



PAROLE BOARD

OF THE NORTHERN TERRITORY



ANNUAL REPORT

2022

Acknowledgment of Country

The Parole Board of the Northern Territory acknowledges the Traditional Custodians of country throughout the Northern Territory and their connections to land, sea and community. We pay our respect to the Elders – past, present and emerging – for they hold the memories, traditions, the culture and hopes of Aboriginal peoples and Torres Strait Islander peoples across the Territory.



The Hon. Chansey Paech, MLA

Attorney-General and Minister for Justice

I am pleased to provide this report on the activities of the Parole Board of the Northern Territory during the year ending 31 December 2022, in compliance with section 3H of the Parole Act 1971.

Rex Wild AO KC

Chairperson

25 July 2023

Purpose of the Annual Report

The purpose of this report is twofold: first, to meet the statutory reporting requirements of section 3H of the *Parole Act 1971*; and second, to increase public awareness of the Parole Board's role in the criminal justice system.

The Parole Board of the Northern Territory makes important decisions that affect the freedom of individuals and impact upon victims, their families and the communities into which offenders are released.

Members of the Parole Board take their responsibilities seriously and are committed to affording the public every opportunity to understand the process by which the Board arrives at its decisions.



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INTRODUCTION

This is the first full year during which the position of Chairperson of the Parole Board has been occupied by a lawyer who is not at the same time a sitting member of the Supreme Court of the Northern Territory. I was appointed by the then Attorney-General, the Honourable Selena Uibo, as the Acting Chairperson on 8 October 2021 for a term of 12 months. This was the maximum period allowed for by s3D (2) of the **Parole Act** [the Act] for a temporary appointment. During the second half of 2022, the permanent position of Chairperson was advertised. Following a selection process, I was appointed by the Administrator as Chairperson for a period of 5 years commencing on 8 October 2022.

STRUCTURE OF THE BOARD

At the time of my acting appointment, I was requested to consider the powers, functions and role of the Chairperson and provide my thoughts on these matters. These issues were in the course of discussion with the Chief Executive Officer of the Department of the Attorney-General and Justice at the end of 2021. I said in last year's Annual Report, that these matters would be considered during the first part of 2022 and the role of the Chairperson with appropriate remuneration, infrastructure and the like resolved. It was my hope that the matters would be resolved in a timely fashion so that applicants for the permanent position would be aware of the terms and conditions which accompanied the role. Unfortunately, this did not occur and the end of 2022 was reached with none of these essential issues determined. A referral to the Remuneration Tribunal, to consider the terms and conditions of the position of Chairperson was made and completed. It was anticipated that the advice given by the Tribunal would be implemented in the New Year.

I said last year that the position of the Chairperson is an important and responsible one. It has until very recently in this, and other jurisdictions, been conducted by a Supreme Court Judge, or equivalent. It has a great number of duties and tasks inherent in the role that do not immediately reveal themselves. Although I believe the role can be carried out without a full-time incumbent, nevertheless there is the necessity for the Chairperson to be on-call on a daily basis to deal with urgent matters as they arise. It is disappointing in this context to see little public acknowledgement of the important work of the Parole Board. The appointment of the first Chairperson from outside the Supreme Court was not made the subject of any public announcement. At a time when the real problems of the Correctional Services were being canvassed daily in the Parliament and the Media, this seemed surprising, to say the least.

It is sincerely hoped that in the early part of 2023 these concerns will be addressed, and a future with the Board properly funded and resourced. It is obvious enough that funds across the whole of government have been limited. But there has not been a budget to date directly allocated to the Parole Board, except as an output under the Correctional Services output group, and it has been necessary to beg – sometimes ineffectively – for funding for quite minor projects from Correctional Services. This is not meant as a personal criticism of the Commissioner or any of his staff. This Office has had excellent support from senior, and other, members of the Correctional Services staff, and the hitherto good relationships between the Board Secretariat and Corrections have been maintained.

THE BOARD MEMBERS

The contribution made to the Northern Territory by the individual Board Members is quite outstanding. Without exception, they are dedicated and committed people. They are aware of the Board's responsibility



for the interests and safety of the victims and the community, and the prisoners' prospects of rehabilitation. They do not lightly make decisions about the release of prisoners to parole. During the year, a number of Board Members extended their terms, some new appointments were made and four members retired. They were John Flynn, Susan Crane, John Brears and Harold Howard. Each of these people gave excellent and dedicated service to the Board. However, I need to mention, and congratulate, particularly John Flynn. John's wonderful contribution was referred to in last year's Report, and had been the subject of specific commendation by Justice Southwood. John was hoping to retire from the Board at the end of 2021, but graciously extended his departure at my request. His experience over 40 years on the Board was of invaluable assistance to an incoming Chairperson. His retirement was recognised by the Attorney in a small function at Parliament House in November 2022.

The continuing members of the Board as at 31 December 2022 are listed later in the report. The Board's composition includes the Commissioner of Correctional Services [or his nominees] and two members nominated by the Commissioner of Police. The former has attended a number of Board Meetings. His two nominees, from time to time, have been Deputy Commissioner David Thompson and Ms Rosanne Lague, both of whom have made strong contributions to Board discussions. The two Police representatives have been David Moore and Daniel Shean. David has been very regular in his attendance, providing valuable input. The new appointments during the year were Ms Carole Taylor, Mr Matthew Bonson and Dr Curtis Roman (as Community Members) and Professor Mitchell Byrne and Ms Rowena Friend (Psychologist Members). Both Mr Bonson and Dr Roman are identified as Aboriginal members of the Board, as provided for in s3B(1)(f) of the Act. We have struggled to formally appoint a new Victim's representative for various reasons, but it is hoped that this will be progressed early in 2023 and the Board will be at full strength.

Recommendations made by the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory that there be a separate Parole Board for youth offenders has not been implemented by Government. My Board continues to deal with such matters as they arise. There are not many such cases, but in any event the membership of the Board is well-placed to deal with these matters. They require very sensitive consideration and fortunately there are members of the Board with specific expertise in respect of youth needs.

THE SECRETARIAT

The Secretary of the Parole Board is a statutory position, providing administrative and strategic advice

to the Chairperson and the Board. I was fortunate to have the assistance of Ms Alexandra [Allie] Potter acting in this position when I joined the Board. Allie had extensive Corrections service which was invaluable in the role. She left for further experience in the Department, and was replaced by Josephine [Jo] Down. Jo has legal qualifications and experience with the Office of the Director of Public Prosecutions and in other investigatory roles. Jo brings good common sense and a wealth of knowledge to the position.

The Secretariat comprises the Secretary, the Manager of the Parole Board Secretariat and two Parole Board Administrators. Two Administrators departed during the year, Emma Spencer and Andrea Coggan, both having provided excellent service. They have been replaced by Brooke Harris and Trevor Riddle who are each first class contributors. The Manager, Michaela Beattie, is an outstanding team leader and under her, the team provides wonderful support to the Secretary and Chair, and thus to the Board. Michaela was recognised by the Commissioner in his Annual Awards for the year by a Commendation for *Distinctive devotion to duty*, which read:-

In recognition of your 'can do' attitude, collaborative manner, skills and abilities that have been critical to the smooth ongoing operations of the parole board office, and the work of the board and various chairpersons.

We are proud of Michaela and fortunate to have her in our team.

CORRECTIONS STAFF

During the year under discussion, the Parole Board has been an output for administrative and budgetary purposes – of the Office of the Commissioner of Correctional Services. As such, the Board has been beholden to the Commissioner for funding and the Board staff have reporting lines through the Assistant Commissioner (Correctional Services). This has caused some friction – of a financial nature – but otherwise the relationship existing between the Board staff and the staff of Correctional Services has been very good. I particularly mention Tracy Luke, the Assistant Commissioner, in this regard. Her responses to the Board's needs have always been sympathetic and helpful.

The Board, and me as its Chair, have been very well served by the Probation and Parole Officers [PPO's]. We have met many of them, in actual visits to the Casuarina and Palmerston offices, and by Zoom meetings with the offices in Katherine, Tennant Creek and Alice Springs. Depending on the availability of funds, we expect to visit all regional offices physically in 2023. Our Secretariat provides training for the PPO's. They are invited, from time to time, to attend Board Meetings at which they can see the manner and the care with which their reports and recommendations are considered.



BOARD'S WORKSHOP

In August, a one-day workshop was held in Darwin to discuss operational and other matters concerning the Board's activities. This was attended by all existing Board Members and the Secretariat staff. Members from the Board who reside in Alice Springs were able to attend this meeting. The date chosen was to coincide with the month's Board Meetings, which enabled members to meet face-to-face rather than through the Zoom procedures. This was very successful. Perhaps more time would have made it even more beneficial.

This Workshop has been regarded as an *Annual Workshop*. Unfortunately it was not held in 2021, but it is hoped that it can be held in 2023 and that funds can be allocated for this purpose. Although the modern style seems to be to use Zoom and other media for some conferences, it is my firm view – shared by the Board – that matters requiring close and frank personal sharing of views are best conducted face-to-face.

Excellent presentations were made to the Board during the day by senior officers and clinicians from the Department and from external service providers. The presentations are listed at the foot of this Introduction.

BOARD MEETINGS

Commencing from October, the first item on the Agenda for each meeting has been a short Acknowledgement of Country, which now appears in the following form:-

We acknowledge the Larrakia people, Traditional Custodians of the land on which we meet, and pay our respects to their Elders past and present.

The Parole Board meets as often as the Chairperson thinks necessary (s. 3F (1) of the Act). The number of meetings each month had been increased to three during 2020-21, because of the exigencies then existing. This has continued since that time. This was discussed at the Workshop in August and the Members expressed a preference to continue that programming, to ensure consistency of Member attendance and participation and management of the individual workloads. From time to time, it has not been necessary to hold three meetings, however, and the Secretariat handles that flexibly. For the years

2020 and 2021, no meeting was held in December. In 2022 (and, it is anticipated, in 2023 and each future year) a meeting was held in December to deal with any urgent pre-Christmas parole issues. This was at the specific request of the Commissioner of Correctional Services and his senior management. In addition to the general monthly Board meetings, each quarter a meeting is devoted to applications, or other issues, relating to Lifers.

For each meeting, Members are asked to present to the Board one or more of the parole applications then before it which contain a recommendation for release. In this way, Members become involved in that matter and highlight the issues of concern and interest. Without intending to be patronising, it helps each Member of the Board to have ownership of the applications before the Board. The Members are asked to provide a succinct overview and summary of the allocated matter, and whether they endorse or not the recommendation made by the PPO.

From time to time, the Board has received specific presentations from senior clinicians within Corrections and from rehabilitation residential agencies as to matters of interest. As indicated earlier, PPOs and other Corrections management have been invited to attend Board Meetings to see how they are conducted.

GAOL VISITS

The Chair and Secretary have visited the Correctional Facility at Holtze on a number of occasions, to inspect the facilities in both the men's and women's sections, and to see some of the programmes in action.

Specifically, we attended a regular meeting of the 100hour *Sex Offender Treatment Programme* [SOTP] and the subsequent Graduation by that group. We thought the quality of the presentation in the course was very high, and the response of the participants generally demonstrated an awareness of the issues and a determination to get the benefits from the programme. We intend to continue to visit the Facility and experience other programmes (for example, RAGE – *Recognising Anger, Gaining Empowerment*).

The Elders programme is a very valuable one, and we have been invited to attend one or more of the regular visits by Elders to meet with prisoners. During 2022, efforts to take advantage of these offers were thwarted by Covid and other administrative hiccups. As a related initiative, it is also intended during 2023 that the Chair will visit the Prison on a regular basis and encourage prisoners to apply for [and, thereafter, comply with the terms of] parole. It is hoped thereby to raise the awareness of the Parole Board and its interest in advancing prisoners' release and successful rehabilitation.



