



# ADULT PAROLE BOARD OF VICTORIA

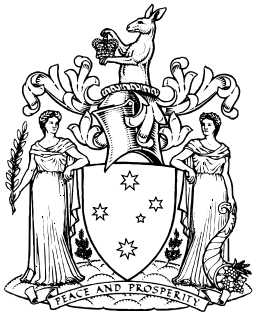
ANNUAL REPORT 2015-16





# CONTENTS

<b>Introduction .....</b>	<b>3</b>
Risks and challenges of prisoners returning to the community .....	3
Parole in Victoria .....	4
Foreword from the Chairperson .....	5
Foreword from the Chief Administrative Officer .....	8
<b>Transformation.....</b>	<b>11</b>
Changes to the Board following the Callinan Review.....	11
Members' reflections.....	12
An efficient decision-making authority .....	16
Reduction in the number of people convicted of serious violent or sexual offences committed on parole .....	17
Victorian Auditor-General's Office (VAGO) - report on the administration of parole .....	17
<b>Operations and decision-making.....</b>	<b>18</b>
Case study – Typical cases the Board considers .....	18
Legislative framework .....	20
The reformed parole process.....	22
Stage 1 – The prisoner applies for parole .....	24
Stage 2 – The Board decides to grant or deny parole.....	25
Stage 3 – Parole outcomes.....	26
Projects .....	28
Litigation.....	29
<b>Stakeholder collaboration and engagement .....</b>	<b>30</b>
Increasing the community's understanding of parole.....	30
International Corrections and Prisons Association conference .....	30
'Parole, you decide' at Law Week 2016.....	30
External presentations to stakeholders .....	31
Proactive media engagement.....	31
Working collaboratively with stakeholders .....	31
Corrections Victoria .....	31
Victims .....	31
Victoria Police .....	32
Prisoners .....	33
Koori Inclusion Action Plan .....	33
<b>Detention and Supervision Order Division.....</b>	<b>34</b>
Foreword from the Chairperson, Detention and Supervision Order Division .....	34
Detention and Supervision Order Division operations .....	35
Orders under the division's jurisdiction .....	36
<b>Organisation and governance .....</b>	<b>38</b>
Adult Parole Board members .....	38
Member education – monthly seminar series .....	40
Board Secretariat .....	41
Organisational chart .....	42
Governance .....	43
Adult Parole Board Strategic Plan 2016–2019.....	46
Privacy and information .....	47
<b>Financial report .....</b>	<b>48</b>
Financial table.....	48
<b>Appendix .....</b>	<b>49</b>
Year at a glance .....	49



## Adult Parole Board of Victoria

Level 4, 444 Swanston Street, Carlton VIC 3053  
DX 211768 Carlton

**Telephone:** (03) 9094 2111

**Victorian country callers:** 1300 766 946

**Interpreter Service:** Call 131 450

**Facsimile:** (03) 9094 2125

**Email:** [apb.enquiries@justice.vic.gov.au](mailto:apb.enquiries@justice.vic.gov.au)

**Internet:** [www.corrections.vic.gov.au/home/parole](http://www.corrections.vic.gov.au/home/parole)

The Hon Steve Herbert MP  
Minister for Corrections  
Level 1, 2 Treasury Place  
East Melbourne VIC 3002

Dear Minister

In accordance with the requirements of section 72(1) of the *Corrections Act 1986*, we are pleased to present this Annual Report of the performance and operations of the Adult Parole Board of Victoria for the 12 months from 1 July 2015 to 30 June 2016.

Yours sincerely

**His Honour Peter Couzens**  
Chairperson

**Stuart Ward**  
Chief Administrative Officer

# INTRODUCTION

## RISKS AND CHALLENGES OF PRISONERS RETURNING TO THE COMMUNITY

***Chris\* is serving a sentence of three years imprisonment with a minimum of two years before being eligible for parole.***

***He was sentenced for a series of armed robberies of convenience stores committed by him while he was under the influence of drugs. He committed the robberies to obtain money for more drugs and alcohol.***

***His parents were addicted to drugs. After a period of neglect by them and violence at the hands of his father, Chris was placed in foster homes. He has used alcohol and drugs on a daily basis since his early teenage years, and has been diagnosed with an acquired brain injury.***

***Chris has a long criminal history, including convictions for property offences, drug offences and violence offences. He has very limited education, and has spent much of his life unemployed and homeless, in unstable housing, and in prison.***

*\* Not his real name*

Chris is currently in the highly controlled and structured environment of prison. However, at some point he must make the difficult transition from prison back to the very different stresses and temptations of life in the community. The maximum time that Chris can be held in prison is determined by the court which imposes the sentence in accordance with the law. By imposing a non-parole period, the court has also set the minimum period that Chris must serve in prison

before being released on parole to serve the remainder of his sentence in the community under parole supervision. The Adult Parole Board has no role in the setting of a sentence. Only a very small number of Victoria's prisoners are serving a life sentence with no parole period. Therefore, except in those extremely rare cases, the question is not whether the prisoner should be released back into the community, but how that transition should be managed.

If a person like Chris is simply contained in prison for a period of years and then released to full freedom in the

community, his chances of reoffending are likely to be higher than if he does parole. The risk of reoffending is typically at its highest in the weeks and months following a person's release from prison.

Even a prisoner who is motivated to make positive changes and has a desire to live a life free of drugs and crime can find it challenging when leaving prison after a lengthy sentence. They may find that people and relationships have changed and employment is difficult to obtain. It can be a daunting task to establish new positive relationships, structures and routines. As a former prisoner encounters setbacks and stresses, his or her motivation can erode leading to a return to drug use and crime.

## PAROLE IN VICTORIA

The purpose of parole is to provide a structured, supervised and supported transition back into the community for prisoners, under conditions that are designed to minimise their risk of reoffending and to protect the community.

The principles and practices of parole have developed internationally for over a century to manage the transition from prison to life in the community in a way that reduces the risk to the community.

Victoria has a discretionary parole system with the following features:

- It provides incentive for prisoners to complete programs in prison aimed at addressing factors that have contributed to the prisoner's offending, such as drug addiction.
- Release on parole is not automatic. The Adult Parole Board individually assesses each eligible prisoner who applies for parole to decide whether they are suitable for parole and the conditions under which they should be released on parole.
- Parole is a mechanism for prisoners to be aided through the difficult transition back to the community by providing targeted support such as drug and alcohol or psychological counselling, advice and practical assistance.
- Parole enables parole officers and the Board to supervise prisoners following their release into the community. Parole conditions can control where the prisoner lives, whom they may associate with, and to subject prisoners to regular drug tests and electronic monitoring.

- The Board can increase, modify or enforce the conditions of parole as circumstances and risks change throughout the parole period. If necessary, the Board can cancel parole and return the prisoner to prison.

In making decisions to grant parole, the Board carefully considers all relevant information with the paramount consideration being the safety and protection of the community, as directed by section 73A of the *Corrections Act 1986*.

Other matters that the Board takes into account include (but are not limited to):

- the sentence imposed by the court including any comments about parole and rehabilitation
- the nature and circumstances of the offence for which the prisoner is serving a sentence
- the prisoner's criminal history, including performance on past paroles or community-based orders
- any submission received from a victim of the prisoner
- the outcome of formal risk assessments conducted in relation to the prisoner
- whether the prisoner has undertaken treatment and, if so, formal reports of their performance
- suitable and stable accommodation arrangements
- the prisoner's behaviour in prison.

For serious offenders, the Board considers a detailed home assessment report about the suitability of proposed accommodation and intelligence held by Corrections Victoria and Victoria Police.

Many prisoners pose a substantial risk of reoffending following release from prison. No parole system can completely eliminate reoffending. Any reoffending by a prisoner on parole will understandably lead to community concern, as has been the recent experience in Victoria.

This report outlines the many steps that the Board has taken to mitigate the risks of reoffending. However, it is important to note that the number of offences that are committed on parole is intrinsically easier to identify and count than the number of offences avoided due to the supervision and support provided by the parole system.

Simply not granting parole would prevent a prisoner from reoffending while on parole. However, this can be at the cost of a greater overall risk of reoffending when the person is released back into the community at the end of their sentence.

Board members Carmel Arthur, His Honour Magistrate Peter Reardon and Dr David Curnow





# FOREWORD FROM THE CHAIRPERSON

I am pleased to say that the 2015–16 reporting year, my first as Chairperson of the Adult Parole Board, has been a positive one for the Board.

I was fortunate, that by the time I commenced my term of office in June 2015, the Callinan reforms had, with one exception, been implemented. Great credit goes to my predecessor The Honourable E.W. Gillard QC, the Board's previous Chief Administrative Officer (Acting) Jan Noblett, the Board's present Chief Administrative Officer Stuart Ward and his management team, for the expeditious and thorough manner in which this occurred.

The exception referred to above is the case workflow system (PRISM) which remains in the development phase. This is a complex and expensive exercise, but it is essential for the long-term future operation of the Board. It should not be forgotten that the first of Mr Callinan's 23 recommendations related to the establishment of a 'new and comprehensive electronic database and case management system which is accessible to all members of the Board and its staff'.

The Callinan Review, of course, did not relate exclusively to the Board, but

extended to the parole system as a whole, including Corrections Victoria and Victoria Police.

Although the Adult Parole Board is an independent statutory body separate from Corrections Victoria, it is very reliant on Corrections Victoria for much of the information about prisoners, both pre and post parole, which it requires to undertake its work. It is in that context that the Board has benefited from the greatly improved reports with which it is now being provided, in particular, Parole Suitability Assessments and associated reports.

The Board has also benefited from the post-Callinan creation of a specialist parole officer's stream of corrections officers within Corrections Victoria. I have made a point of regularly presiding at Board meetings which involve interviews with prisoners and their parole officers. In short, I have been enormously impressed with the quality of parole officers now operating within the parole system and hope that the present specialist category of parole officers is maintained.

Victoria's Acting Auditor-General Dr Peter Frost tabled VAGO's report on their audit of the *Adult Parole System Reform Program* in February 2016. This program was introduced in 2013 for the purpose of implementing the recommendations of the Callinan Review.

In summary, the audit found that the reforms arising from the Callinan Review 'have resulted in a better informed and resourced Adult Parole Board, better trained and supported parole officers and better information sharing between the Adult Parole Board and Victoria Police regarding parolee behaviour'.

Although the audit concluded that it's too early to determine the impacts of the Parole System Reform Program on public safety, it nevertheless found that there is some indication that the reforms have reduced the risk that prisoners pose to the community. It was noted that since the second half of 2013 (when the reform program commenced), there has been a decline in the rate of people being convicted of serious violent offences or sexual offences while on parole. The *Adult Parole Board of Victoria's Annual Report 2014-15* touched on this fact for the years 2013-14 and 2014-15. I am pleased to report that this pattern of decline has continued in 2015-16 (see Table 1).

**Table 1: The number of persons convicted of serious violent offences or sexual offences committed by them while on parole in Victoria**

Year	Number of persons
2013-14	60
2014-15	22
2015-16	13

The former State Coroner Judge Ian Gray handed down his findings on 25 June 2016 in relation to the deaths of Gillian Edie Meagher (date of death: 22 September 2012), Sarah Louise Cafferkey (date of death: 10 November 2012) and Sharon Denise Siermans (date of death: 6 April 2013). Each of these young women were murdered. Gillian Meagher by Adrian Bailey, Sarah Cafferkey by Steven Hunter, and Sharon Siermans by Jason Dinsley. Mr Bailey and Mr Dinsley were both on parole at the time of their offending, whilst Mr Hunter had been on parole until 10 days prior to Ms Cafferkey's death.

In each of his findings the Coroner was critical to varying degrees of the Board's operations at the time it was dealing with these matters. However, he acknowledged that each of these tragic cases occurred prior to the Callinan Review and consequential reforms to the Victorian parole system. In his findings into the death of Sarah Cafferkey, Judge Ian Gray stated that:

'There have been major, far-reaching reforms to the parole system since Sarah Cafferkey's death. They have entrenched paramountcy of community safety. The reforms are to be commended.'

There has been a significant decline in the number of parolees in the community. At the end of the reporting year, there were 981 parolees in the community. This is a 44.4 per cent decline compared to 1,763 in 2011-12. Table 2 details the downward trend in numbers over the last five years.

**Table 2: The number of parolees in the Victorian community at 30 June**

Year	Number of parolees
At 30 June 2012	1,763
At 30 June 2013	1,646
At 30 June 2014	1,233
At 30 June 2015	1,138
At 30 June 2016	981

The Sentencing Advisory Council released its *Parole and Sentencing Research Report* in February 2016. The report focused on the period between 2010-11 to 2014-15 and concentrated on the 'substantial change' that has taken place in the use of non-parole periods by the higher courts.

The Sentencing Advisory Council report highlights:

- The increase in the proportion of imprisonment sentences with terms that could not have a non-parole period imposed. That is, a term of imprisonment of less than one year. According to the report, the proportion of imprisonment sentences of less than one year increased between 2010-11 and 2014-15 from 5.3 per cent to 21.3 per cent in the higher courts and from 74.6 per cent to 86.4 per cent in the Magistrates' Court.
- The large decline in the use of non-parole periods for terms of imprisonment that fell within the discretionary range for the impositions of a non-parole period. That is, sentences that are in between one year to less than two years. According to the report, between the September quarter of 2014 and the June quarter of 2015, the proportion of an imprisonment term of one year to less than two years that had a non-parole period declined from 94.1 per cent to 20.9 per cent in the higher courts and from 81.0 per cent to 66.7 per cent in the Magistrates' Court.
- The commencement of the decline in the use of non-parole periods

coincides with the commencement of the operation of amendments to the *Sentencing Act 1991* and the handing down of the Court of Appeal's guideline judgement in *Boulton v The Queen* (2014) VSCA342 (22 December 2014). The amendments to the Sentencing Act increased the term of imprisonment that may be combined with a Community Corrections Order from three months to two years.

With regards to the contents of the Sentencing Advisory Council's report, it seems highly likely that the decline in the number of parolees at the end of the reporting year is partly the flow-on effect from the changes in the sentencing practices that commenced September 2014.

In contrast to the declining number of offenders sentenced to a non-parole period since the second half of 2014, there has been an extremely large increase in the number of offenders sentenced to a combined imprisonment/Community Corrections Order sentence.

I accept that public confidence in the Adult Parole Board and the parole system as a whole was badly damaged in the aftermath of the tragic cases referred to earlier and that much needs to be done to help restore public confidence in the Board and the parole system. With that in mind, I've taken a number of opportunities to speak publicly about the reforms and the improvements to the system that have taken place because of them. For example, in October 2015 I joined Ms Leanne Barnes of Corrections Victoria to undertake a presentation about the parole system reforms to delegates at the International Corrections and Prisons Association (ICPA) conference.

Full-time Board members Dr David Curnow and Mr Stephen Farrow also gave individual presentations to delegates at the ICPA conference on the topic of parole and the criminal justice system.

I also undertook interviews with ABC Radio 774's Lindy Burns program and the *Sunday Herald Sun's* Andrew Rule – both of which gave me the opportunity to talk about the reforms.

On 21 May 2015 the Adult Parole Board took part in Law Week for the first time. In conjunction with the Magistrates' Court of Victoria, members of the Board took part in a mock hearing which involved a fictitious offender being sentenced to a non-parole period. Following this, two separate boards were convened; the first to determine the prisoner's application for parole, the second to decide upon a notification of a breach of parole and determine whether or not to cancel parole. The presentation was very well received. A number of audience members commented about how better informed they were about the parole system after seeing the demonstration.

The Adult Parole Board continued to operate its Detention and Supervision Order Division under the Chairmanship of His Honour Frank Shelton. I wish to acknowledge and thank His Honour for his leadership and commitment to the work of the division. I also wish to acknowledge the full-time members and community members who have been appointed to the Detention and Supervision Order Division for their contribution and commitment to the work of the division.

In his contribution to the *Adult Parole Board of Victoria Annual Report 2014–15*, His Honour referred to the review of the *Serious Sex Offender's (Detention Supervision) Act 2009* which was announced by the Minister for Corrections, The Honourable Wade Noonan MP in May 2015.

The review panel comprising The Honourable David Harper QC, Professor Paul Mullen and Professor Bernadette McSherry, submitted their report to the Victorian Government in November 2015. The report was publicly released on Sunday 24 April 2016.

I'm pleased to report that the Adult Parole Board was invited to respond to the panel's recommendations – which it did.

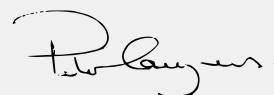
The Adult Parole Board has long maintained that it should be divested of its jurisdiction under the Act and that it should be transferred to a separate specialist body. The Board's position is

in keeping with the recommendations of the Sentencing Advisory Council in 2007, a recommendation that was endorsed by Mr Callinan in his report.

It is noteworthy that the review panel's recommendations included, inter alia, a recommendation that a new authority should assume the Adult Parole Board Detention and Supervision Order Division's present responsibilities under the Serious Sex Offenders (Detention Supervision) Act. It goes without saying that the Adult Parole Board fully supports the recommendation.

In conclusion, I wish to acknowledge and thank the members and staff of the Adult Parole Board for their outstanding contributions to work at the Board throughout the reporting year. They are the most dedicated, talented and conscientious group of people. The work of the Board is relentless, difficult and at times stressful. Yet whatever their individual roles, whether they be judicial members, full-time members, community members, management or staff, they undertake it diligently and effectively.

Time and space don't permit me to name individuals for praise, for if I were to do so my contribution would be much longer than it already is. The one exception is the Adult Parole Board's Chief Administrative Officer Mr Stuart Ward. Stuart is an outstanding Chief Administrative Officer. He has overseen the completion of the implementation of the Callinan reforms and the restructuring of the Board's administration. Under his leadership the Board has been transformed into a modern, efficient and effective organisation, far better placed to carry out its extremely important work both now and in the future.



**His Honour Peter Couzens**  
Chairperson  
Adult Parole Board of Victoria



# FOREWORD FROM THE **CHIEF ADMINISTRATIVE OFFICER**

Last year's Annual Report recorded the emergence of the Adult Parole Board as a modern decision-making body through the implementation of a program of far-reaching reforms.

This year the focus is on the consolidation of this transformation, evaluation of the reforms, and using the hard work and achievements of the past few years as a foundation for the continuous improvement of operations and understanding of the parole system.

## **Consolidation**

The new parole model has now operated for a full reporting year. Prisoners must apply for parole. The Board will not consider parole if they do not apply. While placing this responsibility on the prisoners and removing any sense of entitlement to parole, the application process has not been a deterrent to prisoners who are willing to use their time in prison to prepare for parole. Only 7.2 per cent of eligible prisoners chose not to apply in 2015–16. Of those who do apply (including for re-parole after

cancellation), 84.2 per cent progress past an initial screening, leading to the preparation of material to be presented to the Board for a substantive decision. Of the parole applications passing the threshold (including for re-parole after a cancellation), the Board decided to grant parole to two thirds of applicants and deny parole to one third. These figures demonstrate an appropriate output from a sophisticated filtering mechanism. On one hand, it protects the community from prisoners who would pose an unacceptable risk of harm on parole. On the other hand, it provides the benefits of the structure, support and supervision that parole offers to the majority of

able to quickly raise concerns for the Board's attention, and the Board has processes and resources to respond to notification of breaches of conditions, escalating risks, or further offending with appropriate urgency. I am pleased that for the second consecutive year, the Board is reporting that every breach of parole notification received from Victoria Police was either finally determined by the Board on the day it was received, or the next business day.

The one reform that remains outstanding from the Callinan Review is the completion of the case workflow system. All the Board files have been converted into electronic format in anticipation of this system, and are used in electronic format for all Board meetings. The case workflow system will build on this work and further improve the flow of information to the Board for consideration, the recording of Board decisions, and the dissemination of its decisions. This will further reduce risks by improving accuracy and efficiency. It will also enable improved reporting and understanding of the outcomes of the Board's operations, which will have long-term benefits for the parole system. The timing of the development of the case workflow system has, in part, been influenced by the need to first settle new processes for other reforms, such as the parole application process. During the reporting year, a service provider was engaged after a tender process, and by the end of 2015 an initial phase of the workflow system was completed. Since then, intense and complex work has been undertaken to plan the development of the remaining phases. This project remains a high priority for the Board and it continues to make a substantial contribution to it, with two senior staff devoted to it on a full-time basis (supported by other Board members and staff as needed), co-located and working closely with the Corrections Victoria project team.

## Evaluation

The Board works under intense pressure and scrutiny – from the public, through the media, in court, and under public sector governance and auditing mechanisms. The breadth and depth of evaluation reflects the Board's important

public function, and the Board is acutely aware of the need to foster public confidence in its operations and the parole system.

