

Adult Parole Board of Victoria

2012-2013 Annual Report



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About The Annual Report

The Annual Report is the major publication produced by the Board. It complies with the requirements of the *Corrections Act 1986* and is used to inform Parliament, Government, criminal justice agencies, victims of crime, researchers, the media, students and members of the community about the Board's operations and activities.

The Board distributes 500 copies each year and, once tabled in Parliament, the Annual Report is available from its website at www.corrections.vic.gov.au/home/parole.

Definitions

Throughout this report, unless otherwise specified, references to:

- **'the Act'**, or sections **'of the Act'**, are references to the *Corrections Act 1986*
- **'the Board'** is a reference to the Adult Parole Board of Victoria
- **'Corella Place'** is a reference to the Corrections Victoria transitional residential facility located near Ararat for offenders subject to supervision orders who are without suitable accommodation in the Victorian community
- **'CCO'** is a reference to a Community Corrections Officer
- **'CCS'** is a reference to Community Correctional Services, a Branch of Corrections Victoria
- **'the Department'** is a reference to the Victorian Department of Justice
- **'the Division'** is a reference to the Detention and Supervision Order Division of the Board
- **'ESO'** is a reference to an Extended Supervision Order
- **'PPC'** is a reference to the Parole Practice Committee
- **'SO'** is a reference to a Supervision Order
- **'SSOMA'** is a reference to the *Serious Sex Offenders Monitoring Act 2005*
- **'SSO(DS)A'** is a reference to the *Serious Sex Offenders (Detention and Supervision) Act 2009*

Letter to the Minister



Adult Parole Board of Victoria

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Friday, 30 August 2013

The Hon. Edward O'Donohue, MLC
Minister for Corrections
121 Exhibition Street
Melbourne VIC 3000

Dear Minister

In accordance with the requirements of section 72(1) of the *Corrections Act 1986*, we are pleased to present this Annual Report of the performance and operations of the Adult Parole Board of Victoria for the twelve months from 1 July 2012 to 30 June 2013.

Yours sincerely

Handwritten signature of Elizabeth Curtain in black ink.

The Hon. Justice Elizabeth Curtain
Chairperson

Handwritten signature of David Provan in black ink.

David Provan
General Manager

Chairperson's Report

During the past reporting year, regrettably, very serious offences have been committed by parolees. This has led to the public's confidence in the workings of the Board being called into question.

The work of the Board is always difficult. As the prison population increases, so, too, does the work of the Board, as all but a very few will be released back into the community on conditional parole.

As at 30 June 2013, there were 5,340 persons in prison and 1,646 on parole.

Community safety is the paramount consideration when determining whether to grant parole.

The successful reintegration of parolees is integral to community safety and the rehabilitation of the offender. In these circumstances the Board is primarily concerned with balancing community safety with the management of the risk posed by a parolee. This risk can never be totally eliminated.

As Justice Whelan states in his remarks which follow, the alternative is to release prisoners into the community at the completion of their sentence without any support, supervision or incentive to become and remain law abiding citizens. Seen in this context, the successful completion of parole benefits the community and the parolee. However, success cannot be guaranteed.

The *Corrections Act 1986* was amended to provide for a presumption of cancellation and automatic cancellation of parole in certain circumstances. These provisions commenced on 20 May 2013.

A Bill currently in Parliament creates the offence of breaching parole. The Bill also gives police new powers to arrest and charge a parolee for a breach of parole terms and conditions, whether or not it involves further offending.

The Minister for Corrections also commissioned Mr Ian Callinan AC to conduct a review of the Board. I and other members of the Board, and the general manager, Mr David Provan, have met with Mr Callinan AC and have cooperated fully with his review.

On 20 August 2013, the Callinan report was published, making a number of recommendations as to the more efficient operation of the Board and the appropriate test to be applied to serious offenders to enable the grant of parole. Policy is a matter for government, but the Board has indicated its preparedness to cooperate with the implementation of the Callinan recommendations.

I wish to convey my thanks to the Board members, Mr David Provan, General Manager, and the members of staff who have worked so diligently in the past year. During the course of this year, we have welcomed the appointment of Mr Kieran Walshe APM as a community member and Ms Annie Tinney as a full-time member of the Board for six months. I would like to thank Justice Simon Whelan for his leadership since 15 February 2008 and his service to the Board generally. I also wish to thank his Honour John Dugan AM, who retired from the Board on 1 December 2012, after 22 years service, and Judge Margaret Rizkalla, who retired from the Board on 1 February 2013, after more than seven years service, following her retirement from the County Court of Victoria.



The Hon. Justice Elizabeth Curtain
Chairperson (29 May to 30 June 2013)

Former Chairperson's Report

The parole system as it has operated in Victoria for many decades has enabled the great majority of prisoners to be returned to the community under supervision and with a part of their sentence still "hanging over their head".

If a prisoner gets to the end of his or her sentence without parole, they walk out the prison gate and there is no power to supervise them or restrict or monitor their behaviour in any way. They have served the full penalty imposed on them. The correctional system has no power over them any more. The only exceptions to this are the small number of serious sex offenders who are monitored under the supervision and detention order regime. In Victoria, parole has been used as the principal means of managing the risk of returning prisoners, and of ensuring that prisoners who are released without any supervision at the end of their sentence are rare.

This is why when considering whether to grant parole the Parole Board has for many years considered not only what the risk is that the offender will offend while on parole, but whether the risk will be greater if the offender were to be released without the supervision and support parole can provide.

When parole is denied, the risk of offences being committed on parole is eliminated, but the risk of offending when released remains. Almost all prisoners must be released at some point. In the past the correctional system in Victoria has not shirked from facing this unpalatable reality.

The availability of parole has also been a significant factor in motivating prisoners to undertake programmes and to take other steps towards their rehabilitation while in prison.

The best overall measure of the effectiveness of the system as a whole is what is often called the "recidivism rate", that is the rate at which released offenders return to prison over a given period. The recidivism rate in Victoria for many years has been significantly lower than the overall Australian rate, and lower than both New South Wales and Queensland. The last figures I had before my term ended revealed that the Victorian rate was 35.1% compared to a national rate of 39.3%.

The other feature of parole in Victoria, which has been significant over many years is the very close working relationship with Corrections Victoria; both with clinicians, officers and staff inside the prisons, and with community corrections officers outside prisons.

Significant reforms to the parole system are currently being contemplated or are underway. That is, of course, a matter for the Government and the political process. In my view, it would be unfortunate if the aspects of the system to which I have referred were weakened or lost in that process. The issue of resources will obviously be a very significant one in the decisions the Government must now take.

The members of the Parole Board with whom I have worked over my time are an exceptional group of highly motivated and hard working people. They have no personal agendas or ulterior motives. Their task requires them to judge complexities and risks far beyond those reasonably to be expected of anyone. They undertake this task because someone must do it. I have never worked with a finer group of people.

Similarly, the Parole Board staff are a group for whom the community ought to have the highest regard. The demands placed upon them over recent times have been truly extraordinary. I cannot praise highly enough their resilience and professionalism in the most difficult of circumstances.



The Hon. Justice Simon Whelan
Chairperson (1 July 2012 to 28 May 2013)

Key Statistics – The Year at a Glance

	2012-13	2011-12	2010-11	2009-10	2008-09	% change between 2011-12 and 2012-13
Board Meetings						
Total (Board and DSOD) meeting days	242	187	166	148	129	29.4
Meetings at prisons	59	45	55	53	50	31.1
Prisoners in custody (at 30 June)	5,340	4,884	4,737	4,537	4,350	9.3
Prisoners eligible for parole (at 30 June)	3,785	3,328	3,230	3,088	2,937	13.7
Prisoners interviewed at prison	1,899	1,665	1,671	1,659	1,489	14.1
Parole Orders						
Parole orders made	2,051	1,843	1,792	1,669	1,656	11.3
Parole orders completed successfully	1,244	1,042	1,132	1,064	1,094	19.4
Parole orders denied	425	296	201	194	190	43.6
Cancellation of Orders						
Parole orders cancelled	930	659	530	539	489	41.1
Reason for cancelling parole orders due to:						
• failure to comply with conditions of parole	868	552	429	388	357	57.2
• further conviction and sentence	62	107	101	151	132	(42.1)
Length of parole served prior to cancellation:						
• day of release to less than three months	414	249	210	191	179	66.3
• three to less than six months	227	167	124	128	108	35.9
• six to less than 12 months	173	138	105	120	106	25.4
• 12 months or more	116	105	91	100	96	10.5
Reviews						
Requests for reviews	209	-	-	-	-	-
Rejected	149	-	-	-	-	-
Accepted	60	-	-	-	-	-
Reasons for Rejections						
No change in circumstances	149	-	-	-	-	-
Outcomes of Accepted Reviews						
Interview prisoner earlier than originally ordered	29	-	-	-	-	-
Parole order varied	11	-	-	-	-	-
Further report required	20	-	-	-	-	-

	2012-13	2011-12	2010-11	2009-10	2008-09	% change between 2011-12 and 2012-13
Victim Submissions						
Submissions from victims	91	95	69	51	51	(4.2)
Extended Supervision Orders						
Instructions and directions imposed	0	0	0	30	22	-
Detention and Supervision Orders						
Detention orders made by the Supreme Court	0	0	0	0	-	-
Interim supervision orders made by the Supreme and County Courts	8	6	5	6	-	33.3
Supervision orders made by the Supreme and County Courts	21	44	31	7	-	(52.3)
Youth Transfers						
Transfers from Prison to a Youth Justice Centre	8	2	2	6	4	300
Transfers from a Youth Justice Centre to Prison	26	12	16	39	14	116.7
Interstate Transfers						
Parole orders transferred from Victoria	25	18	19	27	27	38.9
Parole orders transferred to Victoria	34	21	49	29	30	61.9
Members of the Board						
Judicial members	11	14	12	12	12	(21.4)
Full-time members	2	1	1	1	1	100
Community members	9	8	8	8	8	12.5
Departmental representatives	1	1	1	1	1	-
Total members	23	24	22	22	22	(4.2)
Staff of the Board						
Total employees	19	19	21	22	18	-
Financial Management						
Funding	\$3,185,600	\$2,808,800	\$2,777,400	\$2,523,200	\$2,171,000	13.4
Expenditure	\$3,070,580	\$2,776,461	\$2,666,624	\$2,441,321	\$2,232,135	10.6

Profile

Vision

The Board's vision is to make the State of Victoria a safer place in which to live for all of its citizens.

