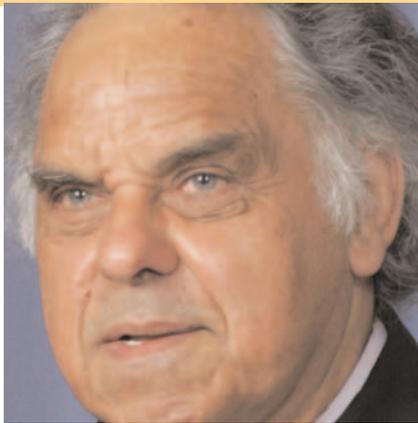


# Adult Parole Board of Victoria



2005-06 Annual Report  
Continuous Improvement

# How to Contact Us

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You may contact the Adult Parole Board as follows:

**Adult Parole Board of Victoria**

Quay West Precinct

71 Moreland Street

Footscray, Victoria 3011

DX 211768 Footscray

Telephone: (03) 9275 7444

Facsimile: (03) 9275 7460

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

Website: [www.justice.vic.gov.au/paroleboard](http://www.justice.vic.gov.au/paroleboard)

Victorian Country Callers 1300 766 946

**Interpreter Service:**

Call 131 450 and ask for the Adult Parole Board

[www.justice.vic.gov.au/paroleboard](http://www.justice.vic.gov.au/paroleboard)

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## Letter to the Minister

The Honourable Tim Holding MP  
Minister for Corrections  
Level 26, 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 12 months from 1 July 2005 to 30 June 2006.

The report contains information about the:

- number of persons released on parole;
- number of persons returned to prison on cancellation of parole;
- number of persons placed on home detention orders;

- number of persons with respect to whom a home detention order has been revoked and who were returned to prison;
- impact of home detention orders on persons residing with offenders;
- number of persons placed on extended supervision orders; and
- activities and achievements of the Board and Secretariat.

Yours sincerely

Murray B Kellam, AO

David Provan



Chairperson  
18 August 2006

General Manager  
18 August 2006

## Our Theme



Our Annual Report theme of 'continuous improvement' embodies the Board's significant progress in improving the quality of its service to the Board's Members and stakeholders.

Cover—From left (top) Members Jim Berg, Lisa Ward and John Dugan; (middle) staff members Cheryn Bagaric, Christie Hall and Diana Maldry; (bottom) Members Carolyn Douglas, David Jones and Jelena Popovic.

Opposite—From left, Member Terry Laidler and staff member Tonnette Santiano.

# Privacy/Information

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## Freedom of Information and Privacy

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/or received about prisoners, offenders and parolees.

It is the Board's policy not to provide copies of any reports or meeting minutes to those who make a request even if the request is accompanied by a 'written authority'. The reports prepared by psychiatrists, psychologists, Community Corrections Officers and other professionals to assist the Board in carrying out its decision-making function are submitted 'in confidence' and are 'strictly confidential'.

The Board is not subject to the provisions of the *Freedom of Information Act 1982* nor is it required to give reasons for its decisions.

## Fact sheets

The Board makes available the following fact sheets for visitors to the Board:

- Fact Sheet 1—Who We Are and What We Do
- 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

## Available publications

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

- the Board's Annual Report;
- General Guide to Parole;
- General Guide to Home Detention;
- Correction Victoria brochure—Victims Register;
- Corrections Victoria brochure—Sex Offender Programs; and
- Corrections Victoria brochure—Home Detention, Questions and Answers.

## Web site

For further information about the Board, visit website at [www.justice.vic.gov.au/paroleboard](http://www.justice.vic.gov.au/paroleboard).

# Profile

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**The Adult Parole Board plays an important role in the Victorian criminal justice system by managing the appropriate release of offenders on parole and home detention orders for the benefit of the Victorian community.**

## Our Objectives

Our objectives are as follows:

- Fulfil our statutory obligations under the *Corrections Act 1986*, *Corrections and Sentencing Act (Home Detention) Acts 2003* and the *Serious Sex Offender Monitoring Act 2005*, efficiently and effectively and in the best interests of the community.
- Make independent and appropriate decisions regarding the release of offenders on supervised conditional release or home detention orders and in relation to extended supervision orders.
- Make appropriate orders relating to cancelling parole or home detention orders and returning offenders to prison custody.
- Ensure that offenders are properly prepared to reintegrate into the community.
- Maintain a program of continuous improvement including the ongoing review of management practices and strategic plans.
- Develop and sustain an organisational climate of excellence through best practice human resource management.
- Develop a flexible, responsive and skilled administrative staff by providing a safe, challenging and team-oriented work environment, professional development opportunities, and the appropriate use of specialised expertise.
- Maintain efficient, effective and responsible management and control of the Board's finances and ensure public accountability.
- Promote the accessibility and efficiency of the Board by increasing awareness of its functions and powers.

## Who We Are

The Adult Parole Board (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 parole system in Victoria was initiated by the then Inspector-General of Penal Establishments and Reformatories A R Whatmore and The Honourable Justice J V Barry of the Supreme Court of Victoria.

## What We Do

An independent statutory body established under the *Corrections Act 1986*, the Board exercises its jurisdiction over the release of offenders on parole and home detention. The Board provides a framework enabling offenders to undertake a step-by-step re-entry into the community.

When deciding whether to release an offender on parole or a home detention order, the Board considers the interests of the community, the rights of the victim, the intentions of the sentencing authority and the needs of the offender.

Preparing offenders for release on parole or a home detention order begins as soon as they enter the prison system. The Board meets with offenders at a relatively early stage during their sentences. These meetings ensure that offenders undertake appropriate programs designed to assist them to re-enter society successfully. During 2005–06, the Board interviewed 1,591 offenders, compared with 1,674 in 2004–05. Offenders on parole are interviewed at the Board's premises in Footscray.

The Board interviews some offenders who have been convicted of serious offences or those who have psychiatric issues on a more regular basis. The Board needs to be satisfied that such offenders are well equipped to be reintegrated into the community on release. With a program of regular interviews, the Board can monitor their progress for an appropriate period prior to release on parole or home detention.

## About Our 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 government, Parliament, criminal justice agencies, students and members of the community interested in the Board's activities and achievements. We print and distribute 300 copies each year and, once tabled in Parliament, the Annual Report is available on our website at [www.justice.vic.gov.au/paroleboard](http://www.justice.vic.gov.au/paroleboard).

# The Board's Members

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## Chairperson

**The Honourable Justice Murray B Kellam**, AO, Judge of the Supreme Court of Victoria. LLB BJuris LLM. Appointed as Member on 22 August 2000. Appointed Chairperson on 20 March 2003. Reappointed Chairperson from 20 March 2006 to 19 March 2009. Appointed Judge of the County Court in 1993 and Justice of the Supreme Court in 1998. Appointed inaugural President of the Victorian Civil and Administrative Tribunal (VCAT) on 1 July 1998. Appointed Officer of the Order of Australia (General Division) in 2005.

## Deputy Chairperson

**The Honourable Justice Bernard G Teague**, Judge of the Supreme Court of Victoria. BA, LLB (Hons). Appointed as Member on 20 March 1991. Acting Chairperson from 7 June 2000 to 25 February 2002 and Chairperson from 26 February 2002 to 20 March 2003. Appointed Deputy Chairperson on 20 March 2003 and reappointed from 20 March 2006 to 15 February 2008. Chair of the Forensic Leave Panel and Deputy Chair of the Institute of Forensic Mental Health. Appointed Supreme Court Judge in 1987 and Principal Judge Criminal Division in 2001. President of the Law Institute of Victoria in 1978 and again in 1986.

## Judicial Members

**Her Honour Judge Carolyn Douglas**, Judge of the County Court of Victoria. Appointed as Member on 17 March 1998. Reappointed from the 6 July 2004 to 5 July 2007.

**His Honour Judge David Jones**, AM, retired Judge of the County Court of Victoria. LLB. Appointed as Member on 26 February 2002. Reappointed from 21 March 2005 to 20 March 2008. Previously, President of the Law Institute of Victoria, Chairman Legal Aid Commission, Chairman Australian Broadcasting Tribunal, President Accident Compensation Tribunal, President Administrative Appeals Tribunal, Deputy Chairman Legal Profession Tribunal and Vice President of VCAT. Appointed a member of the Order of Australia in 1987.

**His Honour Judge James Duggan**, Judge of the County Court of Victoria. Appointed as Member from the 11 October 2005 to 10 October 2008.

**Her Honour Judge Margaret Rizkalla**, Judge of the County Court of Victoria. LLB. Appointed as Member from 11 October 2005 to 10 October 2008. Member of the Small Claims and Residential Tenancy Tribunal in 1985. Appointed Victoria's

first woman magistrate and Chair of the Police Disciplinary Board in 1985. Appointed President of the Victorian Equal Opportunity Board and Vice President of the Administrative Appeals Tribunal in 1988. Appointed Judge of the County Court of Victoria in 1994.

**John Dugan**, AM, Retired Chief Magistrate of Victoria. Appointed as Member on 31 October 1990. Reappointed from 9 November 2005 to 8 November 2008. Began career as a Clerk of Courts and Inspecting Clerk of Courts until 1973 and appointed a Special Magistrate of the Children's Court in 1969. Appointed a Stipendiary Magistrate in 1973 and Deputy Chief Stipendiary Magistrate in 1982, followed by his appointment as Chief Magistrate in 1985. Retired from the bench in 1990.

Consultant/advisor to Aid Projects in Papua New Guinea, Tonga, Cambodia and East Timor from 1993 to 2003. Appointed a Member of the Order of Australia (General Division) in June 1990.

**Jelena Popovic**, Deputy Chief Magistrate of Victoria. Appointed as Member on 17 March 1998. Reappointed from the 6 July 2004 to 5 July 2007.

**Lesley Fleming**, Victorian Magistrate. BA LLB. Appointed as Member from 11 October 2005 to 10 October 2008. Signed the Bar Role in 1989 and practised as a barrister until appointed as Magistrate in 1998. Previously, practised at the Victorian Bar and as a Judicial Registrar for the Industrial Relations Court of Australia. Trained law graduates and undergraduates at the University of Melbourne, Leo Cussen Institute and the Legal Training Institute in Papua New Guinea.

**Steven Raleigh**, Victorian Magistrate. Appointed as Member from the 11 October 2005 to 10 October 2008. Admitted as a barrister and solicitor of the Supreme Court in 1977. Member of the Australia Federal Police from 1977 to 1981, attaining the rank of Sergeant. Practised as a solicitor advocate from 1981 to 1998 and appointed as a Magistrate. Sits as a coroner and a sessional member of VCAT.

## Community Members

**Michael Hepworth**. BA LLB. Appointed a Full-Time Member on 18 September 2001. Reappointed from 18 September 2004 to 17 September 2007. Admitted as a barrister and solicitor of the Supreme Court in 1984. Solicitor in both private practice and Victoria Legal Aid until 2001. Became Accredited Specialist in Criminal Law in 1995. Sat on the Panel of Advisers to the National Institute of Forensic Scientists in 1999 and spent 12 months working with the North Australian Aboriginal Legal Aid Service in 1997-98.

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**Theresa Sgambaro.** B Bus (Accounting) Dip (Financial Planning). Appointed as Member on 2 August 2000. Reappointed from 12 October 2004 to 11 October 2007. Awarded a Centenary Medal in 2003 for participating in community organisations and local government committees. Serves on the boards of community organisations providing opportunities for people experiencing social and/or economic disadvantage.

**Jim Berg.** Appointed as Member on 17 October 2000. Reappointed from 17 October 2004 to 16 October 2007. Jim Berg is a Gunditj-Mara man from the Western District of Victoria. For more than 30 years he has worked in the community, from a grass-roots level with community organisations to all levels of government. He has a strong commitment to building bridges of mutual respect and understanding across the different sections of the community, and across all levels of society.

**Terry Laidler,** forensic psychologist and communications advisor. BA (Hons) LLB. Appointed as Member on 17 October 2000. Reappointed from 17 October 2004 to 16 October 2007. Previously, Associate Professor of Applied Communications at RMIT and policy advisor for the Victorian Health Department. Member of VCAT, Council of the Victorian Institute of Forensic Mental Health, Advisory Board for VicRoads, Burnet Centre Board, Victoria Police Ethical Standards Consultative Committee, Windana Society Board and Youth Substance Abuse Service Board.

**Vera Olson.** Appointed as Member on 15 January 2001. Reappointed from 16 February 2006 to 15 February 2009. A retired member of the Victorian Basketball Association Tribunal and a retired Deputy Chairperson and Member of the Victorian Basketball Association Regional and Metropolitan Tribunal. Previously, Chairperson and Secretary of various school councils. Worked with the Department of Justice for more than 20 years.

**Julian Davis.** Appointed as Member from 5 July 2005 to 4 July 2008. A consultant psychiatrist in public and private practice. Previously, Deputy Medical Superintendent and geriatrician at Mount Royal Hospital in Parkville. Appointed to the Guardianship and Administration Board in 1987. Appointed senior lecturer in intellectual disability psychiatry at the University of Melbourne. Currently, a Senior Associate in the School of Psychology at the University of Melbourne and Honorary Clinical Associate Professor at Monash University, and a sessional member of the Victorian Civil and Administrative Tribunal on the Guardianship and Business and Occupational Regulation Lists.

**Janet Farrow.** BA, MBA. Appointed as Member from 5 July 2005 to 4 July 2008. Awarded Churchill Fellowship in 2001 and completed the Williamson Community Leadership Program in 2003. Held clinical and management roles in drug treatment, mental health, child and family welfare, disability, forensic psychiatry and drug treatment and served on the secretariat of the Premier's Drug Advisory Council. Member of the Multiple and Complex Needs Panel, the Barwon Health Board and the Governance Advisory Committee for Uniting Care Victoria and Tasmania.

