



**GOVERNMENT OF
WESTERN AUSTRALIA**

2016/17 ANNUAL REPORT

PRISONERS REVIEW BOARD
DEPARTMENT OF THE ATTORNEY GENERAL
WESTERN AUSTRALIA

FOREWARD

THE HON. JOHN ROBERT QUIGLEY MLA ATTORNEY GENERAL

To the Attorney General,
The Honourable John Robert Quigley, MLA

In accordance with section 112 of the *Sentence Administration Act 2003* (WA), I present to you the Annual Report of the Prisoners Review Board for the year ended 30 June 2017.



His Honour Judge Robert Cock QC
Chairperson
Prisoners Review Board

IN LINE WITH STATE GOVERNMENT REQUIREMENTS, THE PRISONERS REVIEW BOARD ANNUAL REPORT IS PUBLISHED IN AN ELECTRONIC FORMAT WITH LIMITED USE OF GRAPHICS AND ILLUSTRATIONS TO HELP MINIMISE DOWNLOAD TIMES.

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ABOUT OUR ANNUAL REPORT

The Annual Report is the major publication produced by the Prisoners Review Board (the Board). It complies with the requirements of the *Sentence Administration Act 2003 (WA)* and is used to inform Parliament, Government, other agencies, the media and members of the community about the activities and achievements of the Board.

As well as fulfilling our statutory responsibilities, the Annual Report is an opportunity to explain the work and function of the Board.

Once tabled in Parliament, the Annual Report is available from our website at www.prisonersreviewboard.wa.gov.au

CHAIRMAN'S OVERVIEW

INTRODUCTION

The Prisoners Review Board is established under section 102 of the *Sentence Administration Act, 2003* (the Act). As Chairperson of the Prisoners Review Board in Western Australia I am responsible for chairing some of the Board meetings including most of the meetings which review life and indefinitely sentenced prisoners, writing the life and indefinitely sentenced prisoners' statutory reports for the Attorney General as well as the continuing education, training and professional development of Members of the Board.



The 2016/17 period has seen the workload of the Board increase as a direct result of the increased prison muster. The number of cases considered by the Board has risen 9.9% since last year. This has led to a 7% increase in the number of meetings held.

As the number of prisoners sentenced to imprisonment increases, with most eligible for parole, so too does the workload of the Board. Achieving the Board's statutory obligations to consider eligible prisoners in a timely manner and provide everyone considered with a decision and written reasons remains challenging.

In considering whether to release a prisoner to parole, the Board must give paramount consideration to the risk to the safety of any member of the community posed by each prisoner prior to his or her release to parole, and by our conditions, we must endeavour to minimise that risk to the full extent to which that is possible. This risk can never be completely eliminated. If the Board is unable to formulate suitable conditions to sufficiently reduce the risk to the safety of the community to what the Board regards as an acceptable level, we have no alternative but to deny that prisoner the opportunity of release on parole.

The Board is charged with the responsibility of balancing the safety of the community and the management of the risk posed by the prisoner. Once the Board authorises the release of a prisoner, by making a parole order, we continue to monitor their progress on parole through the assistance of Community Corrections Officers employed by the Department of Corrective Services, and take immediate action to suspend or cancel parole should we believe that the risk to the safety of the community is ever increased to a level incompatible with our paramount responsibility to ensure the safety of the community.

MEMBERSHIP OF THE BOARD

There have been a number of changes in the membership of the Board during the 16/17 year.

Two sessional deputy chairs and three community members were not reappointed upon their terms expiring late in the year. In anticipation of the need to make new appointments to the Board, in late 2016 the former Attorney General adopted a process in which there was notice of the impending vacancies advertised in a newspaper, his office shortlisted candidates and I interviewed those who his office short-listed. He chose the candidates who were appointed. Community interest in the vacancies was strong and the calibre of the applicants was generally very high. Most members whose terms expired sought reappointment, although only two were successful. Three new sessional deputy chairs and five new community members were appointed by the Governor, on the recommendation of the Attorney General. I have been very pleased with the growth of each of our new members and their attendance at meetings and attention and interaction at their induction and on professional development days.