Mission

The Board's mission is to manage the appropriate release of offenders on parole and to supervise and monitor those subject to a detention or supervision order, for the benefit of the Victorian community. The Board aims to make risk assessments that are rigorous, fair and timely.

Purpose of Parole

The purpose of parole is to promote public safety by supervising and supporting the release and reintegration of prisoners into the community, thereby minimising their risk of reoffending (in terms of both frequency and seriousness) while on parole and after sentence completion.

Parole is served under the supervision of a Community Corrections Officer and on conditions fixed by the Board. The offender must formally undertake to comply with the conditions of their parole for the duration of the order. While on parole, an offender is still considered to be under sentence.

No system can eliminate the risk of reoffending. The reasons for reoffending are complex. Underlying problems, such as a dependence on drugs and alcohol, poverty and mental illness or impairment, all play a significant role. In addition, prisoners face many practical obstacles to adjusting to life in the community, such as difficulties in finding appropriate accommodation and employment. These obstacles are compounded for the many prisoners who, even before entering prison, have been at the margins of mainstream society.

What a parole system can do, however, is reduce the risk that prisoners will commit further offences when released into the community, by providing a supervised transition into the community and by seeking to address some of the factors that may lead to reoffending. Offenders who do not obtain parole and who are released at the end of their sentence are not subject to the supervision, support and ongoing rehabilitation which the parole system provides. If the prospect of parole is removed from a prisoner, there is less incentive to undertake steps designed to reduce the risk of reoffending.

History

The Board was established in 1957 after the Victorian Parliament passed the *Penal Reform Act 1956*. The Board replaced the Indeterminate Sentences Board, which had been in operation since 1908.

The concept and development of the operation of the adult parole system in Victoria was initiated by the then Inspector-General of Penal Establishments, Mr Alexander Whatmore and the Honourable Sir John Barry, Judge of the Supreme Court of Victoria.

Notices appearing in the *Victorian Government Gazette* during June and July 1957 heralded a new era for the parole system. The Penal Reform legislation received Royal Assent in May 1956 and came into operation on 1 July 1957 by virtue of a proclamation dated 25 June 1957.

The first meeting of the Board was held on 3 July 1957 at the Office of the Director of Penal Services, Old Treasury Building, Spring Street, Melbourne.

The Detention and Supervision Order Division of the Board was established under the *Serious Sex Offenders (Detention and Supervision) Act 2009* and the *Corrections Act 1986*, and conducted its first official sitting day on 15 March 2010.

In addition to undertaking hearings for supervision and detention orders made under the *Serious Sex Offenders (Detention and Supervision) Act 2009*, the Division also considers matters relating to Extended Supervision Orders under the *Serious Sex Offenders Monitoring Act 2005* and other sex offenders in the Victorian correctional system who are either serving parole or are in custody and eligible for parole.

Legislative Framework

Sentencing and Parole

To be eligible for parole, an offender must have a sentence (pursuant to the *Sentencing Act 1991*) that includes a non-parole period (a 'minimum term'), which must first be served in prison. Not all sentences include a non-parole period. This depends on the length of the sentence.

For sentences:

- longer than 24 months: the court must set a non-parole period, unless the nature of the offence or the offender's history would make parole inappropriate
- between 12 and 24 months: the court is not required to but may decide to fix a non-parole period
- less than 12 months: a non-parole period is not set, therefore parole is not possible.

A non-parole period must be at least six months less than the maximum term of the sentence.

If the offender's sentence includes a non-parole period, the offender is eligible for consideration for a grant of parole when the non-parole period expires.

Jurisdiction

The operation of the Board is governed primarily by the *Corrections Act 1986*. The Board is an independent body whose decisions are not subject to ministerial or bureaucratic direction.

The Board's functions are conferred on it by a series of Acts, and associated regulations, including: *Corrections Act 1986*, *Children, Youth and Families Act 2005*, *Serious Sex Offenders Monitoring Act 2005*, *Serious Sex Offenders (Detention and Supervision) Act 2009*, *Sentencing Act 1991*, *Parole Orders (Transfer Act) 1983*, *Prisoners (Interstate Transfers) Act 1983*, and *Mental Health Act 1986*.

The Board has jurisdictions over the following offender groups:

- offenders for whom a court has ordered a prison sentence where a non-parole period applies
- young persons transferred to prison from a youth justice centre.

In addition, the Board has jurisdiction over:

- offenders subject to extended supervision, supervision or detention orders under the *Serious Sex Offenders Monitoring Act 2005* or the *Serious Sex Offenders (Detention and Supervision) Act 2009*.

Meetings of the Board

The Board typically meets every Monday, Wednesday and Friday at its office and visits all fourteen prisons on a regular basis. A quorum for a meeting of the Board comprises the

Chairperson or in the Chairperson's absence, an acting Chairperson, chosen according to the procedure determined by the Chairperson, and two other Board members. The Board may also exercise its powers and functions in a division of the Board, which consists of three members, of whom at least one must be a Judge, retired Judge, Magistrate or retired Magistrate who acts as Chairperson.

The Board visits Community Correctional Services Centres in both rural and metropolitan locations as an important feature of its visiting program.

Legislative Developments

This year, the Victorian Government has introduced into Parliament a number of changes to the Corrections Act which have had, or if passed will have, a significant impact on the operation of the Board. The key Bills are the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013 and the Corrections Amendment (Breach of Parole) Bill 2013.

On 2 February 2013, the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013 was introduced. It received royal assent on 26 March 2013, and the relevant provisions, relating to section 77 of the Corrections Act, commenced on 20 May 2013.

The changes affect the cancellation of parole. They provide for automatic cancellation of parole for offenders classified as sex offenders or serious violent offenders who have been found guilty during their parole period of a sex or violent offence carried out on parole. There is also now a presumption that parole will be cancelled in a series of other situations, and the Board must consider whether to cancel parole in other circumstances.

The amendments to the Act clarify the powers of the Board in relation to electronic monitoring. Section 74(5) expressly empowers the Board with discretion to impose a condition for electronic monitoring of an offender on parole.

On 25 June 2013, the Corrections Amendment (Breach of Parole) Bill 2013 was introduced. It has a default commencement date of 1 July 2014.

This Bill creates a new offence of breach of parole, and provides Victoria Police with new arrest and detention powers in relation to parolees who are suspected of having breached conditions of their parole, whether by reoffending or otherwise. There is a requirement that Victoria Police notify the Board within 12 hours of having detained a parolee, and for the Board to determine as soon as practicable whether or not that detention should continue pending consideration by the Board of the alleged breach. This Bill, if passed, will affect the resources and operations of various agencies, including the Board.

Board Meetings

During 2012-13, the Board met on 242 occasions (187 in 2011-12). This represents an increase of 29.4% in the number of meetings of the Board, when compared with the previous financial year.

The complexity of cases involving offenders, both in custody and on parole, placed considerable demands on the Board's time in determining matters. The Board continued to monitor specific offenders who had been released on parole with problems involving psychiatric and accommodation issues, and the risk of substance abuse.

Number of Board Meetings Conducted to Consider Cases 2008-09 to 2012-13

	Meetings Held in Prisons	Board's Office/ CCS Centres/ Other	Total
2008-09	50	79	129
2009-10	53	95	148
2010-11	55	111	166
2011-12	45	142	187
2012-13	59	183	242

To monitor offenders, the Board required many parolees and those subject to supervision orders to attend interviews regularly at its office or, if they resided in country Victoria, their closest Community Correctional Services office. The Board requested reports from Community Correctional Services to keep informed of the progress of such offenders. The transient and drug culture lifestyle of many offenders prior to their imprisonment usually presents difficulties for them in obtaining new accommodation on release. Such regular reports enable the Board to intervene and re-direct the lifestyle of offenders. The Board maintains its involvement with offenders on parole and takes appropriate action when necessary to assist offenders to meet the conditions of their parole orders. If, despite this, offenders are unable or unwilling to meet the conditions of the order, the Board cancels their parole.

Offenders in Custody

On 30 June 2013, the number of offenders eligible for parole totalled 3,785, compared with 3,328 on 30 June 2012. The number of offenders fluctuates over a 12-month period as offenders enter and leave the prison system on a daily basis, either after having been released on parole or when their sentences expire. For example, the above figures do not take into account offenders who were sentenced to a short non-parole period and entered and left prison in the same year. The number of prisoners in custody totalled 5,340 as at 30 June 2013 (4,884 as at 30 June 2012), representing a 9.3% increase over the period.

Prison Visits

Of the 242 occasions that the Board met, 59 meetings were held at various Victorian prisons (45 in 2011-12) where the Board interviewed 1,899 offenders (1,665 in 2011-12). This represents an increase of 14.1% in the number of offenders interviewed by the Board at prison and an increase of 31.1% in prison visits, when compared with 2011-12.

Support Persons at Hearings

At the request of prisoners with special needs and with the prior approval of the Chairperson of the Board, support persons may attend hearings. A support person might include prison staff, a minister of religion, an outreach worker or the Aboriginal Wellbeing/Indigenous Liaison Officer.

During 2012-13, nine people attended hearings at the request of prisoners with special needs.

Review of Decisions

The Board aims to ensure that its proceedings are conducted properly and fairly for all parties involved. In making decisions to grant, deny, defer or cancel parole, the Board considers each case on its merits.

Once the Board makes its decision, an offender (prisoner, parolee or those subject to a supervision order) can request a review at any time after the decision is made. A request for a review of a decision can be initiated if:

- there is new information or a change in circumstances; or
- the offender believes that the decision was wrong.

A review may be initiated in writing by the offender or by a person on behalf of the offender. The Board will review decisions in order to ensure that the law and operating principles are respected and that the Board's decisions are based upon relevant and reliable information. The three member division of the Board, which reviews the decision may, based on the material and information before it, confirm or change the decision of the original decision-makers.