**Kerry-Lee Jones.** BBSoc (Hons) M.Psych (Clinical Neuro). Appointed as Member from 5 July 2005 to 4 July 2008. Appointed a clinical neuropsychologist in the alcohol and drug field in 1995 and later worked in neurological rehabilitation, psychiatry and aged care. Completed an Alfred Hospital research scholarship for her doctoral degree in 2001.

**Lisa Ward.** Qualified social worker. Appointed as Member from 5 July 2005 to 4 July 2008. Extensive experience in a range of human services, including juvenile justice, adult corrections, child protection and homelessness services, with expertise in services for people exiting prison and in the development of gender responsive services for female offenders. Chairperson of the Victorian Child Death Review Committee and a member of the Victorian Women's Correctional Services Advisory Committee.

**Judith Wright,** appointed as Member from 5 July 2005 to 4 July 2008.

**Penny Armytage,** Secretary to the Department of Justice, appointed as Member on 17 March 2003.

### **General Manager**

**David Provan.** Appointed General Manager on 1 January 2005. Responsible for managing the administrative affairs of the Board. Wide-ranging public sector experience in judicial administration, human resource management and general management. Previously, a Registrar at VCAT and Executive Officer of the Mental Health Review Board from 1996 to 2002. Qualified as a Court Registrar in 1984. Has qualifications in education, management and holds a Master of Business degree.

# Highlights 05–06

	Refer to Page
• The Board's membership increased with the appointment of nine well qualified members, including two Judges of the County Court of Victoria, two Victorian Magistrates and five Community Members.	2
• Delivered a comprehensive orientation and induction program to the newly-appointed members of the Board.	12
• Re-appointment of Chairperson Justice Kellam, Deputy Chairperson Justice Teague and Judicial Member John Dugan.	2
• The Board met on 117 occasions and considered 7,643 matters.	15
• Of the 117 occasions the Board met, 51 were at various Victorian prisons where the Board interviewed 1,591 offenders.	15
• The number of offenders released totalled 1,504—a decrease of 2.2%.	17
• The number of denials of parole increased by 49.1%, totalling 237.	17
• The number of parole orders successfully completed totalled 1,188, representing an increase of 9.4%.	19
• Parole cancellations totalled 449, representing a decrease of 1.5%.	20
• The number of parole orders breached totalled 803, representing no change since 2004–05.	19
• Considered and imposed instructions and directions on nine extended supervision orders.	29
• Successfully managed the impact of new legislation, particularly relating to extended supervision orders.	9
• Engaged an independent consultant to review the Board's operations and implement changes to the organisational structure.	12
• Introduced a Management Team, effectively increasing communication and improving forward planning.	12
• Staff conducted regular meetings with registry and operations.	12
• Established detailed Staff Performance Management and Progression Plans.	11
• Increased staff involvement in strategic projects as leaders or working party members.	33
• Reviewed the Board's security systems and processes and initiated a plan to relocate to improved premises.	12
• Introduced a strategic business plan, covering a range of projects designed to improve the Board's operations.	11
• Delivered presentations about the work of the Board to a number of organisations and community groups.	31
• Increased opportunities for representatives of stakeholder groups to visit the Board and observe its decision-making processes.	30
• Staff participated in professional development opportunities designed to enhance service quality.	33
• Established a staff exchange program partnership agreement with Carlton Community Correctional Services.	34



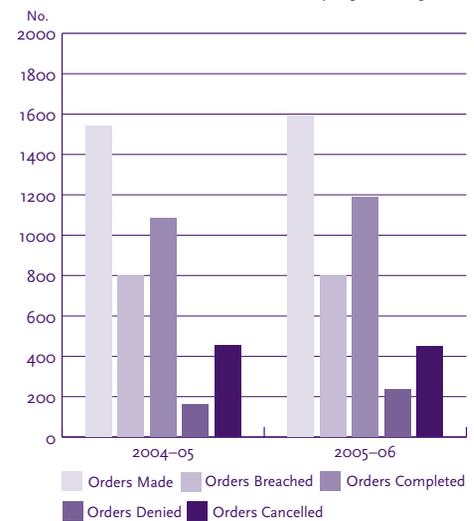
*In January 2006, a mentoring program was developed. The program aims to provide new staff of the Board with a mentor who will suit them and their requirements which will in turn provide benefits to the staff member, mentor and the Board. The mentor provides support, advice and assistance to the new employee during the induction and orientation period and then for a further six months. After that, the relationship may continue by agreement between the mentoree and the mentor. Pauline Bailey (pictured) and Christina Mavrakis were mentors to Tori Stoitsis (seated) who commenced at the Board on the 25 January 2006.*

# The Year at a Glance

Item	2005-06	2004-05	% Change
Cases considered	7,643	7,515	1.7
Board meeting days	117	116	0.9
Meetings at prisons	51	54	(5.6)
Offenders interviewed at prison	1,591	1,674	(5.0)
Parole orders made	1,504	1,538	(2.2)
Parole orders breached	803	803	n/c
Parole orders completed successfully	1,188	1,086	9.4
Parole orders denied	237	159	49.1
Parole orders cancelled	449	456	(1.5)
Reason for cancelling parole orders due to:			
• failure to comply with conditions of parole	275	258	6.6
• further conviction and sentence	174	198	(12.1)
Length of parole served prior to cancellation:			
• day of release to less than three months	120	107	12.1
• three to less than six months	114	140	(18.6)
• six to less than 12 months	109	111	(1.8)
• 12 months or more	106	98	14.3
Breaches not resulting in cancellation	354	347	2.0
Warnings issued relating to breaches not resulting in cancellation by:			
• Board	98	79	24.1
• Community Correctional Services Staff	221	193	14.5
• Letter from Board	13	8	62.5
No further action taken by Board for breaches not resulting in cancellation	22	67	(67.2)
Home detention applications received	283	293	(3.4)
Home detention orders made by Board	35	57	(38.6)
Home detention orders made by courts	14	8	75.0
Home detention orders revoked	5	5	n/c
Extended Supervision Orders (Instructions and Directions Imposed)	9	n/a	n/a
Transfers from youth training centres to prison	24	13	84.6
Transfers from prison to youth training centres	9	6	33.3
Parole orders transferred outside Victoria	36	32	12.5
Parole orders transferred to Victoria	53	17	211.8
Total employees	15	15	n/c
Judicial members	10	6	66.7
Community members	11	6	83.3

n/c=no change; n/a=not applicable.

Parole Orders Caseflow—2004-05 to 2005-06



Operating Expenditure—2005-06



## Operating Statement and Financial Summary—2004-05 to 2005-06

Item	2005-06 \$	2004-05 \$
<b>Funding</b>		
Appropriation (Corrections Victoria)	1,325,500	1,244,400
<b>Expenditure</b>		
Salaries to staff	695,572	655,607
Sessional member fees	56,654	58,609
Salary related on-costs	230,745	208,395
Operating expenses	323,356	368,883
<b>Total</b>	<b>1,306,327</b>	<b>1,291,494</b>

The Board is funded by Corrections Victoria. Our budget strategy for 2006-07 is to maximise productivity while operating within our budget allocation.

# Business Plan Overview

The Board's Business Plan builds on our previous achievements and charts a course for the future. The 2005–06 plan was prepared to identify project initiatives and key priorities to achieve the Board's vision. In addition, the plan aims to promote a performance-driven culture at the Board and to provide a platform for pursuing continuous improvement at every opportunity.

Objectives	What We Achieved
<b>Fulfil our statutory obligations efficiently and effectively and in the best interests of the community.</b>	<ul style="list-style-type: none"><li>• Conducted 7,643 hearings pursuant to requirements of the <i>Corrections Act 1986</i> (7,515 in 2004-05).</li><li>• Conducted 117 meetings, with 51 meetings held at various Victorian prisons where the Board interviewed 1,591 offenders and 66 meetings were held at the Board's office in Footscray, Community Corrections Centres and at the Thomas Embling Hospital.</li><li>• Successfully managed the impact of new legislation on the Board's operations, particularly relating to extended supervision orders.</li></ul>
<b>Make independent and appropriate decisions regarding the release of offenders on supervised conditional release or home detention orders and in relation to extended supervision orders.</b>	<ul style="list-style-type: none"><li>• Made 1,504 orders releasing offenders on supervised conditional release (1,538 in 2004–05).</li><li>• Made 35 home detention orders (57 in 2004–05).</li><li>• Considered and imposed instructions and directions on nine extended supervision orders.</li></ul>
<b>Make appropriate orders relating to cancelling parole or home detention orders and returning offenders to prison custody.</b>	<ul style="list-style-type: none"><li>• Cancelled 449 parole orders, representing a decrease of 1.5% (456 in 2004–05).</li><li>• Revoked five home detention orders (five in 2004–05).</li></ul>
<b>Ensure that offenders are properly prepared to reintegrate into the community.</b>	<ul style="list-style-type: none"><li>• Continued to provide a case management function for parolees by interviewing prisoners early in their sentence to identify rehabilitation objectives before being considered for parole.</li><li>• Conducted regular interviews with prisoners and obtained reports so that the Board could monitor their progress for an appropriate period prior to release on parole.</li></ul>
<b>Maintain a program of continuous improvement including the ongoing review of management practices and strategic plans.</b>	<ul style="list-style-type: none"><li>• Introduced the Board's strategic business plan, covering a range of projects designed to improve the Board's operations.</li><li>• Conducted regular planning meetings with registry and operations staff.</li><li>• Increased staff involvement in strategic projects as leaders or working party members.</li><li>• Implemented a review of the Board's security systems and processes and initiated a plan to relocate to premises closer to the Melbourne legal precinct with improved security and access to public transport for staff and clients.</li><li>• Responded to all incoming correspondence within 14 days of receipt.</li></ul>

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## Objectives

**Develop and sustain an organisational climate of excellence through best practice human resource management.**

## What We Achieved

- Increased the Board's membership by appointing nine members, including two Judges of the County Court of Victoria, two Victorian Magistrates and five Community Members.
- Re-appointed Chairperson Justice Kellam, Deputy Chairperson Justice Teague and Judicial Member John Dugan.
- Delivered a comprehensive orientation and induction program to the newly appointed members of the Board.
- Commenced work on the production of an Administration Manual.

**Develop a flexible, responsive and skilled administrative staff by providing a safe, challenging and team-oriented work environment, professional development opportunities, and the appropriate use of specialised expertise.**

- Established detailed Staff Performance Management and Progression Plans.
- Conducted feedback and review meetings every six months.
- Staff participated in professional development opportunities designed to enhance service quality.
- An independent consultant conducted a review of the Board's operations and implemented changes to the organisational structure.
- Introduced a Management Team, effectively increasing communication and improving forward planning.
- Conducted regular debriefing sessions after prison meetings to ensure staff wellbeing.
- Established a staff exchange program partnership agreement with Carlton Community Correctional Services.

**Maintain efficient, effective and responsible management and control of the Board's finances and ensure public accountability.**

- Maintained the efficient, effective and responsible management and control over the Board's finances and ensured public accountability by regularly reviewing expenditure.
- Managed all costs (capital and recurrent) to within the Board's allocated budget.
- Reviewed compliance requirements concerning personal expenses.

**Promote the accessibility and efficiency of the Board by increasing awareness of its functions and powers.**

- Delivered presentations about the work of the Board to a number of organisations and community groups.
- Maintained an active 'observers program'. During 2005–06, 102 visitors attended meetings to observe the work of the Board.
- Continued work to modernise and upgrade the Board's website.

# Chairperson's Message

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Throughout the year under review, the Adult Parole Board has discharged its highly responsible and onerous obligations to protect the safety of the community by exercising sound judgement in a professional manner. This approach has been achieved, notwithstanding the increasingly difficult environment in which the Board operates and the additional responsibility under the *Serious Sex Offenders Monitoring Act 2005* that it has assumed during the period.

## Mental Health Issues

The number of prisoners who suffer from clinically-diagnosed serious mental health disorders, such as schizophrenia, as well as from serious intellectual disability, continues to be of significant concern to the Board. The principal concern is that community resources are insufficient to provide adequate support and accommodation to such persons. Very often this lack of support is associated with their initial offending behaviour, but it is of real concern when such persons leave prison, whether on parole, or at the end of their sentences. Once again, I acknowledge the valuable support of Forensicare to such prisoners. However, the resources of Forensicare, both at the Thomas Embling Hospital and in the community, are stretched severely. Recently, the Federal Government announced significant increases in mental health funding. Hopefully, in the future such funding will provide community mental health resources that will provide the level of safety the community requires. However, at the moment, the rate of imprisonment of mentally ill and profoundly intellectually disabled members of the community, and the limited resources available to house and support such persons upon parole remains of real concern to the Board.

## Marrgoneet Correctional Centre

The Board is pleased to see the focus upon appropriate programs for prisoners while they are in prison and which can now be provided in a highly professional and focused manner at the new Marrgoneet Correctional Centre which opened in March 2006. The Board maintains its view that **all sex offenders** should be assessed for the purpose of providing sex offender programs in prison. It is hoped that this will be achieved at the Marrgoneet Correctional Centre. However, in addition to providing appropriate programs for sex offender programs in prison, it is necessary to ensure that parolees obtain an adequate level of access to sex offender maintenance programs whilst on parole. In addition, the Marrgoneet Correctional Centre will provide intensive programs in drug and alcohol rehabilitation. It is intended that intensive programs in relation to violence intervention will be conducted at Marrgoneet. For some time, the Board has been concerned about the lack of intensive violence intervention programs and hopes that this new initiative proves to be successful in reducing the rate of recidivism of violent offenders.



*Chairperson, The Honourable Justice Murray Kellam AO.*

## Intellectually Disabled Sex Offenders

In last year's Annual Report, the Board expressed its concern that intellectually disabled sex offenders were not provided with programs in prisons. The Board stated the view that it is imperative that such persons be provided with appropriate programs by the Department of Human Services or the Sex Offender Unit of Corrections Victoria. Regrettably, the issue was not resolved during the year under review but it is hoped that such programs will become available during 2006–07. The protection of the community demands that such programs be implemented as soon as possible.

