



Parole Board | Queensland  
**Annual Report 2020-21**

# Acknowledgement of Country

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



## **Parole Board Queensland**

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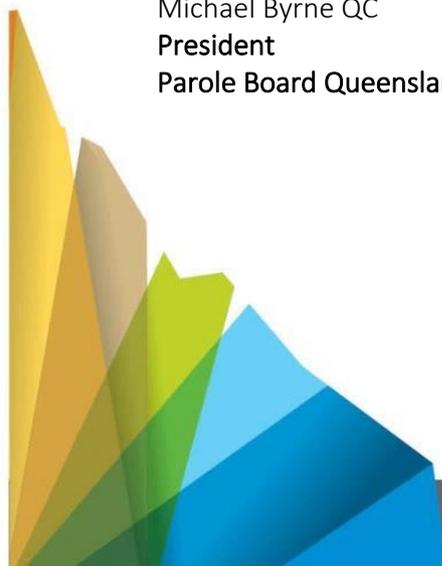
Dear Minister

In accordance with the requirements of section 242F of the *Corrective Services Act 2006*, I am pleased to present the Parole Board Queensland Annual Report 2020–21, detailing its operations and activities.

Yours sincerely

A handwritten signature in black ink that reads "M. Byrne".

Michael Byrne QC  
**President**  
Parole Board Queensland



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# President's Foreword

The Queensland criminal justice system has three fundamental parts; the Parole Board Queensland (the Board) constitutes its third limb.

Parole is not a privilege nor an entitlement. It is a method developed to prevent reoffending and plays an integral part in the criminal justice system. Accordingly, the Board has a crucial role to play.

In publicly supporting the establishment of the Board, as recommended in the Queensland Parole System Review, the Queensland Government Response noted:

*The Palaszczuk Government's vision is to deliver a world-class probation and parole system, one that effectively manages, supervises and rehabilitates offenders both while in custody and when released on parole into the community.*

*Led by a properly resourced, professional and independent parole board, such a system will lessen the likelihood of re-offending by parolees, thereby enhancing community safety ...*

The Board is established by statute and is independent in its decision-making processes. The Board is steadfast in its commitment to objective, evidence-based and transparent decision-making.

The absolute overriding consideration for the Board is to ensure community safety. This requires consideration of not only whether there is an unacceptable risk to the community if the prisoner is released to parole, but also, whether the risk to the community would be greater if the prisoner does not spend a period on parole under supervision before the end of their sentence.

For many Queensland prisoners, parole release decided by the Board is the only way they can be released from jail prior to their full-time discharge date.

Since our establishment in July 2017, the Board has decided on average, 3000 parole applications per year (this figure does not include amendment, suspension and cancellation of parole decisions).

The Board currently has three permanently funded teams, who work continuously and simultaneously all year round. In April 2021, a temporary fourth Board commenced operation; and on 5 August 2021, approval was given for the continuation of that temporary fourth Board but also for the establishment of a temporary fifth Board, which is to commence operation in October 2021. Both Boards are anticipated to run until 30 June 2022.

I, and my two Deputy Presidents—Mr Peter Shields and Ms Julie Sharp—have advocated strongly for a review into the Board's resources, our funding model, and our ability to manage future workloads and capacities, considering the increasing prisoner numbers in Queensland.

Across this financial year, the Board has reached the critical point where it now receives more applications for parole than it can properly consider per month. The impact of this on the operations of the Board and the criminal justice system is discussed under Section 2 of this report.

Based on our validated data modelling, I believe that a key way for the Board to regain compliance with its statutory obligations is for additional operating teams to be established on a permanent and ongoing basis. In this regard, I acknowledge the commencement of, or approval for, the temporary fourth and fifth Boards until the end of the 2021/2022 financial year.

I strongly believe that the Board can significantly contribute to the solution of prisoner overcrowding and complement the measures by Queensland Corrective Services (QCS) that are already underway in this regard.

We can do so by ensuring a prisoner who is eligible for parole, or whose parole order has been suspended, does not spend longer in actual custody than their risk to community safety dictates.

The Queensland Productivity Commission Report: *Inquiry into Imprisonment and Recidivism* (2019) made it clear that the annual cost of keeping a person in jail in Queensland is more than 20 times the cost of supervising a person in the community.

The Board has now been in operation for just over four years. Our learnings and our statistics are consistent; the data shows that about 79% of applications for a parole order are granted by the Board, and that of those, about 42% are granted at the first hearing of the application.

When the Board is able to consider parole matters in a timely way, the impact across the criminal justice system is significant (see Section 2).

## **Activities of the Board in 2020–21**

### **The PBQ Website**

Last financial year, I indicated that to further our endeavours to inform, educate and communicate widely about the Board and its

processes, we remained committed to the development of an independent online presence for the Board.

I am proud to report that in July 2020, the Board launched its own dedicated website with informative online resources. It enables the Board to publish key decisions, including matters thought to be of considerable public interest to the community (for example, the cases of convicted murderer William Fox; and Robert Long, convicted murderer, regarding the Childers Palace Backpacker Hostel fire; and Annemarree Lee, convicted in relation to the cruelty to and unlawful killing of Mason Lee).

The new website is at: [www.pbq.qld.gov.au](http://www.pbq.qld.gov.au)

### **First Nations Prisoners**

I foreshadowed in 2019–20, that the Board had undertaken a targeted recruitment strategy to increase the representation of Aboriginal peoples and Torres Strait Islander peoples in its Membership, through its Community Board Members (CBMs).

From 1 July 2020, 10 new CBMs joined the Board, taking the representation of First Nations peoples from seven to 17 members.

In 2021–22, the Board intends developing a formal Reconciliation Action Plan (RAP) to support the continuous improvement of the cultural capabilities of its Members and Secretariat. The RAP will further demonstrate the Board's support for reconciliation between First Nations and Non-First Nations peoples, and acknowledge the over-representation of First Nations peoples in the justice system.

### **Combating Domestic Violence**

The view shared across our entire Membership is that domestic violence will not be tolerated in a progressive and modern society.

As a Board, we have remained proactive in our efforts to ensure the safety of those members of the Queensland community at risk of domestic violence, through evidence-based decisions and targeted parole conditions. We have, and will continue to, advocated for progressive reforms to reduce the incidents of domestic violence (see Section 2: Combating Domestic Violence).

### **Operations of the Board in 2020–21**

The achievements of the Board would not be possible without the dedication, good will and commitment of our people: Board Members, the Secretariat, the Legal Services Unit and Associates. Despite the unrelenting and increasing workload, our people have demonstrated impressive professionalism, hard work and resilience.

Throughout all its activities and operational achievements across 2020–21, the Board remained mindful of the ongoing uncertainty and impacts of the COVID-19 pandemic, which has fundamentally changed the way people live and work.

The Board recognises the impact of COVID-19 restrictions upon prisoners and parolees across the state, and has ensured its processes remain responsive and adaptable. The Board remains in close communication with key stakeholders as we navigate these unprecedented times.