REHABILITATION CENTRES

The Chair and/or Secretary visited a number of the centres providing rehabilitation accommodation and facilities during the year. This is very helpful in providing insight into what those providers can offer and the conditions pursuant to which the parolees are housed and the nature of the providers' expectations as to behavioural standards, curfews and the like.

The centres visited were:-

- Mission Australia Residential Rehabilitation Treatment Service [MARRTS], Berrimah
- Salvation Army Sunrise Centre, Berrimah
- Foundation of Rehabilitation with Aboriginal Alcohol Related Difficulties [FORWAARD], Stuart Park.

The Chair also attended one session of the Men's Behaviour Change Program conducted by Catholic Care NT.

It is intended during 2023 to visit other providers, including those operating in the regional centres. Budget restraints have made it difficult to plan ahead for these visits during 2022.

CONSULTATIONS

As I said earlier, some of the activities of the Board, the Chair and the Secretariat go beyond what might be expected. The Parole Board is regularly asked to comment on legislative changes and to express informed views about the best practices that should be adopted by the Corrections Service in respect of Indigenous and other prisoners. Meetings have been held during the year with, amongst others, the following organisation and persons to discuss issues of common or similar interest.

- Leanne Liddle [Director] and Warren Jackson of Aboriginal Justice Unit
- ARDS Research in relation to legislative review of the **Parole Act**
- Kate Conway; Consultation re Mandatory Sentencing
- Code of Conduct seminar
- Northern Australian Aboriginal Justice Agency [NAAJA] Board
- A/CJ Stephen Southwood [former Chair of Parole Board]
- Melinda Tew [A/Director] Community Justice Centre and Chris Cox [Director], Courts & Tribunals
- Rosslyn Chenoweth [Director, Crimes Victims Support Unit], Vanessa McConville [Manager] and Colleen Burns [Coordinator] of Witness Assistance Service [ODPP]

FUTURE PROJECTS

A steering committee had been established with the Chairperson of the Parole Board chairing it to review the Commit process and the sanctions matrix. This process did not progress meaningfully in 2022, but it is hoped now that the permanence of the Chairperson's position has been finalised, that this and other projects will proceed.

Similarly, a process to determine new and improved, but simplified, parole conditions is to be finalised in 2023, with further consultation with stakeholders.

It is hoped that further consideration will be given by those advising Government to amending the **Parole Act** to make the loss of *street time* discretionary and, hopefully, this might see fruition in 2023.

It was recommended in the 2021 Annual report that the *Preparation of Prisoners for Parole Steering Committee* should be revitalised. It hasn't been yet – mea culpa! Another project for 2023.

SOME GENERAL COMMENTS

I wrote what follows below in November 2022. It was intended for discussion. The issues disclosed are significant and will be followed up in 2023.

The prison system is entirely overburdened in the NT. By the end of the year, prisoners' numbers reached new highs every week. Prisoners were sleeping on mattresses on the floor.

There was a record number, and proportion it seems, of prisoners on remand. Fingers are pointed by both sides. Lawyers do not appear to be able to settle issues quickly enough. Corrections ask the Defenders to expedite cases, but they say that the Prosecutors are slow to provide briefs and slow to respond to offers to resolve matters. These are not matters on which the Parole Board can assist, but the problem is palpable.

Bail is difficult to obtain where offenders have long histories and Courts are reluctant to allow them free, pending hearings, where they have violent records and no guaranteed accommodation while on bail. Many of them are long-grassers. It is suggested that if there were supported bail accommodation, then bail might be a reasonable option. An expensive alternative perhaps, but still cheaper than remand gaol. It should be remembered that prisoners cannot start any rehabilitation programmes or schemes while they remain un-sentenced. (An Open House facility has since been funded to provide accommodation for bailed persons.)

It is suggested that some better form of repatriation of prisoners, at the completion of their time in custody, would reduce the recidivism rates. Prisoners are released - in increasing numbers without having any rehabilitation - without any prospects/ accommodation/cash. Is it the case that they are merely taken to

the bus stop - and told to find their own way home? They will inevitably land at some town camp or some undesirable location. They will almost immediately be back in trouble. Although it is recognised that it is the responsibility of the parolee to comply with his conditions of release, it would be enormously beneficial at a time when they are most vulnerable to temptation or pressure, for the repatriation to be seamless.

We have had examples where prisoners are released from Holtze and driven by prison officers to, say, the Palmerston Bus Exchange. Here they are left to catch their bus to say, Katherine. Correction Officers are on standby in Katherine to greet the parolees on arrival. But they don't make it. They never got on the bus! I am reminded of the prisoner Tuckiar. In 1934 he was found guilty of a murder on Woodah Island in the Gulf of Carpentaria. He was sentenced to death. But the High Court upheld his appeal and quashed the conviction. He was released from Fannie Bay Gaol immediately, and promptly disappeared, never to be seen again. It was clear he never returned to the Gulf, or had any means to do so. A more efficient method of releasing prisoners, who have become parolees and are starting with their ongoing rehabilitation, needs to be established. If a plane or bus journey is necessary, it would appear to be crucial to have the parolee actually put on the bus or plane, and not just left at the stop or airport. Some scheme to return these people to their home country speedily and effectively should be developed or re-introduced.

Safe sleeping places for itinerant people - particularly women - should be provided. This is an obvious corollary to the last paragraph. Currently there is a proposal in Alice Springs for 24 hour accommodation to which young itinerants can be referred. Getting the naughty kids off the street and providing shelter and a meal should be a priority. Many of these children are escaping threatening situations at their principal home, and of course are creating havoc.

STATISTICS

An analysis of parole applications, grants of parole, revocations and the like appears in the body of the Report. The table below confirms that numbers in NT prisons have indeed increased significantly during the last year. This table does not discriminate between sentenced prisoners and those on remand awaiting disposition in the courts. Those figures will be available in other reports, but it seems clear that remand prisoners take up an inordinately large percentage of the total. This suggests some urgent attention needs to be given to bringing matters to completion in the courts. On the other hand, it may well be that pressures on the courts – by legislation or otherwise – to refuse bail in more cases will exacerbate the problem.

There seems only a modest difference between the increase in the numbers of male prisoners – as opposed to female. On the other hand, the numbers in youth detention have decreased markedly.

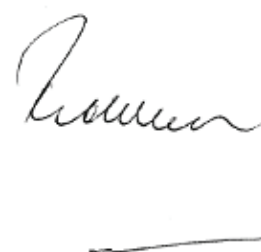
Prison numbers as at 31 December	2021	2022	% Change
Total	1891	2037	7%
Adult Male	1729	1882	8%
Adult Female	108	115	6%
Youth	54	40	-35%

CONCLUSION

I look forward to working with the Members of the Board and its Secretariat in 2023. It is a dedicated group of individuals, and the administrative support provided to the Board is really first class. We are a happy team, enjoying good comradeship and working well together.

Hopefully, we will continue the great contributions made by our predecessors and assist in the development of strategies that will promote the successful release of prisoners.

Rex Wild AO KC
Chairperson






PRESENTATIONS TO PAROLE BOARD WORKSHOP AUGUST 2022

- NT Correctional Services and Prison Numbers – David Thompson, Deputy Commissioner
- Risk assessments for parolees – Rosemary O'Reilly-Martinez, Senior Clinician, Offender Services and Programs
- Treatment programs in custody, including triage process – Dr Natalie Walker, Clinical Psychologist
- Men's Behaviour Change Program – Sharon McIntyre, Case Manager and Peter Toman, Lead Practitioner
- Elders Visiting Program – Juanita Jones, Director Aboriginal Strategy and Co-ordination, Nathan Riley, Manager Aboriginal Engagement and Bernadette Nethercott, EVP Representative
- NAAJA Throughcare – Debbie Treloar and Richard Watson, Senior Case Manager
- Fines Recovery Unit – Valerie Taylor, A/Director Fines Recovery Unit

AT MONTHLY MEETINGS

- Rage Program – Rosemary O'Reilly-Martinez, Senior Clinician, Offender Services and programs

PROFILE

The Parole Board of the Northern Territory (the Board) is an independent statutory body established under section 3A of the Parole Act 1971. The Board consists of 18 members who act independently of political and bureaucratic influence to make decisions about the parole of prisoners in the best interests of the community as a whole, including the offender and the victim.

Parole is an important element of the criminal justice system as it allows prisoners to serve the balance of their sentence of imprisonment in the community, under supervision and on very strict conditions. The purpose of parole is to release prisoners into the community in a manner that provides support and increases their chances of becoming members of the community who are free of a criminal lifestyle.

The Board may:

1. grant a prisoner release on parole;
2. deny a prisoner release on parole;
3. defer consideration of a prisoner's application for parole until a later date;
4. amend or vary a parole order;

The Chairperson may:

1. amend or vary a parole order;
2. order a prisoner serve a prison sanction for non-compliance with their order;
3. revoke a parole order.

The Board makes decisions in relation to both adult and youth offenders and its jurisdiction extends to prisoners serving a sentence of life imprisonment for the crime of murder.

In addition to the standard conditions of parole, the Board has the power to impose conditions which it believes are necessary to support the offender and prevent reoffending. It may also make recommendations to the Chairperson about the revocation of parole for either:

- a breach of a condition of parole; or
- offending committed by the parolee while on parole.

Decisions of the Board by their very nature have the capacity to impact not only on individuals but on the broader community. Members of the Board are aware of the trust that is placed in them and take their responsibilities seriously.

Board members are supported by the Parole Board Secretariat and operational and administrative staff within Northern Territory Correctional Services (NTCS).

Parole Board Members

Section 3B(1) of the Parole Act 1971 stipulates that the Board must have 18 members who are to be:

- (a) a lawyer who has been admitted to the legal profession for at least 10 years; and
- (b) the Commissioner of Correctional Services; and
- (c) 2 police officers nominated by the Commissioner of Police; and
- (d) 2 persons, each of whom is –
 - (i) a medical practitioner; or
 - (ii) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student); and
- (e) 2 persons, each of whom represents the interests of victims of crime; and
- (f) 10 persons who reflect, as closely as possible, the composition of the community at large and include women and Aboriginals and Torres Strait Islanders.

Members described in subparagraphs (a), (d), (e) and (f) are appointed by the Administrator for three year terms, are eligible for reappointment, and may resign their membership in writing to the Minister.

In the absence of a member appointed under subsections (a), (d), (e) or (f), the Minister may appoint a person to act as a member of the Board. In 2022, the Minister did not appoint any acting members to the Board.

The Chairperson of the Board has:

- responsibility for resolving questions of law; and
- a casting vote where votes are equal on questions to be determined by a majority of votes.

In 2022, the Board was chaired by Mr Rex Wild AO KC. Mr Wild had been Acting Chairperson from October 2021, until his permanent appointment for a five year term on 8 October 2022.