## Release of Sex Offenders

The Board monitors the release of sex offenders who are granted parole carefully. It is commonplace for strict conditions relating to appropriate accommodation, curfews and other matters such as contact with victims, other offenders and young persons, to be placed upon the parole order of such offenders. It is not uncommon for restrictions to be placed upon such offenders in regards to geographical areas which they are forbidden to enter. The Board remains concerned at the unavailability of appropriate accommodation for such offenders whilst they are on parole. Once again I acknowledge the continued support of Sister Clare McShee of Australian Community Support Organisation (ACSO) in her endeavours to obtain appropriate accommodation for paroled sex offenders. Ensuring that such offenders do not re-offend is paramount to the interests of the community. Obtaining appropriate accommodation for such persons is vital in protecting the community, because it reduces the risk of re-offending. Appropriate

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accommodation ensures that adequate controls can be applied to such persons. It is vital that they attend post-release sex offender maintenance programs and, in some cases, continue to be monitored in relation to the provision of libido-suppressing medication.

### **Serious Sex Offenders Monitoring Act 2005 and Extended Supervision Orders**

The first prisoners to be placed under the *Serious Sex Offenders Monitoring Act 2005* were released early in the year under review. The intention of the Act is that offenders who have served custodial sentences for certain sexual offences, and who continue to be a danger to the community at the end of their sentences or at the end of any period of parole granted may be the subject of a continuing supervision order to be made by the original sentencing court. The Board is responsible for setting appropriate conditions on such an extended supervision order. Although the original sentencing court has jurisdiction to deal with any breach of condition. The issue of accommodation has become a matter of great concern because it is almost impossible to find any accommodation in the community for such persons. Regrettably, in the course of the year under review, some irresponsible sections of the media generated what, in effect, amounted to vigilante action against not only such persons but also entirely innocent members of the community. The experiences of the past year emphasise the necessity for the community to give careful consideration to the establishment of appropriate accommodation that could provide a continuum of correctional services to high-need parolees such parolees and persons who are subject to extended supervision orders. In last year's Annual Report, I referred to the statements made by the former Chairperson of the Board, the Honourable Justice Frank Vincent, during the 1980s when he called for the establishment of 'halfway houses'. In my view, it remains necessary that careful consideration be given to providing appropriate accommodation arrangements to create a bridge between institutional detention of high-need sex offenders and their supervision in the community, whether on parole or under an extended supervision order. Such accommodation would provide appropriate safety for the community, and appropriate supervision and rehabilitation programs and services for sex offenders.

### **Drug Abusing Prisoners**

The Board continues to be concerned about the rate of recidivism amongst drug using offenders. It is hoped that the programs at the Marnoneet Correctional Centre will assist in the reduction of recidivism amongst such offenders. However, in the long term, such problems will continue until the community deals with widespread drug abuse by young people and the underlying social con-

ditions leading to such abuse. Whilst these matters are ignored the incidents of drug related crime will remain high.

### **The Community Perception of Parole**

Fundamentally, the granting of parole serves the public interest rather than constituting a privilege accorded to a prisoner for good behaviour in prison. The Board is of the firm view that, in many circumstances, the protection of the community and the avoidance of recidivism is enhanced by a period of strictly supervised release on parole. During such a conditional period of release, programs can be implemented, and the lifestyle and living circumstances of the parolee can be supervised by Community Correctional Services. If a prisoner is not paroled but serves the full length of his or her prison term, such a prisoner is then released back into the community without any supervision, control or restraint. Regrettably, some sections of the media fail to recognise that the community interest is served by granting parole rather than perceiving it as some kind of reward to prisoners. The principal purpose of granting parole is to serve the public interest by supervising the offender closely during his or her period of reintegration into the community. On occasions, the Board imposes onerous conditions of parole, which include a curfew, strict conditions about a place of residence, requirements to attend programs, the necessity to undertake random substance testing, restrictions upon persons with whom the offender might associate, and areas where the offender is not permitted to enter. In addition, some sex offenders, while on parole, receive appropriate medication to reduce their risk of re-offending during their period on parole. Generally, the Board will not grant parole to prisoners who do not engage actively in prison programs, or who have a poor record on previous grants of parole, or who demonstrate by their behaviour in prison that they are not fit to be released on parole. Indeed, the number of prisoners who were refused parole for these reasons during the year under review exceeded the number of prisoners who were refused parole during the previous corresponding period. Nevertheless, the Board believes firmly that the public interest is not served by releasing longer-term prisoners into the community at the end of their sentences without supervision, nor without having strict conditions imposed upon their parole orders.

### **New Members**

Five additional community members were appointed to the Board on 5 July 2005. They are:

- Dr Julian Davis who has wide experience with mental health facilities and with psychiatric patients in Victoria;
- Janet Farrow who has had wide experience with drug users in

# Chairperson's Message

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her previous capacity as Chief Executive Officer of Moreland Hall;

- Dr Kerry-Lee Jones who is a qualified neuropsychologist, bringing an additional and much needed community skill to Board membership;
- Lisa Ward who is a trained social worker and has had extensive experience in dealing with juvenile offenders and with women offenders in the community; and
- Judith Wright who has a deep understanding of probation services and the Community Corrections environment.

I am delighted that the new community members bring to the Board a broad understanding of the Victorian community and that each of them, in his or her own way, has specialised knowledge and experience, which will enhance the Board's professionalism in dealing with the most challenging group of persons in our community.

## **New Judicial Members Appointed**

I am delighted that His Honour Judge James Duggan and Her Honour Judge Margaret Rizkalla, both judges of the County Court of Victoria, have joined the Board, with their appointments commencing on 11 October 2005. Both have extensive experience in criminal law in Victoria and a broad understanding of the community in which they live. In addition, Lesley Fleming and Steven Raleigh, who are both members of the Victorian Magistrates' Court and with extensive and broad experience both in the community and in the courts, were appointed to the Board on 11 October 2005. I welcome the new judicial members who will chair divisions of the Board in the forthcoming years and am grateful that such experienced and knowledgeable persons have accepted appointment to the Board.

## **Victims Register**

The Victims Register commenced operation on 30 August 2004. Victims of a violent crime committed against them by an adult may request to be placed upon the Register to enable them to provide relevant and accurate information about the offender to the Board and to enable the victim to make representations to the Board in relation to issues relevant to parole. The legislation formalised the informal approach adopted by the Board over many years in taking into account the concerns of victims in relation to the setting of parole conditions. The new process is proving effective in ensuring that the Board is fully informed as to the concerns of those victims who choose to have their names placed upon the register before the Board makes an order for parole. This process is particularly useful in terms of setting conditions that relate to geographical restrictions and other conditions to prevent any contact between victims and offenders.

## **Research**

The Board relies upon the effectiveness of programs provided to offenders in prison and the offenders' response to the provision of such programs in prison. The Board is satisfied that many of the programs provided by Corrections Victoria, particularly the sex offenders program, are highly effective in ensuring that recidivism is minimised. Nevertheless, the Board is of the firm view that there should be careful evaluation of such programs and that there should be appropriate research into the rate of recidivism of particular types of offenders who have undertaken such programs.

## **Acknowledgements**

I am grateful to David Provan who, in his first full year as General Manager of the Board, has demonstrated his professionalism and capacity to serve the Board to a high degree of proficiency. Once again, full-time member of the Board, Michael Hepworth has played a leading role in the performance of the Board, and I thank him. Anna Djuric has played a leadership role in her management of the home detention work of the Board and, furthermore, in relation to the general administration of the office of the Board. In this regard, the Board is most fortunate to have a highly professional staff who provide its members with all of the support they require. I acknowledge with gratitude the work done by those members of staff who act as meeting coordinators and assistants, and I acknowledge the long hours involved in the preparation for sittings, particularly in prisons. It is commonplace for staff members to work a 10 or 12 hour day when the Board is undertaking sittings in prisons, and I express my gratitude to the whole staff for their dedication in ensuring that the work done by the Board is of a highly professional nature. I acknowledge the cooperation of Community Corrections Officers throughout Victoria. The assistance provided by such officers in ensuring that the public interest is served by appropriate supervision of parolees is absolutely essential to the operation of the Board and to the reduction of recidivism by offenders. The professional support of Community Corrections Officers throughout Victoria is of a high standard. I thank the Commissioner for Corrections Victoria, Mr Kelvin Anderson, for his support of the Board throughout the year under review.

The Board anticipates another challenging year in 2006–07, which will be the 50th year of its operation, but is confident that its professional approach to the management of the parole system in Victoria will stand the community in good stead.



The Hon Justice Murray Kellam, AO  
Chairperson

# General Manager's Report

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The 2005–06 year marked an exciting period in which the administrative staff implemented a variety of initiatives aimed at enhancing the Board's organisational performance, accountability and service delivery.

## **Business Plan Introduced**

A key challenge for the Board's staff over the next few years will be to continue to deliver quality services to members and stakeholders in the context of acquiring additional responsibilities (such as those under the Serious Sex Offender Monitoring Act 2005) and a greater demand for services. In order to meet these challenges, a number of critical targets need to be reached. During the year under review, a Business Plan was prepared to identify objectives and performance targets and to set priorities to achieve the Board's vision. In addition, the Plan aims to promote a performance-driven culture at the Board and to provide a platform for pursuing continuous improvement at every opportunity.

## **Increased Staff Involvement**

In January 2006, staff of the Secretariat chose two or three strategic projects identified in the Business Plan the development and implementation of which they would either manage or assist as a working party member. These projects were then listed in the staff member's Performance Management and Progression Plan.

## **Detailed Performance Management and Progression Plans Established**

A key aim of the performance management program is to ensure that staff 'work towards a common purpose': the achievement of the Board's goals and objectives. During 2005, all staff prepared, in consultation with their manager, a detailed Performance Management and Progression Plan. Staff now have a clear understanding of what is expected of them in their job with respect to quantity and quality. Each plan outlines the officer's work priorities and the knowledge and skills required to support his or her current and future job and career needs. Feedback and review meetings are conducted every six months and focus on the officer's current level of performance and opportunities for improvement. The performance management cycle runs from the 1 July of each year until 30 June the following year and provides a mechanism for evaluating work and rewarding good performance based on outcomes.



*General Manager David Provan.*

## **Continuous Staff Development**

The Board's administrative staff continued to meet an ever-increasing workload due to a program of continuous staff development. A number of staff were offered the opportunity to develop their skills by performing higher-duty assignments with the aim of further expanding their skill levels. This process strengthened the knowledge capacity of staff, enabling them to provide more effective information and advice to Board Members, offenders, prison staff, Community Corrections Officers and the public.

In addition, staff undertook more rewarding and challenging work, while ensuring that when they moved on to fulfil new job roles, remaining staff were able to more readily take up higher-level positions with little or no disruption to the Board's administrative operations.

During 2005–06, the Board conducted an orientation and induction program for new staff to equip them to meet the challenges of the role. In addition, staff attended courses conducted as part of the Department of Justice Learning Program, which were relevant to their current work, career aspirations and organisational needs.

# General Manager's Report

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## **Mentoring Program Developed for New Staff**

In January 2006, we developed a mentoring program, which aims to provide new staff of the Board with a mentor specifically suited to the staff member's requirements. In turn, the program provides benefits to the staff member, mentor and the Board. The mentor provides support, advice and assistance to the new employee during the induction and orientation period and then for a further six months. After that time, the relationship may continue by agreement between the mentoree and the mentor. Pauline Bailey and Christina Mavrakis served as mentors to Tori Stoitsis, who commenced at the Board on 25 January 2006.

## **Exchange Program Established**

In January 2006, the Board and Carlton Community Correctional Services (CCS) established a staff exchange program partnership agreement. The program provides for a nominated staff member from each organisation to be given the opportunity to exchange workplaces for a period of four weeks for the purposes of professional development and to strengthen working relationships between the two work units.

Melissa Gale from Carlton CCS worked at the Board from 23 January until 24 February 2006. Between 22 May and 16 June 2006, Carmen Stansfield from the Board worked at Carlton CCS. Both Melissa and Carmen found the exchange to be "very valuable and a worthwhile experience".

## **Management Team Introduced**

Sam Kenny, a Senior Consultant with the Human Resources Branch of the Department of Justice, conducted a review of the Board's organisational structure and associated matters during 2005–06. One of Mr Kenny's recommendations was to establish a management team to provide an appropriate managerial level at the Board. The recommendation was accepted and implemented on 1 May 2006.

The management team comprises the General Manager who has overall responsibility for the management and administration of the Board, the Operations Manager (Anna Djuric) who oversees the management of the day-to-day operations, and the Registry Manager (Cheryn Bagaric) who oversees the management and co-ordination of the daily activities within the Board's Registry. The establishment of the management team now aligns jobs (roles, responsibilities and accountabilities) that best meet the current and future requirements of the Board.

## **Induction and Orientation Training Program for Members**

In July and November 2006, we prepared and delivered a comprehensive orientation and induction program for the newly-appointed Board members.

The program was designed to provide the new members with the opportunity to:

- gain a better understanding of the functions, powers and duties of the Board, and the requirements for the conduct of statutory office holders;
- address key issues concerning practices and procedures of the Board;
- explore the hearing process;
- acquire an understanding of the roles and responsibilities of various business units within Corrections Victoria;
- discuss the role and responsibilities of other organisations that provide services to the Board; and
- understand the role of, and the services delivered by, the Board's administrative staff.

## **Administrative Work Practices**

In order to improve organisational efficiency, the Board undertook the following activities with regard to its administrative work practices:

- Successfully managed the impact of new legislation on the Board's operations, particularly relating to extended supervision orders.
- Conducted regular meetings with registry and operations staff.
- Implemented a review of the Board's security systems and processes and initiated a plan to relocate to premises closer to the Melbourne legal precinct with improved security and access to public transport for staff and clients.
- Designed and implemented quality assurance procedures.
- Continued work to modernise and upgrade the Board's website.
- Graduated from a six-month roster to a 12-month program of sittings.

