

Parole Board of South Australia

Annual Report for the year ended 30 June 2021

To: The Honourable Vincent Tarzia, MP

Minister for Police, Emergency Services and Correctional Services

This report of the 52st year of operation of the Parole Board of South Australia for the twelve months from 1 July 2020 to 30 June 2021 is presented pursuant to the provisions of Section 64 of the *Correctional Services Act, 1982*.

Presiding Member's Report

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Preface

I am pleased to provide you with the Annual Report of the Parole Board of South Australia for the year 2020-2021.

The past year at the Parole Board, and by extension the Secretariat, has been a year of recovering from the significant delays in interview scheduling caused by COVID-19 in 2019-20. It is a great credit to the Board Members that they have provided a significant amount of their time, to attend at extra scheduled meetings, in order to reduce the waiting times of prisoners for the parole interview. The same can be said for the efforts of the Secretariat staff, who provided the administration for the extra meetings.

The new legislative amendments to the *Correctional Services Act, 1982* will have some impact in the capacity of the Board to maintain a reasonable timeframe with respect to interviews. The increase in Board Members from 9-11 is timely. While not in the current financial year's reporting guidelines, I would also like to welcome two new Deputy Members mentioned in the report. The Board welcomes Mr Trevor Lovegrove and welcomes back Ms Vanessa Swan.

As mentioned in my preface to the 2019-20 Annual Report, resourcing of the Parole Board Secretariat to accommodate the increase in workload as a result of Extended Supervision Orders remains under discussion with the Department for Correctional Services, but the Secretariat will need to be adequately resourced to provide administrative capacity for the current high workload, in addition to expected future increases, with respect to offenders subject to Extended Supervision Orders. It should be noted that Correctional Services have developed a pilot treatment program with respect to the high-risk offender cohort and there are hopes that this may have some impact on recidivism rates and the reduction in further orders being required. As noted in the figures for this year, there have been significant increases in new and/or further orders in 2020-21.

Finally, there have been a significant number of Judicial Reviews applied for to the Supreme Court. Seven Judicial Reviews were filed in the last year. The reasons for the applications for review are varied, but it can be said that each application for review was assessed and dismissed by the Court. While a significant legal cost is associated with these Judicial Reviews, on occasions where it is deemed reasonable, and where there was a likelihood of obtaining payment for costs, the Board has sought them.



E F Nelson QC
Presiding Member, Parole Board of South Australia

Establishment and Functions of the Parole Board

The Parole Board of South Australia is a statutory authority established by State Parliament in 1969 and appointed to:

- consider applications for release on parole from:
 - prisoners serving a sentence of five years or more
 - prisoners convicted for sexual offences; offences involving violence; offences involving firearms, arson and offenders who have been returned to prison for cancellation of parole
 - prisoners sentenced to a term of life imprisonment
- set the terms and conditions of release of all prisoners who become eligible for and are granted release on parole.
- review the progress and performance of prisoners whilst released on parole.
- consider reports provided by Community Corrections Officers and other professional organisations in relation to matters under Parole Board consideration.
- consider submissions from Victims of Crime and Police.
- review and amend the terms and conditions of parole where appropriate.
- determine appropriate penalties when breaches of parole have occurred.
- annually review the circumstances and progress of prisoners sentenced to a term of life imprisonment.
- annually review those persons declared incapable of controlling or unwilling to control their sexual instincts pursuant to Section 57 of the *Sentencing Act, 2017*.
- assume responsibility for the supervision and monitoring of those persons found not guilty of offences by reason of mental impairment, pursuant to the provisions of Section 269 of the *Criminal Law Consolidation Act, 1935*, and who are released into the community on licence conditions set by the Courts.
- supervise Interim Supervision Orders and Extended Supervision Orders, pursuant to the *Criminal Law (High Risk Offenders) Act, 2015*.

Legislative Changes

On June 3 2021 the following amendments to the *Correctional Services Act, 1982* were enacted:

- **Increase in number of Parole Board members from 9 to 11. (section 55(2))**
Mr Hill and Mr Kyprianou were made Members of the Board on 3 June 2021, having previously been Deputy Members.

