficult circumstances. However, it has noted that enforcement practices can sometimes be rather variable between different Community Justice Services offices. In the interests of consistency, fairness and public confidence, this is a matter that requires monitoring.

6. Update on Review of the Board

In April 2002, following a submission by the Chairman of the Board, the Attorney General announced an independent review of the structure and operations of the Parole Board. Mr Peter Frizzell, Director Strategic Review, Department of Premier and Cabinet, was appointed to undertake the review, which also included the Supervised Release Review Board and Mentally Impaired Defendants Review Board. The review was completed in August 2002, and a report containing thirty-eight recommendations was submitted to the Attorney General (the “Frizzell Report”). Broadly, the recommendations pertinent to the Parole Board may be categorised as follows:

- Improve the efficiency of the Board by varying its composition, including the appointment of a deputy chairperson;
- Improve the efficiency of the Secretariat by restructuring and redistribution of workload;
- Improve the prisoners’ understanding of the Board’s decisions through better communication methods, including the use of culturally sensitive language;
- Facilitate the prisoners’ re-entry by way of assistance in formulating a parole plan and case management;
- Increase the Board’s access to remote areas through technology such as video conferencing;
- Raise the Board’s profile through strategies such as public forums and prison visits; and
- Ensure the consideration of victim issues through better co-ordination of victim submissions.

In November 2002, the Board wrote to the Attorney General regarding the report and its acceptance of the recommendations. In June of 2003, a committee was established by the Director General of the Department of Justice to implement the recommendations. The Board

welcomes the establishment of the committee and hopes that many of the recommendations will be implemented without further delay.

7. Report of the Review of *Prisoners (Release for Deportation) Act 1989*

A review of the *Prisoners (Release for Deportation) Act 1989* (the “1989 Act”) was approved by the Attorney General on 27 February 2002. A Review Committee was established to examine the need to align the 1989 Act with the emerging practice of the Commonwealth Minister for Immigration, Multicultural and Indigenous Affairs (the “Commonwealth Minister for Immigration”) to “remove” rather than deport from Australia, all unlawful non-citizens who have been convicted of serious offences, by way of their visas either being cancelled or refused under section 501 of the *Migration Act 1968*. I appointed Ms Irene Morgan (Legal Research Officer) as my nominee on the Committee.

From time to time, the Parole Board is required to deal with the release of prisoners who are eligible for parole and who are also foreign nationals for whom deportation has been ordered. The 1989 Act allowed the Governor in Executive Council, on the advice of the Parole Board, to remit a prisoner’s sentence at the time he or she became eligible for parole, in order to facilitate deportation. These prisoners will, immediately upon their release from prison, be taken into custody of the Commonwealth Department of Immigration and placed in immigration detention prior to their expulsion from Australia.

The Review Committee found that the 1989 Act only referred to adult prisoners who are subject to deportation under Division 9 section 200 of the *Migration Act 1958 (Cth)*, and that the 1989 Act did not include those who are “removed” from Australia, pursuant to section 501 and Division 8 of Part 2 of the *Migration Act 1958 (Cth)*. It was therefore recommended that the 1989 Act be retitled and amended to provide for the release of adult prisoners who are removed from Australia, in the same way as deportees.

8. Victim Issues

In January 2003, the Department of Justice announced its first formal “*Policy for Victims of Crime*”. The objective is to ensure that victims are heard and their needs are taken into account in all their dealings with the justice system, including the Parole Board. The policy will continue to have an impact on the Board’s processes as it empowers victims by:-

- (a) committing the Department of Justice to provide a more supportive environment to victims, and
- (b) ensuring that victims will receive adequate and timely information and opportunities for input at all stages of the justice system.

9. Early identification of prisoners with mental illness and diversionary programmes for those with intellectual disabilities

The Board welcomes the new partnership between the Departments of Justice and Health regarding early identification and treatment of prisoners who enter the prison with a mental illness, and providing them with options for treatment and rehabilitation. This initiative is a key part of the Community Re-entry Programme for Prisoners which is designed to assist offenders to re-establish themselves in the community, when released.

The Board also welcomes a joint effort between the Department of Justice and the Disability Services Commission in diverting people with an intellectual disability away from the criminal justice system. We have been informed that the diversionary programme is underway in the

Central Law Courts and the Board hopes that it will ultimately result in the decrease in offending behaviour amongst people with intellectual disability.