During 2012-13, the Board received 209 requests for review of a previous decision. Of the 209 requests, 149 were rejected and 60 were accepted.

Reasons for Rejections

No change in circumstances	149
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Outcomes of the Accepted Reviews

Interview prisoner earlier than originally ordered	29
Parole order varied	11
Further report required	20

Decision-Making Principles

Granting of Parole

The Board takes into account the individual merits of each case to determine the appropriate time to release an offender on parole. Mindful of the legal principles and the provisions of the relevant legislation, the general principle of:

- Community safety is the paramount consideration in all decisions relating to the granting of parole.

In assessing community safety the Board considers:

- whether there is an unacceptable risk to the community if the offender is released on parole
- whether the risk to the community will be greater if the offender does not have supervised release and support on parole.

In assessing whether the risk of releasing the offender on parole is acceptable, the Board has regard to:

- the nature and severity of the harm that is risked (the particular outcome to be avoided, such as the commission of a violent offence)
- the likelihood that the outcome will occur.

Subject to the paramount consideration of community safety, the Board seeks to facilitate the rehabilitation of the offender, recognising that the community benefits from their rehabilitation.

Factors that Influence the Board's Decisions

Without being exhaustive, and without ranking factors in order of importance, relevant factors include:

- nature and circumstances of the offence
- offender's criminal history
- parole assessment and recommendation by Corrections Victoria
- offender's previous parole history, or the fact that it would be the offender's first parole
- parole plan
- offender's willingness to participate in offence-specific and other programs
- offender's participation in offence-specific and other programs
- assessments and recommendations (if any) by appropriate clinicians or other professionals
- submissions or representations by victims including victim impact statements
- submissions or representations by the offender
- submissions or representations by other interested persons

- comments by the sentencing court
- conduct of the offender while in custody, including whether any positive drug tests have been recorded
- the fact that at the expiry of the non-parole period the offender will have served the minimum period which the sentencing court considered the justice of the case required be served
- likelihood of effective intervention after release should that be necessary or desirable
- special conditions which can, or should, be imposed
- proper administration of the system of corrections, including the prison system and the parole system.

Special Conditions of Parole

If parole is granted, the Board can impose special conditions on parole orders to address accommodation, lifestyle and treatment issues, including:

- attendance for assessment and treatment for alcohol or drug addiction, or submitting to medical, psychological or psychiatric assessment and treatment
- testing for alcohol or drug use
- attendance for personal development programs (often in conjunction with anger management programs)
- residence as directed by the Board
- attendance for treatment at the Community Forensic Mental Health Centre
- no contact, directly or indirectly, with the victim or certain potential victims (an important protection for vulnerable persons in some situations)
- no unsupervised contact with children
- participation in the sex offender maintenance program
- avoidance of certain geographical areas
- abstinence from alcohol
- assessment by, and participation in, drug programs as directed by supervising Community Corrections Officers
- participation in drug programs as directed by supervising Community Corrections Officers in consultation with the Community Offenders Advice and Treatment Service (COATS).

Cancellation of Parole

If an offender fails to comply with any of the conditions of the parole order, including committing further offences, they are then in breach of parole. In making decisions about actions to take in response to breach of parole (or alleged breach of parole), the Board applies the following principles:

- community safety is the paramount consideration; and
- parole should be cancelled when an assessment is made that the parolee poses an unacceptable risk to community safety by remaining on parole.

On 2 February 2013, the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013 was introduced. The relevant provisions, relating to section 77 of the Corrections Act, commenced on 20 May 2013.

The new provisions provide for automatic cancellation of parole for offenders classified as sex offenders or serious violent offenders who have been found guilty during their parole period of a sex or violent offence carried out on parole. There is also now a presumption that parole will be cancelled in a series of other situations, and the Board must consider whether to cancel parole in other circumstances.

Parole Orders

Between 1 July 2012 and 30 June 2013, the prison population increased from 4,884 to 5,340 representing an increase of 9.3%.

Releases and Denials

During 2012-13, the Board:

- made orders for the release of 2,051 persons on parole (1,843 in 2011-12)
- denied 425 persons release on parole (296 in 2011-12)
- cancelled parole orders for 930 persons (659 in 2011-12).

The number of orders made to release offenders on parole increased by 11.3% and the number of cases where the Board denied parole increased significantly by 43.6%.

The Board denies parole for a number of reasons, including:

- assessed as being an unacceptable risk to the community if the offender was released on parole
- failure of the offender to undertake programs that address their offending behaviour
- drug use in prison
- previous poor performance on parole
- insufficient time for an effective parole period.

Special Conditions Imposed on Parole Orders

Special Conditions Imposed on Parole Orders 2012-13	
Assessment and Treatment	44%
Substance Testing	17%
Restricted Residential and/or No Contact with Victims	27%
Others	12%

The Board regularly imposed the special condition 'that you undergo assessment and treatment for alcohol or drug addiction or submit to medical, psychological or psychiatric assessment and treatment as directed'. This special condition provides supervising Community Corrections Officers with the authority to direct offenders to programs designed to address alcohol, drug and gambling addictions, and to arrange psychiatric and psychological treatment. In most cases, the Board identifies the particular needs of the offender and directs the Community Corrections Officers to arrange the appropriate treatment and programs. From time to time during the supervising period, the offender may require counselling for health problems and other issues, and this condition provides the Community Corrections Officers with the flexibility to arrange treatment without having to refer to the Board.

Parole Orders Completed Successfully

During 2012-13, 1,244 offenders completed parole orders successfully, compared with 1,042 in 2011-12. This result included offenders who were released on parole prior to the current reporting year but who completed their parole period during the reporting year.

Parole Orders Completed Successfully 2008-09 to 2012-13

	2012 -2013	2011 -2012	2010 -2011	2009 -2010	2008 -2009
Completed Successfully*	1,244	1,042	1,132	1,064	1,094

* Includes a count of the number of parole orders completed during each financial year. The figures include both orders made prior to and during the reporting year that were successfully completed between 1 July and 30 June.

Cancellation of Parole Orders

During 2012-13, the reasons for cancelled parole orders included continued drug abuse by the offender, failure to attend for supervision appointments, failure to participate in programs as specified in the order, and further offending.

Most parole orders that were cancelled due to the offender failing to comply with the conditions of parole involved continued substance abuse and/or failure to attend supervision appointments and/or programs. The majority of such breaches occurred in the first six months of parole, a period in which many offenders experience difficulty in adjusting to the transition from prison to the community.

When parole is cancelled, the offender owes the entire parole period, from the date of release to the date that parole would have expired (unless the Board determines otherwise). Under the *Sentencing Act 1991*, any new sentence of imprisonment for an offence committed while on parole is normally required to be served in addition to the time owed resulting from the cancellation of parole.

If a parole order has expired but a court imposes a sentence of imprisonment for an offence or offences committed during the parole period, the Board still has jurisdiction to cancel parole.

If an offender is not already in custody and parole is cancelled, a *Warrant for Apprehension and Return to Prison* is issued pursuant to section 77 of the *Corrections Act 1986*.

The number of cancellations increased by 41.1% from 659 in 2011-12 to 930 in 2012-13. Of the 930 parole orders cancelled, 868 (93%) resulted from the failure of the offender to comply with the conditions of parole, compared with 552 (84%) in 2011-12. A total of 62 parole cancellations (7%) resulted from a further conviction and sentence being imposed on the offender, compared with 107 (16%) in 2011-12.

Cooperation with Victoria Police

The Board often receives information from Victoria Police to assist in its decision-making and in addition is assisted by the Victoria Police Fugitive Task Force (FTF).

The FTF commenced on 1 July 2008 and is responsible for the timely and safe arrest of offenders who have had their parole order cancelled by the Board. Officers of the FTF attend the Board on sitting days and have full access to the reports and documentation on offenders' files to assist in the performance of their official duties. The FTF also ensures the safe escort and security of offenders extradited to Victoria from other States in Australia.

A Memorandum of Understanding provides a framework for cooperation and information exchange between Victoria Police and the Board for:

- the reporting of parole breaches
- the reporting of serious issues relating to the conduct of offenders
- the provision of resources and funding to undertake extraditions.

Cancellation of Parole 2008-09 to 2012-13

Period After Release	By Condition					By Conviction and Sentence					Total					Proportion (%)				
	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009
Release to <3 months	408	233	200	171	163	6	16	10	20	16	414	249	210	191	179	45	38	40	35	37
3 to <6 months	214	150	111	100	89	13	17	13	28	19	227	167	124	128	108	24	25	23	24	22
6 to <12 months	157	99	71	74	69	16	39	34	46	37	173	138	105	120	106	19	21	20	22	21
12 months or more	89	70	47	43	36	27	35	44	57	60	116	105	91	100	96	12	16	17	19	20
Total	868	552	429	388	357	62	107	101	151	132	930	659	530	539	489	100	100	100	100	100

Statistical Summary – Parole Releases, Denials and Cancellations – 2008-09 to 2012-13

	Releases					Denials					Cancellations				
	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009
Male	1,898	1,677	1,623	1,537	1,534	394	277	182	177	181	863	602	491	494	458
Female	153	166	169	132	122	31	19	19	17	9	67	57	39	45	31
Total	2,051	1,843	1,792	1,669	1,656	425	296	201	194	190	930	659	530	539	489

Youth Transfers

The following information details youth transfers as defined under sections 467, 471 and 475 of the *Children, Youth and Families Act 2005*.

Transfers from Prison to a Youth Justice Centre

During 2012-13, eight persons were transferred under section 471 from prison to a youth justice centre, compared with two in 2011-12.

Transfers from a Youth Justice Centre to a Prison

During 2012-13, 26 persons were transferred from a youth justice centre to a prison under section 467 and section 475, compared with 12 in 2011-12.

Parole Orders (cont.)

Interstate Transfers

The *Parole Orders (Transfer) Act 1983*, as amended, provides the legislative basis for the transfer of parole orders between jurisdictions.

