



Parole Board of Tasmania

2015-2016 Annual Report

Letter to the Minister

The Hon Vanessa Goodwin MLC
Minister for Corrections, Attorney General, Minister for Justice, Minister for the Arts
Leader of the Government in the Legislative Council
Level 10, 10 Murray Street
Hobart, 7000

Dear Minister,

In accordance with the requirements of the *Corrections Act 1997* the Parole Board submits its Annual Report for the year ended 30 June 2016.

Section 64 of the Act requires the Board to report to the Minister for Corrections on:

- (a) the number of prisoners released on parole during the financial year and the number of prisoners returned to prison by reason of the revocation of their release on parole; and
- (b) the general activities of the Board under the Act during the financial year and any matters affecting the operation of the Act that the Board thinks appropriate to include in the report.

Yours faithfully,



Gregory Geason

Chairman, Parole Board of Tasmania

31 October 2016

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I. Chairman's Message

Parole Board Chairman: Gregory Geason

Chairman's Message

The Parole Board has completed a productive year during which it granted parole in 75 cases, refusing 38. It called before it 101 parolees to assess compliance, and invite explanation for alleged breaches of condition. Many of those breaches were minor, but the Board has maintained a strict practice of requiring an attendance, sometimes on warrant, to consider possible breaches of its orders. In the result 34 parole orders were revoked, and more suspended.

The reporting year marks the first full year of Board sittings since amendments to the *Corrections Act, 1997* (the Act) were implemented to include a new member having experience in victim related issues. That development was an important one, conferring an active role upon a member with insight into victim related matters. I consider that this has enhanced the Board's capacity to address the particular considerations arising under s72(4)(ka) of the Act and more generally under that section, and at large. S72(4)(ka) explicitly requires the Board to have regard to any statement provided by a victim, or the parent or guardian of a victim, a requirement which necessitates careful reflection on victims' circumstances in the context of a decision to make a parole order. The Board has found it useful to have a designated member giving voice to those matters. Symbolically too, it is important that the Board's composition reflects the importance of victim's issues. That emphasis is carried over after hearings, by ensuring that the Board communicates information relevant to victims and their families before a parole order takes effect, or to advise when an application has been declined.

Communication of the Board's workings remains a priority. In addition to annual reporting the Board reports its decisions publicly, and does so as close in time to release as is possible. It also provides unsuccessful applicants with a statement of its reasons for refusal, not just to communicate those reasons, but confer some insight into the matters which need to be addressed before parole will be further considered.

I should also emphasise that the Board has maintained its practice of interviewing applicants in person, rather than opting for an approach which determines applications "on the papers". This is the preferable method for all participants and has proved useful for the Board. It has involved the considerable efforts and cooperation of the Prison authorities who must make arrangements for hearings, and assist in presenting applicants to us. It is support which I acknowledge.

This year has also marked the introduction of amendments to the Act which impose obligations upon sexual offenders seeking parole, and which are directed, fundamentally, to requiring those offenders to

actively engage in programmes directed to their rehabilitation. It is now the case that eligibility for parole is dependent upon an applicant's participation in an appropriate program such as "New Directions" which is focussed upon addressing offending behaviour of a sexual nature. The statutory change reflects the importance of rehabilitation, and ensures better prospects for that result. The Board has typically required such participation, save in exceptional circumstances, and welcomes the amendment as giving statutory imprimatur to its practice.

In that respect, the Board has benefited considerably from the efforts of those conducting such programs and acknowledges the time and effort expended in assisting the Board to understand the quality of an applicant's participation and the outcomes achieved. The Board could not discharge its statutory duty confidently, without that information. This extends to the work of the parole officers and the wider community of people working within the Corrections office. Thank you.

It is useful to reiterate the importance of parole to the overarching objective of providing a safer community. Parole is a privilege and not a right. Parole provides opportunities for those who have offended, to reintegrate into their community and to become productive members of it. It presents an opportunity for a prisoner to reengage with the benefit of a structured arrangement regulating his or her behaviour, associations, residence, and so on. Those conditions provide an opportunity for a parolee to demonstrate a capacity to comply with appropriate standards of behaviour, demonstrate obedience to reporting requirements, and to refrain from anti-social behaviour.

In the Board's experience, the prospects of that occurring are directly proportional to the efforts of prisoners in participating in prison programmes, which in turn is reliant upon the opportunities therefor. Those activities, and the efforts of prisoners, supported by prison staff, translate well into successful parole orders, a result which is in the community's best interest. The provision of those programs is more than a direct investment in the prison population, as much an investment in better community outcomes. In the main, prisoners are cooperative and enthusiastic about participation in such programmes as are offered. That is to be encouraged. It is the fact that those who engage most enthusiastically in internal programs are more likely to be paroled.