10. Conclusion

Overall, the workload of the Board has increased over the past 3 years with a considerable increase over the past 12 months. I anticipate that this trend will continue over the next 12 months due to the introduction of the new *Sentencing Administration Act 2003* and *Sentencing Legislation Amendment and Repeal Act 2003*.

The evident increase in the Board's workload over the past 3 years means that there must be a corresponding level of support provided by the Secretariat to the Board. This justifies and emphasises the need and urgency to restructure and redistribute the workload of the Secretariat as recommended in the Frizzell Report. This can only be achieved if more funding is provided to achieve this outcome.

As Chairman, I would like to extend my personal thanks to all Board members and deputies for their work and contribution during the year. I also wish to thank the staff of the Board for their support as well as the services provided by the Department of Justice and the various agencies and voluntary organizations involved in the rehabilitation and supervision of work releasees and parolees into the community.

VISITS TO THE BOARD

The Board continues to encourage visitors to the Board and during the period of this report there were 85 visitors to the Board, the majority being personnel of the Department of Justice.

PAROLE BOARD'S WORKLOAD

	2000/01	2001/02	2002/2003	% Increase/Decrease on Previous Year
• No. of Meetings	i 48	i 64	i 85	32.8% increase
• No. of Cases Considered	2981	3127	3657	16.8% increase
• Average General Meeting Caseload	68	52	42	19.2% decrease
• No. of Decisions Overall	ii 5505	ii 5265	5214	0.9% decrease
• No. of 1st Considered Cases	1834	1867	1818	2.6% decrease
• No. of Parole Orders Issued	1503	1758	1628	7.4% decrease
• No. Released to Parole First Time	1197	1296	1233	4.9% decrease
• No. Released Through Secretary	1125	1231	1234	0.2% increase
• No. of Parole Cancellation Orders Issued	383	218	132	39.4% decrease
• No. of Parole Suspension Orders Issued	557	301	197	34.6% decrease
• No. of Reports to the Attorney General	67	50	48	4% decrease

- i. 6 Meetings were held within Hakea Prison to consider personal requests by prisoners and the Board dealt with a total of 9 cases on these occasions.
- ii. Figure includes 1533 decisions made by the Secretary through the delegated authority of the Board and also parole release pursuant to Section 108(3) of the *Sentence Administration Act 1995*.

MEETINGS

The Board held 79 regular meetings plus 6 additional prisoners' 'personal review' meetings within Hakea Prison, which corresponds to an increase of 32.8% compared to the previous year.

The Board considered a total of 2750 individual cases, 2430 male and 218 female, for various reasons. In relation to this, 5214 decisions were made by the Board or the Secretary on behalf of the Board. The Board noted that the cases were becoming increasing complex.

PAROLE CONSIDERATIONS

The following information is based on decisions made during the year.

1st Parole Consideration

	Aborigines	Others	Overall	
	Male			
No. Considered	631	993	1624	
Released	342 (54.2%)	731 (73.6%)	1073 (66.1%)	
Denied	40 (6.3%)	19 (1.9%)	59 (3.6%)	
Deferred	249 (39.5%)	243 (24.5%)	492 (30.3%)	
	Female			
No. Considered	97	121	218	
Released	61 (62.9%)	101 (83.5%)	162 (74.3%)	
Denied	6 (6.1%)	3 (2.5%)	9 (4.1%)	Total
Deferred	30 (30 %)	17 (14 %)	47 (21.6%)	1842

Re-Parole Consideration

	Aborigines	Others	Overall		
	Male				
No. Considered	364	514	878		
Released	142 (39 %)	220 (42.8%)	362 (41.2%)		
Denied	14 (3.8%)	12 (2.3%)	26 (3%)		
Deferred	208 (57.2%)	282 (54.9%)	490 (55.8%)		
	Female				
No. Considered	26	28	54		
Released	14 (53.8%)	18 (64.3%)	32 (59.2%)		
Denied	2 (7.7%)	2 (7.1%)	4 (7.4%)	Total	Total
Deferred	10 (38.5%)	8 (28.6%)	18 (33.3%)	932	Considerations
					2774

Total Parole Considerations

2000/01	2001/2002	2002/03	% decrease On Previous Year
2562	2844	2774	2.5%

STATISTICS OF RELEASE ON PAROLE AND OTHER MATTERS

Parole Orders

	Life		Indefinite		Section 89(1)		Other	
	Male	Female	Male	Female	Male	Female	Male	Female
Aborigines	-	-	1	-	511	61	3	-
Other	2	-	3	-	945	101	1	-
Sub Total	2	-	4	-	1456	162	4	-
Total	2		4		1618		4	
	1628							

Note: Life and Indefinite terms released by the Governor in Executive Council.