During 2012-13, the Registrar of Transferred Parole Orders advised the Board of the transfer from Victoria of 25 parole orders interstate (18 in 2011-12) as shown in the following table.

Parole Orders Transferred from Victoria – 2008-09 to 2012-13

Jurisdiction	2012-13	2011-12	2010-11	2009-10	2008-09
New South Wales	4	5	8	9	10
South Australia	5	1	1	3	4
Western Australia	4	1	4	1	3
Queensland	10	9	3	8	10
Northern Territory	-	-	-	2	-
Tasmania	1	2	3	1	-
Australian Capital Territory	1	-	-	3	-
Total	25	18	19	27	27

The Registrar of Transferred Parole Orders also advised the Board of the transfer to Victoria of 34 parole orders from interstate (21 in 2011-12) as shown in the following table.

Parole Orders Transferred to Victoria – 2008-09 to 2012-13

Jurisdiction	2012-13	2011-12	2010-11	2009-10	2008-09
New South Wales	23	14	27	12	14
South Australia	3	-	3	5	3
Western Australia	3	1	3	4	4
Queensland	5	4	14	6	8
Northern Territory	-	-	1	-	-
Tasmania	-	2	1	1	-
Australian Capital Territory	-	-	-	1	1
Total	34	21	49	29	30

Detention and Supervision Order Division

Chairperson's Report

The role of the Division is twofold: first, to undertake the administration and management of court orders made pursuant to the *Serious Sex Offenders (Detention and Supervision) Act 2009* and secondly, to deal with parole issues relating to all sex offenders. This Report draws upon my experience as Chair of the Division since 1 January 2013 and the experience of his Honour David Jones AM, who was the first Chair of the Division, from 1 January 2010 to 31 December 2012.

Overview

Review of Offenders

In this reporting period, the Division has reviewed the cases of all sex offenders currently subject to parole conditions in Victoria. Arising out of this review, the Division has also established a system of regular review of the most serious sex offenders on parole, which operates alongside but independently of Corrections Victoria's supervision. This review has highlighted the need for the Board to scrutinise recommendations made to the Board by external stakeholders regarding offenders and to introduce more stringent management of parolees who are at a high risk of re-offence and/or those who by their conduct, are perceived as being at an increased risk of re-offence.

Sex Offender Programs

The Chairperson's Report in the last reporting period was critical of the timeliness with which offenders were treated by Sex Offender Programs within Corrections Victoria. I am pleased to report a significant improvement in this area. Through the provision of extra government funding, Corrections Victoria has implemented a number of strategies to address both the increase in demand for treatment programs and the large backlog of offenders awaiting treatment. Sex Offender Programs have advised that by the end of 2013, all prisoners found suitable will be able to complete their program prior to their earliest release date.

Increase in Workload

This reporting period has seen yet another increase in the number of offenders subject to Supervision Orders, resulting in significant increases in workload for both members of the Board and secretariat staff, including increases in 'out of hours' work. The steadily increasing number of offenders subject to Supervision Orders, and the ongoing issue of sourcing appropriate community accommodation for this offender group, is also placing increasing pressure on Corella Place. This will certainly become a focus of concern in the next reporting period, given the fact that the residential facility is very nearly

full, and is not equipped to deal with certain offender groups, such as those that are aged and infirm.

Members and Secretariat

It has again been a very challenging year for the members and secretariat of the Division. The judicial and community members of the Board assigned to the Division have discharged their responsibilities with great skill and dedication. I thank them for their service to the community.

The support of the management and staff of the Division has been outstanding and I thank them for their unfailing professionalism. I offer commendation to them for choosing to work in this difficult and challenging field. The difficulties and stress that staff work under in this area cannot be overstated. The case circumstances involved are often horrific, confronting and traumatic. The Board makes counselling assistance available to staff on a regular basis.

I would like to pay tribute to his Honour John Dugan AM. He commenced as a Judicial Member in 1990. From 1 January 2010 until his appointment to the Board expired in December 2012 he was a member of the Division and also an acting Chair of the Division, chairing many sittings. His dedication and contribution to the work of the Board over more than 20 years has been outstanding, as has his dedication and contribution to the work of the Division. On behalf of the members and staff of the Division I extend our grateful thanks.

Finally, I wish to pay tribute to his Honour, David Jones AM, who has chaired the Division from its inception until his retirement as Chairperson in December 2012. He has overseen the development of the Division with great dedication and commitment, generously making his time and expertise available to both staff and members. In the area of management of offenders subject to post-sentence supervision orders, he has successfully established a culture that balances the interests of the community and the human rights of the offender, in accordance with the requirements of the legislation. Few in the community would understand how difficult and onerous this responsibility is. However, under his leadership, the Division has enjoyed the support and respect of all relevant stakeholders. On behalf of the members and staff of the Division, I extend our grateful thanks.



Ross Betts

Chairperson

Detention and Supervision Order Division

Detention and Supervision Order Division (cont.)

Statistical Snapshot

New supervision orders imposed by the courts	21
New detention orders imposed by the courts	0
Orders revoked by the court at review	3
Post-sentence orders under the jurisdiction of the Division at 30 June 2013	101
Offenders who breached conditions on their orders	7
Average length in years of new orders made	7 years
The Division convened	127 times (days and special meetings)
Percentage increase in the number of cases considered	9%
Emergency powers exercised	1
Offenders directed to reside at Corella Place	12
Offenders directed to be subject to electronic monitoring by the Division	8
Supervision and Extended Supervision Orders completed	1

Membership of the Detention and Supervision Order Division as at 30 June 2013

His Honour Ross Betts (Chairperson)
 Judge David Jones AM (Judicial Member)
 Judge Frank Shelton (Judicial Member)
 Michael Hepworth (Full-Time Member)
 Carmel Arthur (Community Member)
 Jim Berg (Community Member)
 Dr Julian Davis (Community Member)
 Janet Farrow (Community Member)
 Dr Kerry-Lee Jones (Community Member)
 Veronica Olson (Community Member)
 Judith Wright (Community Member)

Acting Operations Manager's Report

Orders Made By the Court

Post-Sentence Orders Made in 2012-13

The courts made 29 new post-sentence orders in the 2012-13 reporting period.

Orders made by the court	Detention Orders		Supervision Orders		Total
	Interim Detention Orders made by the Supreme Court	Detention Orders made by the Supreme Court	Supervision Orders made by the Supreme and County Courts	Interim Supervision Orders made by the Supreme and County Courts	
2012-13	0	0	21	8	29
2011-12	0	0	44	6	50
2010-11	0	0	31	5	36
2009-10	0	0	7	6	13

Length of Supervision Orders pursuant to the SSO(DS)A excluding Interim Orders

Duration of Supervision Orders	2 Yrs	3 Yrs	4 Yrs	5 Yrs	6 Yrs	7 Yrs	8 Yrs	9 Yrs	10 Yrs	11-15 Yrs	Total
2012-13	1	2	3	4	2	0	2	0	4	3	21
2011-12	0	11	4	10	2	3	2	3	6	3	44
2010-11	0	3	0	13	2	1	5	1	2	4	31
2009-10	0	0	0	3	1	0	1	0	1	1	7

Applications Refused and Orders Not Made

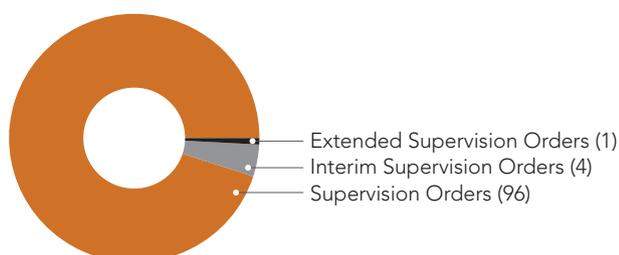
The court refused one application for a Supervision Order in the reporting period. The Director of Public Prosecutions made no Detention Order applications in the reporting period.

Orders Revoked, Overturned and Completed

In the 2012-13 reporting period, the court revoked three Supervision Orders at the time of their review, one Supervision Order on appeal and one Supervision Order expired. Further, three offenders subject to Supervision Orders passed away in the reporting period.

Current Post-Sentence Orders Under the Division's Jurisdiction

As at 30 June 2013, the Division was responsible for the administration of 101 post-sentence orders.



Division's Management of Post-Sentence Orders

Pursuant to section 72(1)(bf) of the *Corrections Act 1986*, the Division is required to report on its management of offenders subject to post-sentence orders.

Corella Place

During 2012-13, the Division gave effect to court-ordered residential conditions, by directing offenders to reside at Corella Place on 12 occasions, an increase on the 2011-12 reporting period where offenders were directed to reside at Corella Place on eight occasions.

Offenders directed to reside at Corella Place

2012-13	2011-12	2010-11	2009-10
12	8	8	4

Emergency Powers

The emergency powers contained within the SSO(DS)A provide the Division with the authority to give directions to manage an offender in a way that is inconsistent with, or not provided for, by the conditions of the Supervision Order. The Board exercised this power on one occasion in the 2012-13 reporting period. This power was also utilised on one occasion in the last reporting period, 2011-12.

Offenders in respect of whom an emergency power was exercised

2012-13	2011-12	2010-11	2009-10
1	1	0	0

Detention and Supervision Order Division (cont.)

Electronic Monitoring

Where authorised by the court making the order, the Division is able to direct offenders subject to Supervision and Interim Supervision Orders to comply with electronic monitoring. In the 2012-13 reporting period, 8 offenders on Supervision or Interim Supervision Orders were directed by the Division to comply with electronic monitoring.

Offenders directed to comply with electronic monitoring under a Supervision or Interim Supervision Order

2012-13	2011-12	2010-11	2009-10
8	17	30	5

Breaches of Conditions

During 2012-13, the Division investigated three instances where offenders breached conditions on a Supervision Order. On each occasion, the Division inquired into the seriousness of the breach. Pursuant to s.161 of the SSO(DS)A, one of the following recommendations must be made:

- take no action
- give a formal warning to the offender
- recommend that the Secretary bring proceedings in respect of the offence.