It is extremely pleasing that the Victorian Auditor-General and the Coroner's Court have endorsed the Board's reform program and current operations – two independent and respected review institutions that have thoroughly examined the objectives and implementation of the reforms. The achievement of the Board's Secretariat in introducing the parole reforms was also recognised in the inaugural Justice Risk Awards (run by the Department of Justice and Regulation with the Victorian Managed Insurance Authority) with a special commendation for reducing the risk to the community associated with prisoner management on parole.

The independent endorsement of the Board's reform agenda overlays an extensive evaluation of the parole system reforms undertaken by Corrections Victoria. It reinforces the experience of Board members and staff, and others with whom the Board engages professionally, who attest to a marked improvement in the parole system. It also accords with the significant 78.3 per cent decrease over three reporting years in the number of persons convicted of serious violent offences or sexual offences committed while on parole.

The Board's Risk and Audit Committee commenced meeting during the year as an enhancement of the Board's own governance structure. Within its remit, this committee has assumed responsibility for a bi-annual independent audit of the Board's processes, as an ongoing commitment to give the public confidence that the Board complies with legislative and administrative requirements.

The final word on evaluation may be drawn from an article written by Andrew Rule in the *Herald Sun* on 22 May 2016. After examining the recent history of the Board and the pressures it works under, he concluded: *'Parole has always been a lot about rehabilitation. It seems the Board has led by example and rehabilitated itself. Now, like its 'clients', it has to stay out of trouble'*.

eligible prisoners to improve their prospects of a successful reintegration to the community at the conclusion of their sentence. In making every parole decision, the Board has as its paramount consideration the safety and protection of the community.

The Board's decisions about whether to grant or cancel parole are now better informed, and more time is available for thorough and careful consideration of each matter. For prisoners serving sentences for serious violent offences or sexual offences, information about the completion of relevant offending behaviour programs and intelligence from Corrections Victoria and Victoria Police is available to the Board to inform its decisions. Dedicated specialist parole officers supervise prisoners on parole and are

## Continuous improvement

Our challenge is to keep building on the solid foundation that has been laid, taking opportunities to continuously improve operations, skills and communications. We need to promote public understanding of how, when and why parole is set by sentencing courts; the parole system that is enlivened by a sentence including a non-parole period; and the work of the Board.

We are doing this on many fronts.

Practice improvements we have initiated include:

- A pilot for the Board to consider 'time to count' following every parole cancellation. Under the pilot, after every parole cancellation the Board considers whether any time spent on parole before it was cancelled counts as time served under the sentence (and if so, how much).
- Improving the information provided to prisoners about the reasons their parole was cancelled, and instigating a project to improve communication to prisoners about the reasons for decisions to deny or revoke parole.
- Designing and implementing an improved model to create electronic files for presentation at Board meetings with validation and audit points built in, to reduce the risk of administrative errors and increase staff responsibility and efficiency.
- Recording Board interviews with prisoners for future reference.
- Separating hearings of the Detention and Supervision Order Division from parole sittings, to ensure that when sitting as the Detention and Supervision Order Division, the Board is fully focussed on the post-sentence detention and supervision order scheme.

We have also:

- Developed the Board's first ever three-year strategic plan, and are now working on a supporting strategic communications plan.
- Fully and successfully implemented a new Secretariat staff structure to provide better service to the Board, as well as improved consistency, flexibility and opportunities for staff.

- Commenced the planning to refurbish the Board's premises to create a secure Board hearing room, as well as a professional work environment to support the Board's operations.
- Initiated a project to re-brand the Board to capture and reflect its transformation into a modern decision-making body.
- Commenced planning for the deployment of a new Board website with improved content, presentation and accessibility.

Having transformed the Board's operations, the time is right to increase public understanding of the purpose and benefits of parole, the parole system, and the Board's work. This needs to be done through carefully selected and targeted opportunities. It is important that the public discourse on parole moves beyond emotive and alarmist headlines. To this end, the Board has talked about its work and the parole system in the media, at conferences, and to interest groups including victims of crime. For the first time ever, in May 2016 the Board conducted a public mock hearing to a full house at Law Week. The new Board website will be another opportunity to improve the information about the parole system available to the Victorian community.

## Acknowledgments

The appointment of His Honour Peter Couzens as Chairperson of the Board came at the perfect time. Drawing on his extensive experience as a Magistrate, County Court Judge and President of the Children's Court of Victoria, his passion for justice, his insight, and his ability to communicate in a compelling way, Peter has advocated strongly on behalf of the parole system and to restore public confidence in the Board. Leading by example and with a combination of wisdom and hard work, he inspires Board members and Secretariat staff every day. He is well supported by His Honour Frank Shelton, Deputy Chairperson of the Board and Chair of the Detention and Supervision Order Division, and the four full-time members who continue to make valuable contributions to Board hearings, practices, policies,

training and governance. The Board's membership is its greatest strength, bringing together a remarkable array of diverse personal backgrounds, professional experience, and knowledge. It is fitting that this report highlights reflections from some of the members.

The Secretariat supporting the Board is totally committed to a high standard of professional service and best practice. A mix of long-serving staff and new recruits has created a vibrant, positive atmosphere, a team that is supportive of each other and dedicated to improving operations. All staff deserve praise for their resilience and commitment. In particular, I acknowledge and thank the management team for their drive and leadership.

The Board continues to enjoy a close and effective working relationship with Corrections Victoria. This ranges from parole officers who attend Board meetings to discuss individual cases, to prison officers who guide the Board on prison visits, and members of the Corrections Victoria executive and management team who will always make themselves available to meet with the Board to work through parole system issues, and are generous with the time they give.

I am proud of our achievements in 2015–16. Working together, the Board members and Secretariat staff have navigated the Board out of its most difficult period. Although the nature of its work will always remain high risk, there is growing confidence that the Board is in a strong position to deal with the challenges it faces every day.



**Stuart Ward**  
Chief Administrative Officer  
Adult Parole Board of Victoria

# TRANSFORMATION



**Although the audit concluded that it's too early to determine the impacts of the Parole System Reform Program on public safety, it nevertheless found that there is some indication that the reforms have reduced the risk that prisoners pose to the community. It was noted that since the second half of 2013 (when the reform program commenced), there has been a decline in the rate of people being convicted of serious violent offences or sexual offences while on parole.** ”

**His Honour Peter Couzens,  
Chairperson**

## CHANGES TO THE BOARD FOLLOWING THE CALLINAN REVIEW

In July 2013, former High Court Justice Ian Callinan AC provided his *Review of the Parole System in Victoria* to the Minister for Corrections. Justice Callinan highlighted that the Board was under-resourced. It was hampered by an inadequate paper-based filing system and had an 'intolerably heavy' volume of work, with the result being that 'the sharpest, most experienced and intelligent of people simply could not give the attention to each matter that is required'.

His report concluded that the Board was unduly proactive in considering prisoners for parole and that its approach encouraged an expectation on the part of prisoners that they would be released on or about their earliest eligibility date. For example, it was the practice of the Board to regularly visit prisons to interview prisoners long before their earliest eligibility date.

In his view, insufficient emphasis was placed on the safety and protection of the community. The Board did not have access to risk assessments based on appropriate tools, and the Board's decisions were not sufficiently risk averse.

Once released, he considered that prisoners were not adequately

supervised due to a lack of experienced parole officers, and breaches of parole conditions were 'very frequent, sometimes go undetected or are left unremarked'.

The Callinan Review made 23 recommendations, which supplemented earlier recommendations by the Sentencing Advisory Council in its 2012 *Review of the Victorian Adult Parole System* and reviews by Professor James Ogloff and the Office of Correctional Services Review.

Since then, the parole system has been transformed.

The Board's budget has substantially increased since 2011–12. The number of Board hearings has increased while the number of matters at each meeting has decreased. This ensures that Board members are able to consider each case more thoroughly. The Board has created electronic records to develop more effective work practices.

Consideration for parole is no longer automatic. Eligible prisoners are considered only if they apply for parole. This reinforces that release on parole is not an entitlement. In order to be released on parole, prisoners must undertake appropriate assessments and treatment in prison.

A prisoner who is serving a sentence for a serious violent offence or a sexual offence cannot be released on parole unless two separately constituted divisions of the Board consider that they should be paroled. The Board has increased the professional development of its members through the provision of monthly seminars.

The Victorian Government invested \$84.1 million in the parole system over four years. This enabled the creation of a separate category of community corrections officer, specialising in parole. This in turn has enabled more proactive supervision and reporting of breaches. In particular, the Board is now notified of every positive or diluted drug test by a prisoner on parole.

Police are now able to check the parole status of any person they arrest. If they arrest a prisoner on parole for a suspected offence, or for certain breaches of parole conditions, they must detain the prisoner until the Board has been notified and has advised the police whether to release or to continue to detain the prisoner. The Board received 98 notifications in 2015–16. The Board has the capacity to respond to these notifications outside of business hours, including on weekends and public holidays.

The Board's preparedness to cancel the parole of a prisoner whose risk to the community is increasing has resulted in a 78.3 per cent drop over the last three reporting years in the number of persons convicted of committing serious violent or sexual offences while on parole.

The implementation of the parole reforms has been reviewed by the Victorian Auditor-General's Office. In February 2016, the Victorian Auditor-General published his report on the *Administration of Parole*, concluding that:

*All of the Callinan Review recommendations were considered and responded to. The majority of responses either fully achieved the intention of the original recommendation or were appropriately modified based on sound evidence and consultation.*

# TRANSFORMATION: MEMBERS'

## SHIVANI PILLAI

I made the bold step of transitioning from the Victorian Bar to the Board when it was experiencing unprecedented changes to its structure, operation and constitution, and was navigating its way through a storm propelled by an aggrieved public and a resolute media.

A new parole regime has been established, and for now the storm has subsided, but one thing is certain – crimes will be committed, parole or no parole. The unenviable mandate of the Board is to promote the reintegration of prisoners into the community in a way that minimises their risk of reoffending.

Parole consideration is a complex exercise. In my experience, the vast majority of prisoners know how parole works. However, the challenge for the Board is demystifying parole in the public domain. The Board performs a vital role in the administration of criminal justice, yet it seems to have been a mystery to the public for the past 60 years. This is largely because of confidential legal constraints. The confidentiality of decisions, interviews and information given to the Board is fundamental to addressing the risk of prisoners. The public should be reassured by the diversity of community voices, experienced judicial members and the work of full-time members who strive to ensure consistency of decision-making.

I commend the Board members of the previous regime who worked tirelessly under a legal framework that had little or no resemblance to the new. It has been a great privilege to work alongside such eminent individuals, to have played a role in forging a Koori Inclusion Action Plan for the future, and to have served as a Board member at a pivotal time of legal reform.

*Shivani Pillai was appointed to the Board as a full-time member in December 2013. Prior to the Board, she was a criminal barrister, Associate in the Supreme Court of Victoria, a Prosecutor with the Commonwealth Director of Public Prosecutions, and worked voluntarily as a Solicitor's Assistant with the Criminal Law Division of Victoria Legal Aid.*

## DR DAVID CURNOW

The Board has honed its consistency in decision-making over the past three years. Much of the seismic shifts in legislation and policy have been implemented, and we are now in a period of fine-tuning our approach to legal scenarios (for example, deportation), mental health (for example, improved referral documentation) and specific offence types (for example, family violence). The Board holds regular seminars to educate its members, and I believe that these seminars have greatly contributed to the consistency in Board decision-making.

Improved rostering has reduced fatigue and strengthened the quality of decision-making. We can carefully weigh up the quality and relevance of information and the degree of risk that the prisoner's behaviour represents when deciding to grant, deny or cancel parole, thanks to the implementation of 'decision communication forms'.

Improving communication is a priority for the Board. Having worked as a forensic psychologist for many years, including within the prison system, I understand the importance of effective communication to build relationships with stakeholders. The Board has made a concerted effort to speak to different stakeholder groups, participated in Law Week to educate the community, been more involved with the media, and invited observers to Board hearings to improve stakeholder's understanding of the Board's decision-making process. The Board's liaison with Corrections Victoria has improved the speed of response when prisoner's risk escalates beyond the Board's threshold.

The most important change, in my opinion, has been the development of a strategic focus for the Board. This is supported with targeted data analysis, which provides feedback on our decision-making and allows for further improvement. This is the best evidence of a professional, consistent and ethical organisation.

*Dr David Curnow was appointed to the Board as a full-time member in May 2014. He has been a forensic psychologist for 18 years. Prior to the Board, he held a variety of clinical leadership positions in the Victorian and South Australian correctional systems and the federal government.*



# REFLECTIONS

## RAJ MALHOTRA

The past two years, and particularly the last 12 months, have highlighted the stark positive change in the operations of the Board. The focus on transformation has now successfully shifted to one of stabilisation. I surmise that the current Board is operating with a greater level of competence, confidence and consistency than the Board immediately post-Callinan when the recommendations were first introduced (and this is in no way critical of the Board in times past). This comes as a consequence of the considerable resource investment and effort that has been made to ensure that members are equipped with as much accurate and timely information at every decision-making point as possible. Major highlights include an expansion of technology use across all of the Board's functions, on-call availability of full-time members, and the establishment of a full governance structure.

The Board's stakeholder engagement activities highlight its preparedness to educate the community about the purpose and benefits of parole. As the Chair of the Stakeholder Engagement Subcommittee, I am proud of our achievements so far and there is always more work to do in this space.

I feel privileged to say that I believe the Board continues to grow from strength to strength. Unfortunately, there will always be inevitable social issues beyond the Board's control such as drug use (within and out of prison), a lack of available accommodation to house prisoners, and the challenges with offender treatment delivery and participation.

A vast array of improvements, including the implementation of the Board's Serious Violent or Sexual Offender Division, increased engagement with prisoners, and working closely with Corrections Victoria and Victoria Police, inevitably gives me confidence in seeing a continued reduction of offending by prisoners on parole and a dynamic, innovative and successful organisation. I look forward to continuing to be a part of that!

*Raj Malhotra was appointed to the Board as a full-time member in December 2013. Prior to this, he held various senior legal roles in the Victorian Government. His legal career began in Western Australia where he operated his own law firm and was thereafter appointed a Crown Prosecutor.*

## STEPHEN FARROW

Last year, I was fortunate to have the opportunity to undertake a Churchill Memorial Fellowship to travel to Canada and the United States to study their parole systems. During my travel, I observed a range of other parole boards in action and met with their members and staff, as well as leading academics and researchers. This has provided a valuable perspective on how our parole system compares.

The current Victorian parole system compares very favourably with those internationally. The quality of information provided to the Board is as high as the other boards that I observed. Victoria's offender treatment programs are of a high standard, and the comprehensive assessment and completion reports that the Board receives from Corrections Victoria on prisoners who undertake such programs are a distinctive asset of the Victorian parole system.

Another distinctive feature of the Victorian parole system is the capacity of the Board to cancel parole in any circumstances where it considers that there has been an escalation of risk, independently of whether there has been a breach of a specific parole condition. This enables the Board, in appropriate cases, to swiftly respond to an increase in risk consistent with its statutory obligation to treat the safety and protection of the community as its paramount consideration.

*Stephen Farrow was appointed to the Board as a full-time member in November 2013. Prior to this, he served as CEO of the Victorian Sentencing Advisory Council for five years where he co-authored the Council's 2012 Review of the Victorian Adult Parole System. He is trained as a lawyer and has worked in a range of criminal law policy roles with the Victorian Government, including the Victorian Law Reform Commission.*



**HER HONOUR  
JUDGE  
SUSAN PULLEN**

I have made many difficult decisions during my judicial career, decisions that greatly impact people's lives. I believe my role is important, as judicial members bring that particular experience to the Board. Since the Callinan Review, a number of new judicial members have been appointed to the Board.

The fact that prisoners must now apply for parole is fundamental to the concept that parole is a privilege, not an entitlement. Parole offers advantages not only to the protection of the community but also to the rehabilitation of a prisoner. Prisoners returning to the community are further assisted to reintegrate by an initial period of intensive parole.

The major improvement to technology has been a big win for the Board. The move to digitise files has enabled the Board to better analyse the issues that are relevant to a particular prisoner under consideration for parole.

I feel honoured to have been part of the Board's transition to a modern and effective authority. Increased funding, more collaboration with our stakeholders, and better Board processes mean we can spend more time thoroughly reviewing each case. The evidence of improvement through the transformation is clear; last year, 13 people were convicted of serious violent or sexual offences committed by them while on parole, compared with 60 people two years ago.

*Her Honour Judge Susan Pullen was appointed to the Board as a judicial member in November 2013 and is a Judge of the County Court.*



**HIS HONOUR  
MAGISTRATE  
DAVID FANNING**

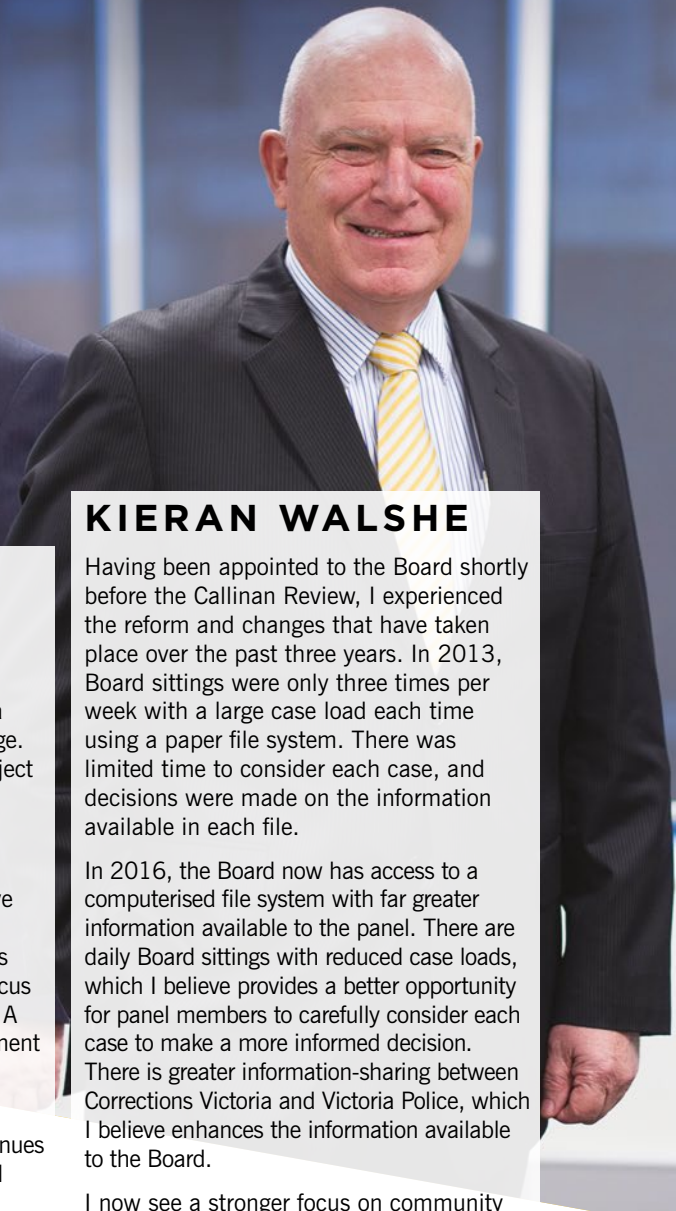
I was appointed to the Board during a tumultuous period of significant change. Never before had the Board been subject to the level of scrutiny and public comment evident during that period.

I was immediately struck by the level of commitment, dedication and resolve of staff and members of the Board to serve the community in circumstances where many felt they had been the focus of much criticism and condemnation. A major reason for this level of commitment and dedication was undoubtedly the integrity of staff and members.

The Board has been well led and continues to be so. With much needed additional funds, quality leadership has enabled the Board to transform by undertaking a number of changes and innovations. The full-time members have been especially active in developing and implementing the process of transformation. Importantly, one of the most significant outcomes of this transformation has been a reduction in the number of matters to be considered by the Board on any single sitting day. This, along with much improved reports provided by Corrections Victoria, has allowed the other members of the Board and myself greater opportunity to better examine and analyse the matters that come before the Board.

I am confident that when making decisions, the interests and safety of the community are at the centre of the Board's work.