For the year ahead, acknowledging our vital role in Queensland’s criminal justice system, the Board will strive to maintain public confidence in the parole decision-making process through transparency in its processes, educating and communicating regarding the facts and myths about parole, delivering evidence-based decisions, and continuously working to help keep Queenslanders safe.

Our endeavours across 2020–21 would not have been possible without the ongoing support of our Minister, The Honourable Mark Ryan MP, and Deputy Commissioner (as he then was) Paul Stewart APM. To both, I extend my appreciation and thanks, and I look forward to working together and collaboratively again in the year ahead.

# Our people and structure

On 3 July 2017, the Queensland Government established the Board in response to recommendations from the Queensland Parole System Review by Mr Walter Sofronoff QC (as he then was).

It is an independent statutory authority.

## Mission Statement

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Parole is not a privilege or an entitlement. It is a method developed to prevent re-offending and plays an integral part in the criminal justice system. When making parole decisions, the Board's highest priority will always be the safety of the community.

## Membership

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Permanent board members as at 30 June 2021 included:

- 1 x President.
- 2 x Deputy Presidents.
- 5 x Professional Board Members (PBM).
- 33 x Community Board Members (CBM).
- 3 x Police Representatives.
- 3 x Public Service Representatives (PSR).

The President, Deputy Presidents, Professional Board Members and Community Board Members are 'appointed' Board Members under the *Corrective Services Act 2006* (the Act). That is, they are appointed for fixed terms by the

Governor-in-Council on the recommendation of the Minister.

The President is equivalent in experience and standing to a Supreme Court Justice, and the Deputy Presidents are equivalent to District Court Judges. The President and Deputy Presidents hold office for five years and may be reappointed but cannot hold office for more than 10 years.

The Professional Board Members hold office for a three-year term and may be reappointed. They must have a university or professional qualification that is relevant to the functions of the Board, such as a legal or medical qualification.

The PBMs carry significant responsibility, including acting in the role of Deputy President from time to time, chairing three and four member Boards, and conducting the lion's share of the 24/7 suspension function.

The CBMs hold office for a three-year term and may be reappointed. They do not require a formal qualification and are part-time roles. They represent the diversity of the Queensland community, in their knowledge, expertise and experience.

Of the 41 appointed Board Members (which excludes PSRs and Police Representatives), there are 18 men (44%) and 23 women (56%); and of those people, 16 are descended of Aboriginal peoples or Torres Strait Islanders (39%) and nine are located in regional Queensland locations (17%).

The Police Representatives and the PSRs are 'nominated' Board members, under the Act. They are nominated for transfer to the Board by the Commissioner of Police and the Commissioner of QCS, respectively.

The PSRs must have expertise or experience in probation and parole matters. These officers provide a critical

operational link to the Board and support its primary consideration of community safety.

The Queensland Police Service (QPS) representatives are senior officers, who also play a crucial role in the evidence-based decision-making process.

### **Secretariat**

The Board is supported by a Secretariat, which is subject to the direction of the President, and led by the Director, Parole Board Secretariat. This team includes a small but dedicated Legal Services Unit (LSU) comprised of lawyers, and Associates to the Senior Board Members. The LSU is led by the Director, Legal Services.

# Spotlight

## First Nations Prisoners

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In early June 2020, many Australians, including in Queensland, took to the streets as a sign of solidarity with the American Black Lives Matter movement but also in support of our First Nations peoples and their lived experiences of institutional racism in Australia and the rate of deaths in custody.

Again, these protests put a spotlight on the disproportionate and high rate of incarceration of Aboriginal peoples and Torres Strait Islander peoples.

The Australian Law Reform Commission, in its Report, *Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (1 December 2017), wrote of these alarming statistics:

*Although Aboriginal and Torres Strait Islander adults make up around 2% of the national population, they constitute 27% of the national prison population. In 2016, around 20 in every 1000 Aboriginal and Torres Strait Islander people were incarcerated.*

*... Aboriginal and Torres Strait Islander incarceration rates increased 41% between 2006 and 2016, and the gap between Aboriginal and Torres Strait Islander and non-Indigenous imprisonment rates over that decade widened.*

*Aboriginal and Torres Strait Islander women constitute 34% of the female prison population. In 2016, the rate of imprisonment of Aboriginal and Torres Strait Islander women (464.8 per 100,000) was not only higher than that of non-Indigenous women (21.9 per 100,000) but was also higher than the rate of*

*imprisonment of non-Indigenous men (291.1 per 100,000).*

*In 2016, Aboriginal and Torres Strait Islander people were 12.5 times more likely to be in prison than non-Indigenous people, and Aboriginal and Torres Strait Islander women were 21.2 times more likely to be in prison than non-Indigenous women.*

On 27 July 2020, an updated National Agreement on Closing the Gap took effect—an ongoing agreement between all Australian governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations.

‘Outcome 10’ of the Agreement has particular relevance to the work of the Board; it is to end the over-representation of First Nations peoples in the criminal justice system. The target set is to reduce the rate of adult Aboriginal peoples and Torres Strait Islanders held in incarceration by at least 15% by 2031.

From a Queensland perspective, the Board will be a key stakeholder in the successful delivery of that target.

### Targeted Recruitment of First Nations People as Community Board Members

Consistent with the theme of this year’s celebrations of NAIDOC week (held 8 November to 15 November 2020), *Always Was, Always Will Be*, the Board recognises the important position of Australia’s First Nations peoples and the wealth of information and knowledge to be drawn upon.

Recruitment to the Board must ensure balanced gender representation and the representation of Aboriginal peoples and Torres Strait Islanders in the Membership.

As foreshadowed in 2019–20, the Board undertook a targeted recruitment strategy in consultation with the Department of

Aboriginal and Torres Strait Islander Partnerships to increase the representation of Aboriginal peoples and Torres Strait Islanders in its Membership through its CBMs.

From 1 July 2020, 10 new CBMs joined the Board, taking the representation of Aboriginal peoples and Torres Strait Islanders from seven to 17 members.

The following people joined the Board:

- Kimina Andersen, who is an Aboriginal and Torres Strait Islander woman from the Wuthathi (Eastern Cape), Wakka Wakka and Darnley Island communities.
- Garry Bell, who is an Aboriginal man from the Wakka Wakka Tribal/Language group.
- Lincoln Crowley QC, who is an Aboriginal man from the Patta Waramungu peoples of Tennant Creek, Northern Territory.
- Amanda Doyle, who is an Aboriginal woman from the Wiradjuri Tribal/Language group.
- Ronald Fogarty, who is an Aboriginal man from the Bidjara community.
- William Ivinson, who is an Aboriginal and Torres Strait Islander man from the Wadeye, Murrar Ter and Darnley Island communities.
- Edward Monaei, who is an Aboriginal and Torres Strait Islander man from Cape York and Merrian Man communities.
- Raymond (Matt) Saunders, who is an Aboriginal man from the Tribal/Language groups, Kamilaroi and Bigambul.
- Tamara Solomon, who is an Aboriginal woman from the Tribal/Language group, Kuku Yalanji women.
- David Wenitong, who is an Aboriginal man from the Gubbi Gubbi Tribal/Language group, and a South Sea Islander.