The NT Police was represented by:

Member Name and Rank	No. of Meetings
Superintendent David Moore	30
Superintendent Daniel Shean	2

As at 31 December 2022, membership of the Board comprised:

Name	Position	Ministerial Appointment
Mr Rex Wild KC	Chairperson	8/10/2022
Mr Matthew Varley	Commissioner	Ex officio
Mr David Moore	Police Representative	Ex officio
Mr Daniel Shean	Police Representative	Ex officio
Ms Susan Lowry	Victim Representative	11/02/2022
Dr Leonard George Notaras	Community Member	29/06/2022
Mr Ross Coburn	Community Member	30/11/2020
Ms Jo-Anne Sivyer	Community Member	15/10/2022
Ms Patricia Jane Lloyd	Community Member	15/05/2020
Mr Mark Coffey	Community Member	15/05/2020
Ms Frances Mary Kilgariff	Community Member	17/07/2020
Dr Curtis Roman	Community Member	3/08/2022
Ms Carole Margaret Taylor	Community Member	3/08/2022
Mr Matthew Bonson	Community Member	3/08/2022
Professor Mitchell Byrne	Psychologist Member	4/04/2022
Ms Rowena Jane Friend	Psychologist Member	4/04/2022

The following members resigned in 2022:

Mr John Brears – effective 6 March 2022
 Mr Harold Howard – effective 1 April 2022
 Ms Susan Crane – effective 20 May 2022
 Mr John Flynn – effective 31 December 2022



Statistics at a Glance

	2020	2021*	2022
Number of matters before the Parole Board	1546	1326	1281
Number of distinct prisoners before the Parole Board	587	644	663
Number of initial parole applications	386	405	464
Number of parole applications granted	231	228	242
Number of parole applications refused	123	180	152
Number of parole applications where prisoners declined parole	64	33	53
Number of parole orders revoked	113	100	109

*Some statistics for 2021 would have been impacted by the interim procedures in place between April - October 2021. For example applications where parole was declined by the prisoner were not considered by the Board and for a period parole breaches were referred to the Local Court for determination rather than the Chairperson.

Secretary

The Secretary of the Parole Board is a statutory role providing administrative support and strategic advice to the Board. The Secretary is not a member of the Board.

Ms Alexandra Potter became Acting Secretary in August 2021. Ms Potter accepted a position as Department Liaison Officer in June 2022. Her contribution to the Secretariat during that period was effective and helpful in the role, particularly with a new and inexperienced Chairperson.

In July 2022, Ms Josephine Down was appointed as Secretary of the Parole Board. Ms Down has a strong legal background with over 20 years' experience working in the legal profession. Ms Down holds a Bachelor of Laws and a Bachelor of Arts (Psychology) and was admitted to practice as a legal practitioner of the Supreme Court of Western Australia and the Northern Territory. She has held roles including Senior Client Services Manager with the division of Licensing (AGD); Lecturer and Tutor in School of Law, Charles Darwin University; Practice Manager / Crown Prosecutor / Prosecutor, Office of the Director of Public Prosecutions; and Solicitor.

Parole Board Secretariat

The Parole Board Secretariat is comprised of the Manager of the Parole Board Secretariat (the Manager) and two Parole Board Administrators.

The Manager provides high level assistance, advice, strategic support and quality control to the Secretary, Chairperson and the Board. The Manager also oversees the Parole Board Administrator positions.

The Parole Board Administrators have the primary responsibility for coordinating and providing all administrative support for the monthly meetings of the Board.

The work of the Parole Board Secretariat continues to increase as a result of:

- new practices designed to enhance the provision of procedural fairness and improve the decision making of the Board especially with regard to higher needs offenders;
- initiatives being developed to encourage and support prisoners apply for parole;
- the increasing emphasis on the continuing education of Board members; and
- the COMMIT sanctions regime.

Probation and Parole Officers

The functions of probation and parole officers under section 3R of the *Parole Act 1971* are to:

- supervise persons released on parole as assigned by the Parole Board;
- prepare reports as required by the Parole Board;
- maintain case records and statistics as required by the Parole Board;
- carry out the directions of the Parole Board in relation to a parole order;
- investigate and make reports to the Parole Board on the employment and place of living available to each person applying for release on parole; and
- perform such other duties as directed by the Parole Board or the Chairperson.

Probation and parole officers commence working with a prisoner eight months before they become eligible for parole.

During this time the probation and parole officer works closely with the prisoners, their family, communities, service providers and victims to ensure that Board members are provided with comprehensive, timely and reliable information.

UNDERSTANDING PAROLE

Authority to release

The *Sentencing Act 1995* provides that a sentencing court may fix a non-parole period (NPP) for an offender who is sentenced to a term of imprisonment of at least 12 months.

The NPP set by the sentencing court stipulates the minimum time a prisoner must serve in custody before being eligible for release on parole. Contrary to other Australian jurisdictions, a prisoner does not have a right to be released on parole and is not automatically granted parole on the expiry of their NPP.

The Board has full authority to decide if and when a prisoner is to be released on parole after the expiry of the NPP. The Board may decide a prisoner is not to be granted parole and should serve the whole of their sentence in prison.

Community Supervision

Unless parole is revoked prior to release, a prisoner who is released on parole is supervised in the community by a probation and parole officer for the balance of the term of the prisoner's sentence of imprisonment. The prisoner is supervised in accordance with conditions fixed by the Board. The purpose of parole is to support and assist the prisoner re-integrate into the community and live a lawful life.

Variation of parole conditions

Section 5B of the Parole Act 1971 provides the Chairperson with the authority to amend a parole order by varying, adding or revoking one or more conditions at any time before the expiration of the order.

Under section 5B(2) the variation does not take effect until the notice of the variation is given to the parolee.

Parole conditions may be varied or revoked due to the extent to which the parolee has succeeded in rehabilitating themselves in the community.

Ordering of sanctions - COMMIT Parole

With the introduction of COMMIT parole in 2017, the Board now has the option to order a parolee serve a prison sanction for an act of non-compliance with their parole order. Importantly, the sanction does not extend the sentence as a revocation of parole would.

Once the sanction is served the prisoner is released and the same parole order continues to run.

Revocation of Parole

The Chairperson has the authority to revoke a parole order.

A breach of parole may fall into one of two categories:

- reoffending – this means that the parolee has committed a new offence whilst released on parole; or
- conditional – this means that the parolee has breached one of the conditions of their parole order.

The Chairperson has the authority to make a decision about the revocation of a parolee's parole order and issue an Instrument of Revocation. However, it is the practice of the Chairperson in non-urgent matters, to consult board members at scheduled meetings about revocations and accept the recommendations of the members. If a parole order is revoked, the parolee is arrested by police and brought before the Local Court. The Local Court must commit the parolee to prison if satisfied that parole has been revoked.

Alternatively, the Board may request the Commissioner of Police to have a parolee who fails to comply with their parole conditions arrested and brought before the Local Court for cancellation of the parole order. Submissions may then be made on behalf of the parolee about why parole should not be revoked. The Local Court has discretion to cancel or refuse to cancel parole on such occasions.

Where an order is revoked the offender is returned to prison to they must serve the balance of the sentence that was remaining when they were released to parole.

The prisoner does not get 'credit' for the period of time they were in the community on parole – often referred to as 'street time'. If a prisoner is subject to a COMMIT parole order and serves a sanction, they receive credit for this, if parole is later revoked. Refer COMMIT Parole below.

COMMIT Parole

In 2017, the Parole Act 1971 was amended to allow for swift, certain and proportionate sanctions to be imposed for acts of non-compliance with parole conditions while supporting a parolee through their order and transition into the community. The scheme is referred to as COMMIT parole and is Compliance Management or Incarceration in the Territory. The aims of COMMIT parole are to:

- reduce prisoner numbers by increasing the number of community based offenders;
- reduce the time offenders spend in prison and in the corrections system;
- reduce the rate of reoffending;
- change the behaviour of offenders so they are capable and willing to make appropriate life choices and lead a lawful life;
- help parolees through their orders rather than see a revocation of parole and the loss of street time;



- improve offender compliance; and
- reduce drug and alcohol misuse.

Generally speaking, COMMIT parole is considered for higher risk offenders who:

1. have a history of non-compliance with conditions of supervision in the community;
2. substance misuse; and
3. been convicted of a violent offence.

The effect of COMMIT parole is to impose a short yet certain sanction (2 to 30 days in custody) for a breach (or 'poor choice') immediately after the violation is detected.¹

A parolee cannot ignore the cost of a parole order breach today if he or she is in prison tomorrow, particularly if that is going to happen every time there is a breach of parole. However, once the sanction is served the parolee is released to continue working with his or her probation and parole officer.

Delivering relatively modest sanctions in a certain, swift and consistent manner is likely to be more effective than unexpectedly 'lowering the boom' and revoking parole after numerous warnings.

It is now widely recognised that in order for a sanction to have a deterrent effect on breach behaviour, an offender must:

- realise there is a sanction for the act being contemplated;
- know the sanction that is to be imposed;
- take into account the risk of incurring the sanction when choosing to engage in breach behaviour/s;
- believe there is a real likelihood of being caught;
- believe the sanction will be applied; and
- be willing (and able) to alter their choice to offend in light of the sanction.

For deterrence to work effectively, the conditions above must be satisfied.

Knowledge of penalties logically precedes perceptions of certainty and severity of penalties. For deterrence to influence the decision-making process, the offender must have knowledge of the punishment for the breach and the likelihood of it being imposed so an informed choice is made about whether or not to engage in that behaviour.

COMMIT parole is solution focussed. It involves the cooperation of the parolee, probation and parole officers, through-care workers, the police, prosecutions and the Local Court to ensure that any parole violation is dealt with swiftly.

The COMMIT Sanction Matrix is published in the Government Gazette and can also be accessed from the Parole Board website:

https://paroleboard.nt.gov.au/_data/assets/pdf_file/0007/666133/COMMIT-Parole-Sanctions-Matrix.pdf

In 2021, the COMMIT parole program underwent an evaluation by the Criminal Justice Research and Statistics Unit. The evaluation looked at a cohort of 108 individuals who entered into the COMMIT program between October 2017 to October 2019. The evaluation analysed revocation data relating to the 108 COMMIT parolees noting the aim of COMMIT parole was to assist high-risk offender's successfully complete parole without being revoked. The report focused on whether COMMIT is more effective at assisting community based offenders to complete their parole order without being revoked than non-COMMIT supervision.

Exactly half of the 108 COMMIT participants from October 2017 to October 2019 had their parole revoked, with a median time to revocation of 428 days.

At present, it does not appear that the COMMIT program is more successful at assisting offenders to successfully complete their parole orders without being revoked and returning to custody. For this to occur, the likelihood of COMMIT parolees being revoked for conditional breaches would need to be substantially reduced.

It is possible that if COMMIT participants are subject to more intense monitoring, for example in the form of more frequent drug testing, then their frequency of breaches is simply a consequence of this. However, it is also possible that COMMIT participants have a higher frequency and/or seriousness of breaches under a similar intensity of supervision to non-COMMIT parole, or that authorities are responding more harshly to breaches by COMMIT parolees.

Further research is required to determine the cause of revocations due to conditional breaches among COMMIT participants, and appropriate policy responses developed on this basis.

The full version of the evaluation can be found here:

[COMMIT Parole - An analysis of program effectiveness in assisting offender parole completion \(nt.gov.au\)](https://paroleboard.nt.gov.au/_data/assets/pdf_file/0007/666133/COMMIT-Parole-Sanctions-Matrix.pdf)

A steering committee had been established with the Chairperson of the Parole Board chairing the committee to review the COMMIT process and the sanctions matrix. This review did not progress during 2022; however, it is intended that this process will be reviewed in 2023.

¹ Noting that the Chairperson retains the authority to revoke parole.