- **Allowances and expenses of Parole Board members to now be determined by the Remuneration Tribunal (not the Governor). (section 57)**

Please note The Remuneration Tribunal has completed their determination and provided a copy of their determination to the Board on 21 October 2021. The determination was Gazetted on 28 October 2021

- **Deputies may now be appointed for any Parole Board member. (section 59)**

Previously, Deputy Members were only permitted to deputise behind a designated Board Member. This is now no longer the case and Deputies may perform as a Member of the Board for any Member unable to attend a meeting.

- **Amendments to how divisions of the Parole Board are constituted. (section 60)**

Relative to changes to divisions of the Parole Board, how a division can be constituted, and to what provisions apply when the Board sits in separate divisions.

- **Increase in timeframes during which Parole Board must review progress of prisoners (including life sentence prisoners, indeterminate sentences and those for whom a non-parole period has not been fixed).**

As determined on a case-by-case basis by the Presiding Member.

Please note Further amendments coming into operation on 1 November 2021, relating to the Parole Board, have been provided below for information:

- **Release on parole by application to Board (section 67).**

The Board must consider the impact of the release on registered victims, other victims and their families where informed. The Board must not disclose to the prisoner information about the victim or victim's family when providing reasons.

Information as to the impact referred to may be provided to the Board by the registered victim, other victim, or family member (as the case requires) or on their behalf by the Commissioner for Victim's Rights.

- **Conditions of release on parole (section 68).**

Presiding Member to determine prescribed conditions of parole under s66; prescribed conditions must be published in the Gazette and on a website.

Parole Board must consider imposing a community service condition when releasing a prisoner on parole who will not be working (paid or voluntary), studying or training.

- **Board may take action for breach of parole conditions (section 74).**

Amendments to cancellation of release on parole by the Parole Board for breaches by life sentence prisoners or serious breaches of parole for any other prisoners.

- **Board may impose community service for breach of conditions (section 74AA).**

The Board may now consider the imposition of a community service when it sets conditions for parole

- **Board may suspend release on parole or take other action for certain breaches of parole conditions (insertion of section 74AAA)**

New powers of the Parole Board to suspend release on parole or take other action for certain breaches of parole conditions (other than by life sentence prisoners or serious breaches by other prisoners).

- **Proceedings before the Board (section 77)**
Amendments to proceedings before the Board, including: registered victims and other victims may make submissions to the Board; prisoners are not entitled to be physically present in proceedings before the Board, however, the Board may allow the prisoner to be physically present or via audio visual link; and the Board must give notice of proceedings relating to an alleged breach of a parole condition by a person released on parole who is serving a sentence of life imprisonment to Attorney General, Commissioner of Police, and Commissioner of Victims' Rights, and consider any submissions made to the Board in relation to the matter.
- **Review of release on parole of certain prisoners (section 77A)**
Provisions relating to release on parole of a life sentence prisoner are expanded to include prisoners serving a sentence for conspiring or soliciting to commit murder; or as an accessory for impeding an investigation or assisting an offender whose offence is murder. These amendments mean that the Parole Administrative Review Commissioner (PARC) may now also review decisions of the Board relating to these prisoners.
- **Confidentiality (section 85C)**
New requirements regarding non-disclosure of information and evidence provided by a medical practitioner or psychologist in connection with the performance of the Board's functions or powers under this Act, unless the Presiding Member of the Board has authorised the disclosure. Disclosure of protected information and information causing serious risk to the life or safety of a person is an offence.

Parole Board Secretariat

The Parole Board Secretariat provides administrative support to the Board. The Secretariat functions as an administrative unit of the Department for Correctional Services (DCS or the Department) and comprises the Secretary/Executive Officer and fifteen administrative staff. The Secretary/Executive Officer of the Board answers directly to the Presiding Member of the Parole Board in relation to all Board matters and to the Executive Director, Community Corrections and Specialist Prisons, DCS, in relation to matters of administration.

The wider role of the Secretariat is to provide the interface between the Parole Board and DCS; other Government agencies; Victims of Crime; the Judiciary; legal practitioners and the community in general. In addition to the essential flow of information between the Board and the Department, the Secretariat provides parole details to the Courts and the Director of Public Prosecutions to assist in the sentencing process.