On balance, the Board has taken the view that subject to an applicant demonstrating appropriate credentials and satisfying the statutory criteria set out in s72 of the Act, it is preferable to grant parole rather than not to do so. It is the case that all prisoners will in time be released. Being released into the community, cradled by conditions which assist that transition, imposing obligations, responsibilities and support, represents a better course than release without such support. That is the alternative to parole.

The prevalence of drug related offending and mental health issues remains a concern. Drug related issues account for a significant proportion of the offending behaviour which results in incarceration, and in the context of parole is the single most significant reason for failure to complete a parole order.

The Board has utilised the services of psychologists to assist it in making judgments about parole applications in relation to offenders who have mental health issues, or where behavioural concerns emerge from the primary offending or internal behaviour whilst imprisoned. At all times, it is the Board's intention to ensure that it has before it as much information which is relevant to whether parole should be granted as it can.

As in previous years, it is the case that some applicants for parole are precluded from that opportunity because they do not have accommodation. Last year, in the annual report prepared by the Deputy Chair, Ms Mackey, she observed that there were a number of factors impacting on the Board's ability to determine applications for parole. One factor was the absence of available and appropriate accommodation for prisoners who would otherwise be considered suitable to be released on parole. This report repeats that observation. Stable and suitable accommodation remains critical to a successful application for parole. In this reporting year, the number of prisoners eligible for parole, but without accommodation, has remained about the same as the previous year, which year saw an increase in that category of applicants.

Last year's report noted the closure of the Post Release Options Program (PROP), the closure of the Salvation Army's Reintegration of Ex-Offenders Program (REO), and observed that few "avenues remain for parolees to obtain accommodation prior to leaving prison." It commented that "Housing Connect" provide an alternative which did not become active until post-release with the result that the Board was unable to consider an application for a prospective candidate to that accommodation because at the time of considering the application, there was no accommodation actually secured (i.e., "active"). Housing Connect has changed its policy regarding accommodation for offenders, by affording priority status to such cases. That effort is welcome, however it has had no impact thus far in housing prospective applicants for parole. Whilst ultimately policy is not a matter for the Board, the management of this issue deserves further consideration to address this problem.

The Board regularly meets with the Deputy Secretary of Justice, the Director of Prisons and the Director of Community Corrections, to ensure that each is aware of issues which emerge. Those meetings offer an opportunity for constructive discussion about matters relevant to the operation of the parole system and assists the Board in the discharge of its statutory functions. The Board records its gratitude for that cooperation.

It also acknowledges the ongoing assistance and support of Tasmania Police, and the Victims Assistance Unit.

On behalf of the Board, I would like to thank the Parole Board Secretary, Ms Liz Hawkes, for her hard work and support during the course of the reporting year. I would also like to thank my fellow Board members and Deputy Members for their considerable assistance and to acknowledge their contribution to the operation of the parole system in our community.

Gregory Geason

Chairman Parole Board

2. Secretary's Report

Parole Board Secretary: Liz Hawkes

The 2015-16 financial year has been a productive and successful year for the Board.

In October 2015, the Board welcomed the appointment of Mr Gregory Geason as its new Chairman. Mr Geason had previously been a Member of the Parole Board and his knowledge and experience will hold him in good stead concerning matters before the Board.

Due to amendments to *The Corrections Act, 1997_2* new appointments were made to ensure victim issues were adequately represented on the Board. Ms Kim Barker and Dr Kristen Voss were appointed as Member and Deputy Member respectively and their knowledge and experience assists the Board in making sound decisions, particularly around victims' issues.

Numerous Board hearings were conducted during the year and a total of 214 applicants appeared before the Board (some applicants were listed on a number of occasions). There were 75 new parole orders granted. A total of 38 applications were refused; 13 withdrew their applications; and 5 prisoners chose not to apply for parole.

The Parole Awareness program continued throughout 2015-16 for inmates applying for parole. The feedback for this program from prison staff and inmates continues to be supportive and is invaluable for inmates who intend to apply for parole.

I continued to attend the prison, time permitting, to read the parole orders to those inmates who have been granted parole. This ensures the prisoner understands his/her obligations with regard to their parole order once released into the community. The order is then discussed at their first appointment with their Probation Officer to reinforce the parolee's obligations under their order.

Community Corrections (CC) Probation Officer, supervise the parolee once they are released from prison. CC has a robust case management system tailored to each and every parolee's needs. Prior to release into the community a comprehensive risk/needs assessment is completed to assist in the management of the parolee.

A comprehensive case plan is developed to both assist and manage the reintegration of the parolee back into the community. Of particular note is the new offender management framework for sex offenders.

I take this opportunity to thank the Director of Community Corrections (CC) and her staff for their hard work and dedication in providing comprehensive pre-parole reports to the Board and managing parolees whilst they are on a parole order.