These members bring a wealth of experience from working in the public sector, private enterprise, and in the justice system.

The Board recognises that the relationship between First Nations individuals, their community, Elders and their Country is unique. The lived experiences and depth of knowledge that our First Nations CBMs bring to parole hearings enables a connection, in particular cases, that is simply unable to be achieved by non-Indigenous members alone, and it is one that the entire Board appreciates and continues to learn from.

Recognition of the importance of ensuring a Membership that is truly representative of our community and implementing measures that strive to help the Board better understand the unique and complex culture of our First Nations prisoners is why the Board, for example:

- actively engages in the celebrations of NAIDOC week each year
- is piloting the new Culturally Engaged Release for Indigenous Parolees (CERIP) initiative (see below)
- again travelled across Queensland to engage directly with Community Justice Groups (CJGs) and respected Elders, under its *Regional Outreach Plan 2021*, to develop and refine the processes by which these vital stakeholders can contribute to and inform Board processes (see below).

The President, Deputy President Julie Sharp, and Director Michelle Moore, travelled to Cairns at the invitation of CBM, Jennifer Cullen, who is a descendant of the Bidjara and Wakka Wakka peoples and CEO of Synapse (Australia's Brain Injury Organisation) to participate in National Reconciliation Week activities. They joined a yarning circle at Warner Street, which is supported accommodation for people with brain injuries that is run by Synapse. Discussions included the ongoing need for suitable

accommodation for vulnerable people, particularly those living with a disability. As mentioned, in 2021–22, the Board intends to develop a formal *Reconciliation Action Plan*.

### Culturally Engaged Release for Indigenous Parolees (CERIP)

The CERIP initiative is a pilot program that will run for six months, having commenced in February 2021. CERIP is focused on First Nations prisoners applying for parole.

The initiative is founded on principles consistent with the Indigenous Sentencing Courts in Australia. That is, it recognises the powerful impact and insight that can be gained from the inclusion of Elders and respected community members in decision-making processes regarding First Nations peoples.

The CERIP initiative aims to strengthen the relationship between a prisoner, their CJG, and the Board with the goal of formulating practical, actionable parole conditions that are adaptable for First Nations prisoners who are returning to country, and to promote their ongoing rehabilitation with a focus on connection to culture and the relevant CJG and/or Elders in their community.

In Queensland, a CJG is established under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

A CJG is usually formed when community members come together voluntarily. Their functions include developing networks with agencies and service providers to ensure crime prevention, justice, community corrections and related issues impacting on their community, and supporting Indigenous victims and offenders at all stages of the legal process.

Eligibility for participation in the CERIP initiative rests on three criteria—the prisoner must:

- be classified as a non-prescribed prisoner—the intention is to target those who fall, objectively, towards the lower end of criminal responsibility and not serious violent or sexual offenders
- be identified as an Aboriginal person and/or Torres Strait Islander
- have applied to live within a rural/remote Indigenous community that has a CJG participating in the pilot.

For these prisoners, the Board will receive a Report from the CJG of the community where the prisoner wants to live. Matters the Report might address are:

- The reality of program provisions in the area to enable the prisoner to progress through rehabilitation.
- Access to the Community Corrections supervision in the region and issues surrounding transportation.
- Information surrounding the propensity of alcohol and drug use in the community, including dry communities.
- Known employment opportunities and history.
- Information relating to intergenerational trauma within the community and the prisoner’s family.
- Any personal factors relating to the prisoner.
- Likely challenges faced by the prisoner when reintegrating into the community.
- Ability of the CJG to engage with the prisoner in the community and contribute to their success on parole.

As a result of the Board’s travels across 2019–20 to engage with the CJGs of rural/remote communities, important connections have already been established with some communities. For the pilot, CJGs from the following communities will participate: Mount Isa, Thursday Island, Hope Vale,

Lockhart River, and Wujal Wujal, with discussions underway for Palm Island and Cherbourg to join.

Interest is also being sought from the Mapoon Aboriginal Shire Council, Mornington Island, Cloncurry, Doomadgee, Normanton, Aurukun, Coen, Napranum, and Boigu Island.

An evaluation framework for the pilot has been developed, and the initiative is also supported, at officer level, by QCS and the Department of Justice and Attorney-General (who is responsible for the CJG program).

### **Regional Outreach Plan 2021**

Building upon the success of the Board's travels in 2019–20, the Board developed its *Regional Outreach Plan 2021*.

The Board is committed to engaging with rural and remote communities to better inform the Board's decision-making processes, and to support culturally appropriate parole conditions.

At the end of the last financial year, the Board flagged its commitment to convene a gathering of representatives from each of the North Queensland CJGs visited across 2019–20 to be held on Thursday Island to enable the different community areas to share ideas and experiences. It was hoped that discussions across the CJGs might even extend beyond parole matters and include other justice-related topics.

Unfortunately, the ongoing restrictions and safety measures regarding the COVID-19 pandemic meant this commitment could not be delivered in 2020–21 as planned.

However, the *Regional Outreach Plan 2021* has provided an alternative, and nevertheless effective, means by which the Board has been able to continue to collaborate and build upon its relationships across central and northern Queensland.

In 2021, the Board travelled to regional Correctional Centres in northern Queensland. The Plan involves the Board conducting on-site parole meetings inside Correctional Centres. Applications of First Nations prisoners are prioritised. On-site Board meetings are novel and allow the prisoner to be physically present during the meeting and allows stakeholder engagement from Community Corrections Case Management officers, CJG representatives, and Cultural Liaison Officers. That engagement helps the Board to gain a full picture of risks and risk management/support strategies for prisoners who often have limited education and/or literacy and other vulnerabilities.

This experience has also enabled some of the Board's regional CBMs to attend a meeting in-person (rather than remotely via video link, as is often the case for them).

These visits also allow the Board the opportunity to meet directly with the Prisoner Advisory Committee (known as PAC), which is a collective of prisoners who have been elected from each Unit within the jail to represent their peers. These meetings provide an opportunity for direct engagement with the prisoners in relation to parole issues and emerging trends.

The Board also meets with the various business units within the correctional centres to discuss parole issues and emerging trends from a different perspective.

Crucially, the on-site visits offer the chance for the Board to meet with the centres' Cultural Liaison Officers, each of whom play an invaluable role in supporting First Nations prisoners and facilitating, where needed, communication between the prisoner and the Board.

The Board has already conducted on-site meetings/visits at the Lotus Glen Correctional Centre in Cairns, and the Townsville Correctional Centre (male). It is envisaged,

COVID-19 restrictions permitting, that similar visits will occur at the Townsville Correctional Centre (women) and Capricornia Correctional Centre in Rockhampton.

The *Regional Outreach Plan* is an innovative way in which the Board can connect with its stakeholders, show transparency in its processes, communicate facts and dispel myths about parole, and directly highlight key information about the Board's evidence-based decision-making processes.

## Combating Domestic Violence

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To say that the Board has been astounded by the extent and nature of the domestic violence occurring in the Queensland community is an understatement.