Parole Board Membership

Parole Board members are appointed by the Governor in Executive Council for a term of up to three years and may be eligible for re-appointment. The Board now comprises eleven members and two deputy members. All members of the Board are appointed in a part-time capacity.

Certain positions on the Board are defined by statute:

- The Presiding Member (Chairperson) is required to be either, a judge of the Supreme Court or District Court or a person who has extensive knowledge of, and experience in, the science of criminology, penology or any related science.
- Two members are appointed as Deputy Presiding Members.
- One member must be a qualified medical practitioner who has extensive knowledge of, and experience in, psychiatry.
- One member must be a qualified social worker or sociologist.
- One member must have extensive knowledge of, and experience in, matters related to the impact of crime on victims and the needs of victims of crime.
- One member must be a person of Aboriginal descent.
- One member must be a former police officer.
- There are two additional deputy (occasional) members appointed to replace members who are unable to attend a Board meeting.

The Parole Board has a permanent meeting room in Flinders Street, Adelaide. This facility has adjacent holding cells to accommodate prisoners awaiting a hearing before the Board. The office of the Parole Board Secretariat is located in the same building.

Members of the Parole Board in 2020-21

Ms Frances Nelson QC	Presiding Member	Barrister
Mr William Boucaut QC	Dep. Presiding Member	Barrister
Mr Nicholas Floreani	Dep. Presiding member	Barrister
Mr Denis Edmonds	Member	Retired Police Officer
Dr Maria Naso	Member	Psychiatrist
Ms Katherine McLachlan	Member	Victim Representative
Mr Garth Dodd	Member	Aboriginal Member
Ms Sue Macdonald	Member	Social Worker
Ms Anne Bloor	Member	Social Worker
Mr Kevin Hill	Member	Retired Board Secretary
Mr Andrew Kyprianou	Member	Retired Social Worker

* Please note that Ms Vanessa Swan and Mr Trevor Lovegrove joined the Board on 9 September 2021 as Deputy Members.

Parole Board Meetings

Parole Board meetings are held twice weekly, usually on a Tuesday and/or Thursday, sitting either as a Full Board (minimum of four members), or as a Division of the Board comprising three members including the Presiding Member or a Deputy Presiding Member as Chairperson.

Meetings for automatic release onto parole are also conducted as a division of the Board although attendance by prisoners at these meetings does not occur.

The Board additionally convenes frequently for summons meetings on Thursday evenings and this is to both assess applications for offenders who are already in the community on home detention, as well as to address breaches of parole that are considered to be not so serious as to require a return to custody.

The Board conducts most of its business at the Flinders Street meeting room in Adelaide.

Interviews with prisoners and parolees are held either in person or by video conference to country locations. Parole Board hearings are not open to the general public. However, prisoners and parolees are entitled to legal representation and/or other professional support should they so request.

- During the 2020-21 financial year the Parole Board met formally in person, or virtually, on 120 occasions.
- A total of 1031 prisoners/offenders were interviewed by the Board in the 2020-21 year. This is a significant increase from 2019-20 where 939 interviews were undertaken.
 - 463 for Application
 - 240 on Warrant
 - 150 on ISO/ESO
 - 156 on Summons
 - 22 for Life Sentence Annual Review.
- With 2019-20 operations at the Parole Board being hampered by COVID-19 restrictions, increases in the number of interviews, as noted in the statistics above, are likely due to the extra meetings undertaken by the Board Members in order to reduce delays in interview times.
- Parole Board members also visited Prisons and Community Corrections Centres across the State and conducted interviews with prisoners and parolees at those locations.

Victims of Crime

Any person who registers as a Victim of Crime with DCS is entitled under the provisions of the *Victims of Crime Act, 2001* to make a submission to the Parole Board in respect of a parole applicant who was the perpetrator of the offence committed against them.

Registered victims and those victims who contact the Parole Board independently are invited to make written submissions to the Board prior to any determination of the prisoner's release. Victims may also make submissions to the Board in person by prior arrangement.