Of the three instances of breach outlined above, the Division enacted its emergency powers on one occasion, directing the offender to reside at Corella Place, contrary to the conditions of the Supervision Order. On the other two occasions, the Division recommended that the Secretary of the Department of Justice initiate breach proceedings.

Pursuant to s172(3), the Secretary may, after having regard to the seriousness of the breach, file a charge sheet without having the Division investigate. In the 2012-13 reporting period, the Division noted five instances where the Secretary initiated breach proceedings for offenders on Supervision Orders. Two of these five occasions of the initiation of breach proceedings relate to the same offender.

Number of breaches of conditions on a Supervision or Interim Supervision Order

2012-13	2011-12	2010-11	2009-10
8	12	2	0

Meetings

In this reporting period, the Division convened on 127 occasions, representing an increase of 5% from the 2011-12 reporting period.

Year	Weekly sittings at Carlton	Special Meetings	Country Prison Sittings	Total
2012-13	40	76	11	127
2011-12	35	74	12	121
2010-11	39	41	8	88
2009-10	15	4	7	26

Operation of the Division

The Division, including a Chairperson or acting Chairperson and two other members, meets weekly in Carlton and conducts parole and prison hearings with sex offenders. The Division also considers all matters relating to Supervision Orders and Extended Supervision Orders. In this reporting period, the Division also conducted meetings on site at Corella Place, Hopkins Corrections Centre and H.M. Prison Langi Kal Kal.

Escalation in Workload of the Division

As anticipated in the last Annual Report, the number of sex offenders subject to Supervision Orders has escalated during the period, resulting in an overall increase in the workload of the Division. Hearings of matters relating to sex offenders subject to, or under consideration for parole have increased by 5%. Hearings of matters relating to sex offenders subject to Supervision Orders or Extended Supervision Orders have increased by 26%. This has resulted in an overall increase in the workload of the Division by 9%, necessitating an increase in the number of meetings held. The graph below outlines the continuing escalation in the workload of the Division.



This demand (relating to both the regularity of meetings and the number of matters requiring consideration) is expected to rise further over the next several years, with new Supervision Order imposition expected at a greater rate than the expiry of current Supervision and Extended Supervision Orders.

Anna Peterson
Acting Operations Manager
Detention and Supervision Order Division

Victims of Crime

The Board fully appreciates the difficulties faced by victims of crime and their families.

Indeed, some members of the Board have in their own lives and those of their family members experienced being victims of crime.

Victims Register

A Victims Register commenced on 30 August 2004 and is managed by the Victims Support Agency (VSA) of the Department of Justice. The Victims Registrar maintains contact with victims of crime who have asked to receive information about an adult prisoner who has been convicted of committing a violent crime against them. The aim of the Victims Register is to provide victims of violent crime with timely, relevant and accurate information about offenders during their period of imprisonment.

Victim Submissions

Individuals included on the 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. The Board also accepts submissions from victims who are not registered with the VSA.

All submissions and letters tendered by victims of crime are read by the Board and the issues and concerns raised are carefully considered as part of the decision-making process.

During the financial year, 91 submissions were provided for the Board's consideration (95 in 2011-12).

Special Conditions Imposed

The Board regularly imposes special conditions on parole orders requested by victims, irrespective of whether they are registered or not, such as the offender shall have *no contact whatsoever either directly or indirectly with the victim or any member of the victim's family* and geographical restrictions.

The Victims Registrar will provide information about the release of an offender on parole to victims who are on the Register, including any special conditions that the Board has imposed that are relevant to the victim.

Victims of Crime Consultative Committee

In July 2012, the Attorney-General, the Hon. Robert Clark MP, announced the establishment of a Victims of Crime Consultative Committee. The Committee has the following Terms of Reference:

- to provide a forum for victims of crime and relevant justice and victim service agencies to discuss victims policies, practices and service delivery
- to advise the Attorney-General of policies, practices and reforms relating to victim issues and support services
- to promote the interests of victims in the administration of justice
- to promote the principles of the *Victims' Charter Act 2006*.

The Hon. Phillip Cummins is the Committee's Chair. The Committee meets regularly and has representatives from the judiciary, Victoria Police, the Office of Public Prosecutions, the Victims of Crime Assistance Tribunal, the Victims Support Agency, as well as representatives of crime victims appointed from the broader community. The General Manager of the Board, Mr David Provan, is a Committee Member and represents the Board at the meetings.

Information Brochures

The Board makes available Fact Sheet 4 – General Guide for Victims and also a brochure, produced by the VSA, on the Victims Register.

Members of the Board

The *Corrections Act 1986* provides for the establishment of the Board. Section 61 of the Act states that the Board shall consist of:

- one or more Judges of the Supreme Court appointed by the Governor in Council on the recommendation of the Chief Justice of the Supreme Court, one of whom is to be appointed chairperson
- such number of Associate Judges of the Supreme Court as are appointed by the Governor in Council on the recommendation of the Chief Justice of the Supreme Court
- one or more Judges of the County Court appointed by the Governor in Council on the recommendation of the Chief Judge of the County Court
- one or more Magistrates appointed by the Governor in Council on the recommendation of the Chief Magistrate
- one or more persons appointed by the Governor in Council as full-time members
- one or more retired Judges of the Supreme Court or the County Court or retired Magistrates, appointed by the Governor in Council as part-time members
- one or more persons appointed by the Governor in Council as part-time members
- the Secretary of the Department of Justice.

As at 30 June 2013, the 23 members of the Board comprised:

- one Judge of the Supreme Court of Victoria
- two retired Judges of the Supreme Court of Victoria
- one Judge of the County Court of Victoria
- two retired Judges of the County Court of Victoria
- three Victorian Magistrates
- two retired Victorian Magistrates
- two full-time members
- nine part-time members representing the community
- the Secretary of the Department of Justice.

Membership Summary

Membership Summary 2012-13	
Total Judicial Members	11
Full-Time Members	2
Total Community Members	9
Secretary of the Department of Justice	1
Total	23
Female Members	11
Male Members	12
Total	23

Retirements during 2012-13

Justice Simon Whelan

On 28 May 2013, Justice Simon Whelan retired as Chairperson upon the completion of his term of appointment. Justice Whelan was first appointed as a judicial member of the Board on 29 May 2007 and had served as Chairperson since 15 February 2008.

Judge Margaret Rizkalla

On 1 February 2013, Judge Margaret Rizkalla retired from the Board consequent upon her retirement from the County Court of Victoria. Judge Rizkalla was first appointed to the Board as a judicial member on 11 October 2005.

His Honour John Dugan AM

On 1 December 2012, John Dugan retired from the Board upon the completion of his term of appointment. Mr Dugan was first appointed to the Board as a judicial member on 31 October 1990.

Penny Armytage

On 26 June 2012, Penny Armytage resigned as the Secretary of the Department of Justice. Ms Armytage's last day in the department, and therefore as a member of the Board, was 20 July 2012.

Ms Armytage had been a member of the Board since 17 March 2003.

Reappointments during 2012-13

Judge Carolyn Douglas

On 18 September 2012, Judge Carolyn Douglas was reappointed for a two-year period.

Her Honour Jelena Popovic

On 6 July 2012, Deputy Chief Magistrate Jelena Popovic was reappointed for a two-year period.

Appointments during 2012-13

Justice Elizabeth Curtain

On 15 May 2013, the Governor in Council appointed Justice Elizabeth Curtain as the Chairperson of the Board from 29 May 2013 to 28 May 2014.

Annie Tinney

On 12 June 2013, the Governor in Council appointed Annie Tinney as a full-time member of the Board for six months.

Greg Wilson

On 15 April 2013, Greg Wilson was appointed Secretary of the Department of Justice. By virtue of Mr Wilson's appointment as Secretary, he became a member of the Board.

Kieran Walshe APM

On 5 February 2013, the Lieutenant-Governor appointed Kieran Walshe APM, a retired Deputy Commissioner of Victoria Police, as a community member of the Board for a three-year period.

Chairperson

Justice Elizabeth Curtain

- Judge of the Supreme Court of Victoria.
- First appointed as a judicial member from 25 September 2007.
- Reappointed from 25 September 2010 to 24 September 2013.
- Appointed Chairperson from 29 May 2013 to 28 May 2014.

Judicial Members

Justice Bernard Teague AO

- Retired Judge of the Supreme Court of Victoria.
- First appointed as a judicial member on 20 March 1991.
- Chairperson from 7 June 2001 to 20 March 2003.
- Chairperson from 1 October 2007 to 14 February 2008.
- Reappointed as a judicial member from 25 March 2011 to 24 March 2014.

Justice John Coldrey QC

- Retired Judge of the Supreme Court of Victoria.
- First appointed as a judicial member on 2 December 2008.
- Reappointed from 2 December 2011 to 1 December 2014.

Judge Carolyn Douglas

- Judge of the County Court of Victoria.
- First appointed as a judicial member on 17 March 1998.
- Reappointed from 18 September 2012 to 17 September 2014.

Judge David Jones AM

- Retired Judge of the County Court of Victoria.
- First appointed as a judicial member on 26 February 2002.
- Chairperson of the Division from 1 January 2010 to 31 December 2012.
- Reappointed from 27 March 2012 to 26 March 2014.

Judge Francis Shelton

- Retired Judge of the County Court of Victoria.
- Appointed as a judicial member from 19 December 2011 to 18 December 2014.

Her Honour Jelena Popovic

- Deputy Chief Magistrate of Victoria.
- First appointed as a judicial member on 17 March 1998.
- Reappointed from 6 July 2012 to 5 July 2014.

His Honour Robert Kumar

- Deputy Chief Magistrate of Victoria.
- Appointed as a judicial member from 13 December 2011 to 12 December 2014.

Her Honour Lesley Fleming

- Victorian Magistrate.
- First appointed as a judicial member on 11 October 2005.
- Reappointed from 3 April 2012 to 2 April 2015.

His Honour Steven Raleigh

- Retired Victorian Magistrate.
- First appointed as a judicial member on 11 October 2005.
- Reappointed from 2 December 2011 to 1 December 2014.

His Honour Ross Betts

- Retired Victorian Magistrate.
- Appointed as a judicial member from 16 January 2012 to 15 January 2015.
- Chairperson of the Division from 1 January 2013.