WHAT PRISONERS SAY TO THE PAROLE BOARD WHEN APPLYING FOR PAROLE

No to drugs
 Trust Enough
 Play sport is enough
 Achieve for my kids
 Take full responsibility
 Will come together
 Health
 See the error of my ways
 Friends
 You will not see me again
 Stable routine
 Very sorry
 Play sport
 Keep away from people
 Job
 Family
 Be with my kids
 Persistence
 Learn to say no
 No to violence
 Job
 Trust
 Do the right thing
 Residential rehabilitation
 Self-worth
 Strong minded
 Family
 Be with my kids
 Support my family
 Values
 Learn to say no
 Stay out of trouble
 No to drugs
 Health
 No to violence
 Persistence
 Do some study
 Want to get back to family and community
 Job
 Will come together
 Work towards positives
 Get employment
 My mum will be my support
 Connections can break down
 Trust
 No to violence
 Persistence
 Job
 Will come together
 Work towards positives
 Get employment
 My mum will be my support

WHY PRISONERS DECLINE PAROLE

Will do my full time
 Too many conditions
 No humbug
 Just want to be free
 Breach
 Too hard
 Got a job and money



PAROLE

Deciding to grant, deny
or defer parole

Parole Outcome

PAROLE BOARD

PAROLE BOARD

NT CORRECTIONAL SERVICES

NT POLICE

VICTIMS REGISTER/NAAJA

PRISONER

The Parole Board considers the prisoner's parole application or notes that the prisoner declined to be considered. Community safety is the paramount consideration for the Parole Board

The prisoner is supervised by PPO

PPO provides progress reports to the Board on a scheduled and adhoc basis to keep the Board informed on prisoner's reintegration and progress on parole

Generally speaking, the Board assesses the application on the papers. To assist with its decision for higher risk offenders the Board may interview the prisoner or PPO. The Board also takes into account vicim submissions

Through case management and compliance checks PPO notifies the Board about a prisoner's breach of conditions or escalating risk

The Board decides to grant or deny parole to the prisoner or defer consideration for additional information. The Board may impose the sanction regime (COMMIT parole) as a condition of the parole order

If police have reasonable belief that a prisoner has beached certain conditions they can arrest the prisoner and bring the prisoner before the Court

The Chairperson may issue a warning or issue a sanction (if subject to COMMIT parole), vary the conditions, or revoke parole and return to prison

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

The Chairperson considers all breaches of parole and risk escalation

The prisoner completes their parole

If a prisoner's parole is revoked the prisoner can re-apply for parole. The prisoner does not get any credit for 'street time'



PAROLE PROCESS

Preparing for parole takes time and careful consideration over many months, if not years, by many people, including:

- The prisoner seeking to apply for parole
- Prison officers and the Sentence Management Team
- Treatment and Programs staff and clinicians
- Community Corrections Probation and Parole Officers
- The prisoner's family and community support networks

A parole application to the Parole Board requires input from all of the people above.

Sentence Management Team and Offender Management Plan

Planning for parole commences once a prisoner has been sentenced. Prisoners will have an offender management plan (OMP) that outlines their plan for skills development and pre-release job planning. The OMP is developed when the prisoner first commences their sentence, and is regularly reviewed and monitored throughout the period of their sentence.

The OMP includes a plan for education and training which will support work readiness, and a plan for an employment pathway prior to their release (whether that be on parole or at the end of their full time sentence). Post-release support including job opportunities, accommodation and other support will trigger the discussion for pre-release planning with the prisoners, family members, Aboriginal Elders and Community Corrections.

Offender Management Framework and parole applications

A prisoner with a non-parole period is scheduled for a parole application two months prior to the expiration of the non-parole period. A probation and parole officer will engage with a prisoner 6 months prior to the application going before the Parole Board to work with the prisoner to develop the prisoner's plan. The probation and parole officer will also provide information to the Board with regard to the prisoner's level of risk, needs and responsivity.

Board meetings

The table below sets out the frequency of meetings of the Board for 2022, the quorums that are required to constitute a meeting of the Board, and the number of votes required for the Board to make a decision about parole for prisoners serving a life sentence for the crime of murder and for all other sentences of imprisonment with a NPP.

LIFE IMPRISONMENT

Meetings held quarterly

Quorum requires the Chairperson and seven other members

Decisions require a unanimous vote

ALL OTHER SENTENCES

Three meetings held monthly

Quorum requires the Chairperson and three other members

Decisions require a majority vote

The Board had previously made the decision to not hold monthly meetings in December. At the request of the Commissioner of Correctional Services, one meeting for the month of December has been re-instated.

Matters considered at Board meetings

Parole is a complex administrative process. The Board may hear a number of different types of matters at each meeting. Some of the types of matters considered by the Board are:

- applications for parole;
- reports about breaches of parole (revocation reports or advice);
- notifications that a parolee has completed their parole order;
- reports providing updates on current parolees and their progress;
- matters about prisoners declining parole;
- applications for variations of parole conditions; and
- notification of a formal transfer to another jurisdiction.

Attendance of prisoners at Board meetings

Generally speaking, it is the practice of the Board to decide parole matters on the relevant documents without the prisoner being present. The Board is of the view that the materials received or obtained by the Board provide a fair and comprehensive basis to decide whether a prisoner should or should not be granted parole.

The Chairperson may, however, require a prisoner to be brought before the Board pursuant to section 3G of the Parole Act 1971.

Either the prisoner or their legal representative may write to the Secretary of the Board requesting the prisoner be required to attend their parole hearing.

Applications are determined by the Chairperson after consultation with members of the Board.

Probation and parole officers and team leaders attended several meetings of the Board when higher risk matters were considered to provide advice and answer questions of the Board.

Considerations for the Parole Board

When considering whether to release a prisoner on parole, the Board considers:

- the interests and safety of the community;
- the rights of the victim, including their families;
- the intentions of the sentencing judge;
- the needs of the prisoner; and
- whether the prisoner has recognised the error of their ways and is prepared to change their behaviour for the better and live a lawful life.

In making their decision the Board takes into consideration a number of factors:

- the nature and circumstances of the offence(s);
- comments made by the sentencing judge when imposing sentence;
- the prisoner's criminal history and patterns of offending;
- the possibility of the prisoner reoffending while on parole and the likely nature of the reoffending;
- the risk of harm to the community and the victim;
- release plans, including accommodation and employment;
- reports, assessments and recommendations made by a variety of professionals, including medical practitioners, psychiatrists, psychologists, custodial staff and/or community corrections officers;
- rehabilitation courses undertaken by the prisoner;
- education courses undertaken by the prisoner;
- institutional reports in relation to the prisoner's behaviour while in prison;
- the security rating of the prisoner within the prison;
- victim's safety, welfare and whereabouts;
- representations made by the victim or by persons related to the victim;
- submissions made by the prisoner, the prisoner's family, friends and any
- potential employers or any other relevant individuals;
- submissions made by the legal representatives of the prisoner; and

- whether the prisoner can be adequately supervised in the community under the standard conditions of parole or whether additional parole conditions should be imposed.

The Board has an unfettered discretion and considers each case on its own merits.

The Board considers a range of material when deciding whether or not to release a prisoner to parole.

The material provided to the Board will always include:

- a parole report prepared by the assigned probation and parole officer;
- an institutional report prepared by staff of the correctional centre or detention centre where the prisoner or detainee is held;
- the facts of the prisoner's offending;
- a record of the prisoner's prior convictions; and
- the remarks of the sentencing judge if the prisoner was sentenced in the Supreme Court.

The Board may also consider such other reports as are relevant for the individual case, including:

- pre-sentence reports;
- psychological/psychiatric assessments and reports;
- rehabilitation course assessments and reports including assessments and exit reports about violent offender programs, sexual offender programs, alcohol and other drug programs and family violence programs;
- medical assessments and reports;
- assessments and reports from substance misuse programs and treatment facilities;
- legal submissions made on behalf of the prisoner;
- letters and/or reports from interstate services;
- letters from the prisoner or written on behalf of the prisoner; and
- letters from the victim or victim's representative.



Review of Subsequent Applications for Parole - 6 month Rule

Applications for parole can be made by prisoners (1) whose first or subsequent applications have been refused, notwithstanding they have completed their non-parole periods [NPP], or (2) those whose parole has been granted but subsequently revoked.

There is an obvious starting point in all parole applications. That is, the NPP as fixed by the courts is the minimum time, in the opinion of the sentencer, that an offender should be imprisoned before becoming eligible for parole. That is, it is not an automatic right to parole, but rather a conditional one - an opportunity to be released before the outer limit of the sentence. The sentencer will often discuss an offender's chances of satisfactory rehabilitation in terms of the Parole Board's control of this aspect of the sentencing regime; with the latter being in the best position to weigh the various considerations relevant at the time of the expiry of the NPP. These will obviously include progress made towards rehabilitation, expressions of remorse, victim and community safety, likely success in completing a period of parole and assessments generally of risk together with the other matters referred to above.

There will be one plain difference between those first applying for parole, at the completion of their NPP, and those who are applying after revocation. The latter will already have shown they are bad risks!

There has been said to be a *six months rule* applicable to revoked prisoners on their re-applications. It was said to arise in this way. Section 9 of the Parole Board's *Policy and Procedures Manual** deals with *Subsequent Applications for Parole*. It correctly states that offenders whose parole has been revoked or cancelled are entitled to reapply for parole under section 13 of the Parole Act. No restriction is purported to limit that right. However, under the sub-heading **Convictions for violent offending**, the following appears:

In recognition of the prevalence of violent offending in the Northern Territory and the social and community impacts of this violence, the Parole Board has established the following guidelines that shall apply to:

- A parolee who has a history of **violent offending**;
- Whose current release on parole relates to offences that include a sentence for **violent offending**; and
- Whose parole has been revoked for further **violent offending**.

The Parole Board will not consider an application for parole from the prisoner for a minimum of six months after the prisoner resumes the sentence for which they were originally released on parole.

[*Significantly, the Manual itself was issued in 2013, and is in need of revision]

It is interesting to note that the original protocol was developed in relation to violent offending. This limitation seems to have fallen-off further references to the topic.

This policy, coupled with that which provided that a prisoner's parole would not be reconsidered, after revocation, if there was less than 6 months remaining on their full sentence, was the subject of an information email distributed on 5 November 2020. This was from the Secretariat and addressed to Community Corrections Regional Managers, et al. It referred to an item in the October 2020 Board Meeting minutes regarding re-application after revocation, and continued:

On 9 August 2020 the Board agreed to adopt a general policy that:

- **Where a parole order has been revoked, the prisoner will not be re-considered for parole for a period of at least 6 months after he / she is committed; and**
- **A prisoner will not be reconsidered for parole if there is less than 6 months remaining on their sentence at the time the order is revoked; however**
- **Each matter is to be considered on its merits and that there may be occasional exceptions to the above policy.**

This is a Parole Board policy – not an NTCS policy.

The Board have agreed that the starting positions for re-consideration is 6 months from the time the person is returned to custody following revocation. However, importantly, the Board will consider each case on its merits and a prisoner should not be prevented from writing to the Board at any time to request to be considered for parole. The Board will make the determination as to whether a parole applications is to be scheduled for a meeting.

The intention of the policy is to ensure that prisoners take responsibility for their parole. The Board seeks to support prisoners who take the parole process seriously and make a genuine attempt at successfully completing parole – parole is not to be considered as a revolving door.

The 6 month re-application policy does not prevent a prisoner from continuing to work with his or her PPO / SMT to develop a new / more robust plan for another parole application. In practice, the prisoner could submit an 'offender request' to the Board at the 3 – 5 month mark after the parole revocation seeking to be considered at the next appropriate meeting and setting out what has changed and the new / proposed plan etc.

The paramount consideration of the Parole Board is the safety of the community and the Board is of the opinion that to facilitate this parolees are to be held responsible for the decisions they make.

This general position was reaffirmed by the Board at its 2022 Annual Workshop. The minutes of that meeting record:

Discussion about the effect of postponing further parole considerations for 6 months following a previous parole revocation(s), and how that affects timing of future applications. Board agreed flexibility can be provided on a case-by-case basis and the 6 month limit may be re-considered from time to time.

As a matter of information, I note that the prison system has been under increasing pressure in recent months with numbers reaching over-maximum levels. On 21 November 2022, the Commissioner of NT Correctional Services, as part of a concerted effort to reduce prison numbers, wrote to the Board Chair requesting, inter alia, that the policy be withdrawn, notwithstanding his acknowledgement that each matter is determined on a case-by-case basis.

The request was discussed at each of the three regular Board meetings held in November. The Minutes from each record:

Discussion on 6 month policy for parole revocations – proposed review to be distributed for consideration.