For the three months from February 2017 to April 2017 I was unable to perform my functions. During that period, his Honour Judge Sharp was appointed to act as the Chairman of the Prisoners Review Board. I am grateful for Judge Sharp for so willingly taking on these additional responsibilities, quickly gaining an understanding of the role and so effectively carrying out the duties so that there was no backlog at all upon my return in May 2017.

THE ADMINISTRATION TEAM

The administrative team is responsible for ensuring that all prisoners eligible for parole are listed for consideration at a meeting of the Board prior to the prisoner's earliest eligible date of release. Administration staff ensure that the prisoners' files are up to date and that all relevant reports have been received by the Board in a timely manner and available to be read by the Board members rostered for the particular meeting.

The staff continue to work assiduously to ensure that the Board is with the most up-to-date and comprehensive information to facilitate the Board's decision making function, and after each meeting to prepare all the necessary paperwork emanating from the meeting. As the number of meetings held per week rises, and as the number of cases considered at each meeting also rises, the workload on the staff gets heavier. They continually look at ways to make this part of our business more efficient. Particularly in times of economic restraint, it is essential to have staff who give attention to identifying scope for systemic improvements and who are energetic in their efforts to implement change. The Board is fortunate indeed to be supported by a team of such people.

LIFE SENTENCED PRISONERS

The *Sentencing Legislation Amendment Act 2016* (the 2016 Amendment Act) was assented to on 7 December 2016. It amended the Act, and upon assent, prisoners whose sentences were formerly managed under provisions of the *Offenders Community Corrections Act, 1963* (basically all prisoners who were sentenced before 4 November 1996) henceforth have their sentences managed under the Act. The immediate effect of that change is that prisoners who were sentenced to life imprisonment prior to 4 November 1996 were for the first time, permitted to undertake a resocialisation programme under the Act. Board staff in consultation with Corrective Services reviewed the files of all eligible life sentenced prisoners, totalling 44 in number, and those who it was felt had a reasonable prospect of warranting consideration for a resocialisation programme were provided with early review

dates so that the Board could assess them ahead of their next statutory review dates. The Board requested that Corrective Services develop resocialisation proposals for five such prisoners and at the end of the reporting year, a recommendation had been made for one of these prisoners to participate in a resocialisation programme and the cases of the other four were pending further consideration by the Board.

This year has also seen a further increase in the use of video conferencing for prisoners serving life and indefinite terms of imprisonment. The use of video-links provides these long-term prisoners the opportunity to speak directly with the Board and discuss with the Board Members their parole plan, aspirations to do a resocialisation programme and any other issues relevant to the consideration of the prisoner's matter. Most meetings of the Board which considers life sentenced prisoners now commence with a video-link with the prison where one of the prisoners being reviewed that day is detained. I remain grateful to the superintendents for their assistance in ensuring the availability of this communication link to prisoners they regard as appropriate beneficiaries.

PRISON VISITS

I continued my practice of visiting a number of prisons every year so as to maintain currency in my level of understanding of conditions in the prisons, the services and programmes available to prisoners, the understanding of prisoners of the parole system and also to enable me to develop and introduce procedural changes to assist prisoners and prison officers helping them, develop parole plans.

I thank the superintendents of Albany Regional Prison and the Melaleuca Remand and Reintegration Facility for their hospitality shown towards me and the Deputy Chairperson, who accompanied me on my visit to Melaleuca.

During my visits I was pleased with the enthusiasm for feedback from prison officers and staff involved in writing reports to the Board. There seemed to be a high level of understanding of the Board's requirements and a sincere aspiration to assist prisoners achieve parole release. Well researched and comprehensive information placed before the Board ensures that every prisoner has the best chance at gaining the privilege of release to parole.

COMMUNITY CORRECTIONS OFFICES

I was invited to visit Albany Community Corrections in July 2016 and there met with staff from the Centre as well as the transition manager from Albany Regional Prison. I found the staff very passionate about their work and keen to ensure prisoners manage to successfully return to society. Such was the level of interest generated from my talk that I was invited to, and did, return to Albany the following month to address a group of staff from a number of non-government agencies in the justice and reintegration sector. I wish to record my thanks to the manager of the Centre for her assistance and for facilitating both my visits.