This is in the context of the full-time appointed Board Members, comprised of the President, two Deputy Presidents and five Professional Board Members, all having extensive experience and expertise in the criminal justice system—whether as prosecutors, defence lawyers, undertaking tribunal work, expertise in criminal law reform or child protection litigation.

Anecdotally, it seems there is no discernible pattern in terms of who are perpetrators and where domestic violence will occur.

What is abundantly apparent from the daily work of the Board is that domestic violence reaches into every suburb and every community across Queensland. It matters not what ethnicity, educational level, employment or financial status, age or background of the perpetrator or victim—from the Board's experience, no one is immune.

The available research also suggests that Aboriginal women and Torres Strait Islander women experience family violence at a higher rate than the broader Australian

community, and that the majority of Aboriginal women and Torres Strait Islander women in prison have experienced physical or sexual abuse (ALRC, *Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No. 133) 1 December 2017).

The level and severity of the violence seen by the Board is alarming, as is the extent of repeat domestic violence offending, including domestic violence perpetrated by offenders already on parole, or in custody, for domestic violence offending.

The President conveyed the views of the Board about domestic violence in his speech to the Domestic and Family Violence Death Review and Advisory Board.

It is clear that:

- Domestic violence is prevalent throughout our community.
- Domestic violence will not be tolerated in a progressive and modern society.
- Community safety dictates that domestic violence offenders are released to parole only under structured and individually tailored parole orders that:
  - ensure the safety of the Aggrieved and children
  - assist with the prisoner's reintegration back into the community
  - mitigate the risk through ongoing rehabilitative measures.

The Board is very fortunate to have as part of its composition: Police Representatives and the Public Service Representatives.

These officers provide invaluable support in identifying domestic violence offenders in circumstances where current offences may not otherwise disclose such conduct.

## Parole conditions tailored to address domestic violence

The Board draws upon a range of conditions when structuring the parole order for:

- (a) a prisoner convicted of domestic violence offending; or
- (b) a prisoner convicted of *any* offence and who has a criminal history of domestic violence offending; or
- (c) a prisoner convicted of *any* offence and who is (or has been) the Respondent in a Domestic Violence Order or Police Protection Notice.

To monitor their whereabouts upon release, the Board can include conditions:

- mandating that the prisoner live at an approved address—to stop the prisoner from moving addresses at will—and to enable safety checks and planning to occur prior to each move
- imposing a curfew requiring the prisoner to stay at home between fixed hours for a set period of time
- fitting the prisoner with an electronic monitoring device so their every movement can be tracked and recorded.

The Board has also devised domestic violence specific conditions that are utilised for domestic violence prisoners, namely:

- You must not commit any act of domestic violence.
- You must attend domestic violence counselling and/or programs as directed by an authorised corrective service officer.
- You must comply with the conditions of any Domestic Violence/Protection Order/Safety Order in which you are named as respondent.
- You must notify within two business days of your being served with any application for a protection order under the

*Domestic and Family Violence Protection Act 2012.*

- You must notify within two business days of the commencement of any intimate relationship.
- You must not in any way, directly or indirectly, contact or communicate with (named person/s) without the prior approval of an authorised corrective services officer.

Other conditions the Board also relies upon to further tailor a parole order to a domestic violence offender, or any prisoner who the Board reasonably believes is an unacceptable risk of committing domestic violence behaviours, include: location restrictions to prevent the prisoner from visiting or being within certain geographical areas, and prohibition/monitoring conditions regarding the use of internet and electronic devices, in particular relating to access and use of social media and dating websites.

## Stopping domestic violence occurring from inside prison

A very disturbing trend identified by the Board has been prisoners perpetrating domestic violence from inside prison.

There is zero tolerance for that type of offending. As a community, the clear expectation must be that someone in jail for domestic violence offending cannot commit further domestic violence offending—and if they do, they will be held criminally liable.

In collaboration with QCS and the QPS, the Board has led the way in implementing robust measures to directly target those prisoners who disregard the conditions of a Domestic Family Violence Order—not only in consideration of parole applications but also in pursuit of criminal charges.

To combat this scourge, the Board now has processes in place to formally request an Intelligence Assessment be undertaken

regarding any prisoner. This is prepared by the QCS Intelligence Group (QCSIG).

The Intelligence Assessment Report includes: a summary of all known intelligence holdings for the prisoner, any relevant QPS intelligence holdings, and an audit of the Prison Telephone System. These reports remain highly confidential.

This has been a 'game-changer' for the Board in that it can now be equipped with a more complete picture when assessing a prisoner's application for parole and the risk they pose to community safety.

It also means that prisoners, prompted by the Queensland Police Representatives, are in fact being charged and prosecuted with further domestic violence offences.

It is hoped that these measures will provide strength and support to the victims of crime—that they can feel safer in the knowledge that the violence will stop while a prisoner is in jail, and that the prisoner will not be released to parole if it doesn't.

### **Commitment to ongoing reform**

The Board will continue to advocate for progressive reforms to reduce the incidents of domestic violence.

#### *Inter-agency information sharing project*

The Board will ensure it is part of the recently established *Inter-agency Domestic and Family Violence Project*, led by QCS. The project is aimed at enhancing domestic violence information sharing practices between QCS, the Department of Justice and Attorney-General, the QPS and the Board regarding victims and perpetrators of domestic violence (implementing Recommendation 84 of the 2016 Queensland Parole System Review).

#### *Women's Safety and Justice Taskforce*

On 11 March 2021, the Queensland Government announced a wide-ranging

review into the experience of women across the criminal justice system to be undertaken by the newly formed *Women's Safety and Justice Taskforce*, led by the Honourable Margaret McMurdo AC. The commitment is to bring about generational change through an ongoing program of reform to end domestic, family and sexual violence, and to improve the criminal justice system for women, whether as victims, survivors or accused.

The Board is uniquely placed to inform the Taskforce. Many of the most serious of domestic violence offenders come before the Board either through application for board-ordered parole or as court-ordered parolees who have had their parole suspended. Every perpetrator considered by the Board is a convicted offender of some type (and often a repeat offender), which places the Board in a unique position as compared to the other stakeholders across the justice system.

The Board also determines parole matters relating to women in the criminal justice system who have been victims of domestic and family violence.

Accordingly, the Board is keen to be actively involved in this milestone body of reform.

## **A Review of the Parole Board Queensland's funding and operations model**

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Since the establishment of the Board, the number of parole applications received has increased, resulting in:

- a current backlog in parole files, including parole applications and parole suspension matters awaiting determination
- difficulty meeting the statutory timeframes, within which the Board must consider and determine a parole

application under the *Corrective Services Act*.

The Board has reached the point where it now receives more applications for a parole order than it can properly consider each month. At present, the Board is funded for three permanent operating teams.

A way for the Board to enhance its operating capacity is for additional operating teams to be established.

In response, QCS provided funding to establish a temporary fourth operating team to work across April, May and June 2021. It was led by experienced Professional Board Members: Carolyn McAnally, Valentina McKenzie and Simone Healy. The initial mandate was to focus on the backlog of applications for low classification and/or low custody placement prisoners.