These submissions are considered when the Parole Board is making a determination in relation to an application for parole or when setting conditions for the release of a prisoner. Where there is a known victim of an offence, the Board will set a condition of parole prohibiting the offender from contacting or attempting to contact the victim of his/her crime. Victims may also request that the Board set particular conditions in relation to where an offender resides, or places the offender should not attend, such as towns, shopping centres, educational facilities.

The Commissioner for Victim's Rights endeavours to contact the families of all murder victims and provides the Parole Board with advice in relation to any concerns or requests expressed by those families/victims.

Parole Release

A prisoner is eligible for parole consideration upon the expiry of the non-parole period that has been fixed by the sentencing court. An application for parole may be submitted to the Parole Board up to six months prior to the expiry of the non-parole period. During 2020-21, a total of 728 new parole orders were registered compared to 777 in 2019-20.

These parole releases include:

Automatic Release (Section 66(1) of the *Correctional Services Act, 1982*)

In 2020-21 there were 436 automatic releases on conditions set by the Parole Board (Section 66(1) *Correctional Services Act, 1982*) compared to 448 in 2019-20. Under this legislation, prisoners who are serving a total sentence of 12 months or more but less than 5 years, other than those prisoners convicted for sexual offence or offences involving violence, are paroled automatically after they have served their non-parole (minimum) period providing that they agree to comply with parole conditions set by the Parole Board.

All other eligible prisoners must apply to the Parole Board for release on parole.

Discretionary Release (Section 66(2) & 67 of the *Correctional Services Act, 1982*)

In 2020-21 there were 516 discretionary releases by prisoner application (Section 67 *Correctional Services Act, 1982*) compared to 650 in 2019-20. All prisoners eligible for parole consideration, regardless of the length of sentence who are serving a sentence of imprisonment for a sexual offence; an offence involving violence, (as defined by the *Correctional Services Act, 1982*) or offences involving firearms or arson, must apply to the Parole Board for release on parole. Additionally, where parole was previously cancelled by reason of further offending or for a breach of parole conditions, the prisoner must apply to the Parole Board for release on parole.

All prisoners serving a total sentence or sentences of five years or more, including prisoners sentenced to life imprisonment, are also required to apply to the Parole Board for release. An application for parole may be submitted no earlier than six months prior to the expiry of the non-parole period.

The Parole Board interviews the majority of prisoners who apply for parole before making a determination in respect of release on parole. Release is rarely refused without the prisoner first being given an opportunity of a hearing before the Board. The Board must provide written reasons for refusing the release of a prisoner within 30 days of the decision being made. Interviews are conducted either in person, or by video conference link with the country institutions. All interviews and hearings conducted by the Parole Board are electronically recorded and full transcripts are produced. When release on parole is granted or recommended, the Parole Board must fix the conditions to which the prisoner will be subject upon release.

Where the Parole Board refuses an application for parole, the reasons for that decision must be provided to the prisoner within 30 days.

While last years Annual Report noted the impact of COVID-19 on the Board's capacity to conduct interviews, 2020-21 was impacted less severely and only occasionally.

Life Imprisonment

Annual Reviews

The Parole Board is required, by statute, to annually review the progress and circumstances of each prisoner serving a sentence of life imprisonment or any sentence of indeterminate duration. The prisoner may elect to appear before the Board and be interviewed for the purpose of the annual review.

On 30 June 2021 there were 201 prisoners in custody serving a term of life imprisonment. A further 18 prisoners were serving an indeterminate term of imprisonment, either because the court had not set a non-parole period or they had been found incapable of controlling, or unwilling to control, their sexual instincts pursuant to Section 57 of the *Sentencing Act 2017*.

Parole for Prisoners Sentenced to Life Imprisonment

Amendments to the *Correctional Services Act, 1982* in 2015 changed the procedures relating to parole for prisoners sentenced to life imprisonment.

A life sentenced prisoner is eligible to submit an application to the Parole Board up to six months prior to the expiry of his/her non-parole period. If the Board approves release on parole, the reasons for that decision are prepared and forwarded to the State Attorney-General, the Commissioner of Police and the Commissioner for Victim's Rights.