Part of the difficulty with the policy, it appeared, was that Parole Officers regarded it as more inflexible than

it was. That is, they have not prepared the prisoners – and the necessary planning and reports – when it was thought there was little prospect of the Board approving parole within the 6 month timeframe. But, as noted earlier, although a prisoner is not entitled as of right to parole, he is entitled to make an application. Time can be wasted when the prisoner's request to be considered is not activated or encouraged in a timely fashion.

After a consideration of the history of this policy, its creation in respect of violent offending, and the flexibility now observed by the Board in its deliberations, there seemed little point in maintaining the 6 month policy. The Parole Act provides for parole in cases where previous parole is revoked, and the Board has expressly stated that it will deal with matters on a case-by-case basis. In those circumstances, it might be said that the policy – as stated – unduly and unfairly restricted prisoners from making applications. The Board accepted this position and formally approved its withdrawal.

The mechanics of giving effect to this decision are still a work-in-progress. Clearly, sooner rather than later, the Manual will require revision. In the meantime, however, relevant stakeholders have been advised of the Board's position.

Prisoners serving a life sentence for the crime of murder

When considering applications for parole by prisoners serving a term of imprisonment for life for the crime of murder, the Board must have regard to the principle that the public interest is of primary importance and, in doing so, must give substantial weight to the following matters:

- the protection of the community as the paramount consideration;
- the likely effect of the prisoner's release on the victim's family; and
- if the prisoner is an Aboriginal or Torres Strait Islander, the likely effect of the prisoner's release on the prisoner's community.²

Furthermore, where relevant, the Board must not release a life sentenced prisoner to parole unless the Board considers that the prisoner has cooperated satisfactorily in the investigation to identify the location, or last known location, of the remains of the victim(s) of the offence. This is often referred to as the 'no body, no parole' policy. The Board considers a report from the Commissioner of Police outlining the level of cooperation when making this assessment.

² Refer section 4B(3) of the Parole Act.



Reasons for parole where prisoner serving life imprisonment

Section 4B(8) of the Parole Act 1971 stipulates that the Board must give reasons for any decision or direction of the Board on a matter concerning a prisoner who is serving a term of imprisonment for murder. The Board must record the reasons in the record of its proceedings; however, the publication of information concerning parolees and parole decision-making is prohibited by the *Information Act*.

Victims of Crime

The Board takes the view that victims and the community are entitled to be kept safe. Therefore a prisoner should not be granted parole if they cannot be managed in the community in a manner which keeps the victim safe throughout any period that the prisoner is on parole.

The Board is cognisant of the rights of victims of crime contained in the Northern Territory Charter for Victims of Crime (the Charter) and ensures the guiding principles of the Charter are incorporated into the practice and procedure of the Board.

Under the Charter the victim may apply in writing to the Secretary of the Board requesting:

- a direction be given to a prisoner not to approach them whilst on parole; and
- for advice about the outcome of any parole proceedings concerning the prisoner.

Probation and parole officers liaise with the victims, the Crime Victims Services Unit, Witness Assistance Service and the general community to ensure victim's concerns are taken into consideration throughout the parole process and that the victim is kept informed of any developments. Victim issues and concerns are identified in reports prepared for the Board's consideration and may result in special conditions being added to a parole order to ensure the safety of the victim.

Additionally, where a matter has a registered victim, the Secretary of the Board provides timely written updates to the Director of the Crime Victims Services Unit as stipulated by the *Victims of Crime Rights and Services Act 2006*.

Parole Conditions

The standard parole conditions attached to a Northern Territory parole order are:

1. The parolee shall be of good behaviour and must not commit another offence during the period of the order;
2. the parolee shall be subject to supervision on parole of a probation and parole officer, appointed in accordance with this parole order, and shall obey all reasonable directions of the probation and parole officer appointed;

3. the parolee shall report to the probation and parole officer, or other person nominated by the probation and parole officer, in the manner and at the places and times directed by the officer and shall be available for interview at such times and places as a probation and parole officer or nominee may from time to time direct;
4. the parolee shall not leave the Northern Territory without the written permission of the supervising probation and parole officer;
5. the parolee shall enter into employment arranged or agreed upon by the probation and parole officer and shall notify the probation and parole officer of any intention to change employment before such change occurs or, if this is impracticable, then within such period after the change as may have been directed by the probation and parole officer;
6. the parolee shall reside at an address arranged or agreed upon by the probation and parole officer and shall notify the probation and parole officer of any intention to change address before such change occurs or, if this is impracticable, then within such period after the change as may have been directed by the probation and parole officer;
7. the parolee shall not associate with any person specified in a direction by the probation and parole officer to the parolee;
8. the parolee shall not frequent or visit any place or district specified in a direction by the probation and parole officer to the parolee;

The Board frequently places additional conditions upon the release of a prisoner. These conditions are tailored to maximise protection of the community, facilitate the prisoner's successful reintegration and reduce the risk of reoffending.

The primary purpose of placing conditions on parole is to address and manage risk factors that underlie the prisoner's offending behaviour. Additional conditions often include:

- to not consume, possess or purchase alcohol or drugs;
- breath testing, oral drug testing and urinalysis;
- no contact, directly or indirectly, with a victim or other specified person;
- to reside at a specified community or outstation;
- participation in and completion of an assessment/treatment/counselling regime (residential or sessional attendance) e.g. alcohol programs, domestic violence programs, sex offender programs, psychiatric treatment;

- not to engage in conduct that might lead to a domestic violence order being made;
- be subject to curfew;
- be subject to electronic monitoring;
- be subject to the COMMIT program.

It has been conceded that the standard parole conditions are unnecessary lengthy in number and complicated in language. Plain English parole conditions have been prepared but their use has not yet commenced. It is intended during 2023 to proceed with the simpler conditions as drafted subject to some slight modifications.

Transfer of Parole Orders

The Parole Orders (Transfer) Act 1981 was enacted as part of a national scheme under which a parolee can transfer to another jurisdiction and have their parole order registered under the corresponding act in that jurisdiction.

Upon registration of the parole order with the receiving jurisdiction the parolee ceases to have any connection with the originating jurisdiction. The parole order and original sentence are treated as though they were imposed in the receiving jurisdiction. National Guidelines have been introduced to streamline the process of transferring offenders on community based supervision orders between Australian jurisdictions.

In 2022 four parolees were transferred out of the Northern Territory. Six parolees transferred their period of parole to the Northern Territory.

Extradition

Extradition involves the return of an offender from another jurisdiction back to the NT, this may happen in number of instances, including:

- When a parolee has left the Northern Territory without permission; or
- When a parolee on authorised travel has:
 - failed to comply with parole conditions whilst interstate; or
 - committed further offences.

In 2022 no parolees were extradited to the Northern Territory.

Youth detainees seeking parole

As previously noted, the Parole Board of the Northern Territory is also responsible for the grant of release to parole for young people. The administrative responsibility for Youth Justice matters falls within the auspices of Territory Families. Youth Outreach and Re-engagement Officers (YOREOs) are responsible for the supervision and management of young people on parole.

When considering a young person's application for parole, the Board:

1. Makes its decisions about the parole of youths in accordance with the core principles of youth justice, in particular:
 - The youth should be dealt with in a way that acknowledges his or her needs and will provide him or her with the opportunity to develop in socially responsible ways; and
 - A youth should be kept in custody for the shortest appropriate time period.
2. Requests the supervising YOREO is present at Board meetings where youths are considered for parole to provide any further information the Board requests; and
3. Endeavours to release youths on parole directly upon the expiry of their non-parole period. The most frequent cause of any delay is the lack of suitable accommodation for the youth.

SUPPORTING SERVICES & INITIATIVES

Supporting Aboriginal Offenders

NTCS have formal arrangements with NAAJA to operate the Throughcare Support Program.

The program aims to support successful reintegration and prevent recidivism by:

- Providing education to individuals, their families and communities about parole;
- Assisting aboriginal prisoners throughout the parole process by raising their awareness of the factors that have contributed to their offending behaviour and help them identify relevant rehabilitative programs while in custody;
- Assisting aboriginal prisoners to develop sustainable and effective post-release plans in collaboration with their families, communities and ntcs; and
- Assisting aboriginal parolees to successfully complete their parole orders and reintegrate into the community through the provision of targeted interventions and supported case management post release.



Under these arrangements the following occurs when a prisoner or youth detainee is a client of NAAJA:

- The secretary of the board provides the relevant throughcare case manager with a copy of the letter they send to a prisoner, informing the prisoner of the decision of the board about whether the prisoner has been granted parole or not. The throughcare case manager can go through the letter with the prisoner and also obtain further information from the secretary if necessary.
- Where the board makes a decision about the parole of a prisoner contrary to the recommendation contained in the report of the probation and parole officer, a meeting may be held with the officer, the throughcare support officer and the prisoner to discuss the board's reasons for decision.

NAAJA has been advised that if the prisoner wishes to make an application to be present at the meeting of the Board which considers his or her application for parole, then this can be facilitated by the Throughcare case manager and any such application will be considered on its merits. Further, NAAJA have been advised the Board will consider any written submissions that are made on behalf of a prisoner about parole. The Board also regularly refers Aboriginal prisoners who would be assisted by legal representation or additional throughcare support to NAAJA.

Unfortunately NAAJA throughcare scheme lost funding from mid-2020. However, received renewed financial support in 2021. The NAAJA throughcare parole specific case manager role resumed its functioning in late 2021.

Preparing Prisoners for Parole

In January 2020, a steering committee was formed which comprised of the Chairperson of the Parole Board, the Secretary of the Parole Board, the Deputy Commissioner of Corrections, the Assistant Commissioner Community Corrections, Assistant Commissioner Offender Services and Programs, Director Offender Services and Programs and Acting Director Aboriginal Strategy and Coordination to consider steps to be taken to educate prisoners about parole and improve the ways in which prisoners are being prepared for parole. The work done by this committee is most important with the aim to reduce the number of prisoners declining parole, increase the number of prisoners being granted parole and reduce conditional breaches of parole orders.

Projects initiated by the steering committee included:

- Training modules for custodial based staff to ensure a consistent understanding of parole and its purpose;
- Review of Parole Order Conditions to use plain language to assist prisoners and parolees better understand their obligations when considering and subject to parole;
- Creation of 'Parole Stories', an audio-visual parole story that engages prisoners to better understand the purpose, conditions, process etc. of parole.

The committee will hopefully be reinvigorated in 2023.

Oral Drug Testing

In 2018 NTCC implemented oral drug testing in an effort to improve the management of offenders subject to drug testing conditions. The expansion of drug testing has enabled drug testing of offenders in remote locations where urinalysis was not feasible, and aims to assist offenders to remain drug free and increase community safety.

NTCC staff who hold a national certification as 'Collectors' maintain the chain of custody for collected specimens and adhere to the Australian Standards.³ Results are then confirmed by a laboratory to ensure a fair process is maintained.

Where necessary, a combination of both oral fluid and urine drug testing is used to manage a parolee's compliance.

Electronic Monitoring

In 2014 NTCS introduced the use of electronic monitoring. Electronic monitoring has been an effective tool for managing offenders on parole. The Board has welcomed electronic monitoring as an additional tool to enhance the ability of NT Community Corrections staff to monitor specific conditions relating to an offender's movements and location. Electronic monitoring can provide timely notifications of non-compliance and contribute to the following outcomes:

- Improve community safety through enhanced surveillance and monitoring of an offender's whereabouts and movements;
- Reduce the time taken to identify and respond to non-compliance;
- Enhance compliance with curfew requirements and movement restrictions;
- Create exclusion zones that protect the victims of crime; and
- Reduce the need for intrusive surveillance methods such as late night home visits.

³AS 4760:2006 Procedures for specimen collection and the detection and quantitation of drugs in oral fluid outline the procedures required for a laboratory to demonstrate its technical competency.