PRISON OFFICER TRAINING

Senior staff from the Board and I continue to attend at the Department of Corrective Services training academy in Bentley, as required, to give presentations to newly recruited prison officers and also to Community Corrections Officers as part of their induction and training. It is always a privilege to attend at the Academy and meet and speak to the newly recruited Prison Officers and Community Corrections Officers. They are always keen to learn of how the parole system works and we appreciate the opportunity to encourage them to understand the process so that they may guide prisoners to better embrace the opportunities which parole offers.

VICTIM IMPACT STATEMENTS

The 2016 Amendment Act will amend section 26 of the Sentencing Act to require court, after imposing a sentence of imprisonment on an offender, to make available to the Prisoners Review Board a copy of any victim impact statement given to the court under section 24. This new requirement had not been proclaimed to commence during the reporting year.

A Victim Impact Statement is considered as part of the material relevant to the Board determination of whether to release a prisoner to parole and, if so, the particular conditions to which the prisoner's release should be subject. This has improved the Board's capacity to understand the impact of the offence on the victim and the nature of the victim's concerns arising from the offender's release, and enabled the Board to better respond to those issues. On some rare occasions victims and secondary victims have appeared in person before the Board.

PROFESSIONAL DEVELOPMENT FOR BOARD MEMBERS

In accordance with section 104(1) of the *Sentence Administration Act 2003* (WA), I am required to provide on-going professional development to the members of the Board. An invitation to attend these sessions is also given to Members of the Supervised Release Review Board and the Mentally Impaired Accused Review Board.

I am very pleased with the responses received from these sessions which during the past year have included presentations from Uniting Care West, the Commissioner for Victims of Crime, Fairbridge, Northwest Metropolitan Adult Community Corrections, the Whitehaven Clinic, Communicare Breathing Space, the Assistant Commissioner, Adult Community Corrections, and several other staff from the Department of Corrective Services.

It may be noticed that once again, a considerable focus of professional development during the reporting year has been on the effects of drug addiction and the various community options available to prisoners. A substantial risk factor in recidivism and by far the main reason why prisoners on parole have not been able to maintain compliance with the requirements of parole has been through lapse or relapse to illicit drug use. Possible ways to reduce the risk of relapse to drug use are discussed during virtually every Board meeting and the members have been very attentive to the suite of community options currently available, although it remains an area of considerable disappointment that the options for residential rehabilitation for prisoners on parole remain very limited indeed.

In addition to invited external presenters, the members also received several presentations from Board staff covering developments to the Board's information technology system and on strategies to assist members improve the clarity and consistency of decision making and the preparation of reasons.

RELATIONSHIPS AND NETWORKING

During the 2016/17 period, the Board has reported to the former Attorney General, the Hon. Michael Mischin MLC and then the current Attorney General, the Hon. John Quigley MLA. I am pleased to advise that the strong working relationships built with the staff in the office of the former Attorney General, which has resulted in a reduction in the delay in receiving parole orders made by the Governor and a much improved response time for consideration of statutory reports and their return to the Board have been maintained following the change of Government.

Relationships have been maintained with other key agencies, including the Department of Corrective Services, Western Australian Police Service, Disability Services Commission,

the Commissioner for Victims of Crime, as well as numerous non-government agencies involved in offering support, assistance, training, programmes and accommodation to offenders. As I have noted above, many have again sent representatives to the Board to make presentations during the year.

I continue to meet annually with the members of the Prison Chaplains' Association. I have found the meetings with members of the association very productive, as prison chaplains are able to provide a distinctly different perspective of individual prisoners as well as the prison generally. On occasions a chaplain will write to support a prisoner seeking parole.

I again wish to thank Ms Pauline Bagdonavicius, the Acting Director General, for her preparedness to consult and assist the Board during 2016. She facilitated appropriate relief during periods when the Board was temporarily without key staff and also demonstrated her interest in the Board and its operations and a willingness to foster closer cooperation with the Board's stakeholders. Since his appointment as Director General, Dr Adam Tomison has also revealed his interest in the work of the Board and support for it.

Finally I wish to mention the work of the members. The Board has considered almost 7,000 cases this year. It has never before done so many. Board decisions are the product of careful consideration and cooperative discussions between Board members at meetings. Naturally we do not always produce a unanimous outcome and at times the discussions are vigorous, however members have maintained their respect for the views of others, despite their differences. To have considered so many cases and to have done so with without any animosity is testimony to the professionalism and commitment of every member and I thank them for their service to the community.