*His Honour Magistrate David Fanning was appointed to the Board as a judicial member in December 2013. He has sat as a Magistrate at the City of Yarra's Neighbourhood Justice Centre since 2007. He practised in criminal law, family law and child welfare law for 14 years, and is Tasmania's former Commissioner for Children.*



**KIERAN WALSH**

Having been appointed to the Board shortly before the Callinan Review, I experienced the reform and changes that have taken place over the past three years. In 2013, Board sittings were only three times per week with a large case load each time using a paper file system. There was limited time to consider each case, and decisions were made on the information available in each file.

In 2016, the Board now has access to a computerised file system with far greater information available to the panel. There are daily Board sittings with reduced case loads, which I believe provides a better opportunity for panel members to carefully consider each case to make a more informed decision. There is greater information-sharing between Corrections Victoria and Victoria Police, which I believe enhances the information available to the Board.

I now see a stronger focus on community safety being exhibited, and a more timely and definitive response taken regarding cancellation of parole with Board staff on call 24/7 to take action for parole breaches. Furthermore, I feel that the Board is ensuring that the prisoners granted parole are both deserving of parole and will benefit from parole.

Finally, under the leadership of the Board's Chairperson, His Honour Peter Couzens, I believe that the veil of secrecy is being lifted which will lead to greater community confidence in the Board. This was highlighted during Law Week, when the general public were invited to attend 'Parole, you decide' and witness mock panels conducted by Board members including myself.

*Kieran Walshe was appointed to the Board as a community member in February 2013. He retired from the Victorian Police Force in 2012 following a 44 year career and attaining the rank of Deputy Commissioner. During his police career, he was awarded the Australia Police Medal, the National Medal, and the Victoria Police Service Medal and Award for 40 years of service.*



## CARMEL ARTHUR

I have had the privilege to sit as a community member on the Board for eight years and estimate that I would have contributed to more than 10,000 decisions. During this time, I have seen improved collaboration between the courts, corrections and police, and necessary increases to funding provided by the government to make the system work better. Most profound, however, has been the preparedness of the Board to open its doors and engage with the community. This is something which I am deeply passionate about. Community education and engagement is critical; after all, the community is our most significant stakeholder.

For the first time this year, the Board 'went public'. We participated in Law Week and ran a mock hearing in the Melbourne Magistrates' Court to demystify myths around how decisions are made. I remained behind to mingle with the community to listen to their feedback. 'It's more robust and complex than I thought' was the comment that resonated with me most. I was asked 'What is the most difficult thing about sitting as a community member?' – my response was immediate – 'a fear that you will make the wrong decision'.

Pre-Callinan Review, this fear was even more pronounced. The system was stretched and underfunded. It needed to transform and be appropriately resourced and integrated to the level it is now. Keeping our community safe and maintaining confidence in the community is, and always will be, at the heart of our decision-making. It was pre-Callinan Review, and it remains so now. The difference now, however, is the commitment by the government to invest in the system to mitigate risk.

Making the right decision will always present its challenges, yet knowing that there are better supports in place to mitigate risk has resulted in more confident decision-making, and that has been vital. We will never be able to predict human behaviour. It is, and always will be, one of the most confronting realities we face. However, knowing that there are measures in place to identify much earlier the likelihood that a prisoner on parole may reoffend, has provided members with a greater level of confidence and comfort around the decisions we make.

*Carmel Arthur was appointed to the Board as a community member in December 2008. Her experience traverses the courts, police and corrections. She has worked with many victims of crime, and advocates for better treatment of victims and their families through the criminal justice process. Carmel is a victim of crime herself; she is the widow of Senior Constable Rodney Miller who was murdered in the line of duty. She is particularly conscious of the need to keep the community engaged and informed about the justice system.*



## HER HONOUR MAGISTRATE KAY MACPHERSON

I am a firm advocate of the parole system, and strongly believe that the community is better protected by having an effective parole system rather than releasing prisoners straight from prison into the community. It saddens me that the Board receives so much negative publicity, when in fact my experience is that it is very successful in reintegrating many prisoners into the community.

There have been many positive changes as a result of the Callinan Review. What has not changed, however, is the presence of hard-working, dedicated and experienced staff. The significant changes include the introduction of computerised files, as opposed to paper files, and the decrease in the number of cases listed each day which enables Board members to consider each matter fully and not get fatigued by the sheer numbers previously listed. The two-tier system introduced by legislation is also a very effective method of ensuring that serious violent or sexual offenders are only released on parole after their cases have been considered very carefully by two separate boards.

The introduction of a permanent full-time Chairperson has given the Board strong leadership and a strong voice. His Honour Judge Couzens has provided the Board with great leadership and his hard work, presence and advice is appreciated by all. In addition, he has spoken in the media and at Law Week about the Board and how it works. I believe that the Board needs a strong voice so that the adverse views can be dispelled and members of the public can understand how the Board operates.

*Her Honour Magistrate Kay Macpherson is the regional coordinating Magistrate at the Broadmeadows Children's Court, and was appointed as a member of the Adult Parole Board in December 2013. She is also the head of the Family Drug Treatment Court and the Koori Hearing Family Day Court (Marram – Ngala Ganbu).*

## AN EFFICIENT DECISION-MAKING AUTHORITY

Board operations have changed dramatically in the past four years. The Board has transformed from an organisation that was under-resourced to a modern and efficient decision-making authority. The Board now has the support that it needs and can focus on stabilisation.

**Table 3: Board activities 2011–12 and 2015–16**

	2015–16	2011–12
Board membership, as at 30 June	Full-time members: 4 Judicial members: 16 Community members: 16	Full-time members: 1 Judicial members: 14 Community members: 8
Number of Secretariat staff, as at 30 June	30	19
Number of Board meeting days	272	187
Average matters considered per meeting day	36	55
Funding received by the Board	\$5,294,500	\$2,808,800



*I commend the Board members of the previous regime who worked tirelessly under a legal framework that had little or no resemblance to the new.*

**Shivani Pillai, full-time member**

Secretariat staff members

# REDUCTION IN THE NUMBER OF PEOPLE CONVICTED OF SERIOUS VIOLENT OR SEXUAL OFFENCES COMMITTED ON PAROLE

A measure of the effectiveness of the transformation of the parole system is the reduction in the number of persons convicted of serious violent or sexual offences committed on parole. The objective of parole is to reduce the risk that a prisoner will reoffend while on parole.

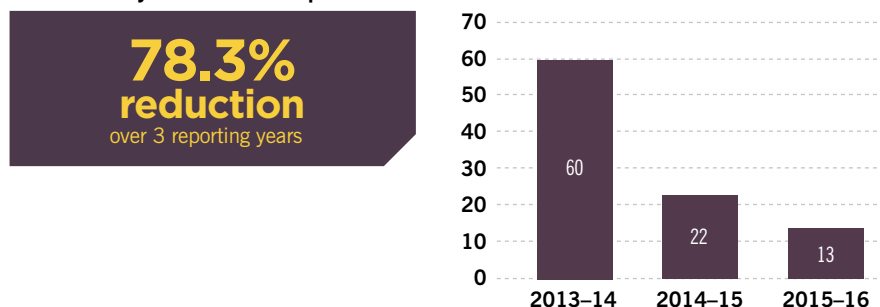
It is impossible to measure the number of offences that are avoided because of the support and supervision provided by parole. However, the Board can measure the number of convictions of serious violent and sexual offences committed by prisoners while on parole.

- The Board first reported on this measure in 2013–14, when 60 people were convicted of a total of 97 serious violent or sexual offences committed while on parole (some of the people were convicted of more than one offence).
- In 2014–15, 22 people were convicted of 38 serious offences.
- In 2015–16, the numbers fell even further to 13 people convicted of 17 serious offences committed while on parole. This represents a 78.3 per cent reduction in the number of people and an 82.5 per cent reduction in the number of offences over the three reporting years.

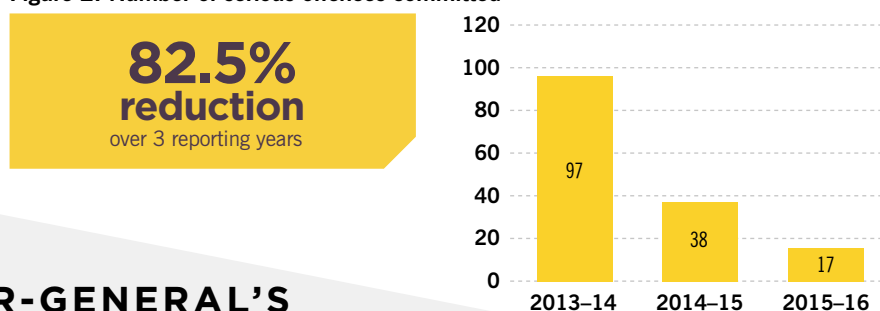
It is important to be aware of the time lag involved in investigating and prosecuting serious offences. None of the 17 offences recorded as convictions in 2015–16 were committed in that year. Seven of the 13 people who were convicted in 2015–16 had been released on parole prior to 2013, and five of them had committed the serious violent or sexual offence prior to 2014. Therefore, many had been released on parole and committed a serious violent or sexual offence while on parole before the reforms to the parole system, but were not convicted of those offences until 2015–16.

In the Administration of Parole report tabled in February 2016, the Victorian Auditor-General referred to the reduction from 2013-14 to 2014-15 as an indication that the parole reforms may have reduced the risk that prisoners on parole pose to the community. It is unrealistic to expect that the commission of serious offences on parole will be completely eliminated. The challenge is to reduce the number of people convicted and the number of offences committed to as low as can be achieved and maintain them at that level.

**Figure 1: Number of persons convicted of a serious violent or sexual offence committed by them while on parole**



**Figure 2: Number of serious offences committed**



## VICTORIAN AUDITOR-GENERAL'S OFFICE (VAGO) - REPORT ON THE ADMINISTRATION OF PAROLE

In February 2016, the Victorian Auditor-General's Office (VAGO) released the report from its audit of the parole system which found that parole reform has 'resulted in a better informed and resourced APB (Adult Parole Board)...and better information sharing between the APB and Victoria Police regarding parolee behaviour. Parolee risk to the community is now enshrined in legislation as the key consideration in APB decision-making.'

The main objective of the audit was to analyse the administrative processes of parole to determine if parole is being administered effectively (the audit did not include any review of Board decisions). VAGO's audit team examined Victoria's parole system and the operations of

parole's key stakeholders, including the Board. The audit was comprehensive and covered all aspects of the parole process including preparation for parole and management of prisoners on parole. The Board complied with all requirements of the audit; Board members and staff met regularly with the audit team to provide them with access to relevant Board information.

VAGO's audit team were positive and reported that:

- all the Callinan Review recommendations were considered and responded to, and consequently Board operations have improved
- there is an increased number of Board members, fewer cases per sitting day,

and improved access to electronic documentation which reduces the risk of error

- the Board has introduced a well-documented breach of parole process, and there is a memorandum of understanding between Victoria Police and the Board around data-sharing
- the new application process is a positive step with prisoners now needing to take responsibility, and the Board no longer needs to spend time considering parole for prisoners who do not want it.

VAGO's audit found that 'it is still too early to determine whether parole reform has improved community safety...however, there are now fewer parolees convicted of committing serious violent or sexual offences.'

# OPERATIONS AND DECISION-MAKING

## CASE STUDY:

### Typical cases the Board considers

The Board has increased efficiency by changing its practice of travelling to prisons across Victoria to interview prisoners before they are eligible for parole. The Callinan Review recommended that the onus of responsibility should be on the prisoner to apply for parole, rather than being automatically considered. The Board now only interviews prisoners when there is a need, including to clarify information pertaining to the prisoner's parole application. Interviews are normally facilitated through prison video link.

The Chairperson also speaks with young prisoners to reinforce them with strategies for managing their behaviour outside prison. Over a two-hour period on a morning in May 2016, the Chairperson presided on a Board that conducted interviews with five young prisoners via prison video link. The Board spoke with each prisoner to help them prepare for the challenges they will face in the community. The Board provided the prisoners with strategies to deal with the temptations to take drugs, mix with criminal associates, and reoffend.

The five prisoners were all male, aged between 22 and 27 and serious violent offenders. Methamphetamine (ice) addiction was a major contributing factor to their offending. The similarities of the prisoners, including their backgrounds and offending, is a reflection of the large number of young men in Victoria's prisons who abused ice and committed violent offences and are now serving relatively short sentences with non-parole periods. These young prisoners will be released into the community (either on parole or at the end of their sentence) where they will face many of the challenges which led them to prison, including the temptation to take drugs. The purpose of parole is to structure, supervise and support their reintegration, and the Board's paramount consideration is always the safety and protection of the community.

## PRISON VIDEO LINK BOARD HEARING - MAY 2016

**Prisoner:** John\*

**Age:** 25

**Current offences:**

Aggravated burglary, unlawful assault, possessing a prohibited weapon

**Prison sentence:**

Three years, with a non-parole period of one year and nine months

**Background:** John is a young man with a long history of drug abuse, having progressed from cannabis to ice in his early twenties. He left school in year seven due to behavioural problems, and has only worked occasionally in unskilled labouring roles since. He has a lengthy criminal history with prior convictions for theft, burglary, armed robbery and affray. A relationship breakdown, which led him to increase his drug use, was the catalyst for his current offences for breaking into a property and assaulting the victim in his own house.

**Board hearing:** John had already been granted parole following the Board's two-tier process for

Serious Violent Offenders, and he was due to be released soon. The Board questioned him about how he intends to avoid associating with friends in criminal circles and falling back into drug use and offending. John was adamant that he would not fall back into using drugs or associating with his old friends. The Board reinforced with him strategies for managing his behaviour outside of prison and avoiding the temptation of drugs.

**Status as at 30 June 2016:** John was on parole and complying with the conditions imposed by the Board.

\*Not the prisoner's real name

**Prisoner:** Ahmed\*

**Age:** 27

**Current offences:**

Kidnapping, blackmail, theft

**Prison sentence:**

Two and a half years, with a non-parole period of 14 months

**Background:** Ahmed commenced using cannabis recreationally as a teenager, before progressing to daily ice use in his early twenties. He left school in year nine, and associated with peers who were engaged in criminal activity and drug use. He has a lengthy criminal history with prior convictions for drugs, weapons and violence, and he has been categorised as high-risk in relation to returning to drug use. It was his addiction to drugs which led him to break into a house while the victims were home and steal their valuables to pay for a drug debt which he believed he was owed.

**Board hearing:** Ahmed had already been granted parole following the Board's two-tier process for Serious Violent Offenders and he was due to be released soon. The Board spoke with him about some of the challenges he may face when released, including the temptation to take drugs. Ahmed explained that his cravings for ice had lessened since his incarceration, and he expressed his desire to return to work and focus on family upon his release.

**Status as at 30 June 2016:** Ahmed was on parole and complying with the conditions imposed by the Board.

\*Not the prisoner's real name



**Prisoner:** Barry\*

**Age:** 22

**Current offences:**

Armed robbery, unregistered gun possession

**Prison sentence:**

Four years, with a non-parole period of two years

**Background:** Barry started drinking alcohol and smoking cannabis in his early teens, and by 17 was a daily user of ice. Barry got into a lot of trouble at school and subsequently left in year nine. He then worked in unskilled labouring positions until his drug use affected his ability to work and made it impossible for him to hold down a job. The relationship with his ex-partner, with whom he has a child, broke down due to his drug use. He has a lengthy criminal history for theft and violence, and his current offences stem from an armed robbery he committed on a drug dealer in order to steal drugs and money.

**Board hearing:** Barry had already been granted parole following the Board's two-tier process for Serious Violent Offenders, and he was due to be released soon. He communicated to the Board that drugs would not play a role in his future. The Board reinforced with Barry methods to prevent him falling back into drug use and offending.

**Status as at 30 June 2016:** Barry was on parole and complying with the conditions imposed by the Board.

\*Not the prisoner's real name

**Prisoner:** Trung\*

**Age:** 23

**Current offences:**

Aggravated burglary, recklessly causing serious injury, making threats to kill

**Prison sentence:**

Four years, with a non-parole period of two years and four months

**Background:** Trung was a heavy drinker and recreational user of ice in his mid-teens, which then descended into ice addiction following the death of both of his parents. He left school in year eight and worked occasionally in a variety of unskilled labouring roles. Trung has a young child, and he has family members who are also in prison. He has a significant criminal history for violence, and has previously served time in a youth justice centre. He is serving his current prison sentence for breaking into the house of his victim and viciously assaulting him in front of his child. His behaviour in prison has been poor, with his record marred by several violent incidents.

**Board hearing:** Trung communicated to the Board that, despite initially applying for parole, he would now prefer to complete his full sentence in prison because he does not want to wear an electronic monitoring device and risk being perceived as a sex offender in the community.

**Status as at 30 June 2016:** Trung was still in prison. He had formally communicated to the Board that he wants to cancel his parole application and not be considered for parole. The Board will speak with Trung again later in 2016, to determine if he has changed his mind and wants to resume his parole application.

\*Not the prisoner's real name

**Prisoner:** Alex\*

**Age:** 25

**Current offences:**

False imprisonment, intentionally causing serious injury, assault

**Prison sentence:**

Seven and a half years, with a non-parole period of four and a half years

**Background:** Alex has been a daily user of ice for many years. He left school in year ten and has a poor work history, with limited employment in unskilled labouring roles. He had not worked for several years prior to his prison sentence, and was involved in criminal activities for what he perceived to be easy money. His parents are both deceased, he has family members who are also in prison, and he is the father to a young child. This is Alex's first prison sentence, although he admits to having committed several violent offences including robbing drug dealers of drugs and money. He is serving his sentence for

kidnapping and torturing several drug dealers, for which he has shown very limited remorse.

**Board hearing:** Alex had applied for parole. However, due to a series of violent and drug-related incidents in prison, the Board decided to keep Alex in prison until it received an update that his behaviour had improved.

**Status as at 30 June 2016:** Alex was still in prison. The Board had requested an update of Alex's behaviour in prison. This report is due in late 2016.

\*Not the prisoner's real name



***I am a firm advocate of the parole system, and strongly believe that the community is better protected by having an effective parole system rather than releasing prisoners straight from prison into the community.***

**Her Honour Magistrate  
Kay Macpherson, judicial member**

## LEGISLATIVE FRAMEWORK

The *Corrections Act 1986* establishes the Adult Parole Board, its composition, functions, powers, and decision-making principles. The Board has additional functions outlined in the *Children, Youth and Families Act 2005*, the *Serious Sex Offenders (Detention and Supervision) Act 2009* and the *Sentencing Act 1991*.

The Board is a decision-making authority which has jurisdiction over:

- prisoners for whom a court has ordered a prison sentence and has fixed a non-parole period
- any prisoner under the age of 21 (unless the Board transfers them to a youth justice centre)
- young persons transferred by the Youth Parole Board from a youth justice centre to a prison
- any serious sexual offender upon whom a court has imposed a supervision or detention order. These offenders are managed through the Board's Detention and Supervision Order Division.

Unlike a court, the Board is exempt from the rules of natural justice and its decisions are not subject to appeal.

The day-to-day case management of prisoners on parole is managed by parole officers from Community Correctional Services, a business unit of Corrections Victoria. In making its decisions, the Board relies on reports and recommendations from Community Correctional Services.

### Sentencing

The Board does not play a role in the sentencing process. Only courts can impose a sentence and set a non-parole period as part of the sentence. The Board can only act in accordance with the sentencing order of the court.

Not all sentences include a non-parole period. In accordance with the *Sentencing Act 1991*, this depends on the length of the sentence.

Sentence length	Non-parole period
More than 24 months	The sentencing court must set a non-parole period, unless the nature of the offence or the offender's history would make parole inappropriate.
Between 12 and 24 months	The sentencing court is not required to, but may decide to, fix a non-parole period.
Less than 12 months	A non-parole period can not be set by the sentencing court, therefore parole is not possible.



# Adult Parole Board of Victoria



Board members Kieran Walshe, Her Honour Magistrate Kay Macpherson and Stephen Farrow

A non-parole period must be at least six months less than the maximum term of the sentence. For example, if a court sentences a prisoner to five years imprisonment, the longest possible non-parole period is four and a half years, but it can be shorter.

## Consideration of parole

If the prisoner's sentence includes a non-parole period, the Board may order their release at any time after the expiry of that period.

The main decisions made by the Board are:

- to grant parole
- to deny parole
- to revoke parole
- if parole is granted, to impose discretionary conditions
- to vary parole conditions
- to cancel parole if there has been a breach (or suspected breach) of a parole condition, or if the risk to the safety and protection of the community has escalated.

## Parole conditions

There are 10 core parole conditions that apply to every parole order, and 18 conditions that are applied on a discretionary basis depending on a prisoner's individual circumstances.