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## Increasing Case Load

Since 1998–99, the Board has experienced a significant upward trend in the number of cases considered from 4,534 to 7,643, equating to an increase of 69.0%. While our resources continued to be fully stretched to meet timeliness targets, staff achieved a high level of quality in their work. In nearly all cases considered by the Board, the staff of CCS provided regular reports indicating the progress of offenders.

Together with the Board, CCS is responding effectively to the increasing case load, meeting the Board's needs by providing such reports in a timely manner.

CCS can request changes to the reporting regime, permission to travel or request a tightening or reduction in program conditions. Consequently, the Board can adapt parole to reflect an offender's individual management requirements.

## Actively Monitoring Offenders

The Board continued to strictly monitor offenders on parole. Staff of the Board played a role in managing offenders during their parole period by regularly discussing issues concerning the management of offenders with CCS officers. The purpose of this approach is to achieve the required balance of program attendance, supervision, community work and other requirements, to ensure the offender completes the order successfully. Such a proactive approach often avoided having to initiate breach proceedings against an offender.

## Home Detention

Now in its third year of operation, the Home Detention Pilot Program enables the Board to release non-violent, low-security offenders convicted of specific offences to home detention, after serving two thirds of their sentences. A comprehensive analysis of the program's operations during 2005–06 is provided on pages 26–27 of this Annual Report.

I thank Anna Djuric, Christie Hall (until October 2005) and Kirrilee Till (from December 2005) for the professional and dedicated approach they provided in managing the Board's home detention responsibilities.

## Information Technology (IT)

On 2 May 2005, the Criminal Justice Enhancement Project (CJEP) computer system was introduced at the Board. At the time of writing the report, the Prisoner Information Management System (PIMS) computer system remains the database of record during the

transition period. As a result, the double entry of data into two computer systems has placed the Board's staff under considerable strain.

During the early stages of the project, Tonnette Santiano represented the Board and worked with the computer analysts to design the Board's IT functionality. Since May 2005, Tonnette performed the roles of acceptance testing, training and support, as well as undertook the duties of her substantive position of Meeting Coordinator. I thank Tonnette for her ongoing commitment to ensuring the project's success.

## Acknowledgements

I wish to acknowledge the valuable post-release services offered by the following agencies:

- Australian Community Support Organisation (ACSO)
- Victorian Association for the Care and Resettlement of Offenders (VACRO)
- Community Offenders Advice and Treatment Service (COATS)
- Salvation Army—Flagstaff Support Services
- Anglicare
- Brosnan Centre
- Galiamble Halfway House
- Percy Green Memorial Hostel

Without the considerable assistance provided by such agencies, prisoner rehabilitation would be far more difficult to achieve.

It has been a pleasure and a privilege to work at the Board since January 2005, and I thank Justice Kellam and the members for their ongoing support. I would particularly like to take this opportunity to thank the Board's Management Team—Anna Djuric and Cheryn Bagaric—and staff for their support over the past 12 months and for the efficient and effective manner in which they undertook their work.

Despite facing many challenges during a period of significant change, all staff provided an excellent level of service to the Board, the public and their colleagues in the correctional environment.



David Provan  
General Manager

# Our Performance

## Cases Considered

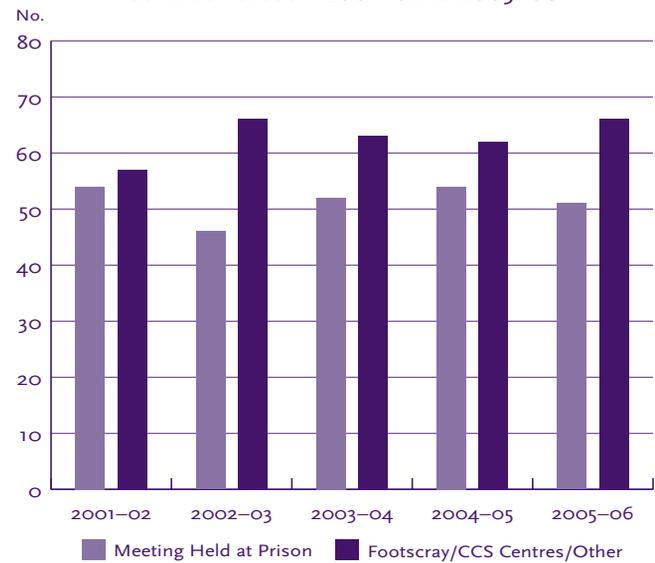
During 2005–06, the Board met on 117 occasions (116 in 2004–05) and considered 7643 matters (7,515 in 2005–06). The table below shows cases considered by location. This result represents a 1.7% increase in the number of cases considered, compared with the previous financial year.

The Board has experienced a rising trend in cases considered since 1998–99 when it considered 4,534 matters, representing a 69% increase over this period. The continued increase in cases considered is significant and has placed enormous strain on the Board's resources.

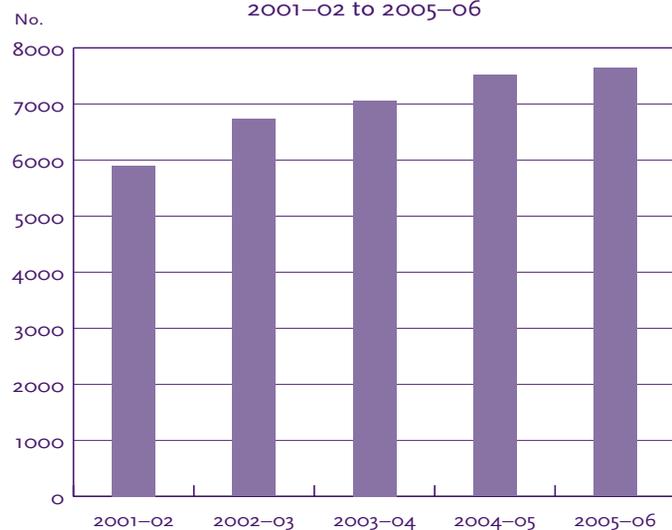
The complexity of cases involving offenders, both in custody and on parole, placed considerable demands on the Board's time in determining cases. The Board continued to monitor specific offenders who had been released on parole with problems involving psychiatric and accommodation issues, and the risk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

To monitor such offenders, the Board required them in particular circumstances to attend interviews at its Footscray office or, if they resided in country Victoria, their closest CCS Office. The Board requested reports from CCS to stay informed of the progress of such offenders. The transient and drug culture lifestyle of many offenders prior to their imprisonment usually presents difficulties 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 ensure offenders are able to meet the conditions of their parole.

Number of Board Meetings Conducted to Consider Cases—2001–02 to 2005–06



Total Number of Cases Considered—2001–02 to 2005–06



## Cases Considered by Location—2003–04 to 2005–06

Location	No of Meeting Days			%			No of Cases			%		
	05–06	04–05	03–04	05–06	04–05	03–04	05–06	04–05	03–04	05–06	04–05	03–04
Footscray (HQ)	48	46	48	41	40	45	5,989	5,759	5,312	78	77	75
Prisons	51	54	52	43	46	42	1,591	1,674	1,675	21	22	24
CCS Centres	17	15	14	15	13	12	53	73	67	1	1	1
Thomas Embling												
Hospital	1	1		1	1	1	10	9	7	-	-	-
Total	117	116	115	100	100	100	7,643	7,515	7,061	100	100	100



*From left—Members of the Board Terry Laidler, Lisa Ward, Jelena Popovic, Vera Olson, Carolyn Douglas, Murray Kellam, David Provan (General Manager) and Michael Hepworth.*

## Prison Visits

During 2005–06, the Board undertook a regular program of prison visits to:

- offer additional opportunities for offenders to access the Board directly through personal representations, which was especially useful for those offenders whose release on parole has been, or may be, denied or deferred by the Board;
- provide more effective integration of the Board's activities within the correctional system;
- increase the Board's contact with prison and community-based corrections staff; and
- enable the Board to make more informed assessments by directly discussing cases with individual offenders.

Of the 117 occasions the Board met, 51 meetings were held at various Victorian prisons (54 in 2004–05) where the Board interviewed 1,591 offenders (1,674 in 2004–05). This result represents a 5.0% decrease in the number of offenders interviewed by the Board at prison and a 5.6% decrease in prison visits, compared with 2004–05.

The Board aims to ensure that all offenders are aware of their obligations and the consequences if they breach their parole. However, it is impossible for the Board to interview all offenders who are released on parole, particularly if a court fixes short non-parole periods for offenders or where offenders are transferred within the prison system.

If the Board does not interview offenders in prison, the Full-Time Member often interviews them by video conference prior to release or the Board directs them to attend its premises in Footscray. Such offenders are then interviewed by either the Board, the Full-Time Member or the General Manager who advises them fully of their responsibilities and obligations under parole.

## Offenders in Custody

On 30 June 2006, the number of offenders eligible for parole totalled 2,559, compared with 2,354 on 30 June 2005. 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 offenders in custody totalled 3,905 as at 30 June 2006 (3,692 as at 30 June 2005).

# Our Performance

## Offenders Considered for Release

Corrections Victoria notifies the Board of offenders who have a future eligibility for parole. At that time, the Board considers each case and decides to either:

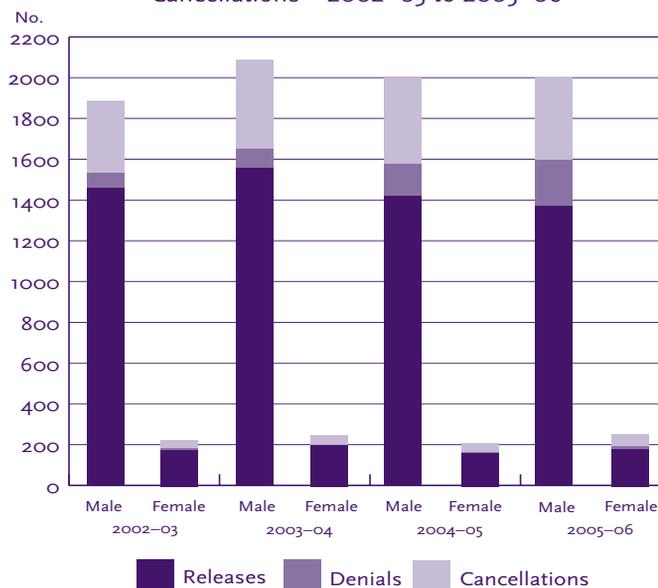
- grant release;
- defer consideration until a later date; or
- deny release on parole.

The Board takes into account the individual merits of each case to determine the appropriate time to release an offender on parole. Before making its decision, the Board reviews reports from Community Correctional Officers (CCOs), prison staff, medical practitioners, psychologists and psychiatrists (refer to 'Factors Influencing Board Decisions' on page 17).

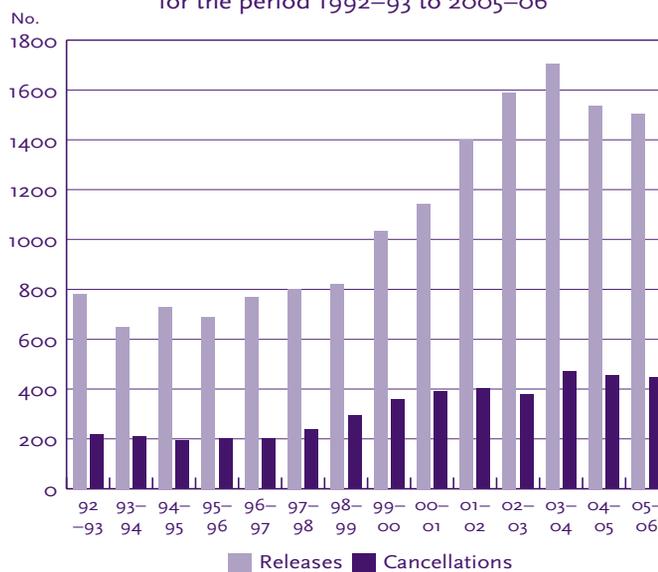
In addition, the Board examines the offender's criminal history and any comments recorded by the sentencing court. The offender or people interested in the case may make representations for consideration by the Board, including written submissions from victims. To assist the decision-making process, the Board may interview the offender and professional people working with the offender. The Board pays particular attention to offenders convicted of serious offences, such as violent crimes.

The Board aims to ensure its proceedings are conducted properly and fairly for all parties involved. While there is no formal avenue of appeal against a decision of the Board, offenders may request a review of any Board decision. This review may be initiated in writing by the offender, or by a person on behalf of the offender, or by the offender requesting an interview with the Board. In making decisions to grant, deny, defer or cancel parole, the Board considers each case on its merits, while using flexible guidelines developed over many years to streamline the decision-making process.

Parole Releases, Denials and Cancellations—2002–03 to 2005–06



Parole Releases and Cancellations for the period 1992–93 to 2005–06



Parole Releases, Denials and Cancellations—2003–04 to 2005–06

	Releases			Denials			Cancellations		
	05–06	04–05	03–04	05–06	04–05	03–04	05–06	04–05	03–04
Male	1,370	1,420	1,557	229	155	93	403	423	438
Female	134	118	149	8	4	-	46	33	34
Total	1,504	1,538	1,706	237	159	93	449	456	472

## Releases and Denials on Parole

During 2005–06, the Board:

- made orders for the release of 1,504 persons on parole (1,538 in 2004–05);
- denied 237 persons release on parole (159 in 2004–05); and
- cancelled parole orders for 449 persons (456 in 2004–05).

As shown above, the number of orders made to release offenders on parole decreased by 2.2% and the number of cases where the Board denied parole rose by 49.1%. Despite a greater number of offenders being eligible for parole during the period, the Board granted fewer persons parole and denied release on parole to a significantly higher number of persons.

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

- failure of offenders to undertake programs that address their offending behaviour;
- continuous drug use;
- previous unsatisfactory performance on parole; and
- insufficient time for an effective parole period.