A handwritten signature in blue ink, appearing to read 'Robert Cock', written in a cursive style.

Judge Robert Cock QC
Chairman
Prisoners Review Board

27 September 2017

PROFILE

THE PRISONERS REVIEW BOARD

The Board was established in January 2007, under section 102 of the *Sentence Administration Act 2003* (WA), as an independent statutory body, following the recommendations of the Mahoney Inquiry for the purpose of improving the management of parole.

One of the key recommendations of the Mahoney Inquiry was that the safety of the community must be the paramount consideration in granting parole. The Mahoney recommendations therefore focus the Board's decision making on the release considerations set out in section 5A and 5B of the *Sentence Administration Act 2003* (WA). These are the factors that Parliament has identified as being relevant to the exercise of the power to release a prisoner on parole and the Board is required to regard the safety of the community as the paramount consideration.

The Board convenes at least 6 meetings every week to consider approximately 70 parole applications, reports of breaches of parole and requests to amend Parole Orders. Each meeting is chaired by either the Chairperson or a Deputy Chairperson and includes two Community Members, a representative from the Department of Corrective Services and a representative from the Western Australia Police.

The Board has jurisdiction over the following prisoner groups:

- A prisoner serving less than 12 months imprisonment where the court has ordered a parole period must apply;
- A prisoner serving more than 12 months but less than two years where the court has determined a period of parole may apply;
- Prisoners serving two years or more where the court has determined that a period of parole may apply;
- Prisoners sentenced to indefinite or life imprisonment. These prisoners are first eligible for parole after the completion of the minimum non-parole period of their sentence which is set by the court or by statute.

FUNCTIONS OF THE BOARD

The Board's functions are conferred by the *Sentence Administration Act 2003* (WA). The Board considers prisoners for release from custody on parole, sets or varies conditions of release and considers applications for the suspension and/or cancellation of orders.

The Board also considers re-entry release orders and makes recommendations about re-socialisation programmes for various categories of prisoners.

In relation to prisoners serving life or indefinite sentences, the Board only has the power to make a recommendation to the Attorney General and Governor in Executive Council either for release on parole or for approval to participate in a Re-socialisation Programme.

STATISTICAL REQUIREMENTS

Pursuant to section 112 the *Sentence Administration Act 2003* (WA) the Board is required to provide the Minister with a written report on the following.

A SNAPSHOT OF FACTS

a. The performance of the Board's functions during the previous financial year;

During 2016/17 the Board held 568 meetings, including Registrar and Deputy Chair meetings, and considered 6964 matters. This represents an increase of 7% in the number of meetings held compared with the previous financial year with a 9.9% increase in the number of cases.

| FINANCIAL YEAR | CASES CONSIDERED | NO. OF BOARD MEETINGS |
|-----------------------|-------------------------|------------------------------|
| 2016/17 | 6964 | 568 |
| 2015/16 | 6338 | 531 |
| 2014/15 | 5907 | 540 |
| 2013/14 | 5919 | 626 |

"Cases Considered" includes all matters listed before the Board including listings in relation to the administration of parole orders. Individual prisoners can have more than one listing over a 12 month period.

| | 2016/17 | 2015/16 | CHANGE (%) |
|---|---------|---------|------------|
| PRISONERS WHO BECAME ELIGIBLE FOR PAROLE IN THE FINANCIAL YEAR | 3537 | 3155 | 12.1% ↑ |
| PAROLE ORDERS MADE BY THE BOARD AND GOVERNOR | 1518 | 1310 | 15.9% ↑ |
| PAROLE ORDERS COMPLETED SUCCESSFULLY IN THE FINANCIAL YEAR | 820 | 725 | 13.1% ↑ |
| PAROLE ORDERS CANCELLED OR SUSPENDED | 503 | 416 | 20.9% ↑ |
| PAROLE APPLICATIONS DENIED BY THE BOARD AND GOVERNOR | 2363 | 2047 | 15.4% ↑ |

The Board determines whether a prisoner is suitable for release on parole by having regard for the release considerations set out in section 5A of the *Sentence Administration Act 2003* (WA). These considerations include:

- (a) the degree of risk (having regard to any likelihood of the prisoner committing an offence when subject to an early release order and the likely nature and seriousness of any such offence) that the release of the prisoner would appear to present to the personal safety of people in the community or of any individual in the community;
- (b) the circumstances of the commission of, and the seriousness of, an offence for which the prisoner is in custody;
- (c) any remarks by a court that has sentenced the prisoner to imprisonment that are relevant to any of the matters mentioned in paragraph (a) or (b);
- (d) issues for any victim of an offence for which the prisoner is in custody if the prisoner is released, including any matter raised in a victim's submission;
- (e) the behaviour of the prisoner when in custody insofar as it may be relevant to determining how the prisoner is likely to behave if released;
- (f) whether the prisoner has participated in programmes available to the prisoner when in custody, and if not the reasons for not doing so;
- (g) the prisoner's performance when participating in a programme mentioned in paragraph (f);
- (h) the behaviour of the prisoner when subject to any release order made previously;
- (i) the likelihood of the prisoner committing an offence when subject to an early release order;

- (j) the likelihood of the prisoner complying with the standard obligations and any additional requirements of any early release order;
- (k) any other consideration that is or may be relevant to whether the prisoner should be released.

The Board is required, pursuant to section 5B of the *Sentence Administration Act 2003* (WA), to regard the community safety as the paramount factor when determining whether a prisoner is suitable for release on parole.

b. the number of prisoners who became eligible to be released under a parole order during the previous financial year;

| | 2016/17 | 2015/16 | CHANGE (%) |
|---------------------|----------------|----------------|-------------------|
| TOTAL NUMBER | 3537 | 3155 | 12.1% ↑ |

A prisoner's eligibility for parole is determined by the Court as part of their sentence.

c. the number of prisoners who applied to be released under a Re-entry Release Order during the previous financial year;

| | 2016/17 | 2015/16 | CHANGE (%) |
|---------------------|----------------|----------------|-------------------|
| TOTAL NUMBER | 0 | 3 | 100% ↓ |

Prior to 2007, prisoners eligible for parole could also apply for early release under a Re-entry Release Order, pursuant to Part 4 of the *Sentence Administration Act 2003* (WA). Those prisoners sentenced after 2007 are only eligible for release on parole and, therefore, the number of prisoners eligible to apply for a Re-entry Release Order will decline over time.

d. the number of prisoners who were refused an early release order by the Board or the Governor during the previous financial year;

| | 2016/17 | 2015/16 | CHANGE (%) |
|--------------|----------------|----------------|-------------------|
| TOTAL | 2193 | 1917 | 14.4% ↑ |

e. the number of prisoners released under an early release order by the Board or the Governor during the previous financial year;

| | 2016/17 | 2015/16 | CHANGE (%) |
|--------------|---------|---------|------------|
| TOTAL | 1409 | 1212 | 16.3% ↑ |

BREAKDOWN OF TOTAL PRISONERS RELEASED UNDER AN EARLY RELEASE ORDER:

| TYPE OF EARLY RELEASE ORDER GRANTED | 2016/17 | 2015/16 | CHANGE (%) |
|---|-------------|-------------|------------|
| PAROLE | 966 | 847 | 14% ↑ |
| RE-ENTRY RELEASE ORDER | 0 | 0 | 0% ⇔ |
| SHORT-TERM PAROLE (SUPERVISED) | 441 | 365 | 20.8% ↑ |
| SHORT-TERM PAROLE (UNSUPERVISED) | 2 | 0 | 100% ↑ |
| TOTAL | 1409 | 1212 | |

The Board takes into account the individual merits of each case to determine whether to release a prisoner to parole. Before making its decision, the Board may review reports from Community Corrections Officers, Custodial Staff, Treatment Programme Facilitators, Victim Support Organisations, Medical Practitioners, Psychologists and Psychiatrists. In addition, the Board examines the prisoner's criminal history, any comments made by the sentencing court, and any victim submissions, statements and reports from the Victim-Offender Mediation Unit. In making decisions to grant, deny, suspend or cancel parole the Board gives paramount consideration to the safety of the community.

f. the number of prisoners who completed an early release order during the previous financial year;

| | 2016/17 | 2015/16 | CHANGE (%) |
|--------------|---------|---------|------------|
| TOTAL | 820 | 725 | 13.1% ↑ |

“Completed” means the prisoner parole order was neither suspended nor cancelled during the parole period.