The core conditions are:

1. You must not break any law.
2. You must report to the community corrections centre specified in this Order within two clear working days after this Order comes into force.
3. You must notify a community corrections officer of any change of address at least two clear working days before the change of address.
4. You must notify a community corrections officer of any change of employment within at least two clear working days of the change of employment.
5. You are under the supervision of a community corrections officer.
6. You must report to, and receive visits from, a community corrections officer as and when directed by the community corrections officer.
7. You must be available for an interview by a community corrections officer, the Regional Manager or the Adult Parole Board at the time and place as directed by the community corrections officer or the Regional Manager or Adult Parole Board.

8. You must attend in person at a community corrections centre as directed in writing by a community corrections officer.
9. You must not leave Victoria without the written permission of the Regional Manager.
10. You must comply with any direction given by a community corrections officer or the Regional Manager or the Adult Parole Board that is necessary for a community corrections officer or the Regional Manager or the Adult Parole Board to give to ensure that you comply with this Order.

The discretionary conditions include those relating to:

- alcohol abstinence
- drug testing
- curfews
- residential restrictions
- geographical restrictions prohibiting entry into specified areas
- victim contact restrictions
- participation in rehabilitation programs
- community work
- electronic monitoring.

# THE REFORMED PAROLE PROCESS



# PAROLE

Deciding to grant or deny parole

Parole outcome

Adult Parole Board

Adult Parole Board

Corrections Victoria

Victoria Police

Prisoner

The Board considers the prisoner's parole application and the Parole Suitability Assessment.

To assist with its decision, the Board may interview the prisoner or Corrections Victoria parole officers and other staff. The Board takes into account written submissions by victims of crime.

The Board's paramount consideration is always the safety and protection of the community

For general offenders, the Board decides to either grant or deny parole to the prisoner.

For SVOSO prisoners, a general Board panel considers whether to recommend parole. The SVOSO Division will then consider whether to grant or deny parole. The two-tiered decision-making process provides a higher level of scrutiny before parole is granted to serious offenders.

The Board sets targeted parole conditions to manage the prisoner's ongoing risks and needs in the community.

The prisoner is supervised on parole by Corrections Victoria parole officers.

Through Advice and Recommendation reports, Corrections Victoria parole officers keep the Board informed about the prisoner's progress on parole.

Through Risk and Compliance reports, Corrections Victoria parole officers may notify the Board about a prisoner's breach of conditions or escalation of risk.

If Victoria Police identify that a prisoner has breached certain parole conditions, they can arrest the prisoner and notify the Board through the 24-hour breach of parole model.

The Board's paramount consideration is always the safety and protection of the community. The Board considers all breaches of parole and risk escalation. The Board may interview the prisoner or Corrections Victoria parole officers and other staff.

The Board may cancel a prisoner's parole and issue a warrant for their arrest and return to prison, issue a warning to the prisoner or vary the prisoner's parole conditions.

The prisoner completes their parole.

If a prisoner's parole is cancelled, the prisoner may choose to apply for re-parole after they have been returned to custody.

The Board considers whether any time the prisoner spent on parole will be counted as time served under the sentence.

## 675 prisoners who applied were granted parole or re-parole

In 2015-16, approximately two-thirds (675) of prisoners who had applied for parole were granted parole or re-parole and approximately one-third (327) were denied parole or re-parole.

## 733 completions

733 prisoners completed their parole in 2015-16.

## 387 cancellations

In 2015-16, the Board decided to cancel parole for 387 prisoners.

### Stage 1 – The prisoner applies for parole

The Callinan Review recommended that prisoners should only be considered for release on parole if they make an application to the Board. It did so on the grounds that:

*There will be prisoners who know that they are unlikely to be granted parole and accordingly decide not to seek it, or not to seek it yet. A requirement of parole only by application for these should have the further effect of bringing home to prisoners that parole is not automatic, is not even a matter of expectation, but is something which must be earned. It places the onus fairly and squarely on the prisoner. It should cause the prisoner to turn his or her mind to his or her capacity and intention to satisfy what will surely be the conditions of parole.*

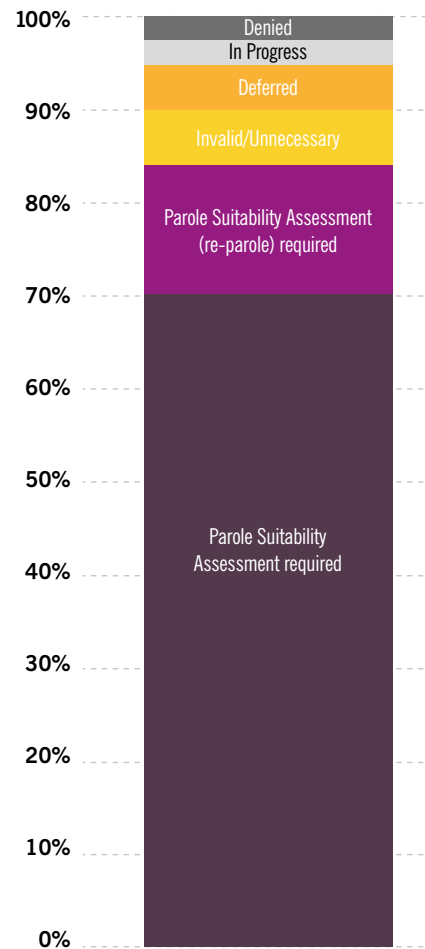
The requirement for prisoners to apply for parole commenced on 1 March 2015, and this new process was in full effect during 2015–16. Eligible prisoners are given information about the process and are supported by case managers and the Case Management Review Committee in each prison prior to their earliest eligibility date.

In 2015–16, the Board received 1,841 applications for parole (including re-parole applications). The Board was informed by Corrections Victoria of 142 prisoners who were eligible to apply for parole but decided not to do so.

Of the applications received by the Board:

- 84.2 per cent proceeded to the preparation of a full Parole (or Re-parole) Suitability Assessment report to the Board by Community Correctional Services. This does not mean that the prisoner will be granted parole; the Board requests substantive reports that will assist in its decision whether to grant, deny or defer the prisoner's parole.
- 5.6 per cent were invalid (for example, because the prisoner was not eligible for parole).
- 5.0 per cent were deferred (for example, because the prisoner had additional charges that were yet to be finalised in court).
- 2.2 per cent were denied at the application stage. Typically, these were applications for re-parole and were denied in circumstances where the prisoner had performed very poorly on their previous parole causing it to be cancelled and had little time remaining on their sentence.
- 2.9 per cent had not been processed as at 30 June 2016.

Figure 3: Processing of parole applications received 2015-16



## Stage 2 – The Board decides to grant or deny parole

The Board carefully reviews each parole application and relies on reports supplied by Community Correctional Services that analyse the prisoner’s background and offences, risk to the community if released, and the recommended parole conditions that could be imposed. The Board then determines whether the prisoner’s parole application should be granted (and which conditions will be imposed) or denied.

As prisoners may apply up to a year in advance of their earliest eligibility date, not all applications that proceed to the preparation of a full Parole Suitability Assessment are finalised within the same reporting year.

In 2015-16, 1,002 decisions to grant or deny parole were made in respect to applications for parole (some of

these applications had been lodged in 2014-15). Approximately two-thirds (675) of prisoners were granted parole or re-parole and approximately one-third (327) were denied parole or re-parole.

In total, the Board paroled or re-paroled a total of 883 prisoners and denied parole or re-parole to 622 prisoners in 2015-16. This includes decisions on parole applications, as well as on matters that were in progress under the old system in place before the parole application process.

The reduction in the number of parole decisions from the previous year reflects a decline over the past two years in the number of prisoners being sentenced to a term of imprisonment with a non-parole period.

The number of prisoners with a parole sentence grew from 2011-12 to 2013-14, in line with the increase in Victoria’s prison population. However, changes to sentencing laws in 2013-14

enabled judges to impose a sentence of imprisonment of up to two years in combination with a Community Correction Order, instead of a non-parole period. This has meant that prison sentences of less than two years are now less likely to include a non-parole period. The number of prisoners with a parole sentence has declined by 18.4 per cent over the past three reporting years.

A consequence of this reduction in numbers is that the Board now has a much greater capacity to focus its attention on higher-risk prisoners serving longer sentences. It can thoroughly review each case and make a more informed decision than in earlier years when the Board was dealing with a large number of prisoners serving short sentences (for example, 12 months, non-parole period of six months) and commonly had to consider up to 80 or 90 cases in a day.

Figure 4: Parole application decisions 2015-16

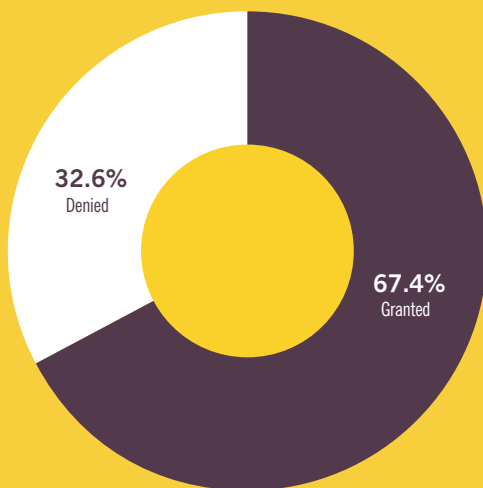
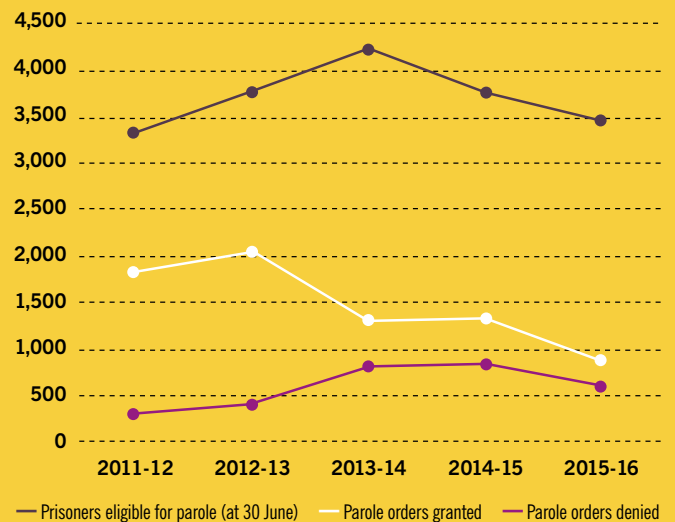


Figure 5: Parole decisions 2011-12 – 2015-16



**“Prisoners must apply for parole. The Board will not consider parole if they do not apply. While placing responsibility on the prisoners and removing any sense of entitlement to parole, the application process has not been a deterrent to prisoners who are willing to use their time in prison to prepare for parole.”**

**Stuart Ward,  
Chief Administrative Officer**

### Stage 3 – Parole outcomes

When a prisoner has been granted parole by the Board and subsequently released from prison into the community, they must abide by the conditions imposed by the Board. Prisoners on parole are still under sentence, but serving their sentence in the community under supervision. They are liable to be returned to prison if they do not comply with their conditions. There are 10 core conditions (for example, the prisoner must not break any law) and 18 discretionary conditions (for example, to submit to random drug testing). However, the Board can also impose any additional conditions it decides are required for the prisoner’s parole. The prisoner reports to and is supervised on parole by parole officers from Community Correctional Services.

Community Correctional Services will notify the Board if they suspect that the prisoner’s risk is increasing or if any condition has been breached.

Victoria Police also has the power to detain a prisoner and notify the Board

if they believe that the prisoner has breached certain parole conditions.

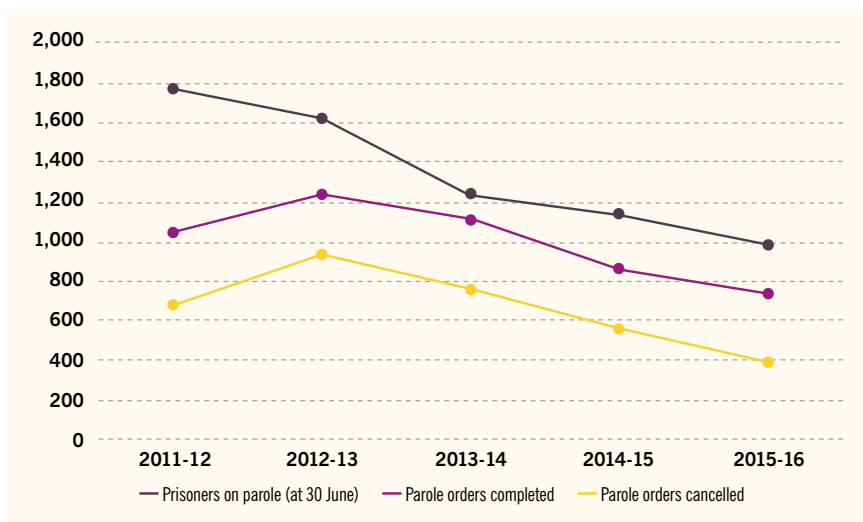
#### Prisoners on parole

The number of prisoners on parole has declined progressively over the last five reporting years, from 1,763 at 30 June 2012 to 981 at 30 June 2016. This represents a 44.4 per cent decline over the five reporting years. The number of prisoners on parole depends on the number of parole orders granted (which depends on the number of prisoners eligible for parole), the duration of the parole orders, the number of parole orders cancelled, and the length of time between the granting and cancellation of the order. Changes to sentencing laws and practice have led to a decrease in the number of prisoners eligible for parole over the past two years.

#### Parole completions

During 2015–16, 733 prisoners completed their parole. The reduction in prisoners completing their parole compared with previous years is again reflective of the reduced number of prisoners on parole at 30 June 2016.

Figure 6: Number of prisoners completing their parole 2011-12 to 2015-16



**The Board now has access to a computerised file system with far greater information available to the panel. There are daily Board sittings with reduced case loads, which I believe provides a better opportunity for panel members to carefully consider each case to make a more informed decision.**

Kieran Walshe, community member, former Deputy Commissioner of Victoria Police

### Breach of parole detention

During 2015–16 Victoria Police notified the Board about 98 prisoners on parole who were detained for suspected parole breaches. The Board decided to cease detention for 18 of these prisoners. Of the remaining 80 prisoners, the Board decided to cancel 76.3 per cent (61 prisoners on parole). The remaining 23.8 per cent (19 prisoners on parole) were not cancelled. The Board met on the same day it was notified in 60.2 per cent of cases, and within one business day in 39.8 per cent of cases.

Figure 7: Number of prisoners detained and cancelled by the Board following notification of a suspected breach of parole by Victoria Police 2015–16

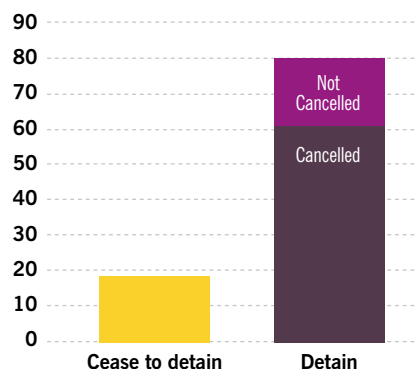


Figure 8: Percentage of parole orders cancelled following detention of prisoner on a suspected breach of parole 2015–16

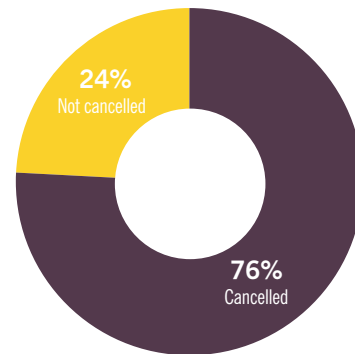
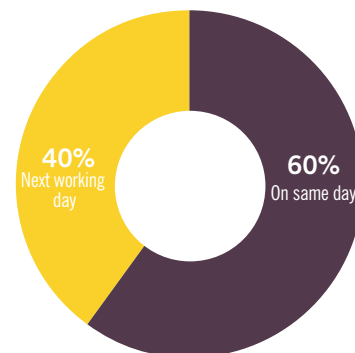


Figure 9: Time taken by the Board to make a decision on a detained prisoner 2015–16





**Another distinctive feature of the Victorian parole system is the capacity of the Board to cancel parole in any circumstances where it considers that there has been an escalation of risk, independently of whether there has been a breach of a specific parole condition. This enables the Board, in appropriate cases, to swiftly respond to an increase in risk consistent with its statutory obligation to treat the safety and protection of the community as its paramount consideration.**

**Stephen Farrow, full-time member**

### Cancellations

The *Corrections Act 1986* provides the Board with the power to cancel parole and return the prisoner to custody. The power to cancel parole is not dependent on a breach of a parole condition. The paramount consideration for the Board in deciding whether to cancel parole is the safety and protection of the community.

The Board releases a prisoner on parole if it decides that the benefits of permitting the prisoner to serve part of their prison sentence in the community outweighs the risk to the community. Once the prisoner is on parole, if their behaviour means that the risks of remaining on parole have come to outweigh the benefits, the Board will cancel parole.

In many cases, this change in the risk/benefit equation will have become apparent because the prisoner has breached one or more conditions of the parole order. However, the Board may cancel parole if it becomes aware that the risk has escalated to an unacceptable level, even if the prisoner has not breached any condition.

In some cases, a prisoner's failure to comply with their parole conditions may be sufficiently serious to merit cancellation even in the absence of any evidence of an escalation of risk. The non-compliance may indicate that the community is deriving no benefit from the parole as the prisoner is making no effort to further their rehabilitation and their persistent or serious failure to comply is undermining the credibility of the parole system. Conversely, there can be cases in which the prisoner

has technically breached one or more parole conditions but the benefits to the community of the prisoner remaining on parole continue to outweigh the risks.

During 2015-16, the Board decided to cancel parole for 387 prisoners. The most common reason was drug use (a reason in 64.6 per cent of cancellations), and in particular the use of methylamphetamine (ice), as the use of drugs presents a significant risk of escalation to more serious offending.

If the Board is advised that a prisoner has been charged with further offences, the Board's risk management obligations mean that it will often cancel

parole immediately rather than awaiting the outcome of the charges in court. During 2015-16, the Board cancelled parole in 72 cases (18.6 per cent of all cancellations) due to the prisoner being charged with further offences. In another seven cases, the Board awaited the outcome of the charges before deciding to cancel parole. Not all of their offences were serious.

The reduction in the total number of cancellations compared with previous years reflects the reduced number of prisoners on parole at 30 June 2016. Nearly half (48.0 per cent) of cancellations occurred within the first three months of release from prison, which indicates that the Board is highly responsive to prisoners whose risk to the community is escalating.

**Figure 10: Number of months on parole at the time of cancellation**

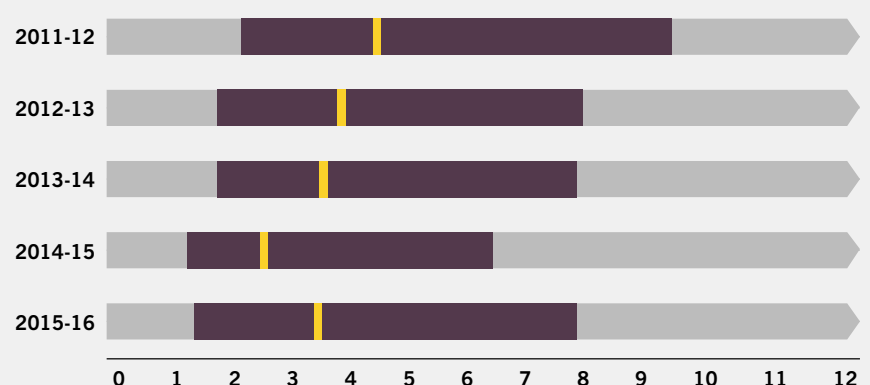


Figure 10 represents the number of months that prisoners had been on parole when their parole was cancelled. Each year is separated into four lots of 25 per cent to equal the total number of cancelled prisoners for that year. For example, in 2011-12, the 25 per cent of prisoners with the shortest times to cancellation were cancelled within about two months. In 2015-16, the 25 per cent of prisoners with the shortest times to cancellation were cancelled in just over one month. The vertical yellow line indicates the year's median number of months a prisoner had been on parole, before the parole was cancelled. The final quarters, at the right of the graph, have been shortened because of the effect of a small number of very long paroles in each year (the maximum periods on parole prior to cancellation ranged from 53 months in 2015-16 to 250 months in 2013-14).

## PROJECTS

The Board oversaw 37 projects in 2015–16. Pieces of work that will have a significant impact on the Board’s operations are given project status, project methodology is applied, and they are overseen by the Project Board. In previous years, the primary focus of the Board was on the implementation of reforms resulting from the Callinan Review. The focus this year has largely been on ensuring that these reforms have been embedded and on continuous improvement, both within the operations of the Board and in joint projects with Corrections Victoria.