However, not all parolees complete their order successfully. The timely reporting by CC staff enables the Board to instigate breach action and mitigate risk to the community.

The role of a Probation Officer can be a challenging and rewarding role that often results in the parolee completing their order successfully.

Special thanks should go to The Director of the Tasmanian Prison Service (TPS) and his correctional staff who continue to provide the Board with excellent support when required.

The TPS has undergone significant change over the last few years and they have continued to be very generous in supporting and accommodating the needs of the Board in challenging times.

I would also like to thank the non-correctional TPS staff, in the Integrated Offender Management Unit, and the Planning and Integration team whose Planning and Reintegration officers, who continue to provide substantial and comprehensive Prison Reports to the Board to assist in determining applications for parole. I would also like to thank the Prison Programs Unit who also provide detailed reports of prisoner participation in their programs.

We continue to maintain a good working relationship with Tasmania Police and a closer working relationship between Tasmania Police, CC and the Parole Board Secretary has enabled breach action to be managed and reported in a very short time frame.

Special thanks should also go to Victims Support Services (VSS) particularly the Victim's Assistance Unit (VAU) who continually provide Victim Impact Statements from victims who may be affected as a result of the prisoners offending behaviour.

I would also like to thank a number of Non-Government Organisations (NGOS). The Salvation Army – Bridge and Excel Programs, whose tireless support for those in and out of the prison system have been able to assist the Board in assessing an application for parole.

Lastly, I thank all the Board Members, and the new Chairperson, who without their continued support, co-operation and patience would make my position much more difficult.

Liz Hawkes

Parole Board Secretary

3. Legislative Framework for the Operation of the Parole Board

The operation and functions of the Board are regulated by the *Corrections Act 1997* (“the Act”). Section 62 of the Act provides:

62. (1) The Board is established.
- (2) The Board consists of three persons appointed by the Governor, of whom
- (a) One is to be a person who has practised as a legal practitioner or barrister of the Supreme Court or of a Supreme Court of any part of the Commonwealth other than this State for at least seven years and has never been suspended from practice, had his or her name removed from, or struck off, the role of that Court or has been disbarred; and
 - (b) Two are to be persons whom the Governor is satisfied or experienced in matters associated with sociology, criminology, penology or medicine or who possess any other knowledge or experience that the Governor considers is appropriate for the purpose.
- (3) The chairperson of the Board is to be appointed by the Governor from among the members of the Board.
- (4) Schedule 2 has effect in respect of the membership and meetings of the Board.

Schedule 2 of the Act deals with the membership and meetings of the Board. Members are appointed for a period not exceeding three years and the appointment of a Deputy Chairperson and Deputy Members is authorised. Three members constitute a quorum at a meeting and questions arising are determined by a majority of votes of the members present and voting. The Board is not bound by the rules of evidence and may inform itself in any manner it thinks fit.

4. Membership of the Parole Board

During the period covered by this Annual Report the Board consisted of the following Members and Deputy Members:

Chairman and Member: Gregory Geason

Mr Geason was admitted to legal practice in 1987. He began his legal career as a Crown Prosecutor and entered private practice in 1990. He has practised predominantly in the Federal Court, Supreme Court, the AAT, AIRC and the Tasmanian Industrial Commission. He is a former President of the

Law Society of Tasmania, member of the Local Government Authority of Tasmania Standards Panel and Chair of the Law Society Continuing Professional Development Committee. Mr Geason is the Chairman of the Resource Management and Planning Appeal Tribunal.

Deputy Chairman: Leigh Mackey

Leigh Mackey was appointed as Deputy Chairperson of the Board on the 24 April 2013. She is a partner in the practice Ogilvie Jennings and is a Barrister and Solicitor specialising in personal injury litigation. In addition to her full time legal practice, Leigh currently occupies positions on the WorkCover Board, the Tasmanian Medical Board, and the Integrity Assurance Board and teaches the Workers Compensation module of the Legal Practice Course for legal graduates. Ms Mackey also serves as a member of the Law Foundation and the Civil Disbursement Fund and is Chairperson of the Hockey South Tribunal.

Member: Leon Kemp

Mr Kemp was appointed a Member of the Board in June 2003. He was a member of Tasmania Police for 33 years prior to retiring in October 2002, where he served in both general uniform duties and criminal investigations. Mr Kemp also served for the Australian Civilian Police on Cyprus as a member of the UN Peace Keeping Force. Mr Kemp is a past president of the Police Federation of Australia and the Police Association of Tasmania. He is a recipient of the UN Medal, Police Overseas Medal, Australian Police Medal and the Commissioner's Medal awarded for diligent and ethical service. Mr Kemp is a past member of the Police Review Board in Tasmania and the Police Arbitral Tribunal in the Northern Territory. He is also a former Derwent Valley Councillor.