Any objections to a Parole Board decision to release a prisoner sentenced to life imprisonment must be forwarded for review by the Parole Administrative Review Commissioner (PARC) within 60 days of receiving the reasons for release on parole.

The PARC, having examined the evidence and material relating to the matter, may make any order the Commissioner considers appropriate. A decision of the Parole Administrative Review Commissioner is final.

Criteria for Release on Parole

The paramount consideration of the Parole Board when determining an application from a prisoner for release on parole is the safety of the community.

The Parole Board must also take the following matters into consideration when determining an application for the release of a prisoner:

- any relevant remarks made by the court in passing sentence;
- the likelihood of the prisoner complying with the conditions of parole;
- where the prisoner was imprisoned for an offence or offences involving violence, the circumstances and gravity of the offence, or offences, for which the prisoner was sentenced

to imprisonment (but the Board must not substitute its view of these matters for the view expressed by the court in passing sentence);

- if, in relation to an offence for which the prisoner was imprisoned, there is a registered victim – the impact that the release of the prisoner on parole is likely to have on the registered victim and the registered victim’s family;
- the behaviour of the prisoner whilst in prison or on home detention;
- the behaviour of the prisoner during any previous release on parole;
- any reports tendered to the Board:
 - (i) on the social background, or the medical, psychiatric or psychological condition of the prisoner;
 - (ii) from Community Corrections Officers or other officers or employees of the Department;
- the probable circumstances of the prisoner after release from prison or home detention; and
- any other matters that the Board assesses to be relevant.

Parole Conditions

Parole is a privilege which enables a prisoner to be released from prison after the minimum period fixed by a Court (non-parole period) has expired, but prior to the end of the full prison sentence. If parole is granted, the prisoner must agree to obey the conditions of parole set by the Parole Board. Parole conditions will include a requirement that the parolee report to a Community Corrections Officer on a regular basis (usually weekly reporting as a minimum requirement). Parole conditions are designed to:

- provide a level of protection for the community from further offending;
- monitor the activities and progress of the parolee when released; and
- provide professional support to assist the reintegration of the parolee into the community and reduce the risk of re-offending.

Section 68 of the *Correctional Services Act, 1982* provides statutory conditions for the release of prisoners sentenced to life imprisonment. Additionally, the Parole Board must consider imposing a condition requiring a life sentenced parolee to be subject to electronic monitoring and/or to reside at a specified premises or parole hostel for a period of up to 12 months. The Adelaide Pre-Release Centre is declared as a parole hostel for this purpose.

Parole Orders

At any one time in 2020-21, there was 1000-1100 offenders serving their sentence on parole in South Australia. This number fluctuates on a daily basis depending on the number of prisoners released on parole and the number of parolees who complete parole or have their parole cancelled.

Parole Breaches

If an offender fails to comply with the conditions of the parole order, including conviction and sentence for further offences while on parole, that offender is in breach of parole and the Parole Board may take the following action.

Where a member of the Parole Board suspects on reasonable grounds that a parolee may have breached a condition of parole, the Presiding Member or Deputy Presiding Member may:

- (a) issue a warning letter to the parolee; or
- (b) summons the parolee to appear before the Parole Board; or
- (c) issue a warrant for the apprehension of the parolee, for the purpose of bringing the parolee before the Parole Board.

When a parolee is interviewed by way of summons for a less serious breach of parole, the Board may, if the breach is proved, admonish and warn the parolee of the serious consequences should a further breach be committed and/or order that the parolee serve up to 200 hours of Community Service Work as a penalty.

If a parolee is returned to custody for a serious breach of parole, the parolee is detained in custody awaiting a hearing before the Parole Board. At the hearing the Board will interview the parolee and make a determination as to whether or not a breach has occurred.

Where the Parole Board finds that a parolee has breached a parole condition, the Board may either release the parolee from custody (having already served time in custody) or cancel parole pursuant to the provisions of Section 74 of the *Correctional Services Act, 1982*. In 2020-21 parole was cancelled in 144 cases for breaches of parole conditions under this section of the Act.