New projects commencing 2015-16 included:

- Adult Parole Board re-branding
- developing the Board website
- refurbishment of the Board’s hearing rooms and office
- review of the Board e-files preparation to improve quality and efficiency
- time to count pilot
- parole denied/revoked reasons.

Projects that were successfully completed included:

- Providing greater detail to prisoners about reasons for cancellation of parole.
- The introduction of a new regime for the management of prisoners who are subject to life sentences with a non-parole period (once in the

community, they are referred to as ‘life’ parolees as their head sentence is for the life of the prisoner) in partnership with Community Correctional Services. When first released into the community, Community Correctional Services intensively case manage life parolees. The Board is provided with annual reports on the progress of all life parolees and, if recommended by Community Correctional Services, may determine that the offender be subject to a less intensive compliance monitoring approach.

The Board continues to actively monitor the effectiveness of all improvements resulting from its projects. The Board participated in Corrections Victoria’s evaluation of the parole system reforms. This resulted in the commencement of a number of further improvement initiatives including:

- a review of the process of interstate prisoners transferring into Victoria
- a new system of management of information about prisoners who breach parole and are arrested by Victoria Police.

### Implementation of a case workflow system

The release of the first phase of the Board’s case workflow system was successfully implemented in December 2015.

The Callinan Review recommended that a ‘comprehensive electronic database and case management system which is accessible to all members of the Board and its staff needs to be established as quickly as possible’.

The primary objectives of the case workflow system are to:

- reduce the risk of an inappropriate decision being made as a result of inaccurate information or delays in the provision of information
- support and reflect improved processes resulting in increased administrative effectiveness and efficiency.

The first phase of the case workflow system saw the introduction of an electronic record of Board decisions to record all decisions in real-time. These records are stored in the case workflow system and are accessible for all subsequent consideration and decision-making, including the decision-making that occurs out-of-hours, such as consideration of breaches of parole.

The Board continues to work closely with the Corrections Victoria project management team on further functionality. The delivery of a comprehensive case workflow system remains a high priority for the Board.



***Our challenge is to keep building on the solid foundation that has been laid, taking opportunities to continuously improve operations, skills and communications. We need to promote public understanding of how, when and why parole is set by sentencing courts; the parole system that is enlivened by a sentence including a non-parole period; and the work of the Board.***

**Stuart Ward, Chief Administrative Officer**

## LITIGATION

A key case carried over from the previous reporting year was argued in the Supreme Court during 2015–16 and resulted in a favourable outcome for the Board.

*Marrogi v Secretary to the Department of Justice and Regulation (2015) VSC 300* involved an alleged breach of a ‘no contact’ condition relating to Outlaw Motorcycle Gangs. After Mr Marrogi’s parole order was cancelled by the Board and he was returned to custody, an application was made by him to the Supreme Court for immediate release from prison on the basis that the cancellation was unlawful.

The Supreme Court decided that the term ‘Outlaw Motorcycle Gang’ has a factual basis, and confirmed the legal validity of the Board enforcing the ‘no contact’ condition. The court also decided that the Board was able to rely on intelligence to determine if a prisoner in the community poses an unacceptable risk and should be returned to custody. The court

confirmed that the Board has a very wide power to cancel a person’s parole, particularly where the Board forms the view that the prisoner has become an unacceptable risk to community safety.


The Board appears in, and gives evidence to, coronial inquiries and inquests. In 2015–16, this included the coronial inquest into the death of Sarah Cafferkey, and two coronial investigations into the deaths of Gillian Meagher and Sharon Siermans. The Board was represented in all matters. The Board’s Chief Administrative Officer, Stuart Ward gave evidence in the Cafferkey inquest, including about the reforms implemented after 2013. In his findings, former State Coroner His Honour Judge Ian Gray noted:

‘There have been major, far reaching reforms to the parole system since Sarah Cafferkey’s death. They have entrenched the paramountcy of community safety. The reforms are to be commended.’

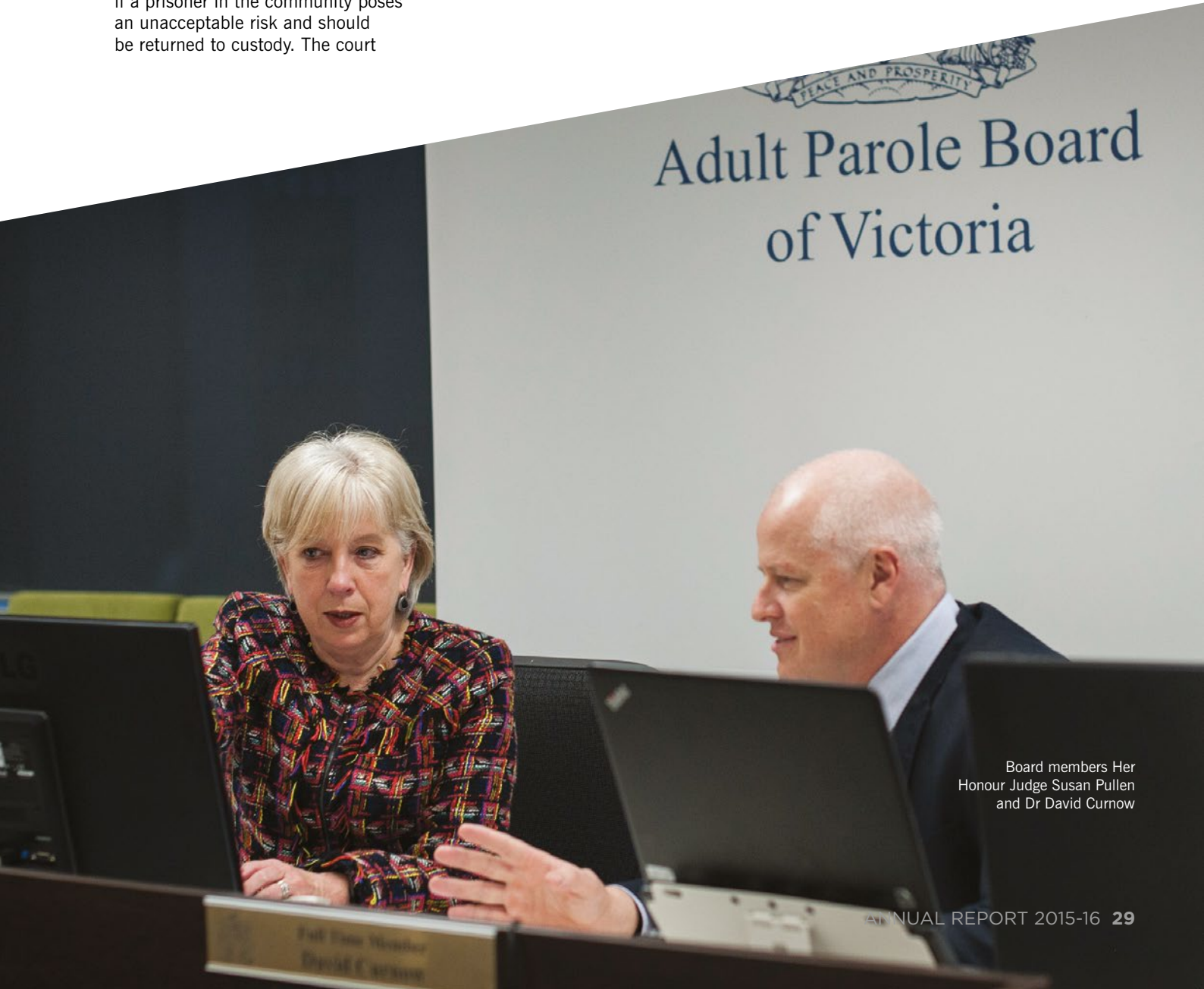
The Board is being consulted on matters involving litigation against the State of Victoria by a number of families of victims who have been murdered by people on, or recently having completed, parole. The particulars of those matters are either in confidence or before the courts and therefore the Board is not able to report on them in this annual report.

The Board’s Risk and Audit Subcommittee is responsible for overseeing the risks associated with litigation.

During 2015–16, the Board was not subject to Freedom of Information requests or other administrative review proceedings.



# Adult Parole Board of Victoria



Board members Her  
Honour Judge Susan Pullen  
and Dr David Curnow

# STAKEHOLDER COLLABORATION AND ENGAGEMENT

## INCREASING THE COMMUNITY'S UNDERSTANDING OF PAROLE

### International Corrections and Prisons Association conference

The Chairperson and two Board members each presented papers on Victoria's parole system at the International Corrections and Prisons Association (ICPA) conference in Melbourne in October 2015. The Chief Administrative Officer also attended to facilitate the event. Supported by the Department of Justice and Regulation, the ICPA conference was attended by Victorian stakeholders, interstate and international visitors in corrections, prisons and police. The Chairperson and two members spoke on topics including managing risk in the

community, strengthening the parole system in Victoria, harm minimisation versus risk management, and contemporary best practice of parole.

### 'Parole, you decide' at Law Week 2016

The Board participated in Law Week this year for the first time with a mock hearing 'Parole, you decide'. The hearing followed the story of a young prisoner from sentencing to when he applied for parole and was on parole. 'Parole, you decide' was held in Court 1 of the Melbourne Magistrates' Court on Saturday 21 May, with an audience of more than 80 people.

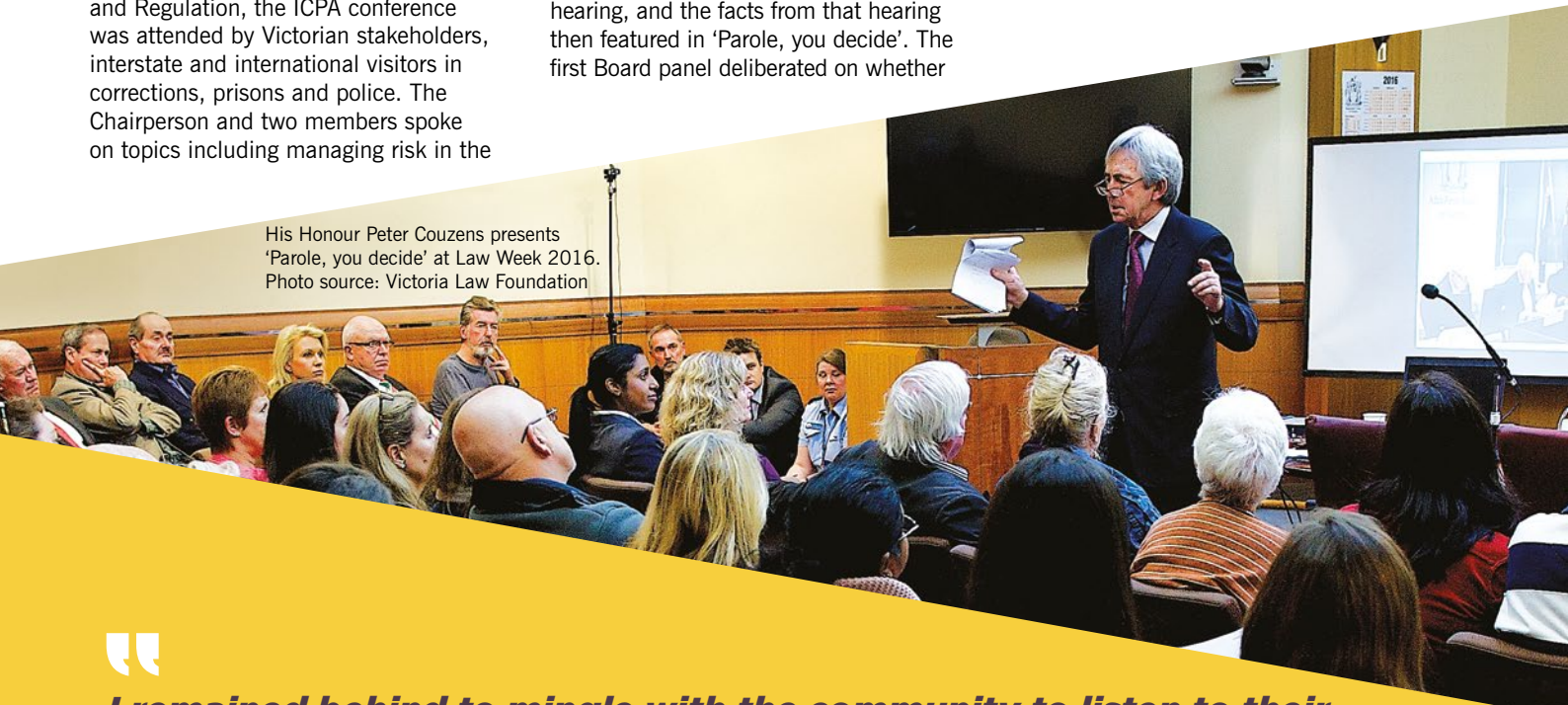
The Magistrates' Court of Victoria preceded the event with a mock criminal hearing, and the facts from that hearing then featured in 'Parole, you decide'. The first Board panel deliberated on whether

or not parole should be granted following an application by the prisoner, and the second panel deliberated on whether or not parole should be cancelled following notification by Victoria Police of a parole breach. The audience were given the opportunity to voice their opinions about the decisions they would make if they were the Board.

It was facilitated by the Chairperson, and included two panels of three Board members, a presentation on the parole breach notification and cancellation process by one of the Board's full-time members, and a presentation on prisons by a Corrections Victoria representative.

The audience learnt about the process that the Board goes through when

His Honour Peter Couzens presents 'Parole, you decide' at Law Week 2016. Photo source: Victoria Law Foundation



***I remained behind to mingle with the community to listen to their feedback. "It's more robust and complex than I thought" was the comment that resonated with me most. I was asked "What is the most difficult thing about sitting as a community member?" - my response was immediate - "a fear that you will make the wrong decision".***

**Carmel Arthur, community member, victim of crime, participant in 'Parole, you decide'**



**The Board's stakeholder engagement activities highlight its preparedness to educate the community about the purpose and benefits of parole.** ””

**Raj Malhotra, full-time member**

evaluating a prisoner for parole, as well as the process for cancelling a prisoner's parole. The audience also gained special access to the types of discussions which take place in closed Board meetings that the public are not normally privy to.

Every respondent to a 'Parole, you decide' feedback form stated that the event had increased their knowledge about the purpose of parole, the parole process, and the Board. The respondents expressed that they learned about:

- the number of processes and information required to make a Board decision
- the level of consideration that goes into a Board decision
- the rigour of a Board panel discussion
- how the Board actually operates
- the fact that the Board is not responsible for setting sentences.

Several days before the event, *The Age* journalist John Silvester promoted 'Parole, you decide' during his segment 'Sly of the Underworld' on 3AW's Ross and John breakfast radio show. The Board also tweeted for the first time to promote the event on Twitter.

'Parole, you decide' was filmed, and the footage will be made available on the Board's new website when it is launched in 2016-17. The Board acknowledges the Office of Public Prosecution's audio visual team who filmed the event.

**External presentations to stakeholders**

The Board presented to numerous groups in 2015-16 including the Australian Psychological Society, the Independent Prison Visitor Scheme, La Trobe University (psychology students), Monash University (law students), the Office of Public Prosecutions, Swinburne University (psychology students), the Victims of Crime Consultative Committee, Victoria Police and the Victorian Association for the Care and Resettlement of Offenders. Many presentations were delivered to Corrections Victoria in order to improve understanding of the Board's functions. The Board also presented at several conferences and events including the Anti-bribery and Corruption Summit, the International Corrections and Prisons Association conference and Victoria Law Foundation Law Week 2016.

**Proactive media engagement**

The Chairperson agreed to participate in two media interviews during 2015-16. He took part in a radio program on 774 ABC to talk about parole reform and the Board. He was also interviewed by a journalist who wrote a balanced account of the parole system and the work of the Board for the *Sunday Herald Sun*.

**WORKING COLLABORATIVELY WITH STAKEHOLDERS**

**Corrections Victoria**

The Board enjoys a collaborative, respectful and effective relationship with Corrections Victoria as the primary public service agency with whom it interacts. The Secretariat supporting the Board on a daily basis is comprised of Corrections Victoria staff who work closely with the Board to ensure that matters are properly prepared and presented for Board consideration, that decisions of the Board are recorded and disseminated to relevant agencies, and that the Board has the infrastructure and support needed to fulfil its functions.

The Board receives informative reports from Community Correctional Services, including Parole Suitability Assessments and the Risk and Compliance Reports. The Board is regularly assisted by the attendance of parole officers at Board meetings to provide information and answer questions, including when the Board interviews a prisoner on parole.

Senior managers from Corrections Victoria are included as members on two key Board governance committees, the Practice Subcommittee and the Project Board. The Chairperson of the Board regularly communicates with the Commissioner for Corrections, and the Board's Chief Administrative Officer meets with the Deputy Commissioner for Corrections, Offender Management on a fortnightly basis.

**Victims**

**Victims Register**

The Victims Register is managed by the Victims Support Agency within the Department of Justice

and Regulation. It is responsible for maintaining contact with victims of violent crime who have requested to receive information about an adult prisoner. A criminal act of violence includes offences such as assault, sexual assault offences, kidnapping and murder. The Victims Register will provide advice about the release of a prisoner on parole, including any conditions imposed that are relevant to the victim and any cancellation of parole.

The Board and the Victims Register work closely on a daily basis in relation to operational and policy issues. The Board provides information each day to the Victims Register about the management of prisoners (where appropriate) and victim-related conditions. The Victims Register is then able to provide victims of crime with timely, relevant and accurate information about the release of a prisoner on parole. In addition to daily contact, the Board and the Victims Register regularly meet to discuss other matters such as the implementation of local operating procedures, protocol and case specific matters.

During 2015-16, 71 prisoners with one or more registered victims were granted parole. For 78 registered victims, the Board informed the Victims Register of the date of release of the prisoner on parole to enable compliance with the legislative requirement for the Victims Register to give the registered victims at least 14 days' notice of the release unless the Board waives the notice period.

**Victim submissions**

Individuals included on the Victims Register have the right to send a written submission to the Board when the prisoner for whom they are registered is being considered for parole.

All submissions from victims are read by the Board and the issues and concerns raised are carefully considered as part of the decision-making process. Each submission is treated with strict confidence.

During 2015-16, 164 submissions were provided for the Board's consideration of parole applications, and three were provided for consideration of supervision order applications.

## Victims of Crime Consultative Committee

The Victims of Crime Consultative Committee was initially established in 2012. The Board has been represented on the committee since its inception.

In the reporting year, the Victims of Crime Consultative Committee was given legislative recognition in the *Victims of Crime Commissioner Act 2015*. The Act establishes the position, functions and powers of Victims of Crime Commissioner, and formally establishes the Victims of Crime Consultative Committee. The Act lists the committee's functions as follows:

- to provide a forum for victims of crime, justice agencies and victims of crime services to discuss improvements to policies, practices and service delivery in respect of victims of crime issues and victims of crime support services
- to provide advice to the Attorney-General regarding policies, practices and reforms in respect of victims of crime issues and victims of crime support services
- to promote the interests of victims of crime in the administration of the justice system
- to provide advice on any matter referred to it by the Attorney-General.

The Victims of Crime Consultative Committee includes:

- the Chairperson, currently a retired Justice of the Supreme Court
- up to seven members who are victims of crime, appointed by the Attorney-General
- the Victims of Crime Commissioner
- representatives of every court jurisdiction including the Magistrates' Court Victims of Crime Tribunal
- representatives from the Board, Victoria Police and the Office of Public Prosecutions

- any representatives from organisations that provide services to victims of crime or other members appointed by the Attorney-General.

The Chief Administrative Officer represents the Chairperson of the Board on the committee.

At its quarterly committee meetings during 2015–16, items included:

- a briefing on the review being undertaken by the Victorian Law Reform Commission on *The Role of Victims of Crime in the Criminal Trial Process*
- a presentation about the parole system reforms and the work of the Board from the Chairperson of the Board and the Commissioner for Corrections.

## Victoria Police

The Board, Victoria Police and Corrections Victoria work collaboratively to give effect to section 78B of the *Corrections Act 1986*. Under this legislative provision, Victoria Police must consider detention of prisoners on parole suspected of having breached the prescribed conditions of their parole, including the condition that they must not break any law. The Board must be notified of the details of any alleged breach within 12 hours of the detention. In response, a Board member determines whether the circumstances warrant further detention pending consideration of cancellation of parole by the Board.