Member: Kim Barker

Ms Kim Barker graduated from the University of Tasmania in 1981 with a Bachelor of Arts majoring in political science and psychology. Ms Barker completed further qualifications in education and counselling/mediation. Ms Barker has extensive experience as a Rehabilitation Consultant, Counsellor and Mediator. Currently, Ms Barker has a portfolio of several part-time positions including, Director, MAIB; Deputy President, Mental Health Tribunal; Member, Social Security Appeals Tribunal; Member, Guardianship and Administration Board; and Chair, Tasmanian Traineeship and Apprenticeship Committee, and as a member of various social justice tribunals. She was appointed as the Public Guardian in September 2015.

Deputy Member: Geoff Storr

Mr Geoff Storr has had a long career in the corrections field. This has included an initial appointment as the Probation Officer for the West Coast and later the Huon/Channel district. He has served as the Manager of the Hobart office of Community Corrections and following a period as Acting State

Manager Community Corrections, was appointed permanently to the position in 1996. At that time, the State Manager was also responsible for the administration of the Parole Board, Interstate Parole Order Transfers and the administration of Services to Victims of Crime. Mr Storr was responsible for the latter stages of development and subsequent implementation of those elements of the Sentencing and Corrections Acts of 1997 which relate to Community Corrections and Parole.

Deputy Member: Kristen Voss

Dr Kristen Foss graduated from the University of Tasmania with a psychology degree in 1991. She commenced practising as a psychologist and has worked in a variety of different fields, including adult mental health, private practice, working with victims of crime and disability services. Dr Foss has gained a Masters degree in Health and her Doctorate in Health. She specialises in service provision to those living with a disability and is currently the Senior Practitioner for Tasmania

5. Meetings of the Parole Board

The Board meets at the Risdon Prison Complex on a fortnightly basis. In 2015-16 there were 26 Board meetings.

The format of the meeting is in accordance with the agenda produced by the Board's Secretary prior to each meeting.

The Board personally interviews all prisoners who make an application for parole. Prisoners are interviewed in two different locations depending upon the prisoner's security classification. Male prisoners classified as maximum or medium security are interviewed at the Risdon Prison Complex. Male prisoners classified as minimum security are interviewed at the Ron Barwick Minimum Security Prison. Female prisoners are interviewed via video link from the Mary Hutchinson Women's Prison or in person at Ron Barwick Minimum Security Prison if required. It is noted that the position of interviewing all prisoners in person is in contrast to the majority of other state Boards and Authorities who predominantly assess prisoners based on their applications and other documentation provided to the Board.

6. Functions and Responsibilities of the Parole Board

The Board performs the following functions:

- a) makes decisions as to which prisoners will be released on parole;
- b) determines the conditions upon which a prisoner will be released on parole;
- c) determines whether conditions of parole orders should be amended or varied; and

- d) determines if a parole condition has been breached by a prisoner and what action should be taken as a result of that breach.

The Board is required to consider any application made by a prisoner who is eligible to be considered for parole before his/her parole eligibility date.

7. Release on parole

Section 70 of the Act outlines prisoner eligibility for parole and the prisoner is not to be released on parole before the completion of:

- (a) the non-parole period applicable to the prisoner's sentence; or
- (b) a continuous period of imprisonment of 6 months —

whichever is the greater, unless, in the opinion of the Board, there are exceptional circumstances warranting the earlier release on parole of the prisoner.”

Section 68 of the Act outlines the statutory non-parole period:

- (1) The non-parole period in respect of a sentence of imprisonment is a period equal to one-half of the period of the operative sentence.
- (2) Subsection (1) does not apply in relation to —
 - (a) a sentence of imprisonment for the term of the natural life of the prisoner; or
 - (b) detention in accordance with an order under section 19 of the sentencing Act 1997.”

Section 69 of the Act outlines the circumstances where a prisoner is not to be released on parole:

- (1) A prisoner who has been sentenced to a term of imprisonment is not to be released on parole in respect of that sentence if —
 - (a) the court has ordered that the prisoner is ineligible for parole pursuant to section 17 or 18 of the Sentencing Act 1997; or
 - (b) the prisoner is ineligible for parole by operation of section 17(3A) of that Act.
- (2) If a prisoner is made the subject of a declaration under section 19 of the *Sentencing Act 1997*, the prisoner is not eligible to be released on parole until the declaration is discharged under that Act.

The above sections of the Act read in conjunction with the *Sentencing Act 1997* regulate a prisoner's eligibility for parole.