During 2005–06, cancellations of parole decreased by 1.5%. The Board considers this result encouraging, since it means that more offenders are complying with the conditions of their parole.

## Special Conditions of Parole

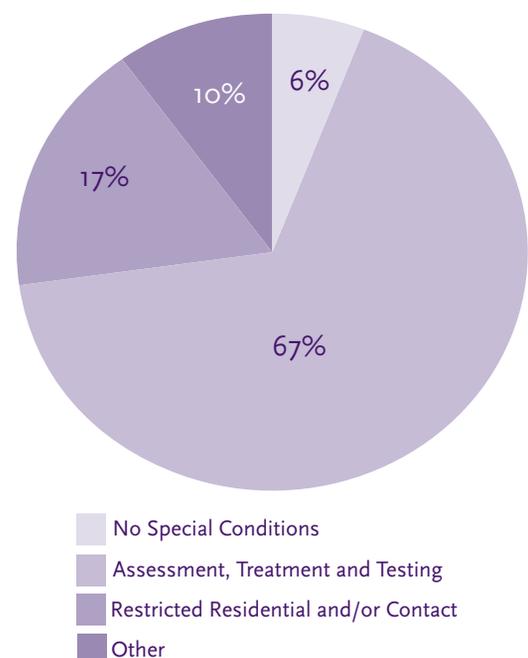
Where appropriate, the Board imposes special conditions on parole orders to address accommodation, lifestyle and treatment issues, including:

- 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;

### Factors Influencing Board Decisions:

- Nature and circumstances of the offence(s).
- Comments made by the sentencing court.
- Prior criminal history.
- Previous performance when under supervision in the community.
- Potential risk to the community if the offender were to be released from custody.
- Release plans.
- Assessments and recommendations made by appropriate professionals, including psychiatrists, psychologists and Community Corrections Officers (CCOs).
- Submissions made by the offender, the offender's family, friends and potential employers, or any other relevant individuals.
- Written submissions made by the victim or by persons related to the victim.
- Conduct of the offender while in custody or under supervision.
- Willingness of the offender to participate in relevant programs while in custody.

Special Conditions Imposed on Parole Orders—2005–06



The graph shows the more significant special conditions imposed on parole orders during 2005–06. The Board has continued to impose assessment and treatment for drug addiction, psychological, psychiatric or medical conditions for the majority of orders.

# Our Performance

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- attendance for treatment at the Community Forensic Mental Health Centre;
- no contact, directly or indirectly, with the victim or certain potential victims (this is an important protection for vulnerable persons in some situations);
- no unsupervised contact with children;
- participation in sex offender programs;
- avoidance of certain geographical areas;
- abstinence from alcohol;
- assessment by, and participation in, drug programs as directed by CCOs; and
- participation in drug programs as directed by CCOs in consultation with the Community Offenders Advice and Treatment Service (COATS).

During 2005–06, the Board continued to impose more stringent conditions on the parole orders of sex offenders, while ensuring that sex offenders understood that their expected compliance with these conditions would be rigorously enforced. For example, in some cases, the Board required that an offender must not:

- associate with certain persons;
- be employed in particular jobs;
- reside in certain neighbourhoods or households; or
- have contact with victims or their family members, even under supervision.

The Board almost always imposes the special condition of Assessment and Treatment (AT) as a condition of every parole order. This special condition provides supervising CCOs 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 CCO 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 CCO with the flexibility to arrange treatment without having to refer back to the Board.

## **Monitoring the Supervision of Offenders on Parole**

The Board interviews offenders on parole at its offices and at CCS offices in regional Victoria for the purpose of monitoring their progress while on parole. In addition, the Board consults with CCOs about the individual management of specific offenders and the broader issues affecting the supervision of offenders on parole. This process gives CCOs, particularly those new to CCS, the opportunity to gain knowledge about the Board's requirements and to discuss difficult issues surrounding the supervision of offenders.

## **Victims of Crime**

The Board fully appreciates the difficulties faced by victims of crime and their families who are exposed to the criminal justice system. Since 30 August 2004, Corrections Victoria has managed a Victims Register, maintaining contact with victims of crime who have asked to receive information about adult prisoners who have been convicted of committing violent crimes against them. The aim of the Register is to provide victims of violent crime with timely, relevant and accurate information about offenders during their period of imprisonment. Individuals included on the Register have a right to send a written submission to the Board, when the prisoner for whom they are registered is being considered for parole. During the financial year, the Board considered 62 submissions (45 in 2004–05).

The Board regularly imposes special conditions on parole orders, which are designed to protect victims from contact with offenders. The Victims Registrar will provide information about the release of an offender on parole, including any special conditions the Board has imposed, which are relevant to the offender's victim.

# People on Parole

## Parole Orders Successfully Completed

During 2005–06, offenders successfully completed 1,188 parole orders, representing a 9.4% increase, compared with 1,086 parole orders in 2004–05. 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.

## Breach of Parole Orders

If an offender fails to comply with any of the conditions of the parole order, including conviction and sentence for further offences while the order is current, he or she is in breach of parole and the Board may cancel the order. If a parole order has expired but a court imposes a sentence of more than three months' imprisonment for an offence or offences committed during the parole period, the Board still has jurisdiction to cancel parole.

If a breach occurs, the Board considers taking the following actions:

- Note the breach but take no further action.
- Issue a warning by way of:
  - the individual's attendance in person before the Board;
  - the Regional Manager of the supervising location; or
  - a letter from the Board.
- Add conditions.
- Cancel the order.

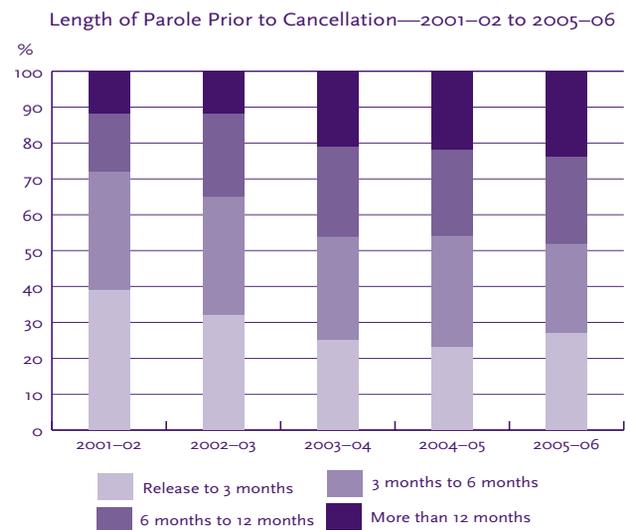
During 2005–06, offenders breached 803 parole orders, compared with 803 parole orders breached in 2004–05. These results include parole orders made by the Board in previous financial years.

Of the 803 parole orders breached, the Board cancelled 449 orders, representing 56.0% of all orders breached. This result compares with 2004–05 when 57.0% of the 803 parole orders breached by offenders resulted in cancellation of parole.

The Board considered the remaining breaches to be insufficient in severity to warrant returning the offender to prison. Offenders who fell into this category usually breached their parole by way of conditions, such as failure to attend supervised appointments. In such cases, the Board imposed a warning and adjusted the offender's reporting regime in order to enable the offender to complete parole successfully.



From left, Deputy Commissioner Jan Shuard, David Provan, CCS Acting General Manager John Insana and Michael Hepworth observe parolees removing graffiti from residential fences adjacent to public land in Sunshine. The graffiti removal program commenced in March 2004 and is a partnership between Brimbank City Council and Sunshine CCS.



The graph represents the length of parole served prior to cancellation of the parole order by the Board.

# People on Parole

## Breaches Resulting in Cancellation

When the Board cancels a parole order, it issues a warrant for the arrest of the offender who is then returned to prison custody where he or she is liable to serve the unexpired portion of the original sentence. However, the Board may release the offender again on parole during this period.

The Board determines whether the time spent on parole by the offender prior to cancellation is to be deducted from the unexpired portion of parole. In making this decision, the Board takes into account the nature of the breach and the offender's response to parole supervision.

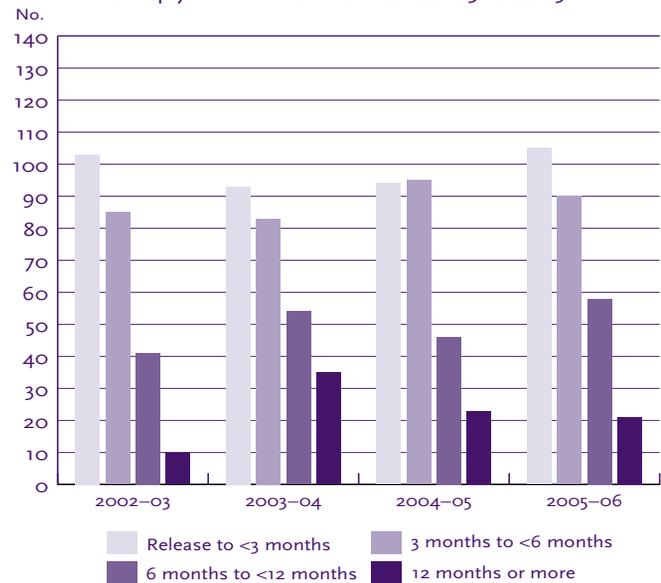
The number of cancellations decreased by 1.5% from 456 in 2004–05 to 449 in 2005–06.

Of the 449 parole orders cancelled, 275 (61.2%) resulted from the failure of the offender to comply with the conditions of parole, compared with 258 (56.6%) in 2004–05.

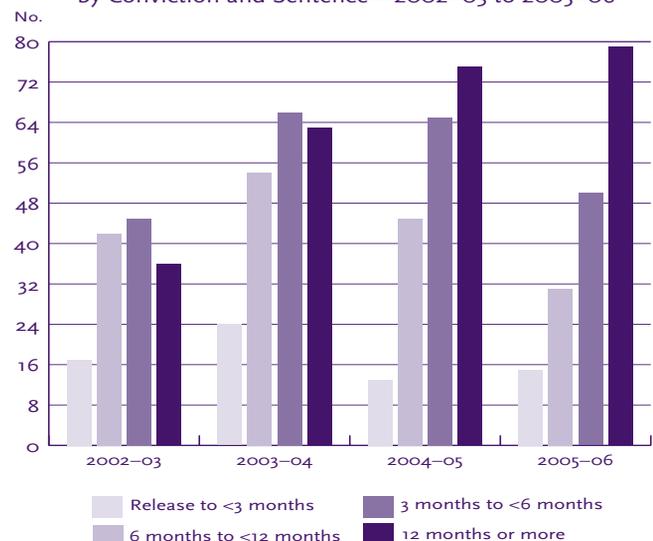
A total of 174 parole cancellations (38.8%) resulted from a further conviction and sentence being imposed on the offender, compared with 198 (43.4%) in 2004–05.

The Board considers parole breaches to be a serious matter and often deals with such breaches by cancelling parole orders. With the exception of certain general obligations, which apply to all persons on parole, conditions under which individual offenders are released are specific to each case. The Board clearly explains the supervision requirements to each offender. In the event of non-compliance, the offender may be required to appear before the Board so that the Board may assess whether any breach has, in fact, occurred and determine the course of action to be taken.

Length of Parole Prior to Cancellation by Failure to Comply with Conditions—2002–03 to 2005–06



Length of Parole Prior to Cancellation by Conviction and Sentence—2002–03 to 2005–06



The graphs above show the length of parole prior to cancellation by the Board for failure to comply with conditions and for further conviction and sentence.

## Parole Orders Successfully Completed and Cancelled—2003–04 to 2005–06

	2005–06			2004–05			2003–04		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Number of Parole Orders:									
Successfully Completed*	932	72	1,004	992	94	1,086	978	88	1,066
Cancelled	403	46	449	423	33	456	438	34	472
Total	1,335	118	1,453	1,415	127	1,542	1,416	122	1,538

\*Includes a count of the number of parole orders completed during each financial year. It is not a count of the number of individuals that completed an order. Individuals can have more than one parole order during a reporting period. These figures include both orders made prior to and during the reporting year.

During 2005–06, the reasons for cancelled parole orders included continued drug abuse by the offender, failure to attend for supervision or community work, failure to participate in programs as specified in the order, or convictions for further offences.

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

### Breaches Not Resulting in Cancellation

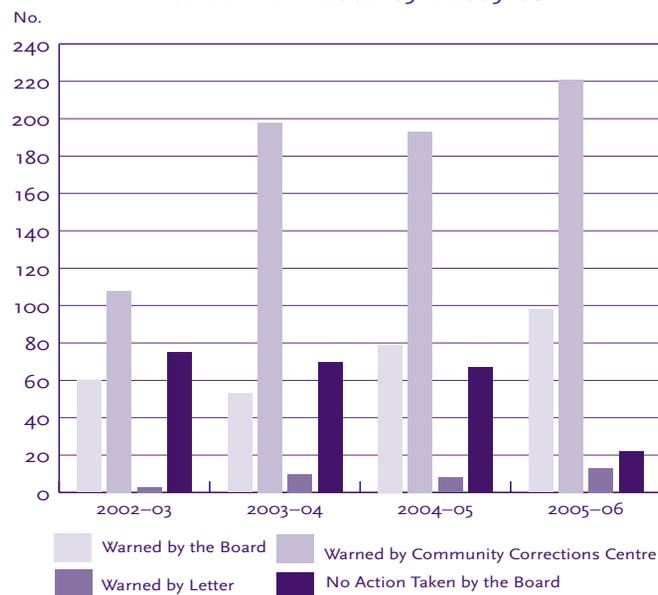
During 2005–06, the Board considered 354 cases involving breaches of the conditions of a parole order where it decided, considering all the circumstances, not to cancel the order. This result represents a 2% increase when compared with 347 cases in 2004–05.

The Board may not take action, particularly for a minor breach, if the offender's Community Corrections Officer has addressed the breach to ensure that the offender continues to comply with his or her conditions of parole. This procedure may involve an adjustment to the offender's reporting regime or the addition or deletion of specific conditions.