- During 2020-21 the Parole Board issued 381 warrants for the arrest of parolees suspected of breaching their parole conditions. This compares to 638 warrants issued in 2019-20.
- A total of 342 arrest warrants were executed, 9 warrants were withdrawn and 12 warrants remained active but not executed as at 30 June 2021.

It is assumed that the reduction in parole breaches and therefore warrants issued by the Parole Board, was a direct result of government restrictions imposed in order to manage the COVID-19 epidemic. DCS and SAPol modelling may provide greater insight into the reduction of offending in the community overall.

Breach by Further Offending

Where a parolee commits an offence whilst on parole and receives a sentence of imprisonment for that offence, parole is automatically cancelled pursuant to Section 75 of the *Correctional Services Act, 1982*. The court must order that the new sentence be served cumulatively upon the unexpired balance of parole that remained at the time of the offence.

- During 2020-21 parole was automatically cancelled with respect to 34 parolees as a consequence of receiving a sentence of imprisonment for further offences committed whilst on parole. This compares to automatic cancellation of parole for 34 parolees in 2019-20.

Parole Orders Successfully Completed

A parole order is completed upon the expiry of the sentence of imprisonment imposed by the Court. A parolee is deemed to have successfully completed a parole term, notwithstanding some minor breaches during parole, if he/she is on parole when the sentence expires.

- During 2020-21 a total of 603 parolees successfully completed their parole orders representing a 73.98% successful completion rate. However, the constant flow of offenders into and out of the parole system is not taken into account in this estimate.

Section 57 and 59 of the *Sentencing Act, 2017* – Causing Serious Harm

Offenders who are convicted for serious sexual offences may, under Section 57 of the *Sentencing Act*, also be declared by the Supreme Court to be incapable of controlling, or unwilling to control, their sexual instincts. These offenders are detained in custody until further order of the Supreme Court.

The Parole Board is required by statute to review the progress and circumstances of these offenders every 12 months. The offender may elect to appear before the Board and be interviewed for the purpose of the review.

The Court may subsequently order, under Section 59 of the Act, the release of the offender on licence. The Parole Board is required to set the conditions for release and has responsibility for the supervision and monitoring of the licensee once released. The Board is empowered to return a licensee to custody and to cancel release where the Board is satisfied that the licensee has contravened, or is likely to contravene, a condition of licence.

Section 269 of the *Criminal Law Consolidation Act, 1935* - Mental Impairment

Persons who commit an offence but are found by the Court to be not guilty by reason of mental impairment, may be committed to detention for a period determined by the Court or may subsequently be released into the community on licence. The conditions of licence are set by the Court. Supervisory responsibility for those released on licence is divided between the Parole Board and the Minister for Health.

The Parole Board has responsibility for exercising supervision in all respects other than those conditions that relate to treatment or monitoring the mental condition of the licensee. The Parole Board has no power to return a licensee supervised under this *Act* to custody when a condition is contravened. The Court may order the revocation of the licence or variation of the supervision order on the application of the Director of Public Prosecutions.

Interim/Extended Supervision Orders

The Attorney General can apply to the Supreme Court for an Extended Supervision Order to a person who is a high-risk offender as defined by the *Criminal Law (High Risk Offenders) Act, 2015* (SA). The application has to be made within 12 months of the end of the person's sentence (including on release or parole or home detention) or extended supervision order or after the sentence is wholly satisfied (for life imprisonment).

The Supreme Court must consider at least one report from a medical practitioner including assessment on the person's likelihood of re-offending with similar offences. The Supreme Court's main determination must be based on the safety of the community.

Extended Supervision Orders can last for 5 years and further orders can be made following this time.

Extended Supervision Orders include conditions that the person not commit further offences, not possess any firearms or ammunition, or offensive weapons. Other conditions can be imposed by the Court and these conditions can also be varied by the Court.

The Parole Board can also impose conditions on people under Extended Supervision Orders including in relation to requiring electronic monitoring, requiring the person to live at a certain address, undertake programs or activities, preventing communication with certain people, and various other conditions.