BREAKDOWN OF PAROLE COMPLETION FOR PAROLE ORDERS EXPIRING IN THE FINANCIAL YEAR 2016/17

| TYPE OF PAROLE | 2016/17 | 2015/16 | CHANGE (%) |
|--|-------------|-------------|------------|
| DISCRETIONARY PAROLE COMPLETED SUCCESSFULLY | 575 | 526 | 9.3% ↑ |
| DISCRETIONARY PAROLE CANCELLED OR SUSPENDED PRIOR TO EXPIRY | 258 | 227 | 13.7% ↑ |
| MANDATORY PAROLE COMPLETED SUCCESSFULLY | 245 | 199 | 23.1% ↑ |
| MANDATORY PAROLE CANCELLED OR SUSPENDED PRIOR TO EXPIRY | 207 | 152 | 36.2% ↑ |
| TOTAL | 1285 | 1104 | |

Parole Orders expiring in 2016/17 totalled 1285 of which 63.8% were completed successfully and 36.2% were cancelled or suspended prior to expiry. Of the 833 Parole orders made by the Board (discretionary), 69% were completed successfully while 31% were cancelled or suspended prior to expiry. Of the 452 releases to mandatory parole, 54.2% were completed successfully while 45.8% were cancelled or suspended prior to expiry.

g. the number of early release orders suspended or cancelled during the previous financial year and the reasons for suspension or cancellation;

| | 2016/17 | | 2015/16 | |
|--|------------|-------------------------------|------------|-------------------------------|
| | No. | % of those released on Parole | No. | % of those released on Parole |
| PAROLE¹ ORDERS CANCELLED | 424 | 30.1% | 351 | 29% |
| PAROLE ORDERS SUSPENDED | 79 | 5.6% | 65 | 5.4% |
| TOTAL | 503 | 39.1% | 416 | 34.3% |

Pursuant to section 39(1) of the *Sentence Administration Act 2003* (WA), the Board may at any time during the parole period, suspend a Parole Order. Pursuant to section 44(1) if the *Sentence Administration Act 2003* (WA), the Board may cancel a Parole Order at any time during the parole period. The Board can determine to suspend for a fixed term or cancel if the prisoner either re-offends or breaches the conditions of their Parole Order or behaves in any way that poses an additional risk to the safety of the community.

¹ Decisions to Suspend/Cancel Parole should not be compared to the number of prisoners released on parole for the same reporting period as the decision to suspend/cancel can relate to an offender who was granted parole in a previous reporting period.

h. the number of prisoners for whom participation in a re-socialisation programme was approved by the Board or the Governor during the previous financial year;

| | 2016/17 | 2015/16 |
|--------------|----------------|----------------|
| TOTAL | 4 | 5 |

A re-socialisation programme is designed to allow long term prisoners the opportunity to be gradually reintegrated into the community in preparation for release from prison. The purpose of a re-socialisation programme is to equip a prisoner for re-entry into the general community by addressing their education, employment, family and community support networks. The aim is to improve the prisoner's ability to pursue and maintain a pro-social and law abiding lifestyle.

j. the number of prisoners who completed re-socialisation programmes during the previous financial year;

| | 2016/17 | 2015/16 |
|--------------|----------------|----------------|
| TOTAL | 7 | 6 |

Re-socialisation programmes can run for varying durations of time, from six months to two years and can encompass multiple stages. As such, not all re-socialisation programmes commenced in a financial period will end in that same financial period.

A proportion of prisoners serving life and indefinite sentences have their sentences administered under the *Offenders Community Corrections Act 1963 (WA)*. There are no provisions under this legislation that allow these prisoners to participate in re-socialisation programmes.

OTHER BOARD FUNCTIONS

LIFE AND INDEFINITE TERM PRISONERS

In 2009/10, separate meetings of the Board were constituted by the then Chairperson to specifically consider the matters of prisoners serving life or indefinite terms of imprisonment. Since then, this initiative has continued to be particularly successful as it allows for a far greater level of debate and consideration of the relevant issues unique to this group of prisoners.