WORKING COLLABORATIVELY WITH STAKEHOLDERS

Community Corrections

The Board continues to foster a close working relationship with NT Community Corrections that is collaborative, respectful and effective. The Parole Board Secretariat, who support the Board on a daily basis and ensure that all matters are properly prepared and presented for Board consideration, comprise of Community Corrections staff.

The Chairperson regularly communicates with the Commissioner of Correctional Services and the Assistant Commissioner, Community Corrections. The Board relies on the information it receives from the Correctional Centres and Community Corrections, including Institutional Reports and Parole Applications, to make its decisions. The Board may be assisted by the attendance of probation and parole officers / YOREOS at Board meetings to provide information and answer questions, including when the Board interviews a prisoner about parole.

The Board will continue to work with NT Correctional Services and the Secretariat to provide opportunities for the Board to inform NTCS staff of issues that have been identified and hear directly from NTCS about the impacts of Board practices and decisions.

Victims of Crime Considerations and Victims Register

The Board has two victims representative members appointed under section 3B(1)(e) of the *Parole Act 1971* who represent the interests of victims of crime.

Furthermore, the Crime Victims Services Unit, established under section 5 of the *Victims of Crime Rights and Services Act 2006* manages the Northern Territory Victims Register. The Crime Victims Services Unit is responsible for maintaining contact with victims of violent crime⁴ who have registered to receive information about a prisoner or detainee.

The Board and the Victims Register work closely in relation to operational and policy issues. The Board provides information to the Victims Register about victim-related conditions, meeting dates and release information. 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.

The Parole Board Secretariat aims to provide information to the CVSU not less than 14 days from a prisoner's release date to ensure that a victim has sufficient preparation notice.

⁴ Including serious sexual offending.

The Parole Board has concerns regarding the lack of victims not registered with the Victims Register. The Chairperson and Secretary plan to undertake work in this space to help increase the number of registered victims.

Victim submissions

All victims, including those 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.

Northern Territory Police

The Board and NT Police have a memorandum of understanding for the exchange of information and cooperation. The NT Police are responsible for the timely and safe arrest of prisoners who have had their parole revoked and a warrant issued for their arrest.

Parole Board Workshop

Training workshops are an essential element of the professional development of Board members.

Workshops provide an opportunity to:

- Share information about current developments in the department of the attorney-general and justice that impact on prisoners;
- Deliver training and share information on contemporary practices and research in relation to offender management and the work of the board; and
- Receive feedback from members on the current operations of the board and any matters that may be of concern for them.

The very successful 2022 workshop is referred to in the Introduction. It is hoped to hold the next one in August 2023.

Reducing Barriers to Parole

Parolees face many barriers to successful reintegration in the community that place them at risk of reoffending, including difficulties securing accommodation and employment.

To try and overcome the barriers to reintegration, NTCS entered into a partnership with NAAJA aimed at expanding the amount of throughcare available to prisoners and parolees. NAAJA has developed their own throughcare programs which complement and supplement the throughcare provided by NTCS.

The purpose of throughcare is to assist prisoners who are on parole to set realistic goals, identify appropriate support networks and maintain practical plans for re-integration in the community.



North Australian Aboriginal Justice Agency

NAAJA's Indigenous Throughcare Program started in 2009. It has two prison-based case workers who provide parole related information, advice and assistance to prisoners and detainees; and case managers who provide case management support to up to 15 Aboriginal and Torres Strait Islander clients.

The role of the prison-based case workers includes:

- Educating participants, their families and communities about parole;
- Assisting participants to successfully obtain parole by raising their awareness of the factors that have contributed to their offending behaviours and helping them identify relevant rehabilitative programs while in custody;
- Assisting participants to develop sustainable and effective post-release plans in collaboration with their families, communities, and NTCS; and
- Assisting participants to successfully complete their parole orders through the provision of supported case management post-release.

The role of the case workers includes:

- Accepting referral of participants, including from the darwin correctional centre, territory families, the naaja prison-based case workers, external service providers or the family of aboriginal and torres strait islander prisoners;
- Engaging participants willing to work with naaja on a voluntary basis six months prior to their release to assess their transitional needs including but not limited to rehabilitation, accommodation, family support and employment;
- Working alongside participants to help them identify their post-release risks and goals, and develop a corresponding case management plan;
- Assisting participants to identify and access relevant services and programs that can be accessed to achieve their transitional goals post-release; and
- Providing participants with case management support post-release for a mutually agreed period of time that emphasises participant empowerment and individual responsibility.



Bachelor Institute of Indigenous Tertiary Education (BIITE)

BIITE has been engaged as the main provider for education at Darwin Correctional Centre and Alice Springs Correctional Centre under a Service Level Agreement for the delivery of Vocational Education and Training (VET) courses between 2015 until 2022. This partnership provides, where practical, continuity of VET based education for individuals entering and leaving NTCS correctional facilities irrespective of where that training commenced.

University of Southern Queensland (USQ)

USQ offer eleven Tertiary Preparation Programs (TPP) to prisoners. Courses are completed over three trimesters. Approved students are provided with an Offline Personal Device (laptop), supplied by USQ, which has restricted use with certain functions disabled.

Students who have successfully completed TPP requirements can enrol to complete an Associate degree, Certificate, Diploma or Bachelor in a number of courses. HECS debts are incurred.

University of New England (UNE) - QuickSmart

QuickSmart is a literacy and numeracy intervention program that supports the development of basic literacy and numeracy facts. The program has focused on a peer tutor delivery model and NTCS has been supported by UNE to train suitable prisoners to deliver tutoring sessions to less capable prisoners. This not only builds concepts around learning of literacy and numeracy but has also provided positive educational experiences and development of associated skills such as confidence and self-esteem in participants as tutors and students.

Work Camps

Datjala (Nhulunbuy) and Barkly (Tennant Creek) Work Camps provide prisoners education through local agreements with providers such as Safety Training Services and Anglicare at Datjala and Charles Darwin University and Group Training NT at Barkly Work Camp

Privacy and information

Appropriate use, management and communication of Parole Board records

There are strict rules governing the release of information by the Northern Territory Parole Board. The disclosure of 'personal information' and 'sensitive information' is governed by the *Information Act 2002* (NT). The Parole Board is a public sector organisation within the meaning of this Act.

It is an offence for Board members or staff to use or disclose personal or confidential information unless the disclosure is authorised: section 148 of the *Information Act 2001* and section 76 of the Criminal Code (NT).

Information contained in an offender's file is treated as confidential and ensures that information can be provided to the Board with complete frankness by clinicians and intelligence. It also ensures that prisoners can write to and speak to the Board without reservation.

There are limited circumstances where information given to the Board may be disclosed. For example, to prevent, detect, investigate, prosecute or punish the commission of an offence against a law of the Territory or any other offence or breach of a law imposing a penalty or sanction for a breach.

The Parole Board and the Media

There is, however, no requirement or authorisation at law for release of information by the Parole Board to the media unless the individual consents to its release. The Board may provide information of a generic nature to the public or the media – about the nature of parole, decision making and the management of offenders on parole or where a person's identity is not reasonably identifiable.

Registered Victims

Under the *Victims of Crime Rights and Services Act 2006* the Crime Victim Services Unit must provide a registered person with the offender's earliest release date and actual release date, certain victim-related conditions as well as the revocation of the parole order, but otherwise registered victims are not provided information on an offender's file. Registered victim submissions are treated with strict confidentiality.

Due to the sensitive information contained in many Parole Board records it is important that all staff who have possession and control of these documents ensure the appropriate use, management and communication of these records.

The Parole Board Policy and Procedures Manual can be found at: https://paroleboard.nt.gov.au/_data/assets/pdf_file/0011/666758/Policy-and-Procedures-Manual.pdf

Freedom of Information (FOI) Requests

The NTCS Custodial Operations Unit coordinated FOI requests for the Parole Board during 2022. Freedom of Information requests for Parole Board records are directed to the Parole Board Secretariat and the Chairperson of the Parole Board.



PERFORMANCE

PAROLE APPLICATIONS

No. of parole applications made in 2022	464
Outcome of the initial hearing	
- Parole applications granted	162
- Parole applications deferred	133
- Parole applications refused	124
- Prisoner declined parole	45

SUBSEQUENT APPLICATIONS

No. of subsequent applications made in 2022	169
Outcome of subsequent hearings	
- subsequent applications granted	80
- subsequent applications deferred	31
- subsequent applications refused	27
- prisoner declined parole	8
Other*	23

*Amended Order, Noted, Parole Revoked

PAROLE APPLICATIONS FROM LIFERS

No. of initial Parole applications made in 2022	4
Outcome of the initial hearing	
- Parole applications granted	0
- Parole applications refused	3
- Parole applications deferred	1
- prisoner declined parole	0

SUBSEQUENT LIFERS APPLICATIONS

No. of subsequent applications made in 2022	0
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NUMBER OF PAROLE APPLICATIONS DETERMINED (GRANTED / REFUSED IN 2022)

Parole Applications determined (granted or refused)	286
Subsequent applications determined (granted or refused)	107
Grand Total	393

NUMBER OF PRISONERS WHO DECLINED AND WHY*

Reason	No.
Wants to complete full time and be released without conditions	39
Obtained employment	1
Participate in program	1
Other	9
Wants to attend work camp	3
Grand Total	53

* noting that reasons for declining parole are vast and varied and often overlap

PAROLE CONDITIONS VARIED

No. of parole orders varied	58
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REVOCATION REPORTS AND OUTCOMES

No. of reports received by Parole Board documenting non-compliance	265
Outcomes	
- Parole revoked by the Board	2
- Parole revoked out of session (Chairperson)	97
- Revocation prior to release	10
- Warning letter sent	72
- No Action	18
- Amend parole order	9
- Deferred	1
- COMMIT sanction	57

FREEDOM OF INFORMATION APPLICATIONS

No. of freedom of information applications	12
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PAROLE ORDERS TRANSFERRED TO ANOTHER JURISDICTION

Parole Orders Transferred to another jurisdiction	4
Interstate Parole Orders Transferred to the NT	6



PERIOD ON PAROLE PRIOR TO REVOCATION - CONDITIONAL AND RE-OFFENDING 2022

Time on parole prior to revocation	Conditional	Re-offend	Grand Total
<3 months	57	2	59
3-6 months	17	3	20
6-12 months	11	0	11
1-3 years	5	2	7
3+ years	1	0	1
Revoked prior to release	10	1	11
Grand Total	101	8	109