Of the 354 cases involving breaches not resulting in cancellation:

- 98 offenders (27.7%) were warned by the Board, compared with 79 (23.0%) in 2004–05;
- 221 offenders (62.4%) were warned by the Regional Manager or Centre Manager of the Community Correctional Centre, compared with 193 (56.0%) in 2004–05;
- 13 offenders (3.7%) were warned by letter, compared with eight (2.0%) in 2004–05; and

Breaches Not Resulting in Cancellation—2002–03 to 2005–06



The graph shows the total number of breaches not resulting in cancellation and the various actions taken.

- 22 cases (6.2%) involved no further action being taken by the Board, compared with 67 (19.0%) in 2004–05.

When the Board cancels a parole order, the offender is immediately returned to prison and is liable to serve the whole outstanding period of his or her sentence. Usually, the sentence the offender is required to serve constitutes the whole period of parole, regardless of the period he or she has spent on parole. The Board can re-parole offenders in appropriate circumstances.

When deciding whether or not to cancel parole, the Board considers the:

- type of breach;
- remaining parole period;
- performance of the offender and compliance with the other conditions of parole; and

### Cancellation of Parole—2003–04 to 2005–06

Period After Release	By Conditions			By Conviction and Sentence			Total			%		
	05–06	04–05	03–04	05–06	04–05	03–04	05–06	04–05	03–04	05–06	04–05	03–04
Release to <3 mos.	105	94	93	15	13	24	120	107	117	27	23	25
3 to <6 mos.	90	95	83	31	45	54	114	140	137	25	31	29
6 to <12 mos.	58	46	54	50	65	66	109	111	120	24	24	25
12 mos. or more	21	23	35	79	75	63	106	98	98	24	22	21
Total	274	258	265	175	198	207	449	456	472	100	100	100

# People on Parole

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- long-term rehabilitation of the offender, including employment and education issues.

Often, a minor breach of parole does not justify returning an offender to custody. In such instances, the Board:

- warns the offender formally;
- requests that the Regional Manager or Centre Manager from CCS warn the offender; or
- issues a warning by letter.

In most cases, such warnings are sufficient to re-focus offenders with regard to their parole obligations and responsibilities and, usually, offenders complete their parole orders successfully.

Frequently, the Board does not have jurisdiction to cancel an order, even though an offender has breached parole. These circumstances arise when an offender commits an offence while on parole but is not dealt with by the court until after the parole period has expired. In these circumstances, the Board can take action only by cancelling parole and returning the offender to custody if the court imposes a sentence of more than three months' imprisonment on any single charge.

Often sentences imposed on such convictions are less than three months, or it is not possible to identify whether any one charge has had a sentence of more than three months imposed.

## *Revocation of Cancellation Orders*

With regard to less serious offences, the Board has a policy of considering revoking cancellation orders and withdrawing warrants for apprehension and return to custody with regard to offenders who have not come before the courts in any jurisdiction in the Commonwealth of Australia for 10 years after the warrant was issued.

## **Supervising People on Parole**

CCOs attached to the Community Correctional Services (CCS), a Division of Corrections Victoria, supervise offenders released on parole and home detention in Victoria. These officers are accountable to the Board under section 73 of the *Corrections Act 1986*.

CCOs provide court advice and supervise individuals released on a number of different non-custodial, community based orders. Upon release, a parolee reports to the CCS Centre nearest to his or her home or to the offender's most convenient location.

## **Offenders Convicted of Murder**

The Board pays particularly close attention to offenders who have been convicted of murder both during their period of imprisonment and during any period of parole.

The Board reviews such offenders at intervals not exceeding five years from the commencement of their sentence. These reviews are conducted more frequently as the offender's parole eligibility date draws nearer. In addition, the Board conducts personal interviews with these offenders on a regular basis. Through this process, the Board can observe the progress of offenders while they remain in custody. This also enables the Board to encourage their participation in programs that will assist them to reintegrate into the community.

Three years prior to the earliest eligibility date for parole, in appropriate cases, the Board may fix a tentative date for release on parole. This procedure enables long-term offenders who, by reason of their good behaviour, have achieved a minimum security rating in prison to make application for leave pursuant to the *Corrections Act*. This date is tentative only and may be revoked.

When an earlier decision is made to release an offender, the Board continues to monitor the progress and behaviour of the offender. If an offender fails to act in an appropriate manner within the prison system, the Board revokes the order or defers release.

The Board actively supervises convicted murderers released on parole. Upon release the Board monitors them by obtaining progress reports from the supervising CCOs and requiring such offenders to attend interviews at least every three months during the first two years of the parole supervision period. If the parolee responds well to parole supervision, the intervals between these interviews may be extended as the supervision period progresses. Generally, the Board receives progress reports until this period expires.

## **Offenders Detained under Section 93 of the Sentencing Act 1991**

In cases involving offenders with a mental illness detained under section 93 of the *Sentencing Act 1991*, the sentencing court may require such individuals to serve their sentences in an approved mental health institution. Such facilities include the Thomas Embling Hospital, which is managed by the Victorian Institute of Forensic Mental Health, commonly known as Forensicare.

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Detainees become eligible for parole only when the Mental Health Review Board or the Chief Psychiatrist discharges them.

During 2005–06, the Board visited the Thomas Embling Hospital to monitor the progress of detainees. In addition, a member of the Board’s staff communicated on a regular basis with treating doctors and staff at the hospital. This procedure ensured that hospital staff brought any changes in the condition of detainees to the Board’s attention between visits to the hospital. Consequently, the Board was able to consider cases and make urgent and appropriate decisions without the need to attend the hospital.

Additionally, the Board’s procedures ensured that such individuals were released on parole without being returned to prison. This procedure benefited detainees with significant mental health issues by assisting their reintegration into the community. The Board worked with representatives of Thomas Embling Hospital and CCS Centres to develop appropriate release plans that provided a high level of support for detainees once they were released on parole.

In conjunction with the management of Thomas Embling Hospital, the Board continued to develop a register of detainees. Although the Board granted parole for detainees only after they were discharged by the Mental Health Review Board or Chief Psychiatrist, the Board monitored the progress of detainees during their treatment periods.

## Youth Transfers

The following information details youth transfers as defined under sections 240(1), 244(1) and 246 of the *Children and Young Persons Act 1989*.

### *Transfers from Youth Training Centres to Prisons*

Section 240(1) of the Children and Young Persons Act provides:

The Youth Parole Board may, on the application of the Secretary to the Department of Human Services, direct a person aged 16 years or more sentenced as a child by the Children’s Court or any other court to be detained in a youth training centre be transferred to a prison to serve the unexpired portion of the period of his or her detention as imprisonment.

When a person transfers to prison, he or she becomes subject to the jurisdiction of the Board as if the period of detention served by that person, prior to the transfer, had been a minimum term.

Section 246 of the Children and Young Persons Act provides that if a person:

- (a) has been sentenced to detention in a youth training centre; and
- (b) before the end of that sentence is sentenced to a term of imprisonment with respect to any offence the Youth Parole Board may direct that the person serve the unexpired portion of the period of detention as imprisonment in a prison and thereafter the person is subject to the jurisdiction of the Adult Parole Board as if the period of detention served by him or her before that sentence of imprisonment or his or her release on parole by the Youth Parole Board had been a non-parole period.

During 2005–06, 24 persons were transferred from a youth training centre to prison, compared with 13 in 2004–05.

### *Transfers from Prisons to Youth Training Centres*

Section 244(1) of the *Children and Young Persons Act 1989* provides:

If the Adult Parole Board considers it appropriate, in the interests of a person under the age of 21 years imprisoned in a prison, to transfer that person to a youth training centre, the Adult Parole Board may, if satisfied, after considering a report from the Secretary to the Department of Human Services:

- (i) that person is suitable for detention in a youth training centre; and
- (ii) a place is available in a youth training centre—direct that person be transferred to a youth training centre.

During 2005–06, nine persons were transferred from prison to a youth training centre, pursuant to this section, compared with six persons in 2004–05.

## Interstate Transfers

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

During 2005–06, the Registrar of Transferred Parole Orders advised the Board of the transfer from Victoria of 36 parole orders interstate (32 in 2004–05) as shown in the table on page 24.

The Registrar of Transferred Parole Orders also advised the Board of the transfer to Victoria of 53 parole orders from interstate (17 in 2004–05) as shown in the table on page 24.

# People on Parole

## Release of Drug Abusing Offenders

Under the Victorian Prison Drug Strategy, prison managers are required to perform random urine analyses of offenders to determine their Identified Drug User (IDU) status. Offenders guilty of illicit drug use are tested more frequently and are subject to an escalating range of prison sanctions.

The Board considers drug use by offenders very seriously. It advises offenders that they must remain drug free for a designated period, or else they will not be released on parole.

The Board recognises that offenders who use drugs while in custody will typically continue to use drugs after they are released and, therefore, are likely to re-offend. On numerous occasions, the Board has revoked parole orders for offenders who have continued to use drugs in prison prior to their release on parole.

All prisons provide drug and alcohol courses, with Fulham Correctional Centre and the Marnong Correctional Centre offering more intensive treatment programs. The Board supports those offenders who show initiative in addressing their drug issues by participating in drug treatment programs and who willingly submit to voluntary drug testing.

The Board gives offenders the opportunity to undertake such treatment and voluntary drug testing prior to making an order for their release on parole.

## Parole Orders Transferred from Victoria—2002–03 to 2005–06

	2005–06	2004–05	2003–04	2002–03
New South Wales	16	11	23	12
South Australia	1	2	5	6
Western Australia	4	2	4	-
Queensland	11	16	14	13
Northern Territory	1	1	1	-
Tasmania	2	-	4	4
Australian Capital Territory	1	-	-	-
<b>Total</b>	<b>36</b>	<b>32</b>	<b>51</b>	<b>35</b>

## Parole Orders Transferred to Victoria—2002–03 to 2005–06

	2005–06	2004–05	2003–04	2002–03
New South Wales	19	4	5	15
Western Australia	7	3	1	3
South Australia	11	1	6	4
Queensland	14	7	10	9
Tasmania	-	1	-	-
Northern Territory	1	-	-	1
Australian Capital Territory	1	1	-	1
<b>Total</b>	<b>53</b>	<b>17</b>	<b>22</b>	<b>33</b>

## Case Study: Community Corrections Officers—Supporting Offenders and Breaking the Cycle of Offending

Within a two year period, Mr L attended both the Melbourne Supreme Court and Melbourne County Court for serious violent offending. After pleading guilty at both trials, he ultimately served a total of 6 years and 6 months in prison and was eligible for parole after five years. The trials highlighted Mr L's many prior criminal convictions, longstanding struggle with substance addiction and his difficult upbringing.

Mr L progressed through his sentence and participated in drug and alcohol and anger management programs. The Board was satisfied that Mr L was suitable for a period of parole, and upon release, he attended the Community Correctional Office in his area and was allocated an experienced Community Corrections Officer (CCO). Initially, attempts to link Mr L into programs and treatment were met with the some resistance. However, his CCO supervised Mr L throughout his entire order, therefore building a trusting relationship and was ultimately able to discuss his offending behaviour and positive life changes. Following a history of serious violent offending and compliance issues, Mr L successfully completed his parole period, is in a new relationship and is re-building his life. Mr L's success was in large attributed to a solid case management plan and intensive supervision and support from his CCO.

# People on Home Detention

The Home Detention Pilot Program commenced on 1 January 2004. Home detention enables the Board to direct a carefully selected non-violent, low-security prisoner to serve part of his or her sentence by way of home detention after the prisoner has served two-thirds of his or her minimum term of imprisonment. Offenders may serve a maximum of six months on home detention. Home detention enables low-risk offenders to maintain the employment, family and community ties essential for rehabilitation and reintegration.

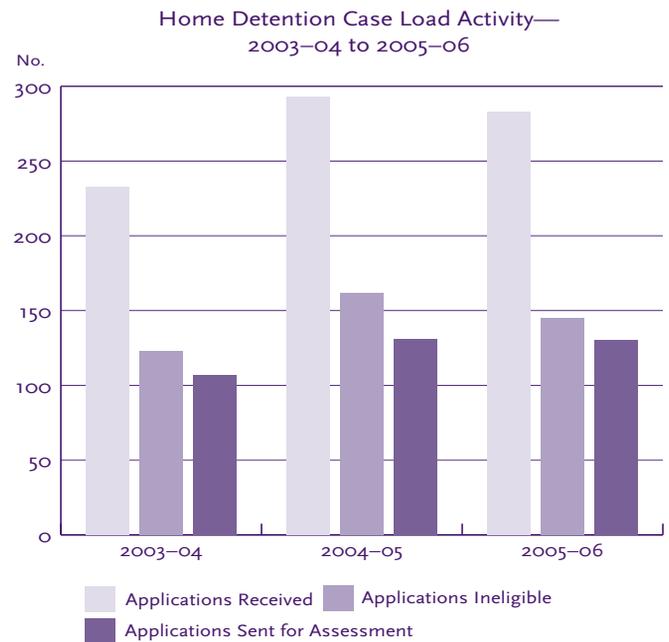
## Eligibility Criteria

The program has core eligibility criteria, which must be met in order for an offender's initial application to progress to the assessment phase, including that the offender:

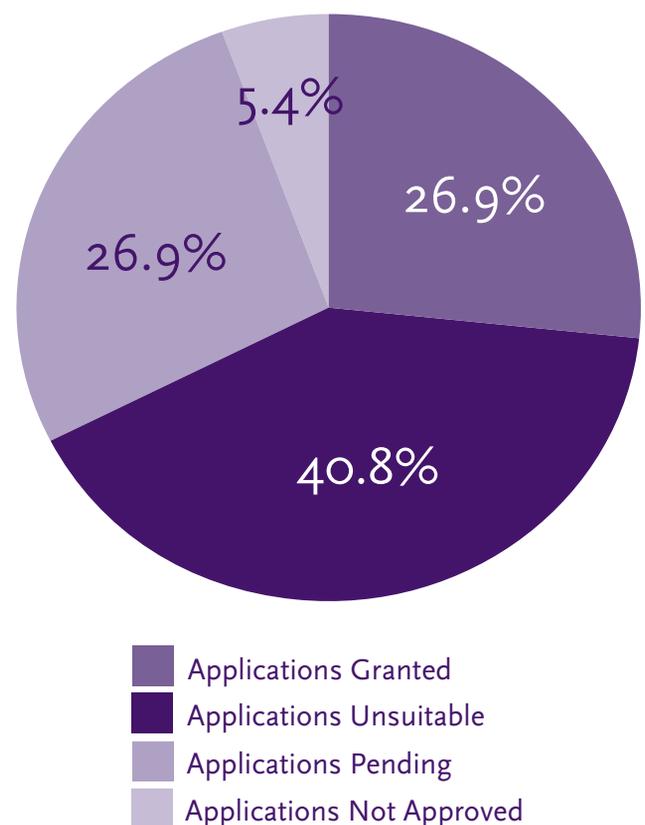
- is 18 years of age or older;
- has not committed a serious violent offence, a weapons offence or a serious sexual offence as defined in Section 18ZV the *Sentencing Act 1991* or Section 60A of the *Corrections Act 1986*;
- has not been convicted of stalking or breaching an Intervention Order;
- has no history of drugs charges relating to commercial trafficking quantities;
- has accommodation available that is assessed as suitable for placement and that lies within the program boundary (which was expanded from 30 km to 40 km in January 2006);
- is assessed as a suitable person for a home detention order; and
- has a minimum-security rating.