On 1 July 2017 there were a total of 292 life and indefinite sentenced prisoners, including those who were currently participating in re-socialisation programmes or released to parole in the community.

In 2016/17 the Board met on 24 occasions to consider 174 matters relating to life and indefinite term prisoners.

| FINANCIAL YEAR | 2016/17 | 2015/16 | CHANGE (%) |
|--------------------------------|---------|---------|------------|
| CASES CONSIDERED | 174 | 164 | 6.1% ↑ |
| LIFE/INDEFINITE BOARD MEETINGS | 24 | 25 | 4% ↓ |

STATUTORY REPORTS

Prisoners sentenced to terms of life or indefinite imprisonment are initially reviewed by the Board after serving their minimum non-parole period which is set by the court under section 90 of the *Sentencing Act 1995 (WA)* or is set out in section 12A of the *Sentence Administration Act 2003 (WA)*.

On 17 November 2016, the Parliament of Western Australia passed the *Sentencing Legislation Amendment Act 2016*. On 7 December 2016 the Act received Royal Assent. The effect of the amendments introduced by the *Sentencing Legislation Amendment Act 2016* is that prisoners whose sentences were formally managed under the provisions of the *Offenders Community Corrections Act 1963 (WA)* will now be managed under the provisions of the *Sentence Administration Act 2003 (WA)*.

The Board is required to review a life or indefinite prisoner on either a yearly or three yearly cycle depending on the statutory requirement set out in section 12A(2) of the *Sentence*

Administration Act 2003 (WA). On each occasion, the Board is required to provide the Minister with a statutory report in relation to the prisoner.

A statutory report provided by the Board deals with the release considerations relating to the prisoner and recommends whether or not the Governor should exercise the power to release the prisoner and on what conditions.

During 2016/17 the Board determined to prepare a statutory report for the Attorney General on 53 occasions.

| | 2016/17 | 2015/16 | CHANGE (%) |
|---|---------|---------|------------|
| TOTAL NO. OF STATUTORY REPORTS COMPLETED | 53 | 66 | 19.7% ↓ |

Previously, prisoners serving life and indefinite sentences administered under the *Offenders Community Corrections Act 1963 (WA)* were not eligible to participate in a re-socialisation programme, as there were no provisions under this legislation that allowed prisoners to participate. Since the passing of the *Sentencing Legislation Amendment Act 2016*, these prisoners are now eligible to participate in re-socialisation programmes.

INTERSTATE TRANSFERS OF PAROLE

On 18 August 2010, the Minister delegated in writing his duties and powers under sections 5, 6 and 7 of the *Parole Orders (Transfer Act) 1984 (WA)* to the Registrar of the Board. The Registrar assumes the title of Minister's Delegate for Interstate Transfers of Parole when considering any applications for interstate transfers of parole.

On 27 June 2012, the Board implemented its Interstate Transfers of Parole Policy Statement. This policy document outlines the processes and procedures for interstate transfers of parole and supports inter-agency cooperation in relation to interstate transfers of parole. The Board is also required to comply with the National Operating Procedures for Interstate Transfers of Parole which govern the permanent transfers of parolees between Australian jurisdictions.

In 2016/17, the Minister's Delegate for Interstate Transfers considered 22 incoming applications and 17 outgoing applications. A total of 39 applications were considered which overall represents a 23.5% decrease compared with the previous financial year.

INCOMING APPLICATIONS FOR INTERSTATE TRANSFER OF PAROLE INTO WA

| | 2016/17 | 2015/16 | CHANGE (%) |
|--|---------|---------|------------|
| INCOMING APPLICATIONS RECEIVED | 22 | 24 | 8.3% ↓ |
| CONDITIONAL APPROVAL OR APPROVAL BY THE MINISTER'S DELEGATE | 15 | 16 | 6.3% ↓ |
| DECLINED BY THE MINISTER'S DELEGATE | 4 | 7 | 42.9% ↓ |
| APPLICATIONS WITHDRAWN | 5 | 0 | 100% ↑ |
| ONGOING APPLICATIONS | 1 | 3 | 66.7% ↓ |