ADDITIONAL PAROLE CONDITIONS SET

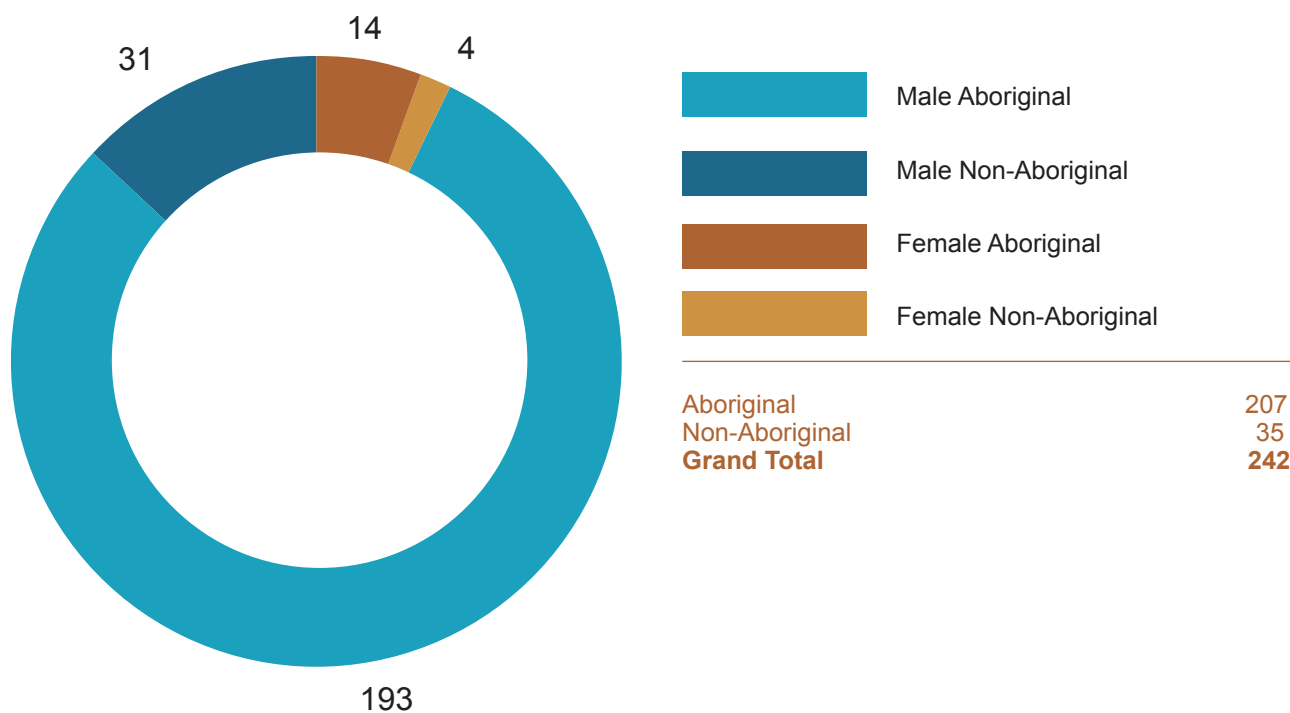
	Granted Parole	Amended Parole Order
Alcohol Abstinence	215	51
Breath Testing	215	50
Drug Abstinence	147	40
Urinalysis	132	36
Reside at particular address or community / outstation	47	14
Residential Rehabilitation attendance	167	22
General assessment, treatment and/or counselling	210	14
Specific assessment, treatment and/or counselling*	20	10
Nil Contact – Victim	85	32
Nil threats – Victim	117	12
Nil Contact – Children	5	5
Curfew	144	29
Available for checks	119	32
Nil possession of firearm	102	36
Not engage in conduct that results in DVO	124	30
Electronic Monitoring	155	34
COMMIT parole / Sanctions Regime	59	26
Other **	60	

* **Includes:** mental health counselling, specific anger management, drug and alcohol counselling, Family Violence Program

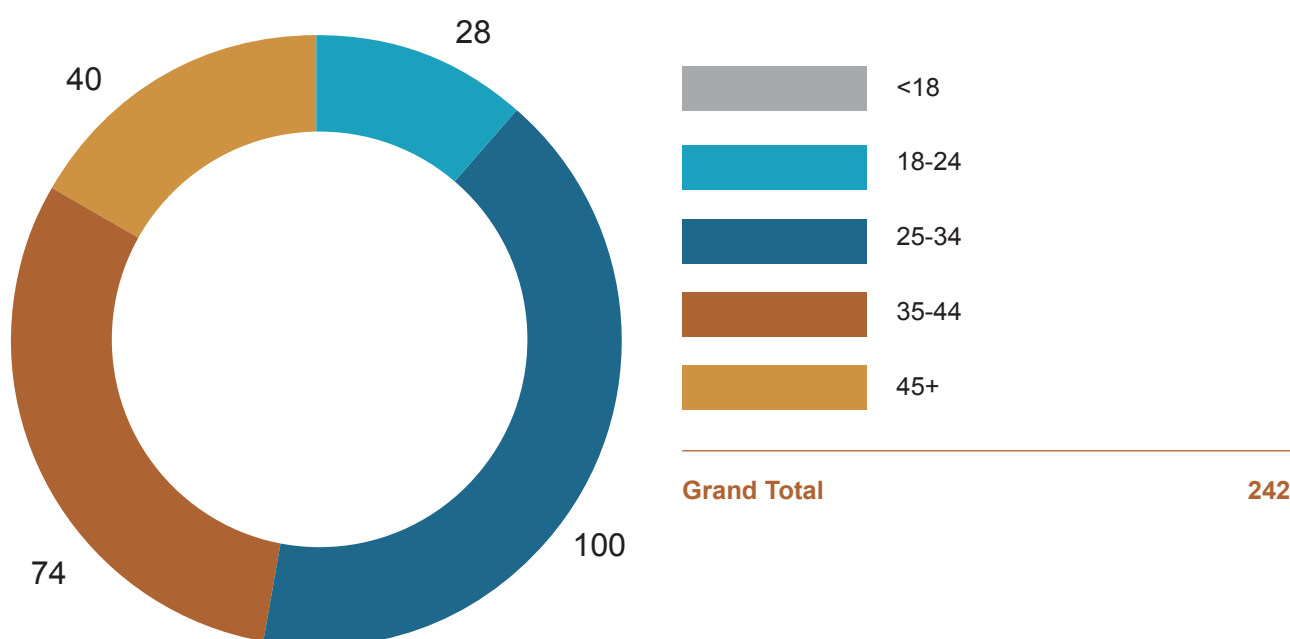
** **Includes:** not visit specified communities; comply with medication regime; not drive a motor vehicle; maintain employment;



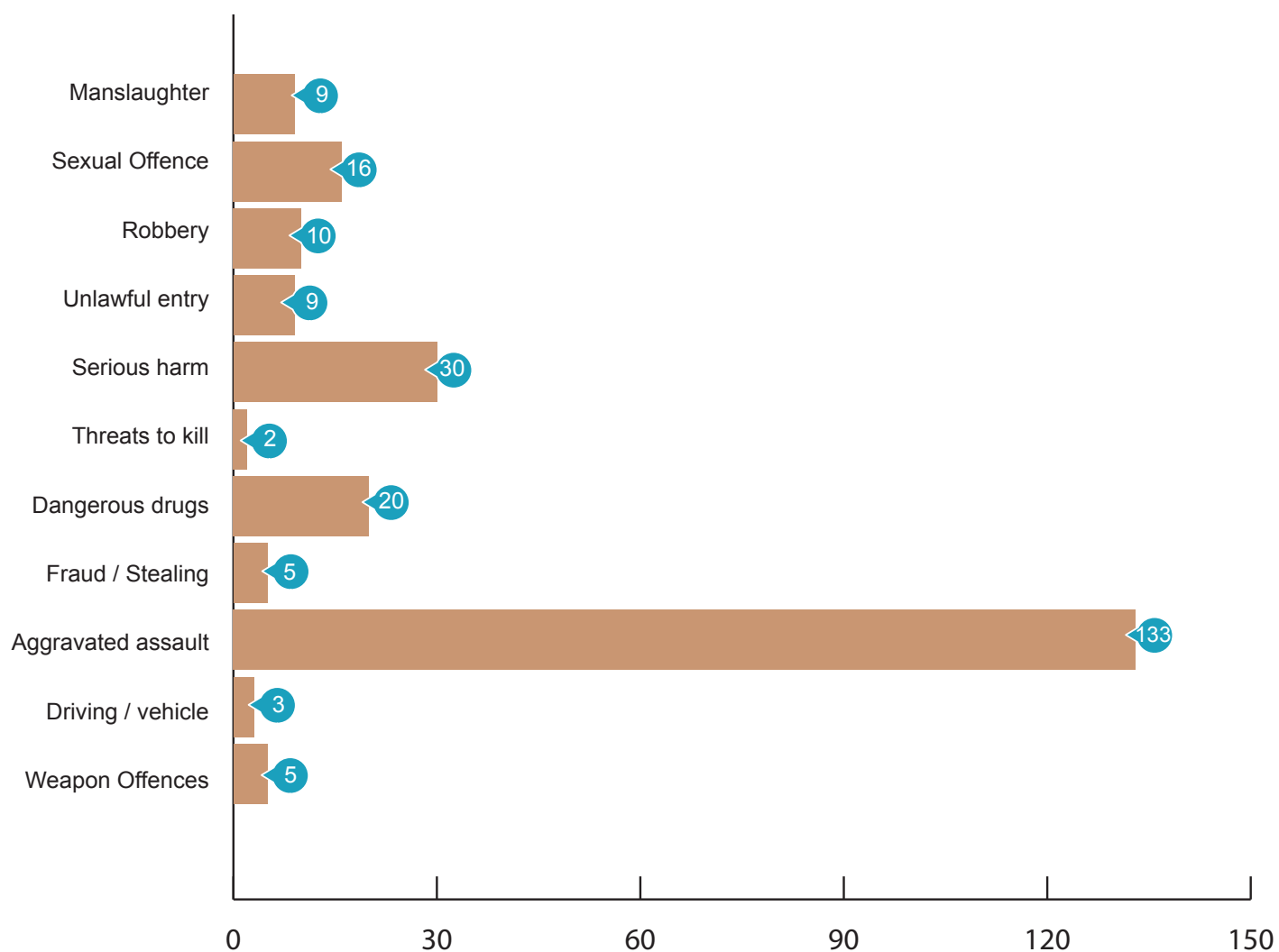
CHARACTERISTICS OF PRISONERS RELEASED TO PAROLE DURING 2022 BY SEX AND ABORIGINALITY