Section 70 of the Act also provides the Board with discretion, in exceptional circumstances, to authorise the release of a prisoner on parole without that prisoner having served the total non-parole period. Section 70 is usually invoked by prisoners by making an application for early release on parole. When dealing with such an application the Board considers the circumstances of each individual case. The legislation clearly provides that the circumstances must be exceptional. This phrase has been interpreted by the Board to mean that if the consequence to a prisoner or his or her family would be viewed as "normal or foreseeable" hardships that would reasonably be expected to flow from a term of imprisonment, then such hardships are not viewed by the Board as being exceptional.

The Board as presently constituted continues to deal with applications for early release on parole pursuant to Section 70 on the grounds adopted by previous Boards, that being:

"The basic principle which is being adopted is that, if the considerations relied on by the prisoner were available for consideration by the Court imposing the sentence, the Board will not grant leave for an early application for parole to be made, for to do so would be tantamount to reviewing the sentence imposed."

The total number of applications for early release on parole pursuant to Section 70 during the period covered by this Annual Report is to be found in Table Two.

The Board is required to make independent decisions as to whether or not a prisoner should be released on parole. If the Board is of the view that a prisoner should be released on parole, then the Board is required to consider what conditions it should place upon that prisoner's release.

When considering an application for parole the Board is required to act in accordance with the statutory criteria outlined at Section 72(4) when determining whether or not a prisoner should be released on parole:

- (a) the likelihood of the prisoner re-offending; and
- (b) the protection of the public; and
- (c) the rehabilitation of the prisoner; and
- (d) any remarks made by the Court in passing sentence; and
- (e) the likelihood of the prisoner complying with the conditions; and
- (f) the circumstances and gravity of the offence, or offences, for which the prisoner was sentenced to imprisonment; and

- (g) the behaviour of the prisoner while in prison and, if he or she has been in a secure mental health unit, while in that secure mental health unit; and
- (h) the behaviour of the prisoner during any previous release on parole; and
- (i) the behaviour of the prisoner while subject to any order of a court; and
- (j) any reports tendered to the Board on the social background of the prisoner, the medical, psychological or psychiatric condition of the prisoner or any other matter relating to the prisoner, including in the case of a prisoner who is or has been a forensic patient any report of the Chief Forensic Psychiatrist; and
- (k) the probable circumstances of the prisoner after release from prison; and
- (ka) any statement provided under subsection (2B) by a victim, or, if subsection (2AB) applies, the parent or guardian of the victim, of an offence for which the prisoner has been sentenced to imprisonment; and
- (l) any other matters that the Board thinks are relevant.

To enable it to apply the statutory criteria which it is required to do so pursuant to Section 72(4) of the Act, the Board is provided with a broad range of written materials to assist it in making its decision.

In any application for parole the Board will always be provided with the following documentation:

- (a) a comprehensive pre-parole report prepared by a Probation Officer;
- (b) an institutional report regarding the prisoner's conduct whilst imprisoned;
- (c) a record of the prisoner's prior conviction history;
- (d) confirmation as to whether or not the prisoner has participated in any educational courses;
- (e) confirmation as to whether or not the prisoner has participated in the parole awareness programme;
- (f) a report from the facilitators of the Sexual Offenders Treatment Programme (if such a report is appropriate);
- (g) materials compiled by the Director of Public Prosecutions in relation to the crime(s) committed by the prisoner; and
- (h) the comments on passing sentence.

The Board may also consider such other written material or reports as are presented to it and the Board deems relevant to the individual application. Such documents include but are not limited to the following:

- (a) psychological/psychiatric assessments and reports commissioned by the Board or provided to the Sentencing Tribunal
- (b) medical assessments and reports
- (c) assessments and reports from substance misuse programmes and treatment facilities
- (d) letters or submissions from the prisoner
- (e) interstate prior conviction history
- (f) materials provided from interstate correctional services.

Section 72(2B) (b) of the Act allows a victim to provide a written statement to the Board that:

- (i) gives particulars of any injury, loss or damage suffered by the victim as a direct result of the offence
- (ii) describes the effects on the victim of the commission of the offence.

Section 72(4) (ka) requires the Board to take that statement into account when considering a prisoner's application for parole.

The Board and Victims Support Services have developed a protocol to enable information of relevance to a prisoner's application for parole to be provided to the Board.

The Board is provided with the following information from Victims Support Services:

- (a) whether a victim is registered with the Victim's Register in relation to the prisoner's criminal behaviour
- (b) whether that victim wishes to place materials before the Board for its consideration. If the victim wishes to place materials before the Board such materials are usually provided in the form of a victim impact statement. Such statements usually outline in detail the impact of the prisoner's criminal behaviour on the victim
- (c) whether the victim requests conditions be attached to the prisoner's release on parole. If such a request is made by the victim the Board considers such requests and if appropriate makes specific parole conditions in accordance with the requested conditions. For example, it is quite common for a victim to request a non-contact clause to be made a condition of a prisoner's

parole. When such a request is made by a victim the Board usually makes orders which impose limits on the freedom of movement of the parolee in order to prevent or at least reduce the risk of the parolee coming into contact with the victim.