OUTGOING APPLICATIONS FOR INTERSTATE TRANSFER OF PAROLE OUT OF WA

| | 2016/17 | 2015/16 | CHANGE (%) |
|--|---------|---------|------------|
| OUTGOING APPLICATIONS RECEIVED | 17 | 27 | 37% ↓ |
| CONDITIONAL APPROVAL OR APPROVED BY THE MINISTER'S DELEGATE | 13 | 21 | 38.1% ↓ |
| DECLINED BY THE MINISTER'S DELEGATE | 0 | 0 | 0% ⇔ |
| APPROVED BY RECEIVING JURISDICTION | 15 | 17 | 11.8% ↓ |
| DECLINED BY RECEIVING JURISDICTION | 1 | 3 | 66.7% ↓ |
| WITHDRAWN BY PAROLEE OR DISCONTINUED DUE TO THE PRISONER BEING DENIED | 3 | 7 | 57.1% ↓ |
| ONGOING APPLICATIONS | 3 | 8 | 62.5% ↓ |

Interstate Transfer of Parole Applications can be active for a number of months from the date of application. Decisions regarding Interstate Transfers of Parole may occur outside of the financial year in which the application was made.

MINISTERIALS

Ministerials are required to be completed by the Board when a member of the public, a prisoner, not-for-profit organisation, local Government representative, media or other individual writes to the Attorney General in relation to a matter of parole or a prisoner's eligibility for parole. During 2014/15 the Board published a policy document which informs the public, prisoners and the Board on its processes and decision making considerations. This has reduced the number of Ministerial correspondence dealt with by the Board. An FAQ (Frequently asked Questions) pamphlet was also developed which has contributed to this reduction in correspondence.

| | 2016/17 | 2015/16 | CHANGE (%) |
|--|---------|---------|------------|
| MINISTERIALS ALLOCATED TO THE BOARD | 46 | 82 | 43.9% ↓ |

REMUNERATION

The Chairperson is a full time judge and is remunerated accordingly.

DEPUTY CHAIRPERSONS

The full time Deputy Chairperson is appointed by Executive Council (EXCO) and is paid a salary of \$121,980 as determined by EXCO. The sessional Deputy Chairperson remuneration rate when chairing a meeting is currently \$619, an increase from \$610 on 27 May 2016. Below is a breakdown of remuneration payments to sessional Deputy Chairpersons during 2016/17.

| | |
|----------------|-------------------------|
| Deputy Chair A | \$44,614 |
| Deputy Chair B | \$42,968 |
| Deputy Chair C | \$9,285 |
| Deputy Chair D | \$8,047 |
| Deputy Chair E | \$7,428 |
| Deputy Chair F | \$6,809 |
| Deputy Chair G | \$4,702 |
| Deputy Chair H | \$1,979 |
| Deputy Chair I | \$619 |
| TOTAL | <u>\$126,451</u> |

COMMUNITY MEMBERS

The sessional Community Member remuneration rate for a meeting is currently \$497, an increase from \$490 on 27 May 2016. Below is a breakdown of remuneration payments to sessional Community Members in 2016/17.

| | |
|--------------------|----------|
| Community Member J | \$40,129 |
| Community Member K | \$38,642 |
| Community Member L | \$33,928 |
| Community Member M | \$33,452 |

| | |
|--------------------|----------------------|
| Community Member N | \$32,643 |
| Community Member O | \$23,401 |
| Community Member P | \$22,915 |
| Community Member Q | \$22,497 |
| Community Member R | \$18,489 |
| Community Member S | \$9,564 |
| Community Member T | \$7,952 |
| Community Member U | \$5,269 |
| Community Member V | \$5,070 |
| Community Member W | \$4,772 |
| Community Member X | \$4,494 |
| Community Member Y | \$4,275 |
| Community Member Z | \$2,684 |
| TOTAL | <u>\$310,176</u> |

The Public Sector Commission's annual reporting framework for the 2016/17 financial year requires board memberships to be reported in the Annual Report. This requirement includes the naming of board members and listing the remuneration that each board member received from the respective board during the financial year. The reporting framework further acknowledges that for security reasons, or reasons of sensitivity, these disclosures may be withheld. In consultation with the Attorney General, names of Prisoners Review Board members have been withheld for security reasons.