The value of the fourth operating team was recognised in the further extension of the team until the end of the 2021/2022 financial year. Additionally, on 5 August 2021, QCS funded the establishment of a temporary fifth operating team, also to run until the end of the financial year. The fifth operating team is expected to commence in October 2021.

This investment complements the fiscal measures already implemented by the Board across 2019–20 and 2020–21; measures self-initiated by the Board to secure internal cost savings to self-fund (if achievable) an additional ongoing operating team. These initiatives included:

- The COIPE Project: The Court-Ordered Immediate Parole Eligibility Project started on 2 September 2019 and aimed to develop an efficient and fair administrative method to process the parole applications of prisoners who are sentenced to a term of imprisonment and become eligible for parole on the same day of their sentence hearing. It by no means guaranteed a prisoner's release to

parole, instead it aims to ensure that for these prisoners, their application is considered by the Board within 14 days of their parole application date. It means eligible prisoners do not remain in jail longer (than their risk to community safety dictates) on account of outdated administrative processes.

As at 30 June 2021, the Board had received 564 COIPE applications and had granted 357 parole orders.

- Rostering changes: Managing Board meetings to provide greater roosting efficiencies, including savings from CBM fees, coupled with small legislative amendments to the quorum of Board meetings to also achieve roosting efficiencies but without compromising the integrity of decision-making processes.
- Electronic file management: The new temporary fourth operating team, including the former temporary fourth operating team that was set up in 2019–20 to address the increase in exceptional circumstances parole applications stemming from the COVID-19 pandemic, operates on electronic only file management. This approach has also been extended permanently to parole amendment, suspension and cancellation decisions, leading to savings in hardcopy file management costs.
- Legal Services: The transition to the establishment and use of an in-house legal services model, and the implementation of a direct briefing model has led to significant cost efficiencies for the Board.

The recent Queensland Productivity Commission Report: *Inquiry into Imprisonment and Recidivism*, made it clear that the annual cost of keeping a person in jail in Queensland is more than 20 times the cost of supervising a person in the community.

The Board has now been in operation for just over four years. Our statistics are consistent and show that about 79% of applications for a parole order are granted by the Board. Further, about 42% of applications for a parole order are granted at the first hearing of the matter.

The work of the Board has the capacity to significantly impact prisoner numbers and provide economic benefits to the Queensland Government, without in any way compromising the integrity of the Board's decision-making processes.

If the Board was able to consider the parole applications received per month within its statutory timeframes, the consequential impact across the criminal justice system would be huge, including:

- A downward trend in unnecessary 'spent bed days', which equates to significant resource implications for QCS, as evidenced by the success of the COIPE Project, thereby enabling the redirection of some custodial resources by QCS where needed.
- Enhanced security and safety of correctional centres, either in terms of the potential reduction in prisoner-on-prisoner assaults, but crucially, a safer working environment for our front-line custodial officers.
- More certainty for victims of crime regarding parole decision-making timelines and enhanced safety planning capability.
- Greater integrity in the sentencing process. The decision to grant parole rests solely with the Board; however, there remains the legislative expectation (section 192 of the *Corrective Services Act*) that the Board will give effect to the eligibility date set by the sentencing court, except where there is material not otherwise known to the court at the time—for example, ongoing poor

custodial behaviour or forensic risk assessment reports.

- A reduction in the unintended workload pressure being placed on Queensland courts due to the rise in judicial review applications being lodged by prisoners on account of outstanding parole decisions.
- Adherence to Queensland's *Human Rights Act 2020*. The human rights of prisoners, regarding parole decision-making, can only be ensured if the Board is resourced to achieve timely decision-making.

In the context of the operational pressures on the Board, QCS, and parole system stakeholders more broadly, the government authorised an independent review of the Board's operating model, processes, resources, funding model and ability to manage future workloads and capacities as prisoner numbers in Queensland continue to be projected to rise (the Review).

QCS, on behalf of the Queensland Treasury, engaged KPMG to undertake the Review. The Review commenced in March 2021, and included consultation with the Board, QCS, and a range of key stakeholders, including the Judiciary, the Department of the Premier and Cabinet, Queensland Treasury, and the Department of Justice and Attorney-General.

The next stage is for KPMG to deliver its Final Report to the Queensland Government.

# Fostering stakeholder relationships & enhancing awareness

As an independent decision-making body, the Board receives information from a range of people, service providers and organisations, including the prisoner, QCS, QPS, victims of crime, and community organisations. While the Board scrutinises the information it is provided, the Board is not an investigative body and has no such powers. However, the Board does have the power to request further information.

The Board is committed to maintaining public confidence in the parole decision-making process through transparency in its processes, educating and communicating regarding the facts and myths about parole.

The Board has undertaken targeted consultation and engagement with the following stakeholders across 2020–21, with a view to strengthen its processes to ensure community safety, and to facilitate the successful reintegration of prisoners back into the community:

## **Community legal and support services**

The Board is committed to ensuring a strong and collaborative working relationship with its legal stakeholders and community legal groups, such as the Prisoners' Legal Service,

Sisters Inside, Aboriginal and Torres Strait Islander Legal Service (ATSILS), and Legal Aid Queensland, to improve release planning for prisoners and better inform parole decisions.

Prisoners' Legal Service, a key stakeholder for the Board, is a dedicated community legal centre solely focused on specialist advice to prisoners regarding their incarceration, including parole decisions. A particular focus across 2020–21, in addition to the impacts of the COVID-19 restrictions on prisoners, has been the Board's challenge in meeting statutory timeframes as a result of the high-volume of applications received each month.

Sisters Inside, an organisation founded by Debbie Kilroy, OAM, provides, amongst other things, valuable transitional support to women (and their families) in preparation for and upon their release from prison.

The Senior Board Members have had a range of interactions with the Board's legal stakeholders and interested legal groups, including:

- A presentation to the Domestic and Family Violence Death Review and Advisory Board.
- Consultation with the Director of the Secretariat to the Queensland Sentencing Advisory Council.
- A presentation to the Queensland Law Society, Criminal Law Committee's Remand Working Group.
- A further presentation to the QLS Criminal Law Committee on 'Remedial and Future Funding of Parole Board Queensland'.
- A presentation to the Bayside Community Legal Centre on 'The Art of Advocacy'.
- A law lecture to students at the University of Queensland studying Criminology (Correctional Practice) on

parole decision-making practices and processes.

- A law lecture to students of the Prison Law course at Griffith University.
- A presentation at the two-day conference, *A Country Special*, Criminal Law CPD Seminar held in Goomburra in Queensland's Southern Downs region.

### **Queensland Health**

As noted in the 2019–20 Annual Report, in May 2020, the Board, led by Deputy President Julie Sharp and Director, Legal Services, Lisa Hendy, finalised a body of work culminating in a Memorandum of Understanding (MOU) with the Chief Executive of QHealth. The MOU facilitates the exchange of information regarding the health care, most often mental health care, provided to prisoners.

On 11 September 2020, the MOU came into effect. It has pathed the way for the efficient and timely provision of much-needed health information to better inform the Board's decisions and to mitigate community risk.

A dedicated QHealth employee was recruited to the Board in a liaison position to enable ease of access to the relevant health information provided for under the MOU.