The provision of this information greatly assists the Board when assessing a prisoner's application for parole.

In accordance with Section 72(4)(ka) of the Act, the Board is required to give careful consideration and due regard to any victim impact statements provided to it. The Board is fully cognisant with the impact of crime on the greater community and/or individuals themselves.

Whilst the Board recognises that the views of victims are a significant factor in considering an application for parole, such views are only one of a number of factors that the Board must have due regard for when assessing a prisoner's application for parole.

The Board is of the view that it would be wrong and contrary to the requirements of the Act if it were to refuse parole solely on the ground of a victim objecting to a prisoner being granted parole.

The Board works closely with Victims Support Services to ensure that the current protocols work effectively for both the Board and victims of crime. During the period covered by this Annual Report, the Chairman and Secretary of the Board have confirmed with representatives of Victims Support Services that the protocols presently in place are functioning efficiently.

8. Conditions of release on parole

Section 72(5) of the Act provides:

A Parole Order is subject to such terms and conditions as the Board considers necessary and as are specified in that order.

The Board is given a wide discretion as to what terms and conditions will be included in a prisoner's parole order.

There are a number of standard parole conditions, which are usually attached to every parole order made in Tasmania and provided to Community Corrections upon a prisoner's release on parole. In addition the Board may include specific conditions depending upon the prisoner's individual circumstances (see Appendix A).

9. Variation of Parole Order conditions

Section 79(1) (b) of the Act allows the Board to vary, amend or confirm a parole order.

During a prisoner's parole it may become necessary for the Board to review the conditions attached to a prisoner's parole order.

Such issues are usually brought to the Board's attention by the parolee through his or her Probation Officer. The Board usually receives a report from the parolee's Probation Officer outlining the proposed amendments to the parole order. Such a report usually includes recommendations from the Probation Officer either supporting or disregarding the proposed amendments to the parole order.

The Board considers the recommendations of the Probation Officer when considering whether to vary or revoke a condition of parole along with any material provided by the parolee.

Such applications usually relate to changes in personal circumstances of the parolee. For example a parolee may have changed employment and a parole condition has become unworkable.

10. Revocation of Parole

The Board regularly seeks reports from Probation Officers regarding a parolee's progress whilst on parole. Probation Officers also report any concerns about the behaviour of parolees to the Board where necessary. This is particularly important where it is suggested that one of the terms or conditions of the parole order has or may have been breached. A breach of parole is constituted by a parolee's failure to comply with any of the terms and conditions on the parole order.

In the event of an allegation of misbehaviour or breach of the terms and conditions of the parole order the Board will either:

- (a) issue a warning to the parolee
- (b) issue a notice to the parolee requiring him to attend a Board meeting to discuss the situation
- (c) issue a warrant for the parolee's arrest.

During the period covered by this Annual Report the Board interviewed 31 parolees on 'Notices to Attend' and interviewed 75 parolees apprehended on Warrants, as well as dealing with a significant increase of formal correspondence to the Board.

Section 79 of the Act outlines the legislative requirements for revocation of parole, etc:

- (1) Subject to subsection (2), the Board may, at any time, of its own motion or on receiving a report from a probation officer or any other person –
 - (a) revoke a parole order; or
 - (b) vary, amend or confirm a parole order; or

- (c) suspend a parole order or such terms as it thinks fit; or
 - (d) exercise in relation to a parole order more than one of its powers under paragraph (b).
- (2) Unless the Board considers it impracticable to do so, the Board is not to revoke or suspend a parole order granting parole to a prisoner unless it has first called on the prisoner to show cause why any of those powers should not be exercised.
 - (3) If a person is sentenced to imprisonment for an offence committed during the period of his or her release on parole, the parole order is revoked whether or not, at the time of his or her conviction for that offence, the period of that release had expired.
 - (4) Subsection (3) does not apply where the execution of the whole of a sentence referred to in that subsection is suspended under the Sentencing Act 1997.
 - (5) If a prisoner's release on parole is revoked -
 - (a) in the case of a prisoner who is not a life prisoner, the prisoner is liable to serve the remainder of his or her sentence and the period of that release is not to be taken into account in determining how much of the term of his or her sentence remains to be served unless the Board otherwise directs; and
 - (b) in the case of a life prisoner, the prisoner is liable to be imprisoned for the remainder of his or her natural life.
 - (6) Where the Board revokes a parole order applying to a prisoner after his or her release from prison, the Board may, by warrant signed by the Chairperson of the Board or the Secretary of the Board at the Chairperson's direction, authorise a Police Officer to apprehend the prisoner and return the prisoner to prison."