Additionally, the person(s) living at the proposed residence must agree to the making of the order.

Once the Board's home detention staff have determined an applicant eligible for the program, they request the Home Detention Unit of Corrections Victoria to provide an assessment report for the Board. Before making a decision to grant home detention, the Board notes the contents and recommendations contained in the assessment report, interviews the offender and then assesses information relating to the offender's:



## Home Detention Applications Outcome of Assessment—2005–06



# People on Home Detention

- criminal history;
- past and current sentence structure;
- psychological, psychiatric, medical and intervention order history;
- accommodation arrangements;
- prison conduct; and
- program participation.

## Applications Received

During 2005–06, the Board received a total of 283 applications from prisoners wishing to participate in the program, compared with 293 applications received in 2004–05.

## Applications Deemed Ineligible

After a careful assessment of selected applications, the Board deemed 145 applicants ineligible to participate in the program due to a variety of reasons (162 in 2004–05), including:

- unsuitable accommodation;
- nature of past offences;
- nature of current offences;
- insufficient time to undertake the program; or
- the sentence structure did not provide the Board with jurisdiction to grant home detention.

## Applications Sent for Assessment

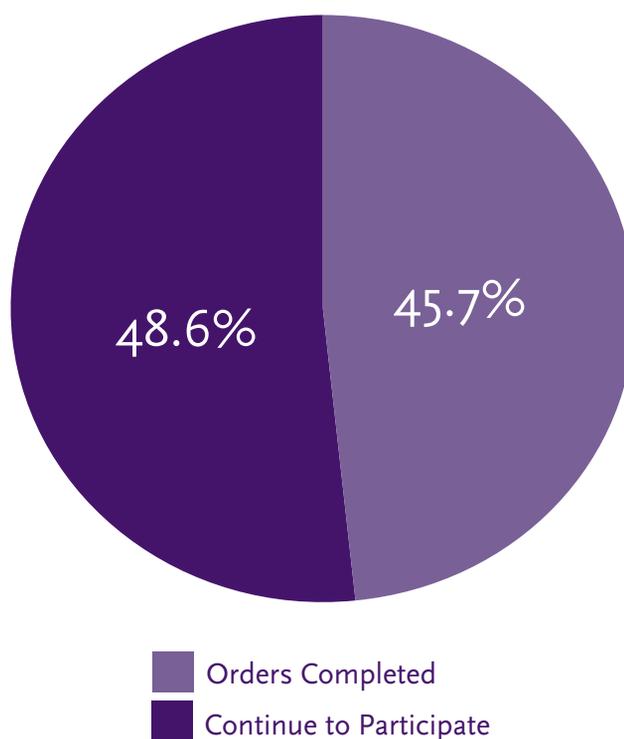
During 2005–06, the Board requested the Home Detention Unit to undertake an assessment of 130 offenders. Of those 130 offenders, 53 were assessed as unsuitable to participate in the program and 42 were deemed as suitable.

As at 30 June 2006, the Board was awaiting completion of 35 assessments (45 assessments on 30 June 2005).

The 53 applications were assessed as unsuitable for the program because of one or more of the following reasons:

- prior criminal history;
- unsuitable residence; or
- risk of non-compliance.

## Outcome of Participation in Home Detention Orders—2005–06



The Board may exercise its power to refuse home detention in cases where there has been a positive recommendation from the Home Detention Unit. The Board makes such decisions on the basis that the offender may present an unacceptable risk to the community.

## Home Detention Orders Made

After careful consideration, the Board made 35 home detention orders (57 in 2004–05). If an order to grant home detention is made, the Board interviews the offender by video conference or in person and explains the requirements of the program. Of the 35 orders made, 16 offenders successfully completed the order and 17 offenders continue to participate in the program.

The courts made 14 orders (eight in 2004–05), including 11 orders from the Magistrates' Court and three orders from the County Court.

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Offenders on home detention are subject to a range of very strict restrictions. For example, they must wear an electronic tag, they must not consume alcohol or use prohibited drugs and they are strictly supervised.

Often, the Board will impose conditions relevant to the registered victims, such as requiring the offender not:

- to have any contact with the victims or any member of the victims' families; and
- enter the suburbs where the victims and family members reside.

### **Orders Revoked**

During 2005–06, the Board revoked five orders (five in 2004–05). Four orders were due to a positive urinalysis result and the other order due to the loss of accommodation.

The Board has the capacity to respond to a breach of a home detention order at any time. Consequently, if the Board revokes a home detention order, then it can arrange the execution of a warrant on a 24-hour basis.

### **Impact of Home Detention Orders on Co-residents**

In assessing the suitability of an offender for a home detention order, a representative of the Home Detention Unit conducts a comprehensive and confidential interview with all persons who will be residing with the offender (co-residents). The interview aims to ensure that co-residents appreciate fully the monitoring procedures and core conditions for the offender and to identify any negative or positive impact an order may have upon family relationships. The Home Detention Unit will recommend an offender for the program only in cases where no risks exist with regard to the safety of any co-resident. Ongoing monitoring ensures any risk to co-residents is identified expeditiously.

### **Home Detention Review**

The Home Detention Pilot Program was under review as at 30 June 2006. Corrections Victoria commissioned an independent evaluation of the program and the Melbourne Centre for Criminological Research and Evaluation of the University of Melbourne prepared a final report in April 2006.

All aspects of the program were analysed, including the types of offenders applying for Home Detention and the eligibility and assessment processes, as well as the impact of Home Detention on the offender and the co-residents.

### **Case Study: Offender successfully completes a Home Detention Order**

Mr D was convicted for offences relating to importing hidden and undeclared goods into Australia on which the duty was approximately \$1.5 million. He was convicted of defrauding the Commonwealth and was serving a Federal sentence of two years and six months, to be released on recognisance after 10 months.

While in prison, Mr D undertook programs, such as anger management, preparing for change, family relationships and other personal development courses to assist with his reintegration into society. Prison staff classed Mr D as an 'excellent prisoner' and was said to always treat the officers with respect. Additionally, he was employed on the Land Care Project, which involved helping the local community with tree planting and maintaining fencing around farming land. Mr D had no incidents or positive urinalysis tests during his time in custody.

Mr D was granted home detention for a period of 18 weeks and during that time he resided with his partner. His case management focused on re-establishing family relationships, improving his physical health, reintegration with the wider community and returning to work. While in the final stages of the Home Detention Order, special permission was sought and granted for Mr D to marry his fiancé.

Mr D complied with all the conditions placed upon him during home detention and as a result, he successfully completed the order.

# Extended Supervision Orders

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The *Serious Sex Offenders Monitoring Act 2005* (the Act) was introduced in the Legislative Assembly on 22 February 2005, passed by the Assembly on 23 February and passed by the Legislative Council on 24 February. The legislation was proclaimed and came into operation on 26 May 2005.

The main purpose of the Act is to enhance the protection of the community by closely supervising high risk child sex offenders, while facilitating their ongoing treatment. The Act applies to serious sex offenders who have been sentenced to a period of imprisonment for a wide range of sexual offences against children, including sexual penetration, indecent assault, incest and the possession or production of child pornography.

All eligible child sex offenders sentenced to a term of imprisonment are assessed for their risk of further relevant sexual offending. Those assessed as 'high risk' are the subject of an application to either the Supreme or County Court for an extended supervision order (ESO). The court may make an ESO with respect to an offender only if it is satisfied, to a high degree of probability, that the offender is likely to commit a relevant offence if released in the community on completion of their term of imprisonment, including any period of parole. The court can impose an ESO for a period of up to 15 years. There is an unlimited capacity for a court to review an ESO for further periods of up to 15 years on the application of the Secretary to the Department of Justice.

If the court makes an ESO, the offender is subject to the supervision of the Board and Community Correctional Services. During the order, the offender must comply with eight 'core conditions' to ensure the community is adequately protected by monitoring the offender and to promote the rehabilitation, care and treatment of the person.

During the period of the order, the offender must comply with the 'core conditions' of an ESO, as follows:

- (a) Not commit, whether in or outside Victoria, another relevant offence or an offence that, if committed in Victoria, would be a relevant offence.
- (b) Attend at any place as directed by the Secretary to the Department of Justice or the Adult Parole Board for the purpose of supervision, assessment or monitoring.
- (c) Report to, and receive visits from, the Secretary to the Department of Justice or any person nominated by the Secretary.

- (d) Notify the Secretary to the Department of Justice of any change of name or employment at least two clear working days before the change.
- (e) Not move to a new address without the prior written consent of the Secretary to the Department of Justice.
- (f) Not leave Victoria except with the permission of the Secretary to the Department of Justice granted either generally or in relation to the particular case.
- (g) Obey all lawful instructions and directions of the Secretary to the Department of Justice.
- (h) Obey all lawful instructions and directions of the Adult Parole Board.

As soon as practicable after a court makes an ESO, the Board imposes 'instructions or directions' that are deemed necessary to achieve the purpose of the Act, namely to ensure that the community is adequately protected and to promote the rehabilitation, care and treatment of the offender. Instructions or directions imposed may include:

- (a) where the offender may reside;
- (b) times at which the offender must be at home;
- (c) places or areas that the offender must not visit or may only visit at specified times;
- (d) treatment or rehabilitation programs or activities that the offender must attend and participate in;
- (e) the types of employment in which the offender must not engage;
- (f) community activities in which the offender must not engage;
- (g) persons or classes of person with whom the offender must not have contact (including the victims);
- (h) forms of monitoring (including electronic monitoring) of compliance with the ESO to which the offender must submit;
- (i) personal examinations by a medical expert for which the offender must attend for the purpose of the Board being given a report by the expert to assist it in determining the need for, or form of, any instruction or direction.

The Board may (at any time) vary an instruction or direction given as the case requires.

If at any time while an ESO is in force the offender fails (without reasonable excuse) to comply with any condition, instruction or direction, breach action is immediately initiated. If the charge is found proven by the court, the offender may be sentenced to a term of imprisonment of up to five years.

### Orders Considered by the Board

During 2005–06, the Board considered and imposed ‘instructions or directions’ in relation to nine ESOs.

#### Court Orders

Orders made by the Supreme Court	1
Orders made by the County Court	8
<b>Total</b>	<b>9</b>

#### Duration of the ESOs

3 years	1
4 years	1
5 years	1
10 years	4
15 years	2
<b>Total</b>	<b>9</b>

### Orders Suspended

The number of orders suspended totalled one (as at 30 June 2006, the court had not heard and determined the breach proceedings).

### Release of Sex Offenders Who are not Subject to an ESO

The Board acknowledges that the release of sex offenders on parole can be a highly contentious and emotive issue. Given the serious nature of such offences, members of the community often become concerned when attempts are made to reintegrate such individuals into the community. While there is always a risk of re-offending by some sex offenders, that risk can be minimised with appropriate management of the parolee.

The Board aims to manage sex offenders from the early stages of their sentence. This approach enables the Board to identify and discuss, as early as possible, what is expected of such individuals while they are in custody, as well as any potential obstacles to their reintegration.

The Board requires all sex offenders to participate in programs offered within the prison system, as appropriate, including the

Wimmera Treatment Unit (WTU) at the Ararat Prison (with an annex at Langi Kal Kal Prison) and at the Marngoneet Correctional Centre. Failure of sex offenders to participate in recommended programs may result in denial of parole.

When structuring the conditions of parole, the Board considers personal problems specific to the sex offender and the particular risk that individual may present to the community. For example, the Board requests detailed reports from CCS regarding the accommodation arrangements of sex offenders who are being considered for release on parole to ensure that such accommodation is appropriate. These reports include the approximate distance of any proposed accommodation from schools, kindergartens, playgrounds, childcare centres, and leisure or other facilities where children and young persons might congregate. Additionally, the Board takes into account the offenders profile and target groups when assessing the suitability of the proposed property.

Regularly, the Board imposes several special conditions on the parole orders of sex offenders. Such conditions may require the sex offender to participate in the Sex Offender Program delivered by Corrections Victoria. Alternatively, the Board may require sex offenders to undertake psychiatric and other treatment. In addition, it may be appropriate for the Board to impose conditions that protect the victims of sexual assault or abuse. (Refer to page 17 for a list of some of these conditions.)