Cancellation of Parole

Number paroled before 02/03

	Life		Indefinite		Section 89(1)		Others	
	Male	Female	Male	Female	Male	Female	Male	Female
No. paroled before 01/02								
Aborigines	-	-	-	-	16	2	-	-
Other	-	-	1	-	27	4	-	-

No. paroled during 02/03

Aborigines	-	-	-	-	34	5	-	-
Other	-	-	-	-	54	5	-	-
Sub Total	-	-	1	-	131	16	-	-
Total	-		1		147		-	
	148							

Work Release Orders

	00/01		01/02		02/03		% Increase on Previous Year
	Male	Female	Male	Female	Male	Female	
	86	7	128	11	112	8	
Total	93		139		120		29%
Cancelled	5 (5.4%)		5 (3.6%)		5 (3.6%)		

Female Parole Releases, Cancellations, Completions during 2002/2003

	U 18	18- 20	21- 25	26- 30	31- 35	36- 40	41- 45	46- 50	51- 55	56- 60	Over 60	Unknown	Total
Number paroled: -													
Aborigines	0	3	13	19	9	3	0	2	1	0	0	0	53
Others	0	3	21	16	18	11	7	6	0	1	0	0	83
Number re-paroled: -													
Aborigines	0	3	5	5	0	1	1	0	0	0	0	0	15
Others	0	0	7	7	1	0	2	1	0	0	0	0	18
Released by Governor in Executive Council: -													
Aborigines	0	0	0	0	0	0	1	0	0	0	0	0	0
Others	0	0	0	0	0	0	1	0	0	0	0	0	0
Total releases 2001/2002	0	9	46	47	28	15	11	9	1	1	0	0	167
Total Parole Orders at 30.6.2002													113
Total current during part or all of 2002/2003													280
Less: -													
Completion of parole													151
Parole Board Cancellations													1
Automatic Cancellations by re-imprisonment													0
Governor's release completions													0
Total Parole Orders at 30.6.2003													128

Male Parole Releases, Cancellations, Completions during 2002/2003

	U 18	18- 20	21- 25	26- 30	31- 35	36- 40	41- 45	46- 50	51- 55	56- 60	Over 60	Unknown	Total
Number paroled: -													
Aborigines	0	40	98	102	61	46	22	12	4	0	2	0	387
Others	0	55	188	182	124	90	60	34	20	14	23	0	790
Number re-paroled: -													
Aborigines	0	11	39	50	26	8	8	3	0	0	0	0	145
Others	0	10	62	58	43	21	9	4	1	0	0	0	208
Released by Governor in Executive Council: -													
Aborigines	0	0	0	0	0	0	2	0	1	1	0	0	4
Others	0	0	0	1	3	1	0	0	1	0	2	0	8
Total releases 2001/2002	0	116	387	393	257	166	101	53	27	15	27	0	1542
Total Parole Orders at 30.6.2002													1493
Total current during part or all of 2002/2003													3035
Less:													
Completion of parole													1546
Parole Board Cancellations													8
Automatic Cancellations by re-imprisonment													0
Governor's release completion													2
Total Parole Orders at 30.6.2003													1485

REPORTS TO THE MINISTER

The Parole Board submitted 50 reports to the Attorney General pursuant to Section 20 of the Act.

	No. of Reports			
	Aboriginal		Other	
	Male	Female	Male	Female
Life (Murder)	1	-	10	-
Life (Wilful Murder)	1	2	10	-
Life (Other)	1	-	1	-
Indefinite	8	-	11	-
Parole Term	2	-	1	-
Other	1	-	1	-
Total	14	2	34	-

ACKNOWLEDGEMENT

The Board once again wishes to acknowledge the ongoing assistance and the cooperation provided throughout the year by the many government departments, agencies and voluntary groups which are involved with the supervision and treatment of work releasees and parolees, and their preparation for release.

The Board also takes this opportunity to acknowledge the valuable contribution to its operation provided by the Secretary and the staff of the Secretariat as well as the ongoing support of the staff of the Department of Justice.

Hon T A Walsh QC	Chairman
Mr A Piper	Member
Mr T Fraser	Member
Police Insp W Mitchell	Member
Dr N Morgan	Member
Ms C Chamarette	Member
Dr M Winch	Member
Mr R Fong	A/Secretary
Mr J Bell	A/Assistant Secretary
Ms I Morgan	Legal Research Officer