If it is deemed necessary to issue a warrant for the arrest of the parolee, Section 80(4) provides

"On the issue of the warrant under this section for the apprehension of a prisoner on parole, the prisoner's parole is extended for a period equal to a period commencing on the day on which the warrant is issued and ending on the day on which it is executed."

Section 80(5) provides:

If a prisoner is returned to prison after the execution of a warrant against the prisoner under subsection (1), the following provisions apply:

- (a) the Board, within 14 days after the prisoner is so returned to prison, is to give the prisoner an opportunity to be heard
- (b) the Board may, after complying with paragraph (a), exercise in relation to the

prisoner the powers conferred on it by subsection (1) of section 79 as if he or she were a prisoner to whom that subsection applies

- (c) if the Board revokes the prisoner's release on parole pursuant to section 79(1) the provisions of section 79(5) apply to the prisoner accordingly.

Of significance is the requirement to give the parolee the right to be heard in relation to any allegation that he or she has breached their parole. However, it should be noted that there is no requirement on the part of the Board to be satisfied beyond a reasonable doubt, nor indeed that any offence has been committed, or that if an offence has been committed, it is a serious one.

The Act makes it mandatory that a parole order is cancelled automatically if the parolee is sentenced to a term of imprisonment for an offence committed during the parole period even if the parole period has ended.

The total number of prisoners whose parole was revoked during the period covered by this Annual Report is to be found in Table 3.

Prison programmes

Programs offered by the Tasmania Prison Service Integrated Offender Management team during the period covered by this Annual Report are:

High Intensity Criminogenic Programs

- Pathways: - a medium/high intensity substance abuse program
- Stopping the Violence

Low Intensity Programs

- Equips Program
- Anger Management
- Safe at Home/Family Violence Program.

Therapeutic Programs

- New Directions: - sexual offending program.

II. Appendices

Table 1 – Parole Applications Considered and Associated Outcomes

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Considered*	140	144	195	234	233	214
Granted	76	100	76	88	77	75
Refused	34	27	29	36	41	38
Withdrawn	7	9	7	7	9	13
Not interested in Parole (NIIPS)	9	8	10	3	9	5

Source: Parole Board Records.

*Applications considered by the Board include each person who appears before the Board (some applicants can appear numerous times). This excludes those appearing on warrants and notices to attend.

Table 2 – Section 70 (Exceptional Circumstances) Applications

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Applications	9	7	4	4	0	2
Granted	0	0	0	0	0	1
Refused	9	7	4	4	0	1

Source: Parole Board Records.

Table 3 – Parole Performance

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Released on parole	76	100	76	88	77	77
Parole completed*	61	61	100	49	93	80
Currently on Parole	109	119	115	106	101	87**

Source: Parole Board Records.

* Parole completed excludes revoked orders, orders transferred interstate, and deceased.

**Number of parolees as at 1 July 2016

Table 4 – Addressing Non-Compliance

	2012-13	2013-14	2014-15	2015-16
Appeared on Notice to Attend	28	31	50	42
Arrested on Parole Board Warrant	41	75	67	60
Confirmed by the Board	n/a	n/a	n/a	35
Revoked by the Board	27	28	40	34
Suspended by the Board	n/a	n/a	n/a	33

Source: Parole Board Records.

Table 5 – Parole Board Correspondence

	2012-13	2013-14	2014-15	2015-16
Correspondence received	163	114	143	110
Variations made to orders	81	58	63	62

Source: Parole Board Records.

Table 6 – Interstate Parole Transfers

	2012-13	2013-14	2014-15	2015-16
Parole orders transferred from Tasmania	1	2	3	2
Parole orders transferred to Tasmania	4	3	8	4

Source: Parole Board Records.

Table 7 – Sex Offenders

	2012-13	2013-14	2014-15	2015-16
Sex Offenders considered for parole	25	34	38*	36*
Sex Offenders granted parole	6	15	10	9**
Sex Offenders granted parole who completed the New Directions (sex offenders) Program*	5	11	9	7

Source: Parole Board Records.

* Some Prisoners are seen numerous times before a decision is made.

**Some prisoners are not eligible to complete the New Directions (Sex Offender) Program at Risdon Prison due to:

- Their mental capacity (a modified program and one-on-one work may be undertaken with such prisoners);
- Complete denial of their offence (such prisoners may still participate in the program, however participation is not compulsory);
- Length of sentence (a minimum sentence of 9 months is necessary to complete the program).

Some prisoners considered and granted parole may have completed the New Directions Program in previous years.