The Board considers that some offenders have a greater incentive and are more responsive to programs if they are conducted before they become eligible for parole. Offenders are assessed by the WTU to determine whether they are at a high or low risk of offending upon release. If offenders are classified as low risk then they are unlikely to be offered a place in a Sexual Offender Supervision Program. The nature of these offences and the consequences that impact upon victims have resulted in courts fixing sentences with non-parole periods attached, reflecting the seriousness of the offences.

In the Board’s view, all offenders who have been convicted of sexual offences should undertake an appropriate Sexual Offender Supervision Program, either in prison or upon parole, unless there are exceptional circumstances.

The Board encourages assessment of sexual offenders for such programs while they are serving their prison sentences. Those who are assessed as being suitable to undertake sexual offender programs in prison should be provided with appropriate programs, and be required to participate in them, before becoming eligible for parole.

# Visitor Profile

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 that its meetings are conducted with the utmost integrity and a high standard of quality in terms of its decision-making.

All visitors are required to read and sign a Confidentiality Declaration. The Chairperson of the Division ensures the visitor has signed the declaration and explains to the visitor the importance of maintaining the strict confidentiality of the proceedings.

All visitors 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, palm pilots or any other personal electronic device into the hearing room;
- leave the hearing room, if asked, while confidential or sensitive information is being discussed;
- avoid discussing the hearing with another parolee/prisoner or any other person, while outside the hearing room; and
- leave the hearing room if it is determined that their presence affects the hearing process.

During 2005–06, 102 visitors attended meetings of the Board, including:

- Judges and Associates from the County Court of Victoria;
- Magistrates John Doherty, Duncan Reynolds, John Hardy and Brian Wright;



*From left, Michael Hepworth explains the fact sheet and confidentiality agreement to visitors Paul Hukely and Irena Peraica from Sunshine/Melton Community Correctional Services.*

- Dianne Hadden MP, Independent Member for Ballarat Province;
- Barbara Rozenes, Vice President of Court Network;
- David Sheridan, Aboriginal Liaison Officer, Melbourne Assessment Prison;
- Annie Trainor and Rob Telfer, Australian Community Support Organisation (ACSO);
- Simon Lenten and Bill Say, Salvation Army—Flagstaff Support Services;
- Kerry Maikousis, Judicial College of Victoria;
- Colette Crehan, Secretary of the Youth Parole Board;
- Students from Victoria University, Royal Melbourne Institute of Technology and the Australian Institute of Public Safety;
- Representatives from the Victorian Association for the Care and Resettlement of Offenders (VACRO);
- Trainee CCOs from various locations;
- Staff from Corrections Victoria;
- Staff from the Victorian Institute of Forensic Mental Health (Forensicare).

# Community Relationships

The Board and its administrative staff aim to build positive and constructive working relationships by regularly attending 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, as follows.

## Conferences

A two-day conference hosted by the NSW State Parole Authority, the Australian Conference of Parole Boards and Parole Authorities held in May 2006, examined a range of issues affecting parole authorities, such as mental health, assessing risk, the administration of parole authorities, aboriginal issues, and the parole of federal offenders and deportation. Justice Kellam delivered a paper on the subject of 'Mental Health Issues on Parole'. NSW State Parole Authority Chairperson Ian Pike AM said, 'All the delegates agreed that the issues identified by Justice Kellam were common to their jurisdictions'. His Honour's speech may be found at [www.dcs.nsw.gov.au/information](http://www.dcs.nsw.gov.au/information).

Additionally, Michael Hepworth and David Provan delivered short presentations about recent developments within the Victorian jurisdiction, and Michael Hepworth delivered a paper titled 'What the Adult Parole Board Expects of Case Management by Community Correctional Services' at the Community Correctional Services Conference on 25 November 2005.

## Group Meetings

During 2005–06, staff of the Board participated in group meetings with the following organisations:

- Victims Register Working Party
- Home Detention Reference Group
- Serious Sex Offender Monitoring Act Implementation Working Party
- Electronic Monitoring—Advisory Committee
- Sex Offender Housing Protocol Review Working Party
- Community Correctional Services Offender Deaths in Custody Working Group
- Evaluation Framework Reference Group
- Quarterly meetings between Corrections Victoria and the Commonwealth Department of Immigration and Multicultural Affairs (DIMA)
- Corrections Victoria Senior Management Forums
- Offender Management Services Management Team



*Staff of the Quang Minh Buddhist Temple in Braybrook with staff from Community Correctional Services and the Board. Offenders from an Indo-Chinese background undertake culturally-specific community work at the temple, which provides a meaningful way for offenders to re-connect with the community.*

## Initiatives

The Board strengthened its relationships within the community by participating in a range of initiatives, as follows:

- Michael Hepworth was part of the judging panel for the 2005 Community Work Partnership Awards. 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, the awards ceremony has proved to be an excellent opportunity for participants in community work programs and staff to meet with people from other non-profit organisations and see the excellent work achieved by prisoners and offenders across Victoria.
- Promoting the Plan B Project—Plan B is a theatre and mentoring project for men who are making the transition into the community on release from prison. The project is inspired by a vision bringing together community development and theatre-making processes to create opportunities for personal development and community education.
- The Board delivered information sessions to groups such as VACRO (Victorian Association for the Care and Resettlement of Offenders), ACSO (Australian Community Support Organisation) and Probus. Probus is an association of retired and semi-retired people who join together in clubs, with the basic purpose of participating in regular opportunities to keep their minds active, expand their interests and to enjoy the fellowship of new friends.

# Staff Profile

Staff of the Board provide all 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 tracking, monitoring, reporting, analytical and liaison functions associated with the timely and appropriate processing of all offenders who fall within the jurisdiction of the Board.

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

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

Staff assist in providing information and advice to the public, CCOs, offenders and prison staff.

During 2005–06, the Secretariat comprised a total of 15 staff (15 in 2004–05).

## Management Team Introduced

During 2005–06, Senior Consultant with the Human Resources Branch of the Department of Justice Sam Kenny conducted a review of the organisational structure and associated operations. One of Mr Kenny's recommendations was to establish a management team to provide an appropriate managerial level within the



*The Board's Management Team, from left—Cheryn Bagaric, Anna Djuric and David Provan.*



*Manager of Carlton Community Correctional Services Mario Nuzzo meets with David Provan to discuss the Staff Exchange Program Partnership Agreement.*



*The Board's administrative staff, from left—Kirrilee Till, Pauline Bailey, Zoila Sosa, Anna Djuric, Helen Kostic, David Provan, Diana Maldry, Julie Clapperton, Christie Hall, Peka Pau, Tori Stoitsis, Tonniette Santiano, Cheryn Bagaric. Not present—Annette Ting, Carmen Stansfield and Christina Mavrakis.*

Secretariat. On 1 May 2006, the Board accepted and implemented the recommendation.

The management team comprises:

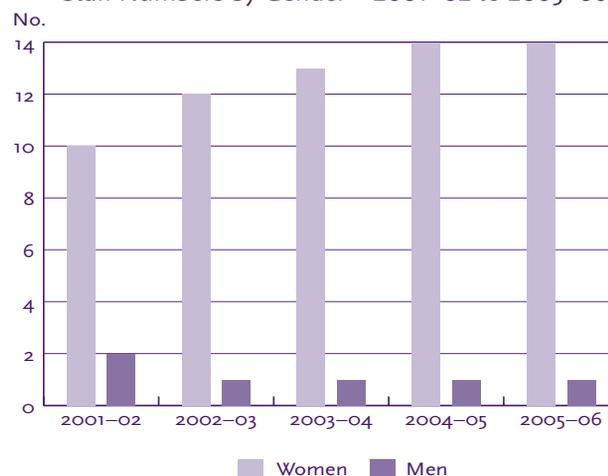
- General Manager David Provan who has overall responsibility for the management and administration of the Board;
- Operations Manager Anna Djuric who oversees the management of the day-to-day operations; and
- Registry Manager Cheryn Bagaric who oversees the management and coordination of the daily activities of the Board's Registry.

The establishment of the management team aligns jobs, including roles, responsibilities and accountabilities, best meeting the current and future requirements of the Board.

### Performance Management and Progression Plans

During 2005–06, all staff prepared (in consultation with their manager) a detailed Performance Management and Progression Plan. Each plan outlines the officer's work priorities and the knowledge and skills required to support his or her current and future job and career needs. Feedback and review meetings are conducted every six months and focus on the officer's current level of performance and how they can improve. The performance management cycle runs from the 1 July of each year until 30 June the following year and provides a mechanism for evaluating work and rewarding good performance based on outcomes.

Staff Numbers by Gender—2001–02 to 2005–06



### Staff Involvement in Strategic Projects

All staff became more actively involved in the improvement of the Board's operations by identifying two or three strategic projects that they would either lead or assist as a working party member. These projects were then listed in the staff member's Performance Management and Progression Plan.

### Professional Development

During 2005–06, the Board conducted an orientation and induction program for new staff to equip them to meet the challenges of the role. In addition, 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.

### Staff Numbers and Composition by Victorian Public Service (VPS) Grade — 2003–04 to 2005–06

VPS Grade	2005–06			2004–05			2003–04		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
VPS Grade 6	1	-	1	1	-	1	1	-	1
VPS Grade 5	-	-	-	-	-	-	-	-	-
VPS Grade 4	-	2	2	-	2	2	-	1	1
VPS Grade 3	-	5	5	-	5	5	-	5	5
VPS Grade 2	-	7	7	-	7	7	-	7	7
VPS Grade 1	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>1</b>	<b>14</b>	<b>15</b>	<b>1</b>	<b>14</b>	<b>15</b>	<b>1</b>	<b>13</b>	<b>14</b>

# Staff Profile

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## **Mentoring Program Developed for New Staff**

A mentoring program was developed in January 2006. The mentor provides support, advice and assistance to the new employee during a two week induction and orientation period and then for a further six months.

## **Exchange Program**

In January 2006, the Board and Carlton Community Correctional Services (CCS) established a staff exchange program partnership agreement. The program provides for a nominated staff member from each organisation to be given the opportunity to exchange workplaces for a period of four weeks for the purpose of professional development and to strengthen working relationships between the two work units.

Through the establishment of this partnership, staff from both organisations gain a better understanding of the functions and roles of the units and an increased awareness of the challenges. As a result of increased staff awareness, offenders are also likely to benefit from improved services.

## **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.

## **Wages and Superannuation**

Employee wages totalled \$695,572 in 2005–06, compared with \$655,607 in 2004–05. Superannuation benefits (9.0% of each officer's salary) were paid into a nominated fund such as the Government Superannuation Office and VicSuper funds.

## **Occupational Health and Safety**

The Board provides and maintains a working environment for all staff members and visitors that is safe and without risk to health. 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.

## **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 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.

In addition, a system of flexitime is 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 to employees.

# Governance Policies

## Legislative Mandate

As an independent statutory body, the Board's decisions are free from political or bureaucratic involvement. The operation of the Board is governed primarily by the *Corrections Act 1986* (the Act), providing for the membership of the Board to comprise:

- (a) 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 appointed chairperson;
- (b) 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;
- (c) one or more Magistrates appointed by the Governor in Council on the recommendation of the Chief Magistrate;
- (d) 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;
- (e) a person appointed by the Governor in Council as a Full-Time Member;
- (f) such number of persons as are appointed by the Governor in Council as Part-Time Members; and
- (g) the Secretary to the Department of Justice.

As at 30 June 2006 (as detailed on page 2) the 21 incumbents of the Board comprised:

- Two Judges of the Supreme Court of Victoria
- Three Judges of the County Court of Victoria
- One retired Judge of the County Court of Victoria
- One retired Chief Magistrate
- Three Magistrates
- One Full-Time Member
- Nine Part-Time Members (six female and three male) representing the community; and
- the Secretary to the Department of Justice

## Membership Summary

Total Judicial Members	10
Total Community Members	11
Female Members	11
Male Members	10

## Jurisdiction of the Board

The Board has jurisdiction over the release of offenders from custody, offenders who are on parole and pre-release permit, and offenders who are serving prison sentences for State offences, all of whom meet the criteria for release as stated in the Act.

Such persons are:

- (a) offenders serving sentences of three years or more, with or without a non-parole period, imposed prior to the commencement of the *Corrections (Remissions) Act 1991*, who are eligible for release on pre-release permit under the provisions of the Act;
- (b) offenders for whom a court has ordered a prison sentence where a non-parole period applies; and
- (c) young persons transferred to prison from a youth training centre under sections 240(1), 244(1) and 246 of the *Children and Young Persons Act 1989* and provisions contained in the *Children and Young Persons (Miscellaneous Amendments) Act 1996*.

In addition, the Board has jurisdiction:

- over the release of offenders from custody, on pre-release permit, or serving prison sentences for Federal offences imposed prior to the commencement of the *Corrections (Remissions) Act*;
- to grant a home detention order, under the provisions of the *Corrections and Sentencing Act (Home Detention) Acts 2003*, to eligible and suitable minimum security prisoners who are within six months of their earliest release date; and
- pursuant to the *Serious Sex Offender Monitoring Act 2005*, to determine appropriate instructions and directions (special conditions) with respect to an extended supervision order and to supervise offenders who are subject to such an order.

# Governance Policies

## Meetings of the Board

Usually, the Board meets every Wednesday at its office at 71 Moreland Street, Footscray. The Board visits 12 prisons on a regular basis and conducts meetings at these facilities. 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 at least two other Board members. Additionally, the Board may 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 CCS Centres in both rural and metropolitan locations, as an important part of its visitation program. However, because prisons are widely dispersed across the State, it is often difficult to maintain a schedule of regular visits. During 2005–06, the Board visited the Ararat, Ballarat, Bendigo, Morwell, Sale and Shepparton CCS Centres.

## Code of Conduct

The Board follows a Code of Conduct (the code) for members. The code provides guidance as to the general standards of performance and ethical conduct expected of all Board members. The code presupposes 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.

## Organisational Structure as at 30 June 2006