During 2020-21 a total of 121 new or further ISO/ESO orders were registered compared to 40 in 2019-20, 38 in 2018-19, 25 in 2017-18, and 16 in total for the 2 financial years of 2015-16 and 2016-17. The increase in registration of new or further orders from 40 to 121 is clearly of significance.

During 2020-21 the Parole Board issued and executed 164 warrants for the arrest of offenders suspected of breaching their ISO/ESO conditions, compared to 148 in 2019-20. This is an increase of approximately 11% on the 2019-20 figure.

As of 30 June 2021, there were a total of 133 ISO/ESO offenders being supervised by Community Corrections and the Parole Board, compared with 104 as of 30 June 2020, 79 as of 30 June 2019, 41 as of 30 June 2018 and 15 as of 30 June 2017. This is an increase of approximately 28% on the 2019-20 figure.

Clearly the impact of the *Criminal Law (High Risk Offenders) Act, 2015* (SA), has had a significant impact on the capacity of the Board relative to both the numbers of prisoners supervised on Interim/ Extended Supervision Orders, and the requirement to issue warrants and then interview these offenders.

As noted in the preface, continued growth at the present rate of this cohort will require further resourcing of both the Board and Secretariat in the near future.

Court Reports

The Parole Board is frequently asked by Judges of the Supreme Court of South Australia, District Court of South Australia and Magistrates Courts to provide Parole Board Reports in relation to people before the courts awaiting sentence.

In addition, the Board regularly provides reports to those courts in relation to persons found not guilty due to mental impairment where the court is considering a matter of release on licence.

The Parole Board Secretariat provides general and invaluable assistance daily to Sentencing Courts, the Office of the Director of Public Prosecutions and Legal Practitioners in terms of advising the expiration terms of parole periods and the calculation of balances of parole to be served.

For the year 2020-21, there were 17 reports completed by the Presiding Member, 15 by Deputy Presiding Members, and 30 by the Secretariat.

The Parole Board is also required to supply reports to the Minister for Correctional Services and the Attorney General under Section 57 of the *Sentencing Act, 2017*, with regard to offenders incapable of controlling, or unwilling to control, sexual instincts, as required by legislation. In 2020-21, 17 of these reports were completed by the Presiding Member.

ESO/ISO Reports to Attorney General's Department

The Presiding Member has provided 160 reports with respect to ESO/ISO offenders in the 2020-21 period, at the request of the Crown Solicitor's Office. By comparison, in 2019-20, 124 reports were provided. This represents a significant increase of approximately 29%.

Reasons for Refusal/Release

The Presiding Member has provided 16 Reasons for Release, with respect to life sentenced prisoners, to the Commissioner for Victim's rights, the Attorney General and the Commissioner of police.

In addition, it is required by the Board to provide Reasons for Refusal of parole to prisoners at institutions within 30 days of the decision to refuse parole. The Presiding Member has provided Reasons for Refusal on 44 occasions, and Deputy Presiding Members 11, in the year 2020-21.

Acknowledgments

The Parole Board wishes to acknowledge the co-operation and assistance received from the Office of the Minister for Correctional Services, The Attorney General's Department, Chief Executive, Executive Directors, Officers and staff of Department for Correctional Services; the Commissioner and Officers of South Australia Police; the Clinical Director of Forensic Mental Health Services, psychiatrists and staff of the South Australian Forensic Mental Health Service; the Crown Solicitor and Officers of the Crown Law Office; Officers of the Courts Administration Authority; the Officers of the Department of Immigration and Citizenship

The Board also wishes to record its appreciation for the services provided by the Secretary and staff of the Parole Board Secretariat who have continued to provide excellent support in the face of a greatly increased workload. It should also be noted that the Secretariat staff were awarded a Team Excellence Award for 2021 for their continued professional and diligent administration work supporting the Parole Board, in what has again been a difficult and busy year.

The Parole Board relies on, and acknowledges, the provision of reports and assessments on prisoners and parolees by Departmental Psychologists, Community Corrections Officers and prison Social Workers. The Board also acknowledges those who provide programs and counselling to prisoners and parolees. These activities provide invaluable assistance and support to the Board in its primary objective of protecting the community and reducing the level of offending in South Australia.