TASMANIA

PAROLE BOARD

TELEPHONE: 62339564

ALL COMMUNICATIONS TO BE

ADDRESSED TO THE SECRETARY

PO Box 4660

Bathurst St

Hobart TAS 7001

PAROLE ORDER

TO THE DIRECTOR OF CORRECTIVE SERVICES, HOBART

The Parole Board has considered the case of **DOB:** and hereby orders that he be released on the **day of 2014** until the **day of**

The Parolee shall:

REPORTING

1. Upon release immediately report in person to the Team Leader / Probation Officer at Community Corrections at **XXXX**.
2. Be subject to supervision on parole of a Probation Officer who shall be such person as is appointed for that purpose from time to time by the Director, Community Corrections.
3. Report to the Probation Officer, or other person nominated by the Probation Officer, in the manner and at the places and times directed by the Probation Officer and shall be available for interview at such times and places as the Probation Officer or nominee may from time to time direct.

EMPLOYMENT AND RESIDENCE

4. Reside at any address arranged or approved by the Probation Officer.
5. Only engage in employment, which is approved by the Probation Officer.
6. Not change address or employment without first obtaining the permission of the Probation Officer, or, if that is not practicable, then the parolee shall inform the Probation Officer of any change of address or employment within 48 hours after its change.

DIRECTIONS

7. Obey all reasonable directions of the Probation Officer including such directions as the Probation Officer may see fit to give as to counselling in relation to gambling, alcohol or drug use.
8. Obey the Probation Officer's direction in relation to associates.
9. Not frequent or visit any place or district specified in a direction by the Probation Officer.
10. Not to leave the place of residence or employment between the hours of **XXXX** and **XXXX**
11. Not leave the State of Tasmania without the prior written approval of the Director, Community Corrections.
12. Be of good behaviour and not violate any law and in particular shall not commit any offence involving:
 - a] intoxication;
 - b] dishonesty;
 - c] sex;
 - d] actual or threatened personal violence;
 - e] the possession or use of firearms or weapons;
 - f] possession or use of prohibited drugs; or
 - g] traffic laws, including the Road Safety [Alcohol & Drugs] Act.

MEDICAL AND OTHER COUNSELLING

12. Attend as directed by the Probation Officer any rehabilitation program nominated by the Probation Officer and not, without the permission of the Probation Officer, be discharged from or do anything to bring about a discharge from that program.
13. Do whatever is necessary to authorise all medical or other professional or technical advisers or consultants to make available to the Probation Officer relevant reports as to the parolee's medical or other conditions at all reasonable times.

DRUGS

14. Not, other than in strict accordance with a Doctor's directions, use, possess or administer any drug or substance, which cannot be legally obtained without prescription from a Doctor unless the parolee has such a prescription.

15. Not to remain in the presence of any person using or administering any prohibited substance.
16. Present for urine and/or breath analysis or other testing as and when required by the Probation Officer and is to do all things and sign all such documents as may be necessary to enable such an analysis or testing.

NON MOLESTATION

17. Not to contact or approach **XXXX** either directly or indirectly for any reason whatsoever.
18. Not follow **XXXX** or loiter outside **XXXX** place of residence or any other place frequented by **XXXX** or keep **XXXX** under surveillance or act in any other way that could be expected to arouse **XXXX** apprehension or fear.
19. Not remain in the presence of any person under the age of **XXXX** unless the Probation Officer is present or a person nominated by the Probation Officer is present.
20. Not contact or attempt to contact or associate in any way with **XXXX** without first obtaining the approval of the Probation Officer and an order enabling that contact or association from the Family Court of Australia.
21. Not loiter, without reasonable excuse, at or in the vicinity of a school, public toilet or other place at which children are regularly present while children are present at the school, toilet or place.
22. Not to enter in remunerative or voluntary work with children or at a place used for the education, care or recreation of children; or be involved in any social recreational or any other club or associations at which children attend.
23. Not provide or offer to provide accommodation to a child.

ALCOHOL

24. Abstain from the consumption of intoxicating liquor.
25. Refrain from the excessive consumption of intoxicating liquor.
26. Not enter upon or remain upon any licensed premises.
27. Not enter upon or remain upon any licensed premises (with the exception of restaurants) during the parole period / during the first **XXXX** months of the parole period unless specifically authorised in writing in advance by the Probation Officer.

FURTHER DIRECTIONS

28. The Board directs that it be provided with a report by the Probation Officer as to the parolee's progress on parole after **XXXX** months / every **XXXX** months and when otherwise considered appropriate by the Probation Officer.

Dated this **XXXX** day of **XXXX** 2014.

By order of the Parole Board

.....

Chairman

.....

Secretary

I, **XXXX**, hereby acknowledge that I understand the terms and conditions upon which I am released on parole.

Dated thisday of2014

Signed...../.....Witnessed

(Parolee's Signature)

(Witness's Signature)

Cc. Parolee
Community Corrections
Crime Management Unit
Risdon Inmate Records
Parole Board Administration