Members of the Board (cont.)

Full-Time Members

Michael Hepworth

- First appointed as a full-time member on 18 September 2001.
- Reappointed from 18 September 2010 to 17 September 2013.

Annie Tinney

- Appointed as a full-time member from 12 June 2013 to 11 December 2013.

Community Members

Jim Berg

- First appointed as a community member on 17 October 2000.
- Reappointed from 17 October 2010 to 16 October 2013.

Veronica Olson

- First appointed as a community member on 15 January 2001.
- Reappointed from 27 March 2012 to 26 March 2015.

Dr Julian Davis

- First appointed as a community member on 5 July 2005.
- Reappointed from 5 July 2011 to 4 July 2014.

Janet Farrow

- First appointed as a community member on 5 July 2005.
- Reappointed from 5 July 2011 to 4 July 2014.

Dr Kerry-Lee Jones

- First appointed as a community member on 5 July 2005.
- Reappointed from 5 July 2011 to 4 July 2014.

Lisa Ward

- First appointed as a community member on 5 July 2005.
- Reappointed from 5 July 2011 to 4 July 2014.

Judith Wright

- First appointed as a community member on 5 July 2005.
- Reappointed from 5 July 2011 to 4 July 2014.

Carmel Arthur

- First appointed as a community member on 2 December 2008.
- Reappointed from 2 December 2011 to 1 December 2014.

Kieran Walshe APM

- Appointed as a community member from 5 February 2013 to 4 February 2016.

Departmental Representative

Greg Wilson

- Secretary of the Department of Justice.
- Greg Wilson was appointed Secretary of the Department of Justice on 15 April 2013. By virtue of Mr Wilson's appointment as Secretary, he became a member of the Board.

Code of Conduct

The Board follows a Code of Conduct (the code) for members. The code provides guidance about the general standards of performance and ethical conduct expected of all Board members. The code presupposes that members will act according to the law in the performance of their duties and is designed to ensure that the independence of members in relation to their decision-making functions is not compromised in any way.

Appointments to the Board

Judges and Magistrates are appointed by the Governor in Council on the recommendation of the Chief Justice, Chief Judge and Chief Magistrate of their respective Courts.

The other members of the Board, with the exception of the Secretary of the Department of Justice, are appointed by the Governor in Council pursuant to section 61(2) of the *Corrections Act 1986* on the recommendation of the Minister for Corrections.

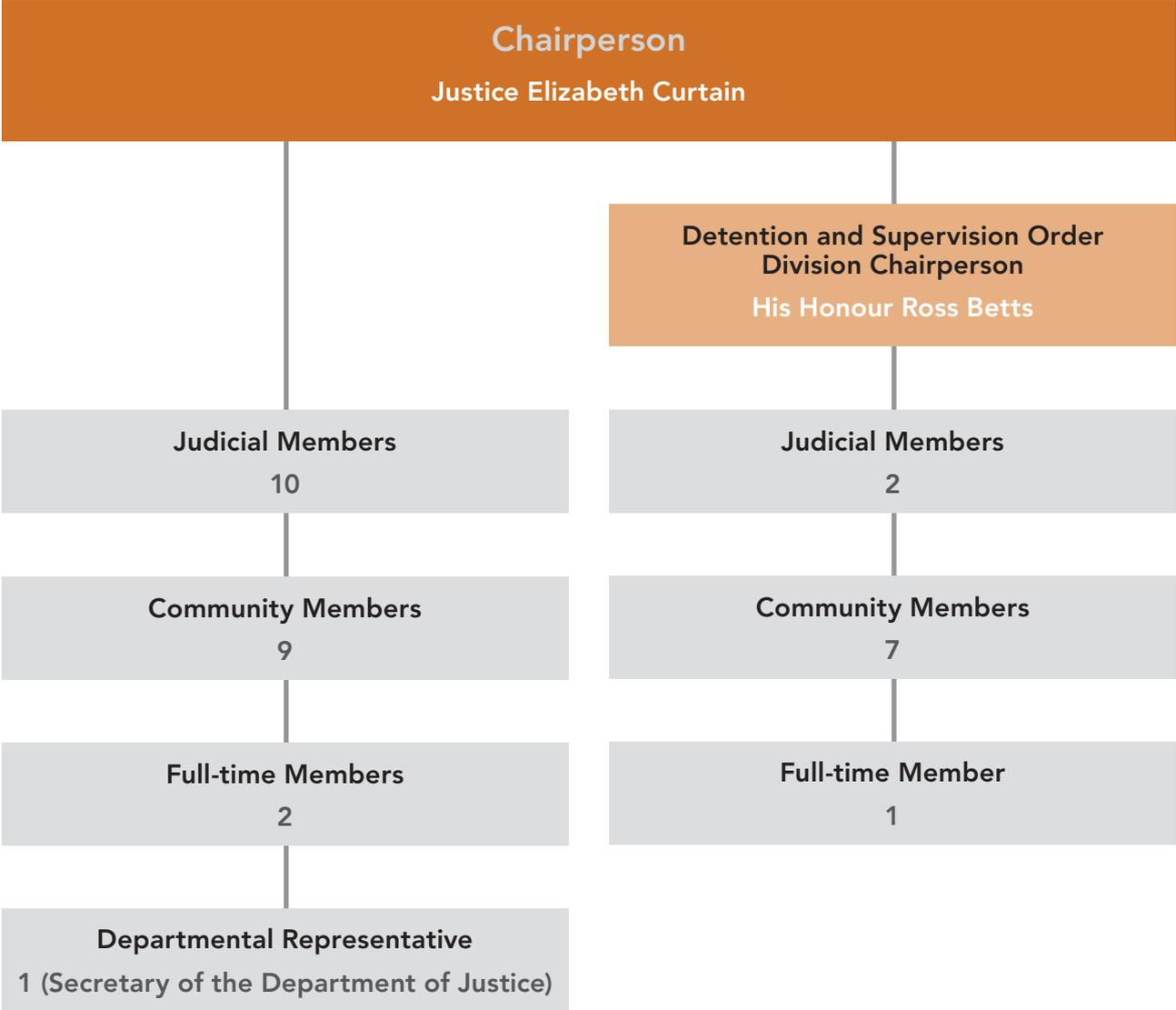
There is no statutory limit on the number of members and all members are eligible to seek reappointment.

Judicial Members

A division of the Board consists of three members who form a multi-disciplinary panel of whom at least one must be a Judge, retired Judge, Magistrate or retired Magistrate and that Judge or Magistrate must be the chairperson of that division.

Community Members

Community members are an integral part of the Board's membership and bring a wide variety of skills and experience to the decision-making process. The nine members of the Board who represent the community come from a variety of different professional and personal backgrounds including policing, psychiatry, psychology, social work, law, community corrections and criminology. The Board also includes a Koori elder and a victim of serious crime.



Corporate Affairs

The Board and the Community

The Board and its administrative staff aim to build positive and constructive working relationships by regular attendance at conferences to speak about the work of the Board, meeting with business units within Corrections Victoria and other agencies and participating in a range of initiatives.

Australasian Parole Authorities Conference

An annual conference of Australasian parole authorities is held where ideas and information about current issues regarding parole are exchanged. The aim of the annual conference is to facilitate proactive discussion between parole authorities in order to determine both best practice and innovative ways of addressing emerging common issues.

From 31 October 2012 to 2 November 2012, the Adult Parole Board and the Youth Parole and Youth Residential Boards of Victoria had the honour of co-hosting the 2012 Australasian Parole Authorities Conference.

The theme for the 2012 conference was *Parole into the Future* with a focus on the challenges that parole authorities are facing now and over the next few years. Amongst a comprehensive and varied agenda, highlights included a keynote address on the future of parole presented by Professor Arie Freiberg, a panel session on media management and sessions associated with the management of sex offenders, culturally diverse offenders and the use of technology in the criminal justice system.

Conference delegates represented all Australian State and Territory parole authorities and associated stakeholders in addition to international representatives from New Zealand and Vanuatu. Feedback indicated that the Conference was a great success with one interstate delegate describing it as "spectacular and very informative".

Meetings and Working Parties

During 2012-13, staff of the Board participated in the following meetings with external organisations:

- Carlton Building Management Steering Committee
- Inter-Departmental Parole Committee
- Koori Inclusion Action Plan Project Board
- Offender Management Managers, Corrections Victoria
- Parole Practice Committee
- The Fugitive Task Force and Victoria Police liaison meetings
- Offending Behaviour Programs liaison meetings
- The Division, Sex Offender Program and Sex Offender Management Branch
- Victims of Crime Consultative Committee
- Victims Register Steering Committee
- Young Offenders Transfer Review Group (see further detail below).

Young Offenders Transfer Review Group

The purpose of the Young Offenders Transfer Review Group is to discuss young offenders who have been, or are likely to be, transferred between a youth justice centre and prison. The Group convenes on a monthly basis.

The Young Offenders Transfer Review Group is not a decision-making body. Instead, its meetings provide an opportunity for all parties involved to monitor and receive progress reports on:

- the young person's placement
- relevant management, security and rehabilitation matters
- release planning
- other case management or systems issues of mutual interest.

The membership of the group includes representation from the Adult Parole Board, Youth Parole and Residential Boards and Corrections Victoria.

2012 Corrections Victoria Community Work Partnership Awards

The annual Community Work Partnership Awards celebrate and recognise partnerships established between local communities and Corrections Victoria which contribute to the reparation, rehabilitation and reduction of reoffending by offenders and prisoners.

The Awards are presented each year at an event attended by the Minister for Corrections and the Commissioner of Corrections Victoria, as well as Corrections Victoria staff and community work partners from throughout Victoria. Since its inception in 1999, the Awards ceremony has proven to be an excellent opportunity for participants in community work programs and staff to meet with representatives from other non-profit organisations and to acknowledge the work that is being achieved by prisoners and offenders across Victoria.

Community groups that engage offenders to help Victoria in innovative ways were recognised at the Corrections Victoria Community Work Partnership Awards ceremony which was held on 22 November 2012. Judicial member of the Board, Justice Bernard Teague, was a member of the judging panel. Mr Michael Hepworth and Mr David Provan attended the awards presentation function.

