



Attorney General; Minister for Electoral Affairs

Our Ref: 67-34990

**HON. ROGER COOK MLA
PREMIER**

**HON. PAUL PAPALIA CSC MLA
MINISTER FOR CORRECTIVE SERVICES**

REVIEW OF DECISION OF THE PRISONERS REVIEW BOARD TO RELEASE MR LUKE EDWARDS NOORMETS ON PAROLE

Mr Luke Noormets is alleged to have perpetrated a murder-suicide against his former partner Ms Georgia Lyall, on 27 July 2023. Mr Noormets had been released on parole 13 months prior, having served the minimum 5 years of a 7-year term of imprisonment imposed for drug-related violent crimes against another man.

You have tasked me with reviewing the circumstances surrounding the release of Mr Luke Noormets on parole, to determine if any changes to the system of release are required.

I have conducted my review with a focus on identifying improvements that can be made to law or practice, to ensure the Board is equipped with the information, expertise and powers it requires to make appropriate release decisions.

The release of Noormets

I am advised by the Board there was nothing in Mr Noormets' file to suggest he should not be released on parole. I am also advised Ms Lyall (the deceased victim of Noormets) was a strong advocate for Mr Noormets' release, having written to the Board outlining her commitment to building a life together with Mr Noormets and their young son.

I am advised by the Board that when it made its decision to release Mr Noormets on parole, it had no information before it to indicate that he had any prior convictions for offences of violence or family violence. The only apparent convictions for violent offending were the index offences being considered by the Board. The index offences were in relation to serious assaults and deprivation of liberty that resulted in Mr Noormets being sentenced to imprisonment for 7 years, with eligibility for parole after serving 5 years. The offences did not involve the commission of family violence.

The Board was informed of Mr Noormets' criminal antecedents through his criminal history. Mr Noormets' criminal history reveals that in 2011, he was convicted of breach of police order, criminal damage and trespass. Those offences were considered by the Board to be non-violent offences. This conclusion was supported by the District Court judge that sentenced Mr Noormets for his index offences in 2017, who concluded that the offending was Mr Noormets' first crime of violence.

However, the Board was not informed as to the factual circumstances of Mr Noormets' offending in 2011. On the information now available to me, it appears that the offences committed by Mr Noormets in 2011 were committed in circumstances involving violence and, crucially, were perpetrated towards an ex-partner.

Accordingly, it appears additional information could have been made available to the Board in relation to the factual circumstances of Mr Noormets' criminal history, beyond the simple statement of convictions. This information may have changed the way the prior offences were characterised, and was relevant to the considerations for parole, though it is important to note that it may not have changed the Board's decision to release Mr Noormets.

A greater understanding of the nature of family violence may also have assisted members of the Board to recognise the 2011 offences as family violence offences and characterise them accordingly.

Conclusion of my review

The Board has confirmed that while it does offer professional development in family violence to Board members, it is not a requirement.

It has also been confirmed there is no requirement that the quorum of the Board includes members with a contemporary understanding of family violence.

On the basis of this review, I conclude that the Board and the Department of Justice should be requested to make the following changes to PRB procedures:

- Information provided by Adult Community Corrections (ACC) unit to the Board should include a more detailed analysis of prior offending, and specifically address the details of any offences related to FDV, to ensure the Board is fully advised of the details of a person's criminal history. This may be achieved through providing additional detail in Parole Assessment Reports or a standalone report.
- A victim representative from the Office of the Commissioner for Victims of Crime (CVOC), with expertise in family and domestic violence, should attend and participate in meetings of the Board.
- Board members should be required to undertake family and domestic violence training.

Subject to advice from the Board and the Department, I expect these complementary changes can be actioned reasonably swiftly without the need for legislative reform. Funding may be required for additional resourcing at both ACC and CVOC.

Further detail on these matters is set out below.

Improving access to information

The Board does not currently receive specific analysis of the factual circumstances of prior offending. The Board does receive the Statement of Material Facts (SMFs) for offences within the current term of imprisonment.

While it is possible for historical SMFs to be extracted and provided to the Board, the content would often be extensive and would have significant implications on the preparation time for members and a reduction in the number of matters that could be considered by the Board.

In addition, information contained in SMFs contain alleged facts that may, notwithstanding a conviction, not have been admitted by the accused or proven at trial so the Board could risk making an error by relying on unproven facts. This would require an investigation of court transcripts and there may be limitations in providing access to transcripts, particularly in lower court proceedings, as court transcripts are destroyed after a certain period of retention.

To enable more emphasis and analysis of prior offending to be undertaken as part of the decision making of the Board, without significantly impacting the Board's operations, I consider it appropriate the Department be tasked with providing additional analysis of a parole candidate's criminal history, including the details of any prior family violence offending. This may be achieved through the existing Parole Assessment Reports prepared by ACC, or by producing a separate report for the Board detailing such information in appropriate circumstances.

This function would appear to sit comfortably within the Corrective Services division of the Department, which is already responsible for providing information, expert reports and recommendations to the Board. This change is likely to have a material resourcing impact on this division of the Department.

For the reasons explained above, careful consideration of how historical offender information is analysed and presented to the Board will be required to ensure the decision making is properly informed and not at risk of falling into error.

Increasing victim representation on the Board

Having access to appropriate information is, of course, only the first step in ensuring robust decision-making. The next step is to ensure that decisions of the Board are supported by a diverse membership with sufficient training and expertise to examine the information before it.

Subsection 103(1) of the Act provides that the members of the Board are a Chairperson, 2 Deputy Chairpersons, as many Community Members as are necessary to deal with the workload of the Board, as many officers of the Department of Justice as are necessary to deal with the workload of the Board, and as many police officers as are necessary to deal with the workload of the Board.

In practice, officers of the Department appointed to the Board are experienced corrections officers. The Act provides that either a police officer or the Department of Justice officer must be present at each meeting of the Board. In practice, this quorum requirement ensures that decisions are always informed by at least one member with expertise in managing offenders in the community.

There appears to be nothing to prevent the Director General of the Department from appointing additional Departmental officers, not being corrections officers, as Board members.

Subject to consultation between the Department and the Board, I support the Director General appointing an officer or officers from the Office of the Commissioner for Victims of Crime with expertise in family and domestic violence to sit as an additional member of the Board. Any person nominated should be able to demonstrate a specialised knowledge, gained by training, study or experience in matters involving victims, including victims of family and domestic violence. Further, they ought to demonstrate an ability to make an objective and reasonable assessment of the degree of risk that the release of a prisoner would appear to present to the personal safety of people in the community or of any individual in the community.

My support for this approach is on the condition that any officer so appointed must only sit on the Board in addition to, and not in replacement of, an officer employed in the Corrective Services division of the Department. In other words, a quorum of the Board must continue to include either a police officer or an officer employed in the Corrective Services division of the Department.

In relation to training of members generally, the Chairperson advised that the Board has arranged professional development for members to be delivered by a victim-survivor of family violence in November 2023 and is looking to provide further professional development in relation to family and domestic violence.

Next steps

I seek your support for the recommendations in this letter so that I can progress work with the Department and the Board in relation to implementing these changes including consideration of resourcing implications. I intend to then make a brief statement in Parliament summarising the outcomes of my review and the steps being taken in response.

Should you or your advisers wish to receive a more detailed briefing, please contact my office to arrange a suitable time.

A handwritten signature in black ink, reading "John Quigley". The signature is fluid and cursive, with the first name "John" and the last name "Quigley" clearly distinguishable.

Hon. John Quigley MLA

ATTORNEY GENERAL; MINISTER FOR ELECTORAL AFFAIRS

15 November 2023