During 2015–16, the Board received a total of 98 notifications from Victoria Police. Of those 98 notifications, 80 prisoners were detained resulting in 61 cancellations of parole. The parole orders that were not cancelled may either have been varied to include more onerous parole conditions, or the prisoner may have been directed to attend a Board meeting to be interviewed.

## Fugitive Task Force

The Fugitive Task Force is part of the Victoria Police State Anti-Gang Division and is responsible for the timely and safe arrest of offenders who have had their parole cancelled and a warrant issued for their arrest. The Board assists the Fugitive Task Force to ensure arrests occur swiftly by allowing full access to reports and documentation on an offender's file.

The Fugitive Task Force also ensures the safe escort and security of offenders extradited back to Victoria for breach of parole from other states and territories in Australia.

During 2015–16, the Board and the Fugitive Task Force entered a memorandum of understanding that provides a shared agreement and understanding of the processes relating to the exchange of information and cooperation.

## Melbourne North Police Station

The Board holds meetings on a daily basis at its office in Carlton, and is at times required to interview offenders either via prison video link or in person. When an offender is required to attend a Board meeting, the Board may decide to cancel their parole and issue a warrant for apprehension for their return to custody. If this occurs, Melbourne North Police assist the Board in executing the warrant at the hearing and safely return the offender to custody.

The Board and Melbourne North Police are parties to a protocol which provides a framework for shared responsibilities and communication.



***There is greater information-sharing between Corrections Victoria and Victoria Police which I believe enhances the information available to the Board.***

**Kieran Walshe,  
community member and former  
Deputy Commissioner of Victoria Police**



**Victoria's offender treatment programs are of a high standard, and the comprehensive assessment and completion reports that the Board receives from Corrections Victoria on prisoners who undertake such programs are a distinctive asset of the Victorian parole system.**

**Stephen Farrow, full-time member**

## Prisoners

The Board has a strong commitment to communicating well with prisoners. It is important that prisoners understand Board processes and the decisions and expectations of the Board. It is also important that the Board listens to their concerns.

During 2015–16:

- The Board and Corrections Victoria worked together to evaluate the effectiveness of the parole reforms. They identified the need to further improve communication with prisoners about the parole process and parole decisions.
- The Board completed a project to improve the information provided to prisoners about its reasons for cancellation of parole. It is now providing clearly articulated reasons for every cancellation of parole.
- The Board has successfully piloted a process to initiate consideration of 'time to count' after every parole cancellation (to determine how much, if any, of the time spent on parole before cancellation should be counted as time served under the sentence). This is a change from the previous practice to only consider 'time to count' if and when requested by a prisoner.
- The Board instigated a project to improve the information provided to prisoners about reasons for denial or revocation of parole and expects to complete this by the end of 2016.
- The Chairperson, full-time members, Chief Administrative Officer and senior managers visited several prisons. On each occasion, they spoke with groups of prisoner mentors to understand the experience of prisoners dealing with the parole application process and to clarify misunderstandings.
- The Board instigated a project to build a new website to provide better information about the parole process, including information that will assist prisoners and their families.
- The Chairperson commenced interviewing selected prisoners before

they were released on parole (after the decision had been made to grant them parole). He discussed the temptations they will be exposed to when returning to the community, the need for them to have strategies to reject those temptations, and the Board's power to cancel parole.

- The Board has reduced the number of interviews conducted with prisoners by being more targeted about the need to interview. Due to this process, the Board is able to devote more time to each interview to ensure that the issues are fully explored and that there is clarity in communication.
- The Board commenced recording interviews with prisoners to ensure that there is an accurate record of the interview.
- The information available to prisoners about the parole process has reduced the amount of correspondence the Board receives from prisoners. Although it remains a challenge, the Board is in a better position to respond to correspondence with better information and in a timelier manner.

## Koori Inclusion Action Plan

The Koori Inclusion Action Plan group comprises the Chief Administrative Officer, one of the Board's full-time members, and one staff member. In 2015–16, the group reviewed and updated its plan to reflect the Board's respect for the Koori community. During the reporting year, the Board initiated:

- Acknowledgment of country at staff meetings and all-day seminars.
- An inaugural all-day seminar, 'Aboriginal and Torres Strait Islander people in the context of parole', presented by Aboriginal Elders and eminent leaders in Aboriginal justice. The seminar addressed the current issues and challenges facing Aboriginal and Torres Strait Islander offenders.
- Koori cultural awareness training for Secretariat staff at the Koori Heritage Trust in Federation Square.

- Attendance by the Chair, Chief Administrative Officer and Koori Inclusion Action Plan group representatives at various NAIDOC (National Aboriginal and Islander Day Observance Committee) events in recognition of the contributions that Aboriginal and Torres Strait Islander people make to our country and our society.
- Displaying maps in the Board rooms which depict the language and tribal or nation groups of Aboriginal and Torres Strait Islander people.

The Adult Parole Board is proud to have two Board members who are Aboriginal – Yorta Yorta Elder Aunty Pam, and Rudy Kirby who is a descendant of the Yorta Yorta and Wiradjuri nations.

In May 2016, the Board paid tribute to the achievements of Aunty Pam's father, Sir Douglas Nicholls. Sir Douglas was born at Cummeragunja Aboriginal Mission and went on to become a premiership VFA player. He was the first Aboriginal person to be knighted by the Queen, Governor of South Australia and a Pastor of the Church of Christ. Sir Douglas was a passionate and determined advocate for Aboriginal rights and reconciliation, and he fought for the recognition of Aboriginal people in the constitution in the referendum of 1967. As a mark of respect, the AFL's annual Indigenous round was renamed in his honour in May 2016. Aunty Pam continues this great legacy in the community and with her work at the Board. The Board is indebted to Aunty Pam for her guidance and the invaluable contribution she has made in openly sharing her Aboriginal culture and experience so that the Board can better understand the journey of Aboriginal and Torres Strait Islander people.

*Mingu Gadhaba: 'Beginning together'* is the title of the Department of Justice and Regulation's *Koori Inclusion Action Plan*, and befits the Board's journey for the Koori Inclusion Action Plan group. The Board is privileged to be guided on this journey by its current and former Aboriginal members.

# DETENTION AND SUPERVISION ORDER DIVISION

## FOREWORD FROM THE CHAIRPERSON, DETENTION AND SUPERVISION ORDER DIVISION

Once again, the Detention and Supervision Order Division saw an increase in the number of offenders under post-sentence supervision or detention. A total of 45 supervision orders were made or renewed by the courts during 2015–16. At 30 June 2016, there were 129 offenders subject to detention or supervision orders (including interim orders) compared with 118 offenders 12 months ago. To cope with the increased numbers, it was necessary to open a further residential facility for those subject to supervision orders at Emu Creek which adjoins Langi Kal Prison. Two offenders are subject to detention orders.

During 2015–16, the Detention and Supervision Order Division met with the Complex Adult Victim Sex Offender Management Review (the Harper Review) under the Chairmanship of retired Supreme Court Judge, Justice David Harper. The division strongly reiterated to the Harper Review that the Adult Parole Board should not be responsible for the administration and management of detention and supervision orders. Rather, an independent specialist body should perform this role – a view expressed by the Board on several occasions over many years.

The Detention and Supervision Order Division welcomes the Harper Review

findings that were tabled in parliament in November 2015. It is pleasing that the Victorian Government has indicated its intention to implement, in principle, all the recommendations contained in the report. The division particularly notes with approval that the Harper Review recommends that the Adult Parole Board should no longer have a role in administering detention and supervision orders.

The Harper Review was established following the tragic murder of schoolgirl Masa Vukotic in March 2015. Sean Price, who was subject to a supervision order at the time, was subsequently convicted of her murder and sentenced to life imprisonment with a non-parole period of 38 years in March 2016.

The Board was subjected to widespread criticism in its handling of Sean Price. It is gratifying that the Harper Review findings were in no way critical of the division's performance regarding Price. Rather, it found that systemic limitations of the post-sentence supervision scheme were the problem.

Beginning in 2016, the Detention and Supervision Order Division instigated two significant new processes.

Firstly, the Board established dedicated hearings for the division. By splitting the division hearings from parole hearings, there is now sufficient time allocated

to focus closely on Detention and Supervision Order Division matters.

Secondly, Detention and Supervision Order Division matters can require specialised knowledge. Therefore, we now have senior representatives from Corrections Victoria's Sex Offender Management Branch attend division meetings to speak to the reports they provide and ensure that the Board has all relevant information to assist in its decision-making process.

There are 28 members of the Detention and Supervision Order Division, including one judicial member and two community members who were appointed during 2015–16. I would like to thank all the division members for their dedicated service during the year, and particularly for the extra work they have put in to ensure that all the relevant information was presented to the Harper Review.

Finally, I thank the staff of the Adult Parole Board for their assistance and support in dealing with matters in the division which are often quite complex and sensitive.



**His Honour Frank Shelton,  
Chairperson of the Detention  
and Supervision Order Division**

## Excerpt from the Harper Review - 'Advice on the legislative and governance models under the *Serious Sex Offenders (Detention and Supervision) Act 2009 (Vic)*'

*The Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) was never designed to provide for protection from other than those who have served custodial sentences for the sexual offences to which the Act applies. No Victorian legislation has as its purpose the enhancement of post-sentence protection from offenders who have committed offences of non-sexual interpersonal violence. Sean Price had committed such offences, and had been assessed as presenting a high risk of reoffending in this way. However, although at the same time he presented an unacceptable risk of further sexual offending, and was accordingly the subject of post-sentence supervision orders under the SSODSA, his even greater propensity for violence unrelated to purely sexual assaults could not be adequately managed by that means. That, and not failures in the justice system, should be the primary reason why there is, rightly, concern about the present legislative provisions for the protection of the community generally from offenders who, having served a custodial sentence, present an unacceptable risk of committing offences causing serious interpersonal harm, whether that harm is sexual or not.*

## DETENTION AND SUPERVISION ORDER DIVISION OPERATIONS

### Jurisdiction of the division

In limited circumstances, courts can order an offender who has completed their sentence to be subject to post-sentence detention or supervision. The power is limited to serious sex offenders who the courts determine will be an unacceptable risk of committing further sex offences after finishing their sentences.

The Supreme or County Court can impose a supervision order of up to 15 years, or an interim supervision order, on an application by the Secretary of the Department of Justice and Regulation. The power to impose orders is through the Serious Sex Offenders (Detention and Supervision) Act. The court must be satisfied that the offender who has been convicted of serious sex offending poses an unacceptable risk of committing a serious sex offence after their sentence is finished if a supervision order is not made. Offenders subject to a supervision order are not undergoing a sentence and are not in custody. They reside in the community (including a limited number in a residential facility) but are subject to supervision.

When a supervision order is made, Corrections Victoria is responsible for supervising the offender.

The Board's role, where authorised by the court making the order, is to provide direction on the administration of the conditions (e.g. accommodation or curfew) and on responses to breaches (e.g. issue a formal warning or recommend prosecution).

An eligible offender is defined in the Act as a person who is 18 years of age or over, has served a custodial sentence in respect to a relevant offence (which includes most sexual offences), and is serving a custodial sentence in Victoria for a specified serious sex offence at the time of application.

The Act enables the court to impose conditions on supervision orders. Conditions include:

- where the offender may live
- times when the offender must be at home
- treatment or rehabilitation programs or activities that the offender must attend and participate in
- places or areas that the offender must not visit or may attend at specified times
- community activities the offender must not engage in
- persons or classes of person the offender must not have contact with
- forms of monitoring (including electronic monitoring) that the offender must comply with
- personal examinations by a medical expert which the offender must attend for the purpose of assisting the Board in determining the need for, or form of, any instruction and direction.

The Act established the Detention and Supervision Order Division within the Board. The functions of the division under section 118 of the Serious Sex Offenders (Detention and Supervision) Act are to:

- monitor compliance with the supervision order and administer the conditions of the order
- give directions and instructions to an offender in accordance with any authorisation given to the Adult Parole Board under a supervision order
- make decisions to ensure the carrying into effect of the conditions of supervision orders
- make recommendations to the Secretary of the Department of Justice and Regulation in relation to applying to a court to review the conditions of supervision orders
- to review and monitor the progress of offenders on supervision orders.

The Act also empowers the Supreme Court to make a detention order of up to three years or an interim detention order. The Director of Public Prosecutions may apply to the

Supreme Court for a detention order for an eligible serious sex offender. The court must be satisfied that the offender poses an unacceptable risk of committing a specified serious sex offence if a detention order is not made and that the offender is in the community. The Board is responsible for reviewing and monitoring offenders on detention orders. There are two offenders subject to detention orders as at 30 June 2016.

Corrections Victoria case manage offenders on detention and supervision orders, and provide the Detention and Supervision Order Division with reports and recommendations to facilitate their ongoing management.

### Membership of the division

The Chairperson of the Adult Parole Board may determine eligible Board members to sit on the Detention and Supervision Order Division along with selecting the Chairperson of the division.

As at 30 June 2016, there were 11 judicial members, four full-time members and 13 community members in the division. This includes the appointment of an additional judicial member and two community members since 30 June 2015.

A sitting of the division must consist of the presiding chair (who must be a judicial member) and two other members of the division.

### Operations of the division

The Detention and Supervision Order Division meets weekly, as well as out of session for urgent cases.

During 2015–16, the division convened on 106 occasions. Fifty-eight of these meetings were scheduled and the remaining 48 were unscheduled meetings to consider urgent matters.

From June 2016, a representative from Corrections Victoria's Sex Offender Management Branch attends each meeting of the division to provide an

overview of each offender's case to supplement the written reports. This ensures that the Board understands all aspects of the case, resulting in a better informed decision being made.

The Board's Secretariat undertook a restructure during the reporting year which has improved the breadth of support available for the Detention and Supervision Order Division. Under the former structure, a small team in the Secretariat was responsible for the preparation of Detention and Supervision Order Division matters. Outside of this team, there was little knowledge of Detention and Supervision Order Division processes. As part of the implementation of the new structure, the Detention and Supervision Order Division team has been absorbed into the general structure of the Secretariat, immediately increasing the number of registry officers who can prepare Detention and Supervision Order Division matters and meeting coordinators to present matters to the Detention and Supervision Order Division when it sits. The new structure means that there will always be sufficient staff with a knowledge of Detention and Supervision Order Division practices to cover planned or unexpected absences of staff, and all staff have more interest, variety and development opportunities in their work. Expertise in Detention and Supervision Order Division practice has been maintained by specifying that one of the new VPS4 level coordinators has a dual expertise responsibility for general and Detention and Supervision Order Division operations. The new structure has the benefit of ensuring that no Secretariat staff are exclusively working on sex offence matters, reducing the risk of vicarious trauma.

## ORDERS UNDER THE DIVISION'S JURISDICTION

The two detention orders made by the Supreme Court during previous reporting periods remain in force. On 30 May 2016, the Detention and Supervision Order Division conducted a review of both detained offenders in consultation with Corrections Victoria's Sex Offender Management Branch to fulfil the statutory obligations. Quarterly reviews will continue to take place during the next reporting period.

During 2015-16, the Supreme and County Courts made 16 interim supervision orders and 16 supervision orders against 27 persons. Additionally, the courts renewed 13 supervision orders for 13 persons.

The total number of orders made or renewed under the *Serious Sex Offenders (Detention and Supervision) Act 2009* in 2015-16 was 45.

During 2015-16:

- three supervision orders were revoked on review
- no supervision orders were revoked on appeal
- one application for a supervision order was refused
- one offender subject to a supervision order was deported
- three supervision orders were otherwise completed.

As at 30 June 2016, the division was responsible for the administration of 129 post-sentence orders, including two detention orders, 120 supervision orders and seven interim supervision orders.

At the same time last year, there was a total of 118 post-sentence orders. This indicates a 9.3 per cent increase in post-sentence orders over the past 12 months.

## Directions to reside at a residential facility

The court sets the conditions of a supervision order, including where the offender is required to reside. This may be in the community or at a residential facility. A residential facility is not a prison. In December 2015, Corrections Victoria opened Emu Creek, Trawalla which is an annex to Corella Place and Residence 228 in Ararat. The facilities are utilised for the purpose of housing offenders subject to supervision orders who are unable to source appropriate accommodation in the community, or who require a higher level of supervision or support than others.

In July 2015, the Board Chairperson, the Detention and Supervision Order Division Chairperson and the Board's senior management visited Corella Place and Residence 228.

The court may authorise the Board under section 20(1)(b) of the *Serious Sex Offenders (Detention and Supervision) Act 2009* to direct an offender who is residing in the community to reside at a residential facility. During 2015-16, the division directed 18 offenders to reside in a residential facility. This represented a 5.9 per cent increase on the previous year.

As at 30 June 2016, there were 64 offenders subject to an interim supervision order or a supervision order requiring the offender to reside at a residential facility.

## Emergency powers

The emergency powers contained in the *Serious Sex Offenders (Detention and Supervision) Act 2009* permit the division to give directions to manage an offender subject to a supervision order in a way that is inconsistent with, or not provided for, by the conditions of the order that were set by the court. The division exercised these powers on two occasions in 2015-16.

## Electronic monitoring

The court, in making interim supervision orders or supervision orders, is required to consider imposing condition(s) for compliance monitoring, including electronic monitoring. The court may delegate authority to the Detention and Supervision Order Division to make such a direction. In 2015-16, the court or the division directed 57 offenders on interim supervision orders or supervision orders to comply with electronic monitoring. Due to improved data collection for 2015-16, the Board is able to report on the number of persons required to comply with electronic monitoring directed by the court or DSOD including those residing in a residential facility or in the community. In previous years, reporting was limited to the community only.

As at 30 June 2016, a total of 82 offenders on interim supervision orders or supervision orders were subject to electronic monitoring. At the same time last year, there was a total of 69 supervision order offenders subject to electronic monitoring. This is an 18.8 percent increase on the previous year.

## Breaches of supervision order

Section 160(1) of the *Serious Sex Offenders (Detention and Supervision) Act 2009* states that an offender must not, without reasonable excuse, fail to comply with a condition of a supervision order (or interim supervision order). Breach proceedings may only be brought to the court by the Secretary of the Department of Justice and Regulation or a member of Victoria Police by filing a charge sheet. There is a maximum penalty of five years imprisonment for breach of a condition.

The Detention and Supervision Order Division has power to inquire into an alleged breach of a condition. The division relies on information from Corrections Victoria who are responsible for case managing the offenders.

The *Serious Sex Offenders (Detention and Supervision) Act 2009* outlines the factors the division may consider in assessing the seriousness of the breach,

such as whether the behaviour creates a risk to the safety of the community, is a repeated failure to comply with any condition, may increase the offender's risk of committing a serious sex offence or is preparatory to a sex offence or seriously compromises the offender's rehabilitation or treatment.

Depending on the seriousness of the alleged breach, the division may:

- take no action
- give a formal warning to the offender
- vary any directions that it has given to the offender under a condition of the order
- recommend that the Secretary of the Department of Justice and Regulation apply to the court to review the conditions of the supervision order
- recommend to the Secretary of the Department of Justice and Regulation to refer the matter to the Director of Public Prosecutions to consider whether or not to apply to the Supreme Court for a detention order in respect of the offender

- recommend that the Secretary bring proceedings in respect of the offence of breach of a supervision order.

During 2015-16, the Secretary of the Department of Justice and Regulation, Victoria Police and the Office of Public Prosecutions initiated 52 breach proceedings. Forty-eight breach proceedings were completed in 2015-16, and 4 were pending. Of the 48 breach proceedings proven, six offenders were breached for reoffending (six times) and 27 offenders were breached for non-compliance (42 times).

On 1 December 2015, the Sex Offender Specialist Response Unit commenced operation and is co-located with the Sex Offender Management Branch. There are seven police members, two Victoria Police intelligence officers and three employees from Corrections Victoria in the unit. The Sex Offender Specialist Response Unit is responsible for monitoring supervision order offenders in the community and is also a factor in the increase of breaches initiated and the increase in requirements for electronic monitoring.

## New powers for police to enter premises

During 2015-16, the *Serious Sex Offenders (Detention and Supervision) Act 2009* was amended to give police officers power to enter premises. Section 158C was inserted giving the police power to enter premises at which a supervised offender resides, if the police officer reasonably suspects that the offender is present and that entry is reasonably necessary to monitor the offender's compliance with a supervision order or interim supervision order. Section 171A was inserted to give Victoria Police power to enter and search premises at which they reasonably suspect an offender to be present, using reasonable force if necessary, to arrest the offender for breaching a condition of a supervision order or interim supervision order. During 2015-16, the police did not exercise either of these powers.