Parole Practice Committee

Staff of the Board participated in the quarterly Parole Practice Committee (PPC) meetings. PPC membership includes representatives from each Community Correctional Services region together with staff of the Board. The Committee's purpose is to provide a forum where participants can suggest ideas for improvement, discuss issues, challenges and developing trends, as well as engage in activities and joint projects that will strengthen the working relationship between Community Correctional Services and the Board.

Community Correctional Services Training

Community Correctional Services provides centralised pre-service training for Community Corrections Officers (CCOs), Leading CCOs and Senior CCOs. The training is provided by the Centralised Training Team (CTT), which focuses on building foundation skills to ensure consistent practice, raise standards and support a structured learning and development culture. As part of the training, the CTT has established a network of key stakeholders who deliver information sessions to staff of CCS. One such relationship is with the Board, which provided information sessions, including tours of the Board, to enhance the knowledge that CCS staff have about the role, jurisdiction, functions and legislative responsibilities of the Board.

Staff of the Board delivered a total of five CTT information sessions during 2012-13.

Information Sessions

Staff of the Board delivered information sessions at the Australian Community Support Organisation, Court Registrar Trainees Royal Melbourne Institute of Technology University Program, Barwon Prison staff, Chaplains Advisory Committee, Intake and Assessment Worker Network meeting, Child Witness Service, Specialist Case Worker Induction Training and other community groups.

A total of 10 information sessions were delivered during 2012-13.

Visitors to the Board

While the Board's hearings are not open to the public, it welcomes applications from individuals who have a legitimate purpose and wish to observe Board meetings.

Those with a legitimate purpose may include judges, magistrates, academic researchers and students, trainee community corrections staff, and persons with a particular interest in the operations of the Board, for example, those engaged in similar operations from other jurisdictions.

By encouraging visitors, the Board takes an open and transparent approach to its operations, while enabling visitors to gain a greater understanding of the Board's responsibilities. At the same time, the Board ensures its meetings are conducted with the utmost integrity and a high standard of quality in terms of its decision-making.

Corporate Affairs (cont.)

All visitors are required to read the Fact Sheet 2 – Observers at Board Meetings and sign a *Confidentiality Declaration*. The chairperson of the division ensures that the visitor has signed the declaration and explains the importance of maintaining the strict confidentiality of the proceedings.

All visitors to the Board must:

- not participate in the hearing in any way
- not speak, and avoid any form of non-verbal communication during the hearing
- not take notes without the prior permission of the chairperson of the division
- not bring cameras, tape recorders, mobile phones, tablet devices or any other personal electronic device into the hearing room
- leave the hearing room, if asked, while confidential or sensitive information is being discussed or if it is determined that their presence affects the hearing process
- avoid discussing the hearing with another person while outside the hearing room.

During 2012-13, 99 visitors (94 in 2011-12) attended meetings of the Board, including senior representatives from the Department of Justice and Victoria Police and staff/students from the following organisations:

- Australian Community Support Organisation
- Child Witness Service
- Deakin University
- Department of Justice (Corrections Victoria and Victims Support Agency)
- Forensicare
- Odyssey House
- Royal Melbourne Institute of Technology.

Privacy and Publications

Privacy and Freedom of Information

The privacy principles contained in the Victorian *Information Privacy Act 2000* and *Corrections Act 1986* prescribe the manner in which the Board handles information collected and received about prisoners and parolees.

The Corrections Act provides that information given to the Board is 'confidential information' unless it is disclosed in a decision of the Board or any reasons given by the Board. The Board is therefore prohibited from disclosing the contents of files kept in relation to prisoners and parolees, except in the following circumstances, as provided by section 104ZZ:

a relevant person may use or disclose information given to the Adult Parole Board that is not disclosed in a decision of the Board or in any reasons given by the Board for a decision of the Board if the use or disclosure is reasonably necessary:

- (a) for the administration of Corrections legislation; or
- (b) for the preparation for, conduct of or participation in criminal proceedings in any court or proceedings before a tribunal; or
- (c) to lessen or prevent a serious and imminent threat to a person's life or safety.

The Board is not subject to the provisions of the *Freedom of Information Act 1982*.

Fact Sheets

The Board makes available the following fact sheets:

- **Fact Sheet 1** – General Guide to Parole
- **Fact Sheet 2** – Observers at Board Meetings and Confidentiality Declaration
- **Fact Sheet 3** – General Guide to Prisoner Interviews
- **Fact Sheet 4** – General Guide for Victims
- **Fact Sheet 5** – Parolees Required to Attend the Board
- **Fact Sheet 6** – Information for Community Corrections Officers who Attend the Board
- **Fact Sheet 7** – The Detention and Supervision Order Division of the Board
- **Fact Sheet 8** – Request for a Review of a Board Decision
- **Fact Sheet 9** – Legislative Reforms Relating to Parole.

Available Publications

The Board offers a range of other publications and information to the public, including:

- Adult Parole Board of Victoria Annual Report
- Fifty Years of the Adult Parole System in Victoria 1957 to 2007
- Victims Register – a brochure produced by the Victims Support Agency.

Website

For further information about the Board, visit www.corrections.vic.gov.au/home/parole.

Supporting the Board

General Manager's Review of the Year

Chairperson Changes

Justice Simon Whelan retired as Chairperson on 28 May 2013 upon the completion of his term of appointment. On behalf of all staff, I thank Justice Whelan for his energetic and unwavering commitment to the Board since his appointment as Chairperson in 2008.

Justice Elizabeth Curtain was appointed Chairperson of the Board from 29 May 2013 for 12 months. The administrative staff and I look forward to working with Justice Curtain who brings to the role a wealth of experience, skill and dedication.

Increasing Workload

The Board conducted 242 meetings in 2012-13 compared with 187 meetings in 2011-12, representing a 29.4% increase. Over the last five years, the Board has recorded a significant upward trend in the number of meeting days from 129 to 242, equating to an increase of 87.6%.

The Board's staffing resources are fully stretched given the additional meetings required to manage the significant increase in the number of cases considered and the additional jurisdictional responsibilities it has assumed under the *Serious Sex Offenders (Detention and Supervision) Act 2009*.

Information Technology

Computer systems at the Board are managed by the Department of Justice, Corrections Victoria, Corrections Applications Services (CAS).

The need for a significant upgrade to the Board's IT systems has long been recognised. The Sentencing Advisory Council in its 2012 *Review of the Victorian Adult Parole System* identified the deficiencies with the Board's current IT systems, noting that "the information technology arrangements supporting the parole system are highly complicated and cumbersome".

For some time now former Chairperson Justice Whelan has expressed the strong desire for an information technology-based 'paperless office' system to be designed for the presentation of material to the Board. Despite general acknowledgement that improvements to the Board's IT systems are required, progress with upgrading the systems and transitioning to a 'paperless office' has been slow. Given the increasing caseload and a concomitant increase in the number of files, it has become an organisational imperative that a more sophisticated system be designed, tested and implemented.

On 2 May 2005, the EJustice computer system was introduced at the Board by the Department of Justice. Although there have been many developments and enhancements to the EJustice system since that time, the Prisoner Information Management System (PIMS) still remains the database of record. The administrative staff of the Board are required to use both systems on a daily basis to properly record the decisions of the Board and undertake a variety of other professional duties.

A system designed around the Board's current needs is urgently required and would improve efficiencies and provide valuable management data to assist with future planning.

A system to meet the business requirements of the Detention and Supervision Order Division is also urgently required. The Division was established in January 2010 and a system to fulfil its legislative and administrative requirements is yet to be designed and implemented.

Staff Departures – Voluntary Departure Packages

Three staff accepted a Voluntary Departure Package (VDP) late in 2012 as part of the Government's Sustainable Government Initiative. I thank the staff who accepted a VDP for their contribution to the work of the Board and I wish them well for the future.

Financial Management

During the year, the Board maintained efficient, effective and responsible management of and control over its finances and ensured public accountability by regularly reviewing its expenditure. The Board operated within its budget allocation for the 2012-13 financial year.

Detention and Supervision Order Division

Now in its fourth year of operation, the Division's staff continued to deliver a timely and efficient level of service to both members and stakeholder groups.

I would like to take this opportunity to express my thanks and gratitude to the Acting Operations Manager and the Division's team for their excellent work in efficiently managing its day-to-day operations.

2012 Australasian Parole Authorities Conference

From 31 October 2012 to 2 November 2012, the Adult Parole Board and the Youth Parole and Youth Residential Boards of Victoria had the privilege to co-host the 2012 Australasian Parole Authorities Conference.

I thank the staff and members of the Steering Committee for their efforts in the planning and organisation of the Conference.

Supporting the Board (cont.)

Victims of Crime Consultative Committee

In July 2012, the Attorney-General, the Hon. Robert Clark MP announced the establishment of a Victims of Crime Consultative Committee. The Committee's principal purpose is to provide a forum for victims of crime and relevant justice and victim service agencies to discuss victims policies, practices and service delivery.

It is my pleasure to represent the Board at the meetings of the Committee.

Conclusion

I would like to acknowledge the commitment and professional approach of the Board's staff during an extremely challenging year.

Despite the significant challenges experienced during 2012-13, all staff continued to deliver an excellent level of service to the Board, their colleagues in the corrections system and to the community. They are a delight to work with and I take this opportunity to record my sincere gratitude for the important contribution that each staff member has made throughout the year.

I thank the Chairpersons who have served the Board during the period under review, Justice Whelan and Justice Curtain, and the members for their continuing support. I am grateful to the Board's management team members and the Board's full-time members for undertaking their respective roles with such dedication and professionalism.



David Provan
General Manager

Human Resources

Staff of the Board provide all of the administrative and support functions associated with the organisation of Board meetings and a comprehensive visiting schedule conducted in both the Melbourne metropolitan and rural prison locations. In addition, the Secretariat undertakes significant monitoring, reporting and liaison functions associated with the timely and appropriate processing of all offenders who come within the jurisdiction of the Board.