Further, since establishment of the MOU, Ms Hendy has been in regular contact with the QHealth Parole Liaison Officer to discuss information sharing issues and to maintain effective stakeholder engagement between agencies. Deputy President Julie Sharp is joint Chair of the QLD Health – Parole Board Queensland Steering Committee.

### **Reintegration and accommodation service providers**

A home, a job, and freedom from substance abuse are key factors for success on parole, as well as access to support and resources to help reintegrate into the community and address those factors. The shortage of

suitable post-release accommodation, which is sometimes a prisoner's only barrier to parole, remains an issue of focus for the Board in 2020–21.

The Board fosters ongoing stakeholder relationships with key accommodation managers across Queensland.

This year, consultation also occurred with Community Queensland—a community-based support organisation for vulnerable people, which provides integrated services and programs for the homeless and people experiencing poverty, addiction and mental issues.

### **The Judiciary**

Consultation has occurred across the financial year between the Senior Board Members and the Judiciary, regarding the progress of the COIPE Project.

Crucially, fortnightly across 2020, and then monthly across 2021, the Board has also been a vital participant in the Heads of Jurisdiction COVID-19 Teleconference Meeting. This meeting is attended by the heads of jurisdiction, including the Chief Justice of the Supreme Court of Queensland, the Chief Judge of the District Court of Queensland, the Chief Magistrate, and representatives from: QPS, the Department of Justice and Attorney-General, Youth Justice, and QCS. These meetings are targeted at information sharing and managing the COVID-19 pandemic and its implications for the entire criminal justice system. Representing the third limb of the justice system, it has been vital that the Board (along with QCS) update the group on prisoner/parolee matters.

### **Education for our Members**

Enhancing awareness is not just about outwardly communicating the work of the Board to our stakeholders, prisoners and their families, and the community at large, but also about the continuing education and capability building of our Membership. To that end, the Board has been proactive across

2020–21 to invite speakers to present to the Board on a range of topics, including presentations on:

- The management of transgender prisoners in custody—by Ms Clair Walker, Principal Advisor, Murrighagun Cultural Centre, QCS.
- The rehabilitation programs offered in custody by officers from the QCS Offender Rehabilitation and Management Services, Offender Intervention Unit, and the Assessment and Rehabilitation Strategy.
- The impacts of Family and Domestic Violence on children and their development (including in the womb)—by Laura Dodd, Family Consultant and Managing Director of Edgeways Consultancy.
- The Victims’ Registry, including its role, processes, and establishing more effective and efficient information sharing strategies with the Board.
- The link between violence and aggressive behaviour in prison, and the prediction of future risk—by Professor Michael Daffern, Professor of Clinical Forensic Psychology.
- Information about Prison Mental Health Service referrals and the Indigenous Mental Health Intervention Program (IMHIP), which is a multidisciplinary, social and emotional wellbeing service for First Nations people in custody—by representatives from QHealth.
- Ongoing vicarious trauma workshops and continuing education.

### **Speaking with prisoners about parole extension timelines**

Across 2021, as a result of delays in considering parole applications Deputy President Peter Shields attended Correctional Centres across Queensland, in person or remotely, to speak directly with the Prisoner Advisory Committees (PACs).

Deputy President Julie Sharp attended the Capricornia Correctional Centre for the same purpose.

The PACs are a collective of prisoners elected from each Unit within the respective jails to represent their peers. They are a conduit for communication with the wider prisoner population.

The Board appreciates the importance of providing certainty about parole decision timelines to prisoners, their families and support networks. The aim therefore was to directly inform prisoners about the Board’s operating environment, to give realistic timeframes for when matters would be considered, and to provide information about remedial measures.

# The parole process in Queensland

## Parole in Queensland

In Queensland, there are two types of parole orders: a court-ordered parole order and board-ordered parole order.

A court-ordered parole order sets a fixed date for release to parole, which is determined by the sentencing court at the time of sentence. A board-ordered parole order applies to prisoners sentenced to imprisonment with a parole eligibility date (as distinct from a fixed release date). It is the Board that determines when the prisoner is released to parole once the eligibility date is reached.

Whether a prisoner is entitled to a sentence that fixes the release date or has been given a set date for when they become eligible for parole, depends upon the type of offence and the length of the term of imprisonment imposed.

## **Post-sentence supervision and Control Orders are NOT parole**

What is not parole, but sometimes mistakenly thought of in media reporting as such, is post-sentence—continued supervision of particular dangerous prisoners under the *Dangerous Prisoners (Sexual Offenders) Act 2003* (the DPSOA).

The DPSOA regime enables the Supreme Court, upon application by the Attorney-General, to order the post-sentence preventative detention of a sex offender (meaning they must stay in jail even once their sentence has ended), or the continuing supervision of a sex offender (meaning they

must continue to be closely managed and monitored in the community even after their sentence has ended) where they pose an ongoing serious danger to the community.

While this small cohort of serious sex offenders are supervised and monitored by QCS, they are not parolees, and the decisions about their release, post-sentence, are not made by the Board. Examples of serious sex offenders under (or previously under) the DPSOA regime include Robert John Fardon and Douglas Brian Jackaway.

Additionally, offenders subject to ongoing Organised Crime Control Orders—which are made by the Court at the time of sentence and place conditions on offenders, to protect the public by preventing, restricting or disrupting an offender’s involvement in serious criminal activity—are not parolees, and decisions about their Control Orders are not made by the Board.

Further, an analogous regime also applies to certain persons to protect the public from terrorist acts; these anti-terrorism measures are not parolees, and decisions regarding these Control Orders are not made by the Board.

## Parole Board Queensland

The Board is established under Chapter 5 (Parole) of the *Corrective Services Act 2006* (the Act), and is an independent statutory authority. The Board makes objective, evidence-based and transparent parole decisions. The Board’s independence requires its decisions are made in accordance with relevant legislation, common law principles, and the Guidelines issued by the relevant Minister (under section 242E of the Act), without influence or pressure from external sources.

When considering whether a prisoner should be granted a parole order, the overriding consideration for the Board is community safety; it is the highest priority for the Board

in its decision-making process. This involves a consideration as to whether there is an unacceptable risk to the community if the prisoner is released to parole; but also, whether the risk to the community would be greater if the prisoner does not spend a period on parole under supervision before full-time completion of their prison term.

### Functions of the Board

The Board is responsible for determining:

- parole applications for board-ordered parole (sections 180 and 193)
- parole applications for exceptional circumstances parole—a prisoner can apply for such an order at any time, and it may start at any time; however, the threshold is high, and the Board has a very wide discretion as to what constitutes exceptional circumstances (sections 176 and 177)
- decisions to amend or suspend or cancel any parole order, including a court-ordered parole order (Chpt 5, Part 1, Div 5)—for example, but not limited to, where the Board reasonably believes that the prisoner has failed to comply with a condition of the parole order, or poses a serious risk of harm to someone else, or poses an unacceptable risk of committing an offence
- decisions to, or to endorse a decision of an individual Prescribed Board Member to, immediately suspend a parole order (including a court-ordered parole order) upon the request of QCS (section 208A to 208C)
- approval for a parolee to travel interstate for longer than seven days and include conditions (section 212)
- approval for a parolee to travel overseas and only for a compassionate purpose and in exceptional circumstances (section 213)

- parole applications where the No Body No Parole provisions apply under section 193A—that is, for a prisoner serving a period of imprisonment for a ‘homicide offence’ and the victim’s body or remains have still not been located, the Board must refuse to grant the application unless satisfied the prisoner has cooperated satisfactorily in the investigation of the offence to identify the victim’s location
- parole applications where the prisoner has links to terrorism (sections 193B–193E, and section 247A)—in these circumstances, the Board must refuse to grant the application unless satisfied exceptional circumstances exist to justify granting the application (as distinct from an exceptional circumstances parole order issued under section 177).