**Table 4: Detention and supervision orders 2011-12 to 2015-6**

Detention and supervision orders	2015-16	2014-15	2013-14	2012-13	2011-12	% change between 2014-15 and 2015-16
Number of sittings of the division	106	115	161	127	121	-7.8%
Detention orders made	0	1	1	0	0	-100.0%
Interim detention orders made	0	0	0	0	0	N/A
Interim supervision orders made	16	13	8	8	6	23.1%
Supervision orders made	16 <sup>1</sup>	15	11	21	44	6.7%
Number of persons directed to reside in a residential facility	18	17	14	12	8	5.9%
Number of persons in respect of whom an emergency power was exercised	2	0	2	1	1	N/A
Number of persons required to comply with electronic monitoring	57 <sup>2</sup>	18	14	8	17	N/A
Total number of persons subject to electronic monitoring as at 30 June 2016	82 <sup>3</sup>	69	56	-	-	18.8%
Number of detention or supervision orders completed (including interim orders)	7 <sup>4</sup>	6 <sup>5</sup>	0	1	1	50.0%
Number of persons on a detention order (as at 30 June)	2	2	1	-	-	0.0%
Number of persons on an interim detention order (as at 30 June)	0	0	0	-	-	N/A
Number of persons on a supervision order (as at 30 June)	120	111	104	0	0	8.1%
Number of persons on an interim supervision order (as at 30 June)	7	5	4	-	-	40.0%

1 There were 13 renewals not included in this figure.

2 Due to improved data collection, from 2015-16 the Board will be reporting on the number of persons required to comply with electronic monitoring by the court or DSOD including those in a residential facility. In previous years, only requirements to comply with electronic monitoring by those in the community were reported.

3 This includes persons at residential facilities.

4 This includes three revoked on review, one deported and three supervision orders that expired.

5 This includes four supervision orders revoked on review and two supervision orders that expired.

# ORGANISATION AND GOVERNANCE

## ADULT PAROLE BOARD MEMBERS

Table 5: Adult Parole Board, Board members 2015–16

Chairperson	
<b>His Honour Peter Couzens</b>	Retired Judge of the County Court, President of the Children's Court of Victoria Appointed to the Board as Chairperson from 9 June 2015
Deputy Chairperson	
<b>His Honour Frank Shelton</b>	Retired Judge of the County Court Appointed to the Board as Deputy Chairperson from 17 December 2013 Appointed as Chairperson of the Detention and Supervision Order Division from 3 April 2014
Full-time members	
<b>Stephen Farrow</b>	Appointed to the Board from 11 November 2013 Appointed as member of the Detention and Supervision Order Division from 11 November 2013
<b>Raj Malhotra</b>	Appointed to the Board from 2 December 2013 Appointed as member of the Detention and Supervision Order Division from 2 December 2013
<b>Shivani Pillai</b>	Appointed to the Board from 2 December 2013 Appointed as member of the Detention and Supervision Order Division from 2 December 2013
<b>Dr David Curnow</b>	Appointed to the Board from 18 May 2014 Appointed as member of the Detention and Supervision Order Division from 18 May 2014
Judicial members	
<b>Her Honour Judge Susan Pullen</b>	Judge of the County Court Appointed to the Board from 6 November 2013 Appointed as member of the Detention and Supervision Order Division from 7 April 2014
<b>His Honour Robert Kumar</b>	Deputy Chief Magistrate Appointed to the Board from 13 December 2011 Appointed as member of the Detention and Supervision Order Division from 7 April 2014
<b>His Honour Gregory Connellan</b>	Magistrate Appointed to the Board from 10 December 2013
<b>His Honour David Fanning</b>	Magistrate Appointed to the Board from 10 December 2013 Appointed as member of the Detention and Supervision Order Division from 15 May 2014
<b>His Honour Franz Holzer</b>	Magistrate Appointed to the Board from 10 December 2013 Appointed as member of the Detention and Supervision Order Division from 2 June 2016
<b>His Honour Gregory MacNamara</b>	Magistrate Appointed to the Board from 10 December 2013 Appointed as member of the Detention and Supervision Order Division from 15 May 2014
<b>Her Honour Kay Macpherson</b>	Magistrate Appointed to the Board from 10 December 2013 Appointed as member of the Detention and Supervision Order Division from 15 May 2014
<b>Her Honour Kim Parkinson</b>	Magistrate Appointed to the Board from 10 December 2013 Resigned from the Board on 30 November 2015
<b>His Honour Peter Reardon</b>	Magistrate Appointed to the Board from 10 December 2013
<b>His Honour Ronald Saines</b>	Magistrate Appointed to the Board from 10 December 2013
<b>His Honour John Doherty</b>	Magistrate Appointed to the Board from 29 October 2014
<b>His Honour Alan Spillane</b>	Retired Magistrate Appointed to the Board from 25 November 2013 Appointed as member of the Detention and Supervision Order Division from 1 January 2014

Judicial members	
<b>His Honour Louis Hill</b>	Retired Magistrate Appointed to the Board from 10 December 2013
<b>His Honour Francis Jones</b>	Retired Magistrate Appointed to the Board from 29 April 2014 Appointed as member of the Detention and Supervision Order Division from 15 May 2014
<b>His Honour James Mornane</b>	Retired Magistrate Appointed to the Board from 29 April 2014 Appointed as member of the Detention and Supervision Order Division from 15 May 2014

Community members	
<b>Carmel Arthur</b>	Victim of crime and campaigner for greater access to procedural justice for victims Appointed to the Board from 2 December 2008 Appointed as member of the Detention and Supervision Order Division from 13 February 2014
<b>Kieran Walshe APM</b>	Former Deputy Commissioner of Victoria Police Appointed to the Board from 5 February 2013 Appointed as member of the Detention and Supervision Order Division from 28 October 2013
<b>Glenda Frost</b>	President of Royal Victorian Association of Honorary Justices, experienced in company and tax law and accounting Appointed to the Board from 17 December 2013 Appointed as member of the Detention and Supervision Order Division from 13 February 2014
<b>Peter Harvey</b>	Former Detective Inspector of Victoria Police - Crime Department Appointed to the Board from 17 December 2013 Appointed as member of the Detention and Supervision Order Division from 13 February 2014
<b>Rudolph Kirby</b>	Descendant of the Wiradjuri, Yorta Yorta and Wamba Wamba nations, CEO of Mallee District Aboriginal Services Appointed to the Board from 17 December 2013 Appointed as member of the Detention and Supervision Order Division from 13 February 2014
<b>Pamela White</b>	Retired public servant with extensive experience in human services Appointed to the Board from 29 April 2014 Appointed as member of the Detention and Supervision Order Division from 1 January 2015
<b>Cr Nora Lamont</b>	Current Councillor and former Mayor of Maroondah City Council Appointed to the Board from 16 September 2014 Resigned from the Board on 8 April 2016
<b>Dr Patricia Mehegan</b>	Member of the Mental Health Tribunal, cross-cultural consultant Appointed to the Board from 16 September 2014 Appointed as member of the Detention and Supervision Order Division from 1 January 2015
<b>Claude Minisini</b>	Chief Executive of a corporate issues management consultancy, former member of Victoria Police Appointed to the Board from 16 September 2014 Appointed as member of the Detention and Supervision Order Division from 1 January 2015
<b>Cr Jim Parke</b>	Mayor, City of Boroondara, and practising lawyer Appointed to the Board from 16 September 2014 Appointed as member of the Detention and Supervision Order Division from 13 February 2014
<b>Aunty Pam Pedersen</b>	Aboriginal community Elder from the Yorta Yorta nation, Elder representative for the Children's Koori Court Appointed to the Board from 16 September 2014
<b>Geoff Wilkinson OAM</b>	Retired senior crime journalist, member of the Sentencing Advisory Council, founder of Crime Stoppers Victoria Appointed to the Board from 16 September 2014 Appointed as member of the Detention and Supervision Order Division from 1 January 2015
<b>Kornelia Zimmer</b>	Victim of crime and former member of the Victims of Crime Consultative Committee Appointed to the Board from 16 September 2014
<b>Nicole Burns</b>	Member of the Administrative Appeals Tribunal, Migration and Refugee Division, DFAT consultant Appointed to the Board from 23 September 2014 Appointed as member of the Detention and Supervision Order Division from 30 May 2016
<b>Rosemary Lever</b>	Former Deputy Chancellor of RMIT University, former CEO of the Children's Protection Society Appointed to the Board from 23 September 2014 Appointed as member of the Detention and Supervision Order Division from 1 January 2015
<b>Mary Malone</b>	A senior health administrator from South Australia and regional Victoria Appointed to the Board from 23 September 2014 Appointed as member of the Detention and Supervision Order Division from 1 January 2015
<b>Professor Charles (Bob) Williams</b>	Emeritus professor of law at Monash University, retired member of VCAT Appointed to the Board from 23 September 2014

Secretary, Department of Justice and Regulation	
<b>Greg Wilson<sup>6</sup></b>	

6 Under section 61(2)(f) of the *Corrections Act 1986*, the Secretary to the Department of Justice and Regulation is a member of the Board.



***The Board has honed its consistency in decision-making over the past three years. Much of the seismic shifts in legislation and policy have been implemented, and we are now in a period of fine-tuning our approach to legal scenarios (for example, deportation), mental health (for example, improved referral documentation) and specific offence types (for example, family violence). The Board holds regular seminars to educate its members, and I believe these seminars have greatly contributed to the consistency in Board decision-making.***

**Dr David Curnow, full-time member**

## **MEMBER EDUCATION – MONTHLY SEMINAR SERIES**

The Board has an established comprehensive, educational seminar program ‘to raise the standards and knowledge of its members, and to promote consistency in the making of decisions’ (Measure 20, *Review of the Parole System in Victoria*, Ian Callinan AC). The program involves monthly seminars presented by experts and professionals who are leaders in their respective fields, biannual all-day seminars, and visits to prisons and correctional facilities. Each monthly seminar includes a ‘practice discussion’ during which the Chairperson and full-time members provide essential updates regarding Board practices to the members. The members also have an opportunity to contribute their perspective to the practices and operation of the Board.

The educational seminar program in 2015–16 included presentations on:

- domestic violence – issues, indicators and conditions
- young offenders
- Forensicare ‘Improving outcomes for violent offenders and reducing violent behaviour’
- electronic monitoring
- prison culture
- learning from other parole boards, interstate and internationally
- the experience of the Drug Court in managing drug use
- drug relapse and treatment
- the use and effects of prescription and synthetic drugs
- understanding methamphetamine.

The seminar series culminated with the inaugural Koori all-day seminar in which Aboriginal Elders and eminent leaders in Koori Justice (including the first Aboriginal Magistrate in Victoria,

Her Honour Magistrate Rose Falla, who also presides in the Magistrates’ Koori Court) spoke about what they regard as the key challenges facing Aboriginal and Torres Strait Islander offenders. The seminar involved detailed consideration of statistical data and trends for Aboriginal prisoners which was collated specifically for the Board to better understand the issues and challenges facing Aboriginal and Torres Strait Islander offenders.

The seminar series in 2015–16 included a visit to the Thomas Embling Hospital. A panel of principal Forensicare clinicians addressed Board members on the management of offenders with complex mental health needs.

The Board acknowledges the invaluable contribution of speakers to the seminar series, many of whom have dedicated their lives to the management and treatment of offenders.

Board member  
Shivani Pillai



## BOARD SECRETARIAT

There are 30 Department of Justice and Regulation staff (part of Corrections Victoria) employed in the Board Secretariat. A Corrections Victoria senior data analyst responsible for the parole portfolio is also in attendance at the Board on a part-time basis.

The Secretariat structure underwent a complete transformation in the reporting year. The new structure was designed within the existing funding envelope to contribute to public confidence in the parole system and increase public safety by ensuring professional support for the Board and reducing the risk of potential error, process failure or delay.

One VPS5 level manager position was relinquished, and the money saved was used to increase the level of other positions to fill a gap in the staff profile. Three new VPS4 coordinator

positions were created by upgrading other positions. These roles are vital to support the operations and registry managers and to provide quality assurance for the work of registry officers and meeting coordinators.

By making all positions in the Secretariat ongoing, senior management capability is enhanced, project methodology embedded, and consistency obtained across roles. The changes have delivered a much simpler structure, allowing greater flexibility in the allocation of resources, improved development opportunities and better work interest.

All ongoing staff were transferred into like roles in the new structure, some roles were filled through exemption, and new positions were advertised and filled through a competitive and transparent recruitment process. As required by the *Victoria Public Service Workplace Determination 2012*, the

Community and Public Sector Union was fully consulted about the structure and the implementation process. The implementation commenced in October 2015 and, with great credit to everyone involved, was completed on time at the beginning of April 2016.

Throughout much of the reporting year, the Secretariat has devoted two senior staff to the case workflow project on a full-time basis, a VPS6 (General Manager, Practice Development) and VPS4 (Coordinator, Operations). These staff are physically located with the project team at another site. This is an extremely big commitment for the Board to make, reflecting the priority of the project. As the General Manager, Practice Development has not been physically present and has been fully committed to the case workflow project; line responsibility for Registry has been absorbed by the General Manager, Operations for the interim.

**Table 6: Adult Parole Board – non-executive workforce profile**

VPS classification	2015–16			2014–15			2013–14			2012–13			2011–12		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
STS Grade 7	1	0	1	1	0	1	0	1	1	0	0	0	0	0	0
VPS Grade 6	0	2	2	0	2	2	0	2	2	1	0	1	1	0	1
VPS Grade 5	1	3	4	1	3	4	1	3	4	0	3	3	1	2	3
VPS Grade 4	0	4	4	0	1	1	0	1	1	0	0	0	0	0	0
VPS Grade 3	2	7	9	1	11	12	0	12	12	0	8	8	0	8	8
VPS Grade 2	1	9	10	2	9	11	1	10	11	2	5	7	2	5	7
VPS Grade 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>5</b>	<b>25</b>	<b>30</b>	<b>5</b>	<b>26</b>	<b>31</b>	<b>2</b>	<b>29</b>	<b>31</b>	<b>3</b>	<b>16</b>	<b>19</b>	<b>4</b>	<b>15</b>	<b>19</b>

### Operational health and safety

The Board has a health and safety representative to monitor the occupational health and safety of its workers. This includes offering all staff the opportunity to participate in a structured debriefing program by a clinical psychologist. The aim of the program is to provide preventative and proactive interventions for the early detection, identification and resolution of both work and personal problems that may adversely affect work performance and wellbeing. The Board is committed to providing a safe and healthy workplace that is free from discrimination, harassment, bullying and workplace violence.

### Equal employment opportunity employer

The Board is an equal employment opportunity employer. Appointments and promotions are based on merit, and staff members receive the training and experience required to enhance their skills and abilities.

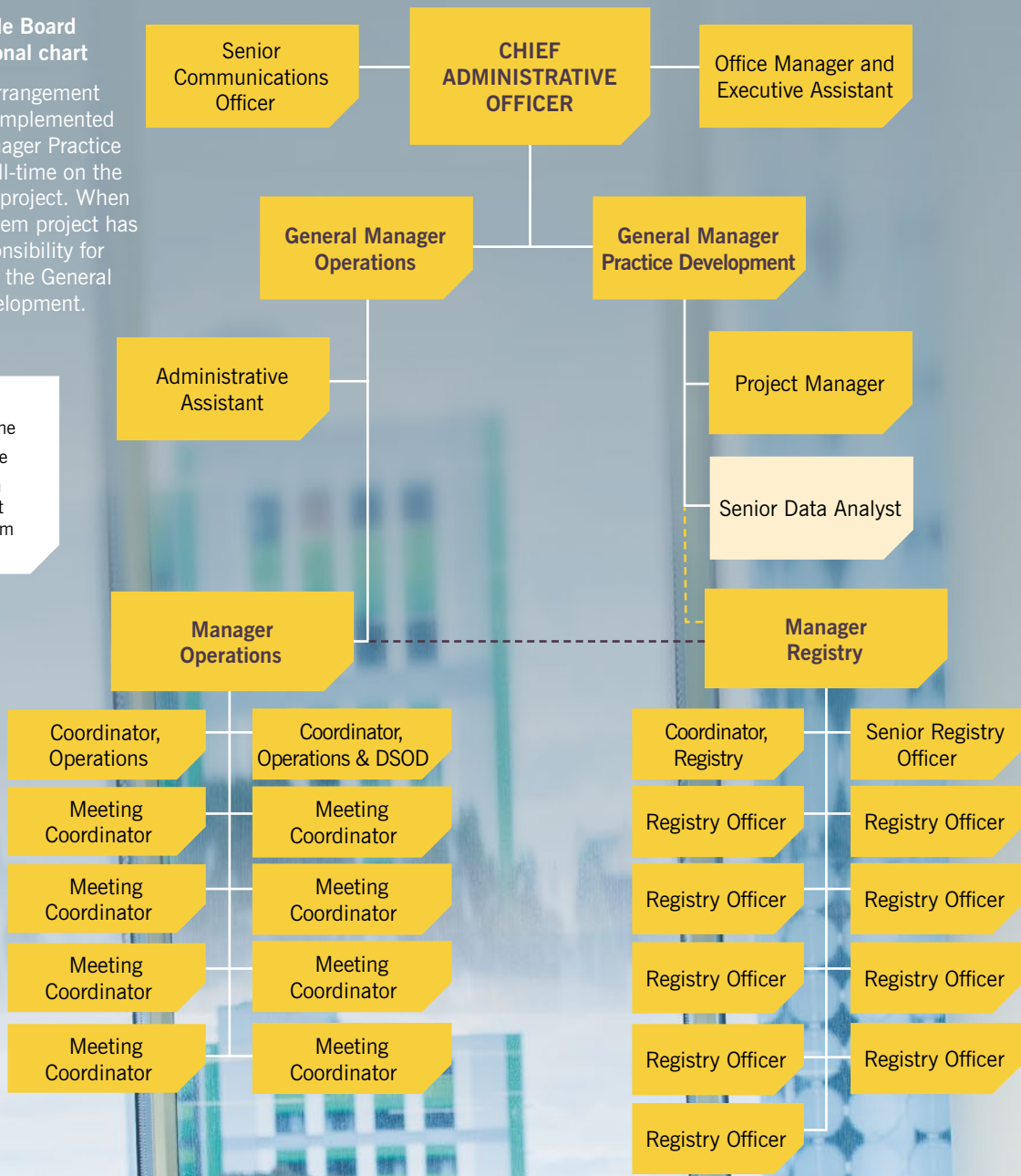
## ORGANISATIONAL CHART

Figure 11: Adult Parole Board Secretariat organisational chart

An interim reporting arrangement for Registry has been implemented while the General Manager Practice Development works full-time on the case workflow system project. When the case workflow system project has been completed, responsibility for Registry will fall under the General Manager Practice Development.

**Legend**

- Current reporting line
- Future reporting line
- Corrections Victoria Senior Data Analyst works part-time from the Board

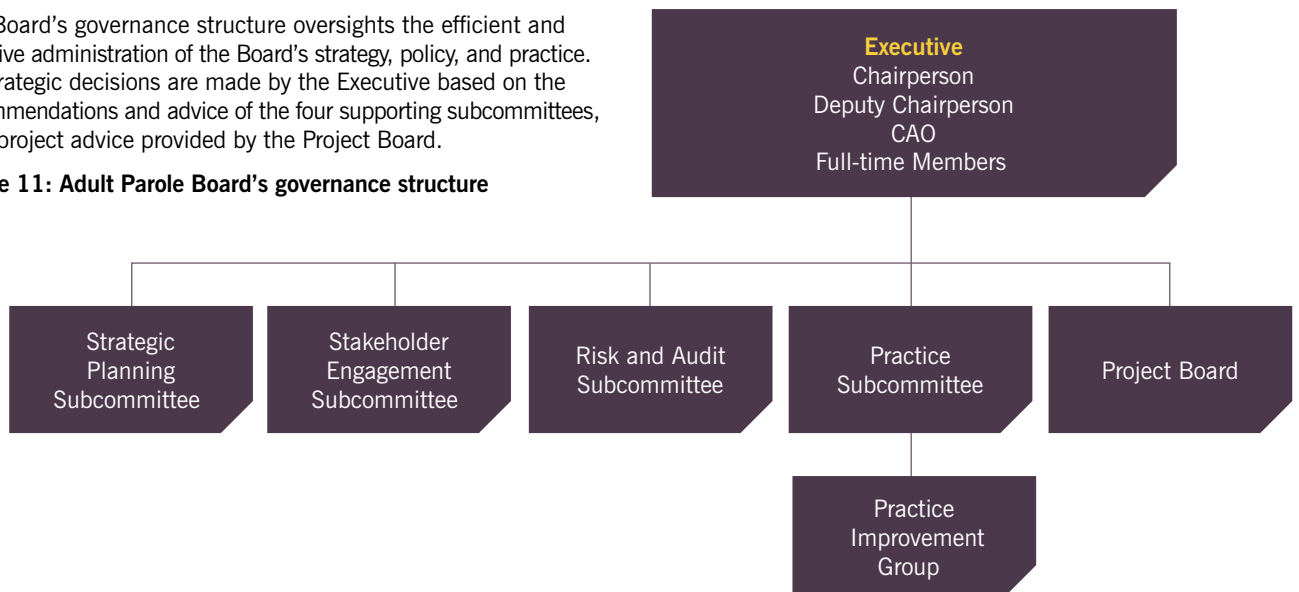




## GOVERNANCE

The Board's governance structure oversees the efficient and effective administration of the Board's strategy, policy, and practice. All strategic decisions are made by the Executive based on the recommendations and advice of the four supporting subcommittees, with project advice provided by the Project Board.