Staff are responsible for compiling all relevant material regarding offenders for inclusion in the Board's files, including:

- judges' sentencing comments
- criminal history
- psychiatric and psychological reports
- Community Correctional Services reports
- incident reports involving offenders
- victim impact statements tendered at court hearings and victim submissions
- other material the Board may request.

In addition, staff facilitate all referrals to programs ordered by the Board and assist in providing information and advice to the public, Community Corrections Officers, offenders and prison staff.

As at 30 June 2013, there were 23 funded positions, four vacancies and 19 administrative staff employed.

Workforce Profile

Employee numbers and composition by Victorian Public Service (VPS) Grade – 2008-09 to 2012-13.

VPS Grade	2012-13			2011-12			2010-11			2009-10			2008-09		
	Male	Female	Total												
VPS Grade 6	1	-	1	1	-	1	1	-	1	2	-	2	1	-	1
VPS Grade 5	-	3	3	1	2	3	1	1	2	1	1	2	-	1	1
VPS Grade 4	-	-	-	-	-	-	-	1	1	-	1	1	-	1	1
VPS Grade 3	-	8	8	-	8	8	-	8	8	-	8	8	-	7	7
VPS Grade 2	2	5	7	2	5	7	-	9	9	-	9	9	-	8	8
VPS Grade 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	3	16	19	4	15	19	2	19	21	3	19	22	1	17	18

Supporting the Board (cont.)

Employee Remuneration and Benefits

Employee remuneration totalled \$1,423,521 in 2012-13, compared with \$1,401,036 in 2011-12. Superannuation benefits (9% of each officer's salary) were paid into nominated funds such as the ESSSuper (Emergency Services and State Super) and VicSuper funds.

Equal Employment Opportunity

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

The Board values and respects the diversity of its workforce and is committed to providing a workplace that is free from sexual harassment, bullying and workplace violence for all staff and visitors to the Board.

Occupational Health and Safety

The Board provides and maintains a working environment that is safe and without risk to health for all staff, members and visitors. The Board manages health and safety at work through the Department of Justice Occupational Health and Safety (OHS) Committee and various health and safety representatives.

Debriefing Program

In line with occupational health and safety practices and the well-being of staff, the Board offers all staff the opportunity to participate in a Debriefing Program. The program provides structured debriefing of our employees by a clinical psychologist.

The aim of the program is to provide preventive and proactive interventions for the early detection, identification and/or resolution of both work and personal problems that may adversely affect work performance and well-being.

Professional Development

During the year, staff attended courses conducted as part of the Department of Justice Learning Program that were relevant to their current work, career aspirations and organisational needs. All staff are expected to participate in at least two professional development days per year.

Performance Development Planning

The Board is committed to supporting and further developing a capable and motivated workforce.

Performance and development planning (PDP) is an integral part of performance management strategy and provides each staff member with the opportunity to understand and identify how individual and team outputs can contribute to the achievement of the Board's organisational objectives.

Performance and development planning at the Board aims to:

- support organisational strategy
- support employee development, building upon and improving performance
- recognise employee achievement and performance
- meet industrial requirements governed by the Victorian Public Service Workplace Determination 2012.

The PDP program promotes a performance culture and encourages employees to obtain the highest levels of performance by recognising achievement and rewarding high performers through progression payments.

All employees of the Board are required to participate in the annual performance cycle activities under the PDP system. In July 2012, all staff prepared (in consultation with their manager) a detailed *Performance Development Plan*. Each plan outlines the officers' work priorities and the knowledge and skills required to support their current and future job and career aspirations.

The performance development cycle runs from 1 July of each year to 30 June the following year.

Mentoring Program for New Staff

All employees new to the Board are invited to participate in a mentoring program. The mentor provides support, advice and assistance to the new staff member during the two week induction and orientation period and then for a further six months. After that, the program continues by agreement between the mentee and the mentor.

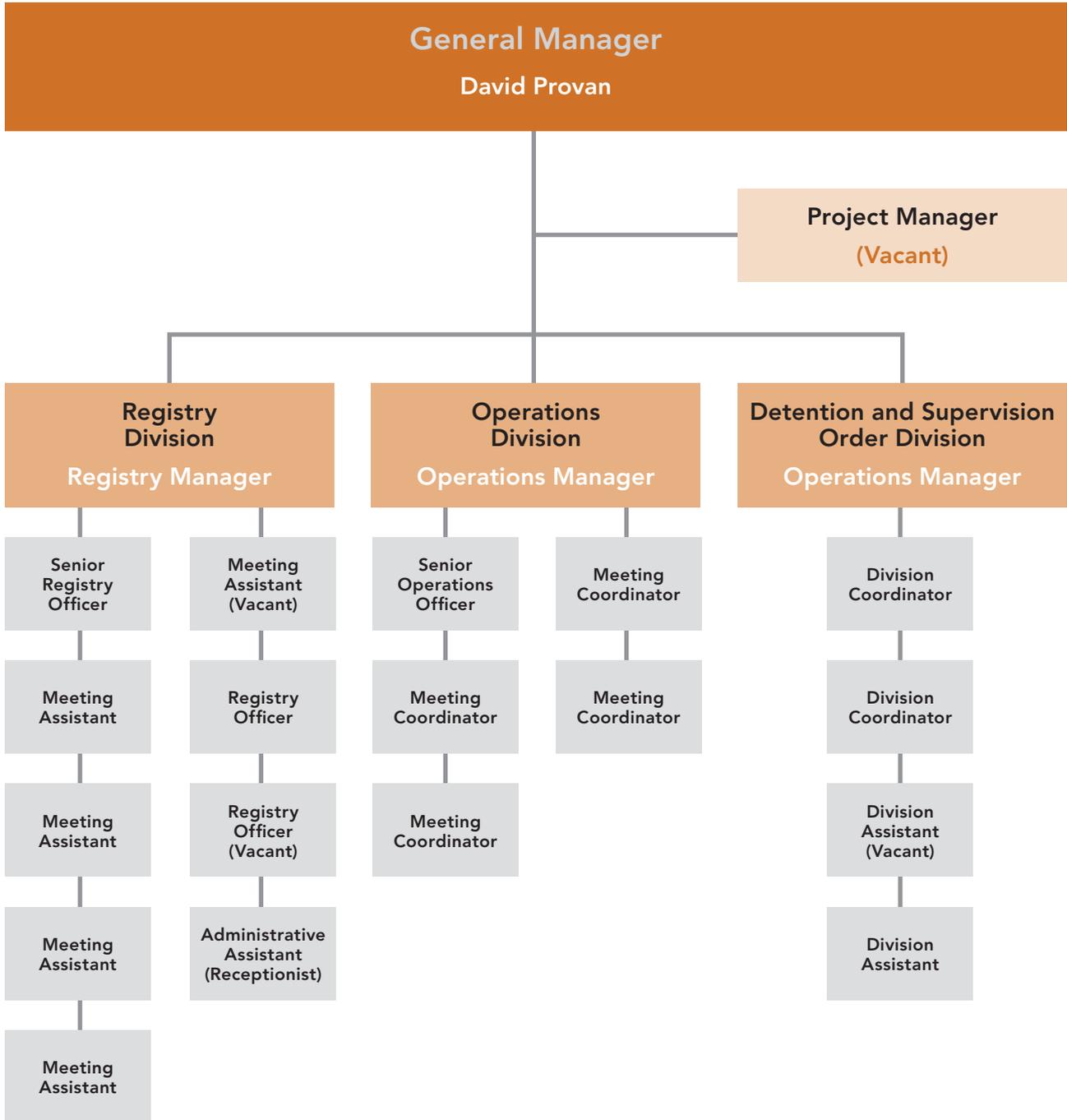
Flexible Working Arrangements

The Board is committed to providing flexibility in the workplace that will enhance the delivery of services, while also assisting staff to balance work with family and other personal responsibilities.

Flexible work arrangements are not entitlements, but are arrangements that can be initiated by staff or managers and are introduced when there is mutual agreement.

Job sharing is available at the Board and is a voluntary arrangement in which two or more people share one full-time job, each working part-time on a regular, ongoing basis.

A system of flexitime is also available to staff at the Board. The system of flexible working hours operates with the dual objectives of maximising service delivery and providing reasonable flexibility for employees.



Supporting the Board (cont.)

Financial Report

Operating Statement and Financial Summary – 2008-09 to 2012-13

Funding

The Board is funded by Corrections Victoria and utilises the Department's systems for the payment of its accounts. Consequently, there is no requirement for the Board to maintain a bank account.

Assets

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

Audited Accounts

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

	2012-13 \$	2011-12 \$	2010-11 \$	2009-10 \$	2008-09 \$
Funding					
Total appropriation from Corrections Victoria (includes base and funding for initiatives)	3,185,600	2,808,800	2,777,400	2,523,200	2,171,000
Expenditure					
Salaries to staff	1,423,521	1,401,036	1,356,329	1,316,818	1,135,530
Sessional member fees	303,189	204,649	174,463	153,353	110,710
Salary related on-costs	596,876	292,676	289,739	296,994	193,243
Operating expenses	746,994	878,100	846,093	674,156	792,652
Total	3,070,580	2,776,461	2,666,624	2,441,321	2,232,135

Operating Expenditure Percentage Distribution 2012-13

Salaries to Staff	46%
Sessional Members Fees	10%
Salary Related On-Costs	20%
Operating Expenses	24%

Employee Benefits

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

Members are remunerated at the rate of \$485 per sitting day. Retired Judicial Members are remunerated at the rate of \$562 per day when acting as chairperson of a division. These rates are set out in the Department of Premier and Cabinet's *Guidelines for the Appointment and Remuneration of Part-Time Non-Executive Directors of State Government Boards and Members of Statutory Bodies and Advisory Committees*.

Member Remuneration

Remuneration of sessional members and the Board's full-time members is fixed by the Governor in Council.

Judicial Members are not remunerated for their work on the Board. Retired Judicial Members and Community

Budget Strategy for 2013-14

The Board's budget strategy for 2013-14 is to maximise productivity while operating within its budget allocation.

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www.corrections.vic.gov.au/home/parole

Interpreter Service

Call 131 450 and ask for the Adult Parole Board