QCS, a key stakeholder of the Board, is responsible for the day-to-day case management and supervision of prisoners on parole.

### Factors to consider

In assessing a prisoner’s suitability for parole release, the Board considers a range of competing factors, including:

- the prisoner’s criminal history and pattern of offending
- whether there are any circumstances likely to increase the risk the prisoner presents to the community
- whether the prisoner has been convicted of a serious sexual offence or serious violent offence
- the parole recommendation of the sentencing court and any comments made by the Judge during the sentence hearing
- any medical, psychological or psychiatric risk assessment reports relating to the prisoner—tendered at sentence or obtained while the prisoner has been in jail

- the prisoner’s behaviour in prison
- completion of recommended programs in prison
- access to support and services in the community
- availability of suitable accommodation
- submissions made by victims.

### Parole conditions

The types of conditions that can be attached to a grant of parole are wide and varied. There are certain conditions that must attach to every grant of parole; and thereafter, the Board endeavours to tailor a parole order to the particular risk potentially posed by each prisoner (sections 200 and 200A, the Act).

Examples of the mandatory conditions that attach to every grant of parole include: must report as directed to their supervising officer; carry out the lawful instructions issued by their supervising officer; give a test sample if required; notify of any change of address or employment details; and importantly, not to commit an offence.

In tailoring conditions to an individual prisoner, the Board may include any extra conditions it reasonably considers necessary to ensure the prisoner’s good conduct when in the community, or to stop them from committing another offence.

Examples of the types of additional conditions the Board might add include: conditions to target addiction, or to assist with mental health concerns, or to protect victims and children, or to prevent domestic violence.

### Board composition

A distinction is drawn between a ‘prescribed prisoner’ and all other prisoners, when it comes to determining the composition of the Board for its meetings (section 234).

A prescribed prisoner is a prisoner who, for example, is imprisoned for: a serious violent offence or a serious sexual offence, or an offence committed with the Serious Organised Crime circumstance of aggravation, or an offence that carries a mandatory minimum non-parole period (such as: murderers, serious repeat child sex offenders, offenders convicted of unlawful striking causing death, and various Weapons Act offenders), or where the No Body No Parole provisions apply.

All other prisoners who fall outside the ambit of that definition are colloquially referred to as ‘non-prescribed prisoners’.

The Act provides (as amended by the *Corrective Services (COVID-19) Emergency Response) Regulation 2020*, and thereafter to continue per the *Corrective Services and Other Legislation Amendment Act 2020*) that the Board must be comprised of the following Members as follows:

- *Prescribed prisoner* parole application: Board sitting as five (5) members and comprised of (at a minimum) President or Deputy President, Professional Board Member, CBM, Public Service Representative, and QPS Representative.
- *Prescribed prisoner* suspension, cancellation or amendment matter, and all *non-prescribed prisoner* matters, i.e. parole application, suspension, cancellation or amendment matters: Board sitting as three (3) members and comprised of (at a minimum) Professional Board Member, CBM, and one other member.

The Board operates each business day between 8am and 5pm, and a 24-hour, 7 days a week on-call service for urgent parole suspension matters occurring outside of business hours.

## Judicial review

The *Judicial Review Act 1991* applies to the Board's decisions. Other than an internal review mechanism for decisions to immediately suspend a parole order, judicial review is the only avenue open to a prisoner. Accordingly, the Board strives to ensure that clear and concise reasons are given for each decision, and it is justified on the materials and supported by evidence. Similarly, that procedural fairness and the need to afford natural justice to the prisoner throughout the process is at all times maintained.

## The Human Rights Act and parole decision-making

On 1 January 2020, Queensland's *Human Rights Act 2019* (the Act) commenced and aims to (inter alia):

*... ensure that respect for human rights is embedded in the culture of the Queensland public sector and that public functions are exercised in a principled way that is compatible with human rights ... to ensure human rights are given proper consideration in public sector decision-making ... to promote discussion or dialogue about human rights between the three arms of government ... the Executive through developing policy and administrative decision-making.*  
(Explanatory Notes)

The Act requires public entities to act and make decisions in a way compatible with human rights (section 4). The Board falls within the ambit of the Act, and accordingly, it must act and make its decisions in a way that is compatible with and ensures proper consideration is given to any human right that is relevant to the decision (section 58).

# The year in review: Legal Services

## The work of the Legal Services Unit

The Board's Legal Services Unit is a small but dedicated team of lawyers and Associates to the Senior Board Members, led by Director Ms Lisa Hendy.

The Board has transitioned to the establishment of an in-house legal services model. The Legal Services Unit perform a variety of important legal functions, including managing a large file load of applications made in the Supreme Court under the Judicial Review Act, as well as preparing Statements of Reasons and briefing Counsel, responding to requests under the Right to Information Act, preparing documents for Crown Law in applications under the *Dangerous Prisoner (Sexual Offenders) Act*, and providing advice to the Board.

The Legal Services Unit is responsible for addressing applications for judicial review and are commended for their ongoing hard work.

## The No Body No Parole laws Background

Section 193A of the *Corrective Services Act 2006* (commenced on 25 August 2017) provides that the Board must refuse to grant an application for parole where the prisoner is serving a period of imprisonment for a 'homicide offence' and

- a. the body or remains of the victim of the offence have not been located; or

- b. because of an act or omission of the prisoner or another person, part of the body or remains of the victim has not been located

unless the Board is satisfied that the prisoner has cooperated satisfactorily in the investigation of the offence to identify the victim's location.

If the Board is not satisfied, then the Board must refuse to grant the application for parole. Otherwise, the Board will go on to determine the application on its merits.

Section 193A is designed to help victims' families and aims to encourage and incentivise prisoners to cooperate. It is said that:

*... such a measure is consistent with the retributive element of punishment. A punishment is lacking in retribution, and the community would be right to feel indignation, if a convicted killer could expect to be released without telling what he did with the body of the victim.*

### **Application of section 193A**

Section 193A(7)(a) of the Corrective Services Act provides that, in determining whether the prisoner has cooperated satisfactorily in the investigation of the offence to identify the victim's location, the Board must have regard to:

- a written report of the Commissioner of Police stating whether the prisoner has cooperated in the investigation of the offence to identify the victim's location and, if so, an evaluation of:
  - the nature, extent and timeliness of the prisoner's cooperation
  - the truthfulness, completeness and reliability of any information or evidence provided by the prisoner in relation to the victim's location
  - the significance and usefulness of the prisoner's cooperation.