**Figure 11: Adult Parole Board's governance structure**





***The most important change, in my opinion, has been the development of a strategic focus for the Board. This is supported with targeted data analysis, which provides feedback on our decision-making and allows for further improvement. This is the best evidence of a professional, consistent and ethical organisation.***

**Dr David Curnow,  
full-time member**

## **Executive**

The Executive is the most senior body in the Board's governance structure. Its membership consists of the Chairperson, Deputy Chairperson, Chief Administrative Officer, and the four full-time members. The Executive considers and endorses high-level changes to Board functions and provides advice and consultation on all proposed legislative and practice changes to Corrections Victoria and relevant stakeholders. The Executive leads the four subcommittees and the Project Board and its decisions are based on their investigations, recommendations and advice.

## **Strategic Planning Subcommittee**

The Strategic Planning Subcommittee is responsible for the development of the annual report and the Board's strategic plan. The subcommittee is chaired by a full-time member. During 2015–16, the subcommittee, in conjunction with Board members, developed the *Adult Parole Board Strategic Plan 2016–2019*.

## **Stakeholder Engagement Subcommittee**

The Stakeholder Engagement Subcommittee provides strategic direction to the Board in all its communications – both internal and external. It is chaired by a full-time member, and membership includes judicial and community representatives from the Board's membership, the

Chief Administrative Officer, the Senior Communications Officer, and senior staff from the Department of Justice and Regulation's Strategic Communications unit. The subcommittee investigates strategies to improve the Board's engagement with the community and the public, and to strengthen its existing relationships with partner corrections agencies and government bodies. During 2015–16, the subcommittee developed a strategic communications plan with 15 objectives that focused on community engagement, media engagement, internal information strategies and stakeholder relations. The outcomes included the Board's participation in Law Week for the first time, and increased proactive media engagement. The plan will help drive a communications strategy to be rolled out during 2016–17 in line with the Board's strategic plan.



Board members  
Raj Malhotra and  
Stephen Farrow

### Risk and Audit Subcommittee

The Risk and Audit Subcommittee oversees the identification and management of the key areas of risk at the Board. It is chaired by the Chief Administrative Officer and its membership combines both Board members, senior Secretariat staff and a representative from the Department of Justice and Regulation's Risk, Audit and Integrity Directorate. The Risk and Audit Subcommittee is integral to managing and monitoring ongoing internal and independent external audits, as well as assisting with managing any other potential risks the Board face such as those associated with high profile offenders, current litigation matters, and other issues that may bring media attention. It is responsible for the Board's Business Continuity Plan and Risk Register.

### Practice Subcommittee

The Practice Subcommittee was established to ensure consistency of practice across the Board and to develop standards, direction, and guidance for Board members in decision-making. The subcommittee is responsible for developing and overseeing the Board's suite of internal practice guidelines, designed to educate Board members on specific areas of practice. The Chairperson of the Board chairs this subcommittee and its membership includes the Chief Administrative Officer, full-time members, senior members of Corrections Victoria.

### Practice Improvement Group

The Practice Improvement Group is chaired by a full-time member and reports directly to the Practice Subcommittee. Its purpose is to proactively review decisions and practice

points that may be significant, novel or complex and make recommendations to the Practice Subcommittee to adopt a specific practice approach, amend resource material, or conduct a further review in relation to that practice point. Its membership is fluid and may include any Board member who sat on the panel where the practice point arose.

### Project Board

The Project Board oversees the implementation and monitoring of major programs and projects at the Board, both internally and on an interagency level where they intersect with Corrections Victoria. It is chaired by the Chief Administrative Officer and its membership includes full-time members, senior Secretariat staff, and senior Corrections Victoria staff. During 2015–16, the Project Board oversaw 37 projects. This included six projects which commenced during the year, and six projects that were successfully completed in 2015–16.



***I am proud of our achievements in 2015–16 and that, working together, the Board members and Secretariat staff have navigated the Board out of its most difficult period. Although the nature of its work will always remain high risk, there is growing confidence that the Board is in a strong position to deal with the challenges it faces every day.***

**Stuart Ward, Chief Administrative Officer**



Board members Shivani Pillai, Her Honour Magistrate Kay Macpherson, His Honour Magistrate David Fanning and Stephen Farrow

## ADULT PAROLE BOARD STRATEGIC PLAN 2016–2019

Over recent years, Victoria's adult parole system has been the subject of five major external reviews and extensive reform. While the Board was consulted to a greater or lesser degree in each of those reviews and in the course of implementing the reforms, the Board's role has predominantly been to put into practice recommendations made by external reviewers.

The reforms flowing from those reviews have now been implemented or otherwise acquitted. Nevertheless, there is still more to be done to improve community understanding of the nature and purpose of parole and the Board's role. There is also more to be done to improve public confidence in the Board and the parole system. A large number of new members have settled into their roles, and a new Chairperson and an ongoing Chief Administrative Officer have been appointed.

This made 2015–16 an ideal time for the Board to take stock of the changes that have been made and to adopt a more proactive, strategic approach to the way that it operates in the future.

In order to function effectively, every organisation has to adopt and articulate meaningful objectives. The pursuit of those objectives will be affected by a range of uncertainties. Some may hinder the achievement of the objectives. Others may present unanticipated opportunities.

The Board's strategic planning process involved extensive consultation across the organisation, including the conducting of two full-day workshops for members in August and December 2015. This process has enabled the Board to collectively agree upon a set of meaningful objectives, to communicate those objectives within the organisation, and to set priorities. The Board now has a robust strategic framework for anticipating or recognising risks and opportunities and for making decisions about how to respond to them.

The Board's strategic priorities for 2016–2019 are:

- continue to implement existing reforms to ensure high-quality decisions and processes
- improve external communications and public understanding
- improve how the Board gathers and analyses relevant and accurate data
- gather and analyse information about other parole systems
- inform and participate in policy discussions about parole.

The Board articulates its values as:

- community safety
- consistency
- impartiality
- integrity
- courage
- diversity
- respect
- clarity.



Board members Carmel Arthur, Kieran Walshe, Raj Malhotra and Dr David Curnow

## PRIVACY AND INFORMATION

There are strict rules governing the release of information by the Board. The disclosure of 'personal and confidential information' is governed by Part 9E of the *Corrections Act 1986*, Division 2 of the Serious Sex Offenders (Detention and Supervision Act) Act and the *Privacy and Data Protection Act 2014*. The Board is not subject to the *Freedom of Information Act 1982*.

'Personal and confidential information' is broadly defined under the *Corrections Act 1986*. Information contained in an offender's file, including an offender's release date, parole conditions, and Board decisions are regarded as confidential unless an exception applies under Part 9E, even if the request is made by or on behalf of an offender.

The strict nature of these provisions ensures that information can be provided to the Board with complete frankness by clinicians, intelligence and even anonymous sources. This enables the Board to be appraised of all relevant matters and to be best placed to assess any risks presented by an offender. The privacy provisions also serve to assure offenders that they can speak candidly and without reservation to the Board during interviews. This enables the Board to identify and address any risks presented by the offender which ultimately serves the paramount interest of community safety and protection.

The legal constraint on disclosure of information relating to offenders almost invariably means that the Board is unable to comment publicly in the media or in other forums about an offender's parole status.

Under the Act registered victims may be informed of an offender's release date and certain victim-related conditions, but otherwise registered victims are not privy to information on an offender's file. Registered victim submissions are treated with strict confidentiality.

### Parole

Exceptions to the non-disclosure of information given to the Board for the purpose of parole consideration such as Corrections Victoria reports, psychological or psychiatric reports, and intelligence are specified under s.104ZZ of the *Corrections Act 1986*. Disclosure of information given to the Board is authorised if the information's use is reasonably necessary for:

- (a) the administration of Corrections legislation; or
- (b) the preparation for, conduct of or participation in:
  - (i) criminal proceedings in any court; or
  - (ii) proceedings before a tribunal; or
  - (iii) an inquest or investigation held by a coroner; or
- (c) the relevant person believes on reasonable grounds that the use or disclosure is necessary:
  - (i) to reduce the risk of a person committing a violent offence; or
  - (ii) to lessen or prevent a threat to the life, health, safety or welfare of any person.

The disclosure of other 'personal or confidential information' is governed by s.104ZY of the *Corrections Act 1986* which authorises disclosure of personal or confidential information if the use is reasonably necessary for the performance of 'official duties' (defined under s.104ZX of the Act to include preparation for, conduct of or participation in, proceedings in any court or tribunal), law enforcement or in the specific circumstances stipulated under ss.104ZY(2) applies.

### Detention and supervision

The sharing of information in detention and supervision order matters is governed by sections 189, 191 and 192 of the Serious Sex Offenders (Detention and Supervision Act) Act which outlines the purposes of which disclosure is authorised.

### Safety and protection of the community

In both jurisdictions disclosure of personal and confidential information is authorised if a relevant person believes on reasonable grounds that the use or disclosure is necessary:

- (i) to reduce the risk of a person committing a violent offence; or
- (ii) to lessen or prevent a threat to the life, health, safety or welfare of any person.

It is an offence for a relevant person to use or disclose personal or confidential information unless the disclosure is authorised: s.104ZZA of the *Corrections Act 1986* and s.189(1A) of the Serious Sex Offenders (Detention and Supervision Act) Act.

# FINANCIAL REPORT

## OPERATING STATEMENT AND FINANCIAL SUMMARY 2011-12 TO 2015-16

### Funding and expenditure

The Board is funded by Corrections Victoria and its accounts are managed through the Department of Justice and Regulation.

Table 7: Funding and expenditure

	2015-16 \$	2015-16 % of total expenditure	2014-15 \$	2013-14 \$	2012-13 \$	2011-12 \$
<b>Funding</b>						
	5,294,500		5,550,800	4,394,000	3,185,600	2,808,800
<b>Expenditure</b>						
Salaries to staff	2,867,646	59%	2,765,123	2,323,347	1,423,521	1,401,036
Sessional member fees	378,689	8%	445,829	329,436	303,189	204,649
Salary related on-costs	894,675	18%	904,796	752,027	596,876	292,676
Operating expenses	752,391	15%	1,014,163	1,397,572	746,994	878,100
<b>Total expenditures</b>	<b>4,893,401</b>		<b>5,129,911</b>	<b>4,802,382</b>	<b>3,070,580</b>	<b>2,776,461</b>

### Audited accounts

The Board's accounts are audited as part of the accounts of Corrections Victoria, Department of Justice and Regulation. The accounts are published in the *Department of Justice and Regulation Annual Report 2015-16*.

### Assets

The Board is not a body corporate and does not have power under its legislation to purchase, hold, or dispose of real and personal property.

### Employee benefits

All employees of the Board are paid by Corrections Victoria. Consequently, the Board does not make payments directly in respect of employees' superannuation, payroll tax and WorkCover.

### Member remuneration

Remuneration of sessional members and the Board's full-time members is fixed by the Governor in Council. Sitting judicial members are not remunerated for their work on the Board. Community members are remunerated at the rate of \$523 per sitting day. Retired judicial members are remunerated at the rate of \$605 per sitting day when acting as Chairperson of a division. These rates are set out in the Department of Premier and Cabinet's Guidelines for the Appointment and Remuneration of Part-Time Non-Executive Directors of State Government Boards and Members of Statutory Bodies and Advisory Committees.

# APPENDIX

## YEAR AT A GLANCE

Table 8: Adult Parole Board – summary of activities 2011–12 to 2015–16

	2015–16	2014–15	2013–14	2012–13	2011–12	% change between 2014–15 and 2015–16
<b>Parole eligibility</b>						
Prisoners in custody (at 30 June)	6,519	6,219 <sup>7</sup>	6,113	5,340	4,884	4.8%
Prisoners eligible for parole (at 30 June)	3,463	3,765	4,244	3,785	3,328	-8.0%
Prisoners on parole (at 30 June)	981	1,138	1,233	1,646	1,763	-13.8%
<b>Parole applications (including applications for re-parole)</b>						
Total number received	1,841	743 <sup>8</sup>	-	-	-	N/A
Total progressed to parole planning	1,551	620 <sup>9</sup>	-	-	-	N/A
Eligible prisoners who did not apply for parole	142 <sup>10</sup>	-	-	-	-	N/A
<b>Board meetings</b>						
Total (Board and DSOD) meeting days <sup>11</sup>	272	295	266	242	187	-7.8%
Prisoners interviewed at prison	94	179	787	1,899	1,665	-47.5%
Average matters considered per meeting day	36	-	-	-	-	N/A
<b>Parole orders</b>						
Parole orders granted	883 <sup>12</sup>	1,341	1,313	2,051	1,843	-34.2%
Parole orders denied	622 <sup>13</sup>	841	834	425	296	-26.0%
Parole orders revoked <sup>14</sup>	42	70	111	42	49	-40.0%
Parole order completions	733	856	1,116	1,244	1,042	-14.4%

7 This figure is based on the numbers on the morning of 30 June 2015, due to data collection anomalies on this date.

8 This data is from 1 March 2015 to 30 June 2015. The figure is different to the 2014–15 report due to changes in the counting rules.

9 This data is from 1 March 2015 to 30 June 2015. The figure is different to the 2014–15 report due to changes in the counting rules.

10 From 1 March 2015, prisoners had to apply for parole rather than be considered automatically. The Board is notified by Corrections Victoria of eligible prisoners who chose not to apply.

11 More than one division of the Board may sit on a meeting day. When this occurs, one meeting day is counted.

12 This includes decisions on parole applications and decisions made under the previous process. Of the parole applications received, 675 parole orders were granted.

13 This includes decisions on parole applications and decisions made under the previous process. Of the applications received, 327 parole orders were denied.

14 Parole orders are revoked when the Board reverses a decision to grant parole to a prisoner, prior to release on parole.

	2015-16	2014-15	2013-14	2012-13	2011-12	% change between 2014-15 and 2015-16
<b>Cancellation of orders</b>						
Parole orders cancelled	387	569	761	930	659	-32.0%
<b>Length of parole served prior to cancellation:</b>						
* day of release to less than three months	185	324	354	414	249	-42.9%
* three to less than six months	78	99	170	227	167	-21.2%
* six to less than 12 months	73	83	126	173	138	-12.0%
* 12 months or more	51	63	111	116	105	-19.0%
<b>Serious Violent or Sexual Offence Division</b>						
Total matters considered	617	750	-	-	-	-17.7%
SVOSO orders granted	383	598	-	-	-	-36.0%
SVOSO orders denied	19 <sup>15</sup>	9	-	-	-	111.1%
SVOSO orders revoked	17	12	-	-	-	41.7%
Other outcomes <sup>16</sup>	198	131	-	-	-	51.1%
<b>Serious violent or sexual offence convictions</b>						
Total number persons convicted	13	22	60	-	-	-40.9%
Total number of offences	17	38	97	-	-	-55.3%
<b>Breach of parole (detention)</b>						
Total notifications received	98	198	-	-	-	-50.5%
Total detained	80	152	-	-	-	-47.4%
*Total cancelled	61	119	-	-	-	-48.7%
*Total not cancelled	19	33	-	-	-	-42.4%
Total ceased to detain	18	46	-	-	-	-60.9%
<b>Reviews</b>						
Requests for reviews	218	373	400	209	-	-41.6%
Rejected	147	344	363	149	-	-57.3%
Accepted	71 <sup>17</sup>	29	37	60	-	144.8%

15 This figure is the number of parole denial decisions made by the SVOSO Division after another division of the Board recommended that parole be granted. It does not include matters considered by another division of the Board if that division did not recommend parole be granted.

16 Other outcomes include parole variations, deferred cases, additional conditions or prisoners being considered on multiple occasions.

17 The increase in reviews accepted is due to the Board's time to count project.

	2015-16	2014-15	2013-14	2012-13	2011-12	% change between 2014-15 and 2015-16
<b>Victim submissions</b>						
Submissions from victims	164	124	126	91	95	32.3%
<b>Detention and supervision orders</b>						
Detention orders made by the Supreme Court	0	1	1	0	0	-100.0%
Interim supervision orders made by the Supreme and County Courts	16	13	8	8	6	23.1%
Supervision orders made by the Supreme and County Courts	16 <sup>18</sup>	15	11	21	44	6.7%
<b>Youth transfers</b>						
Transfers from prison to a youth justice centre	1	2	3	8	2	-50.0%
Transfers from a youth justice centre to prison	13 <sup>19</sup>	15	20	26	12	-13.3%
<b>Interstate transfers</b>						
Parole orders transferred from Victoria	20	24	27	25	18	-16.7%
Parole orders transferred to Victoria	32	39	28	34	21	-17.9%
<b>Members of the Board at 30 June 2016</b>						
Judicial members	16	17	17	11	14	-5.9%
Full-time members	4	4	4	2	1	0.0%
Community members	16	17	8	9	8	-5.9%
Departmental representatives	1	1	1	1	1	0.0%
Total members	37	39	30	23	24	-5.1%
<b>Staff of the Board at 30 June 2016</b>						
Total employees	30	31	31	19	19	-3.2%
<b>Financial management</b>						
Funding	5,294,500	5,550,800	4,394,000	3,185,600	2,808,800	-4.6%
Expenditure	4,893,401	5,129,911	4,802,382	3,070,580	2,776,461	-4.6%

18 There were 13 renewals not included in this figure.

19 This data was provided by the Youth Justice Centre and is indicative.

Published by the Adult Parole Board of Victoria  
September 2016



This work, *Adult Parole Board Annual Report 2015–16*, is licensed under a Creative Commons Attribution 4.0 licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria (Adult Parole Board) as author, indicate if changes were made and comply with the other licence terms. The licence does not apply to any branding, including the Victorian Government logo.

The front cover photo of the His Honour Peter Couzens presenting 'Parole, you decide' at Law Week 2016 is courtesy of the Victoria Law Foundation.

**ISSN 2205-4863 (Print)**

**ISSN 2205-4871 (Online)**

For further information, contact:

Chief Administrative Officer

Adult Parole Board of Victoria

Level 4, 444 Swanston Street, Carlton VIC 3053

DX 211768 Carlton

Telephone: (03) 9094 2111

Victorian country callers: 1300 766 946

Interpreter Service: Call 131 450 and ask for the Adult Parole Board

Facsimile: (03) 9094 2125

Email: [apb.enquiries@justice.vic.gov.au](mailto:apb.enquiries@justice.vic.gov.au)

Internet: [www.corrections.vic.gov.au/home/parole](http://www.corrections.vic.gov.au/home/parole)

The information contained in this report was accurate as of September 2016.

#### **Accessibility**

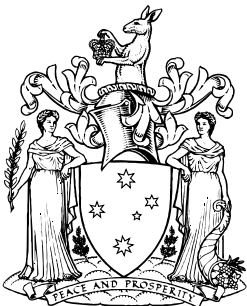
If you would like to receive this publication in an alternative format, please telephone the Adult Parole Board on 03 9094 2111 or email [apb.enquiries@justice.vic.gov.au](mailto:apb.enquiries@justice.vic.gov.au).

This document is available in multiple formats on the internet at [www.corrections.vic.gov.au](http://www.corrections.vic.gov.au).





# Adult Parole Board of Victoria



## **Adult Parole Board of Victoria**

Level 4, 444 Swanston Street, Carlton VIC 3053  
DX 211768 Carlton

**Telephone** (03) 9094 2111

**Victorian country callers** 1300 766 946

**Interpreter Service** Call 131 450 and ask for  
the Adult Parole Board

**Facsimile** (03) 9094 2125

**Email** [apb.enquiries@justice.vic.gov.au](mailto:apb.enquiries@justice.vic.gov.au)

**Internet** [www.corrections.vic.gov.au/home/parole](http://www.corrections.vic.gov.au/home/parole)