PRISONERS RELEASED TO PAROLE DURING 2022 BY AGE



PRISONERS RELEASED TO PAROLE DURING 2022 BY MOST SERIOUS OFFENCE CATEGORY

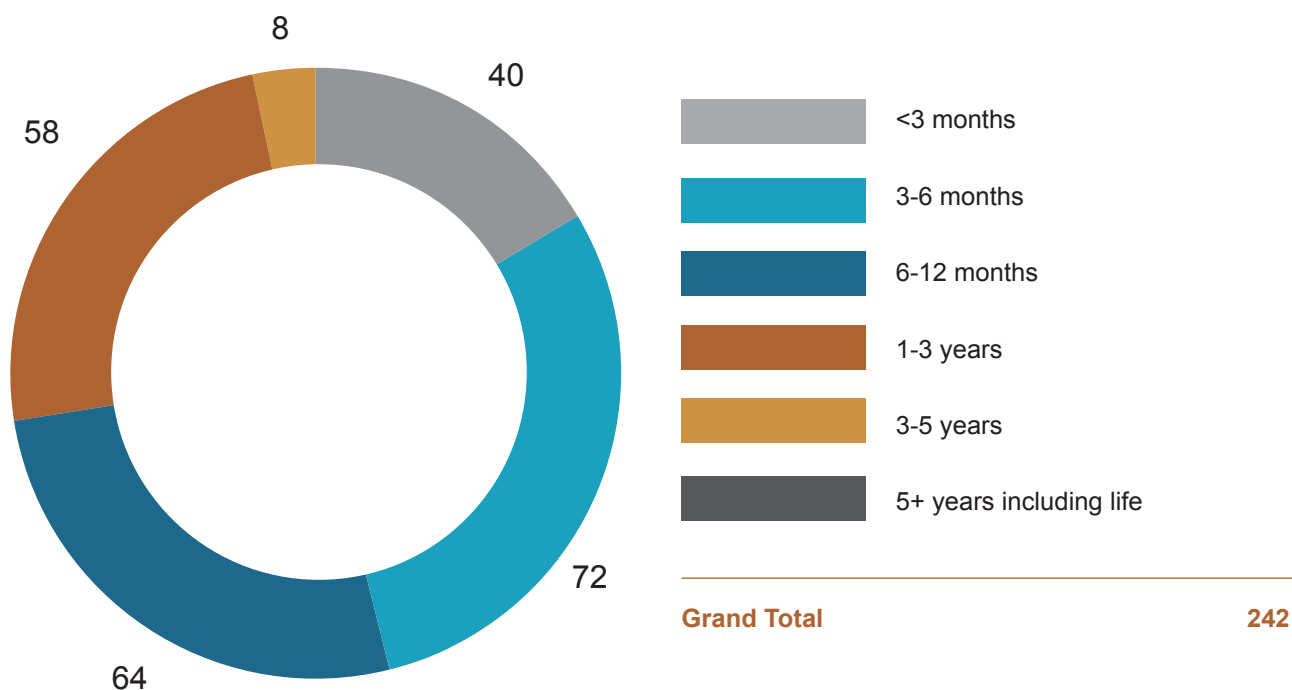


PRISONERS MOST SERIOUS OFFENCE

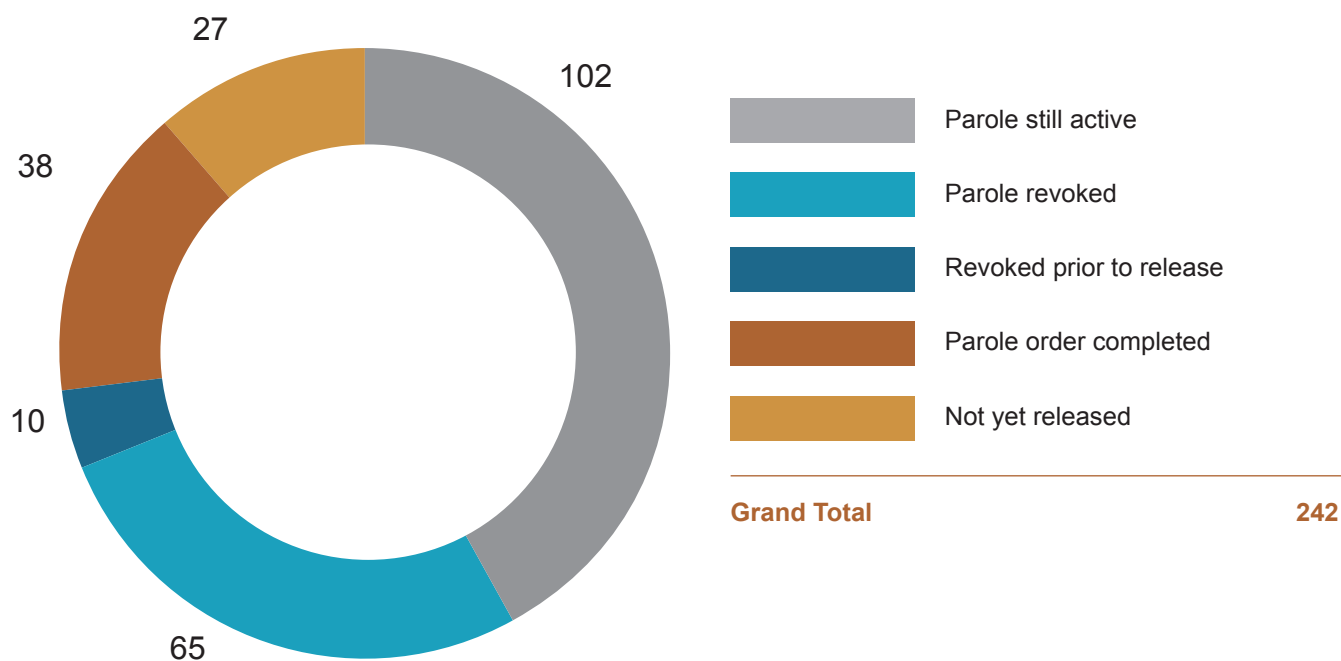
Grand Total: 242



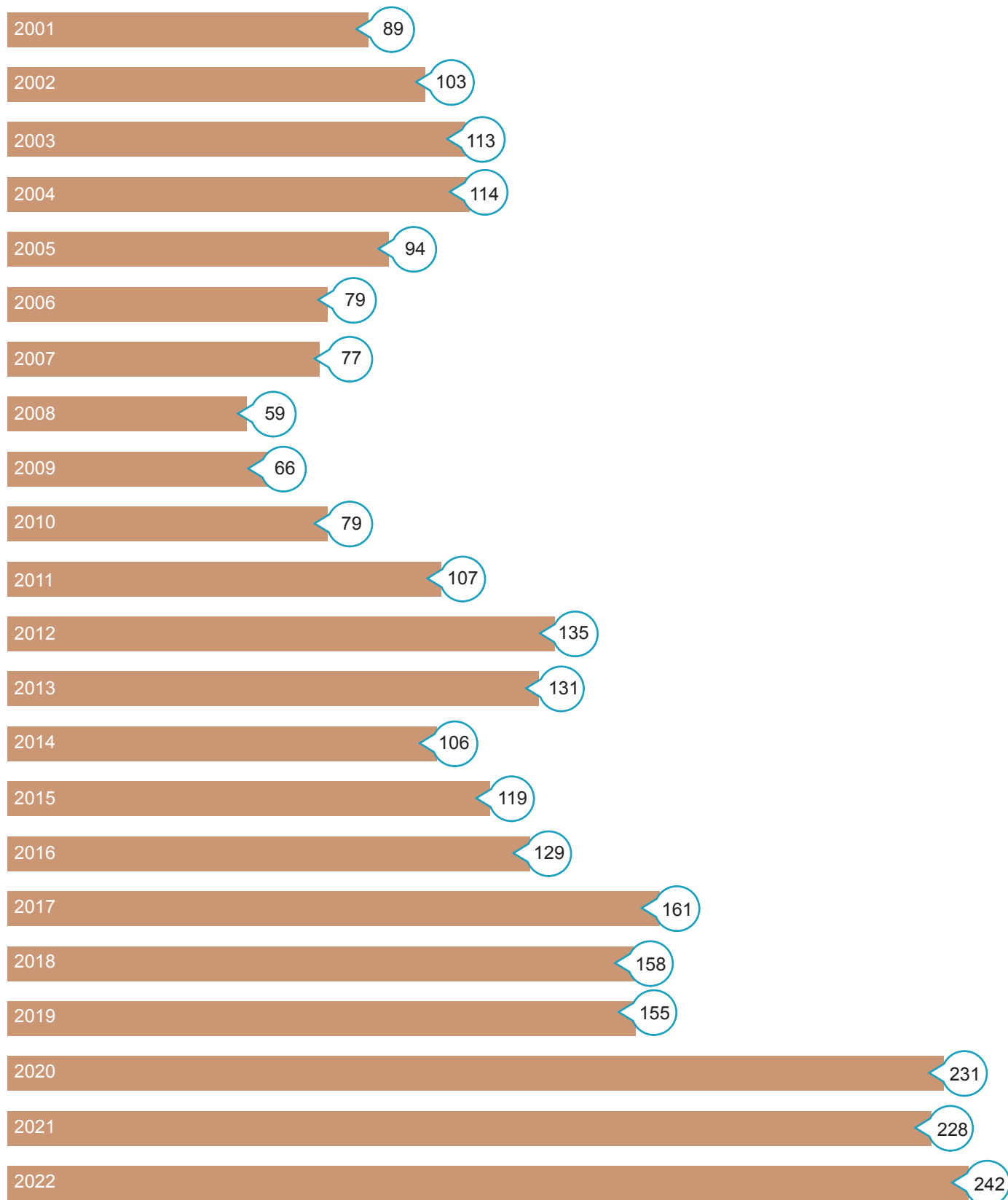
LENGTH OF PAROLE PERIOD FOR PRISONERS RELEASED TO PAROLE DURING 2022



OUTCOMES OF PRISONERS GRANTED PAROLE DURING 2022 AS AT 31 DECEMBER 2022

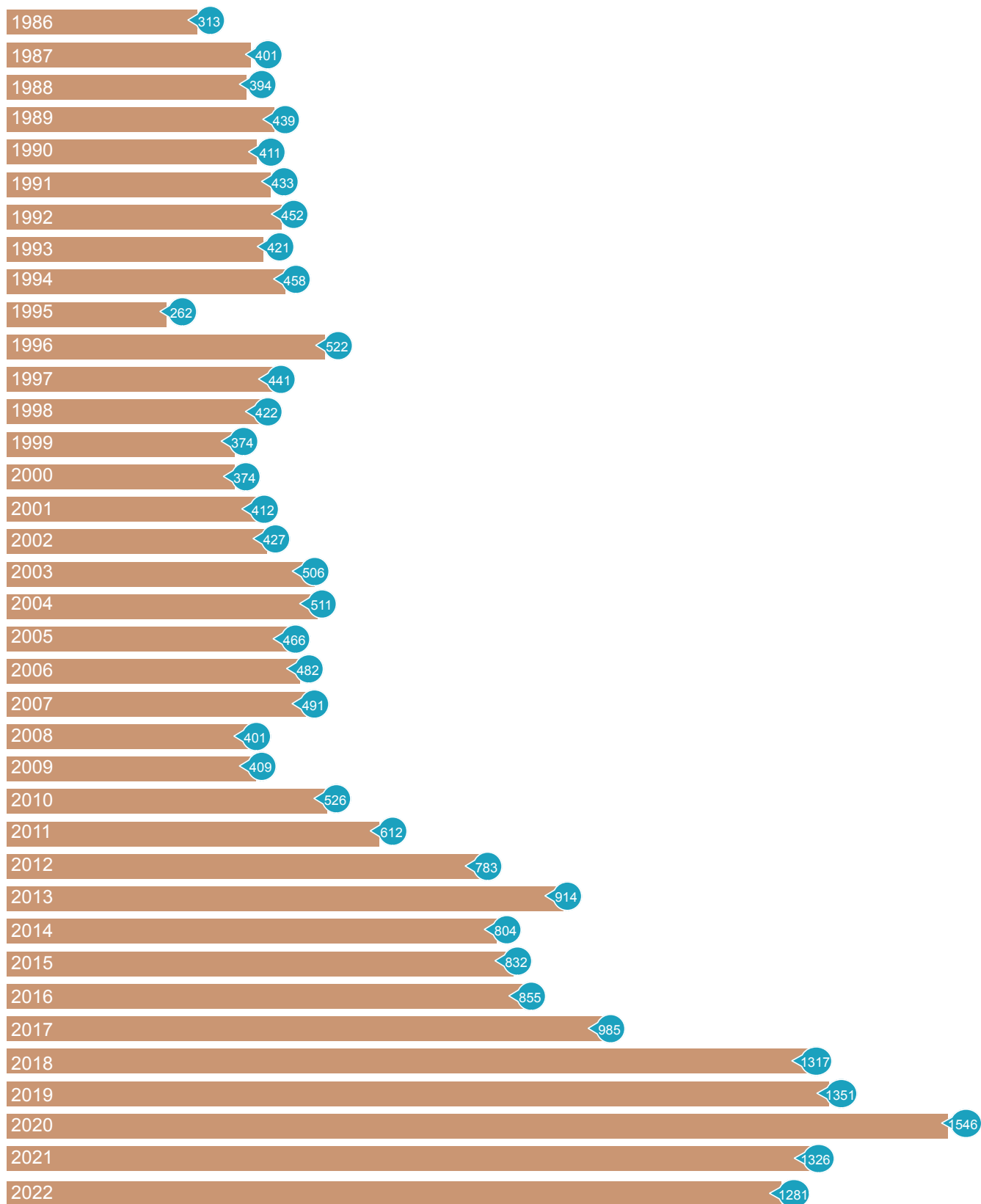


PRISONERS RELEASED TO PAROLE 2001 - 2022





ANNUAL TOTAL OF ITEMS OF BUSINESS 1986 - 2022





PAROLE BOARD

OF THE NORTHERN TERRITORY

CONTACT DETAILS

For more information on the Parole Board please
contact the Secretary of the Parole Board:

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Phone: (08) 8935 7477

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PAROLE BOARD
OF THE NORTHERN TERRITORY