- any information the Board has about the prisoner's capacity to give the cooperation
- any relevant remarks made by the sentencing court
- a transcript of a proceeding against the prisoner for the offence, if the prisoner requests it.

Further, section 193A(7)(b) provides that the Board may have regard to any other information the Board considers relevant.

Cooperation may have happened before or after the prisoner was sentenced to imprisonment for the offence. That means that cooperation after conviction and sentence is relevant to the Board's determination of the threshold question.

### **Judicial consideration of the No Body No Parole laws**

To date, there have been three cases where the courts, including the Court of Appeal, had an opportunity to consider and interpret the application of the laws in the Queensland context—the cases are:

- *Renwick v Parole Board Queensland* [2019] QCA 269
- *Lincoln v Parole Board Queensland* [2019] QSC 156
- *Commissioner of Police Service v Parole Board Queensland & Another* [2019] QSC 325.

These cases are profiled on the Board's website: [www.pbq.qld.gov.au](http://www.pbq.qld.gov.au).

### **No Body No Parole decisions 2020–21**

#### ***Daniel Paul Heazlewood***

(Decision delivered on 5 November 2020)

The Board was satisfied, in accordance with the Commissioner's Report, that the prisoner had cooperated satisfactorily (after 28

October 2015) in the investigation of the offence to identify the victim's location.

This case raised questions for the Board as to the proper construction of the concept of 'timeliness' of the prisoner's cooperation.

*Factual overview:*

The prisoner was sentenced to eight years imprisonment for the manslaughter of his mother; together with two cumulative periods of imprisonment of eighteen months for the offences of misconduct with a corpse and producing a dangerous drug.

- The victim died around 21 June 2009.
- Despite extensive searches, her body has never been located.
- From 2009 to 2015, the prisoner undertook a deliberate and planned course of conduct involving non-disclosure, attempts to enact fake impressions, attempts to deflect investigations, and a litany of lies.
- However, on 28 October 2015, in an interview with police and his legal representatives, he confessed to killing his mother.
- He gave an account of the victim passing away during a struggle, and later transporting her remains to the Numinbah Valley where he buried her in a shallow grave, covering her body with lime before filling in the grave.
- Thereafter, he undertook a re-enactment of the killing and took police to an area in the Numinbah Valley, multiple times, to try to locate the victim's remains.
- Police had also previously conducted searches in that area as identified by them via covert listening devices put in the prisoner's car.
- The series of searches used police personnel, cadaver dogs, ground penetrating radar, excavations, and the

assistance of water police, but all failed to locate the victim.

*The issue of 'timeliness':*

In enacting the laws, the Legislature articulated the fundamental policy to be:

*By making parole release for particular prisoners contingent on them satisfactorily cooperating in the investigation of the offence to identify the victim's location, it will encourage and provide incentive for these prisoners to assist in finding and recovering the remains of the victim. This will in turn, it is hoped, offer some comfort and certainty to the families of the victims.*

*For this cohort of prisoners, it may be that the encouragement and incentive to cooperate does not become tangible until their potential release date is upon them, rather than them providing cooperation as a reflection of their remorse and consciousness of guilt.*

For the Board, the policy is potentially at odds with the legislative requirement to take into account the 'timeliness' of the prisoner's cooperation in circumstances, as in this case, where the absence of cooperation prior to arrest and not until six years after the killing, had resulted in the impossibility of recovering the victim's remains.

Ultimately, the Board elected not to resolve the issue in the context of this case where the prisoner was self-represented.

However, one potential interpretation proffered was that 'timeliness' commences to run not from the time of the commission of the homicide offence, but from the time of the commencement of the investigation of the homicide offence.

***Geoffrey Paul De Jackson***

(Decision delivered on 23 December 2020)

The Board was not satisfied the prisoner had cooperated satisfactorily in the investigation

of the offence to identify the victim's location.

This is the first case to invoke consideration as to the location of only 'part of the body of the victim'. For the victim's family, while her body was recovered close in time to her murder, the victim's head (which was severed by the prisoner and disposed of separate to her body) has never been found; and given the passage of 29 years since her murder, it is unlikely to ever be found.

*Factual overview:*

The prisoner is serving life imprisonment for the murder of his then partner.

- The victim died on 20 May 1991.
- The prisoner briefly lived with the victim. Their relationship deteriorated. He was asked to leave her home. The prisoner killed the victim with a sharp weapon at the home and then dumped her decapitated body in garbage bags at the Ashgrove quarry.
- Three days after her murder, the victim's dismembered body, wrapped in garbage bags, was found at the quarry.
- In the years after conviction, the prisoner was assessed by many psychiatrists and psychologists. He made variable disclosures about his motive, the mechanism of how he committed the murder, the disposal of weapons used to commit the murder, the disposal of rags and other items used to clean the scene of the crime, the disposal of the victim's personal effects, the disposal of the victim's body, and the disposal of the victim's head.
- Since conviction, he had consistently admitted to disposing of the victim's head by putting it into a wheelie bin in the suburb.
- For the first time, by handwritten letter of 1 February 2018 to the Commissioner of Police, the prisoner said he instead

threw the victim's head into the Brisbane River at a certain place.

In making its decision, the Board accepted there are facts capable of corroborating the prisoner's account of disposing of the victim's head in the Brisbane River. Similarly, despite him now reconciling from it, the Board acknowledged there are facts capable of corroborating the account of disposing of the victim's head in a wheelie bin in the suburb.

The prisoner has told numerous lies at different times in relation to both the murder and the victim's location; his past lies are relevant in determining his credibility.

Ultimately, the Board did not consider the information provided by the prisoner regarding the victim's location to be truthful, credible or reliable.

The reasons of the Board in each case are published in full on the Board's website: [www.pbq.qld.gov.au](http://www.pbq.qld.gov.au).

# The year in review: In Numbers

<b>2020-21 Financial Year</b>	
<b>Conduct of Business (s230)</b>	
Meetings <sup>1</sup>	499
Average Matters	32
Considered Matters	13408
Video Conferences	104
Open Hearings	5
<b>Application for Parole s176 (Exceptional Circumstances) and s193 (Parole Order)</b>	
Received	3958
Considered	5342
Decided	2889
Released to Parole	2271
<b>Application for a Parole Order – No Body No Parole (s193A)</b>	
Received	1
Withdrawn	0
Decided	2
Released	1
<b>Amendment, Suspension and Cancellation (s205)</b>	
Request to Amend	635
Amend Parole Order	1344
Suspend Parole Order	33
Cancel Parole Order	486
<b>Request for Immediate Suspension (s208)</b>	
Request to Immediately Suspend	4777
Immediately Suspend Parole Order	4665
Confirm Suspension of Parole Order	4651
<b>Interstate and Overseas Travel Requests (s212; s213)</b>	
Interstate	60
Overseas	4
<b>Judicial Review</b>	
Filed	325
Discontinued	215
Decided	33

<sup>1</sup>Data includes scheduled meetings and urgent out of session matters.

