

Queensland **Parole System Review**

Final Report November 2016

30 November 2016

The Honourable
Annastacia Palaszczuk MP
Premier and Minister for the Arts
1 William Street
BRISBANE QLD 4002

Dear Premier

Please find enclosed the Queensland Parole System Review report.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'W. Sofronoff', written in a cursive style.

Walter Sofronoff QC

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It has been a privilege and my pleasure to have been allowed to undertake this task in collaboration with a group of highly talented, skilled and motivated professionals. The greatest burden of this work was borne by them, in their research, in their investigation, in their consideration of the important and difficult issues involved and, lastly, in the compilation of the report itself. Any errors that there may be are simply the result of my own interference. In alphabetical order, they are:

Michael Hodge

Ellie Lynch

Andrew McLean Williams

Fiona Patterson

Ashlee Teakle

Rachael Willis

Robert Wood

Terms of Reference

The Queensland Government is committed to a corrective services system that delivers community safety and crime prevention through the humane containment, supervision and rehabilitation of offenders. The effectiveness of the parole process, which includes Queensland's parole boards and Queensland Corrective Services' supervision of offenders on parole, is fundamental to the integrity of the corrective services system.

To ensure Queensland's parole system, including court ordered parole, operates as effectively as possible into the future to ensure community safety, Mr Walter Sofronoff QC will be engaged to review:

- the effectiveness of the parole boards' current operations including decision making, structure and membership;
- the transparency of parole board decision making;
- the adequacy of existing accountability mechanisms for the parole boards and the parole system generally, and other mechanisms that to ensure parole board decisions appropriately address risk to the community and victims, particularly women, and successful offender re-integration, including consideration of the independent Inspectorate recommended in the Callinan Review of the Victorian parole system.
- the factors that would increase offenders' successful completion of parole and reintegration into the community and enhance community safety including, in particular:
 - effective supervision, management and monitoring
 - the availability and effectiveness of programs, services and interventions including for mental health disorders and drug and/or alcohol abuse
- the effectiveness of the legislative framework for parole, including court ordered parole, in Queensland.

In conducting the review, Mr Sofronoff will:

- examine and have regard to best practice in parole systems operating in other Australasian jurisdictions, particularly regarding effective ways to manage risk when releasing a person on parole; and
- seek input from relevant experts, including those with knowledge of and experience of the criminal justice system, organisations working with offenders, victims' organisations, and academic researchers.

A report, including an executive summary with findings and any recommendations to ensure Queensland's parole system operates as effectively as possible to ensure community safety, is to be provided to the Premier and Minister for the Arts and the Minister for Police, Fire and Emergency Services and Minister for Corrective Services by 30 November 2016.

Overview by Walter Sofronoff QC

1. I was appointed to examine the parole system in Queensland following widely published media reports of the alleged murder of Elizabeth Kippin by a man on parole. As that matter is presently subjudice, it would be inappropriate for me to comment about the specifics of that case. Understandably, those reports caused widespread community disquiet about the adequacy of the current parole system in protecting Queenslanders.
2. Having had the opportunity to meet with and to observe many people working at all levels of the corrections and parole system, I can say with confidence that those working within the system are dedicated people who are conscious of their duty to protect the community. However, the system and those working within it have been neglected for years. The system has become antiquated and emaciated. For the protection of the community, it has to be reformed and funded properly.
3. Any consideration of parole must begin by a determination of the purpose of parole. The only purpose of parole is to reintegrate a prisoner into the community before the end of a prison sentence *to decrease the chance that the prisoner will ever reoffend*. Its only rationale is to keep the community safe from crime. If it were safer, in terms of likely reoffending, for prisoners to serve the whole sentence in prison, then there would be no parole. It must be remembered also that parole is just a matter of timing; except for those who are sentenced to life imprisonment, every prisoner will have to be released eventually.
4. From the perspective of the prisoner and those concerned with the interests of prisoners, the issues might be regarded from the point of view of the prisoner's welfare. The question is whether an element of parole is or is not effective in supporting and guiding the prisoner to a better way of life. For the rest of us, the relevant criterion is whether or not parole is effective to keep the community safe from the prisoner's re-offending.
5. My investigation has demonstrated to me that it makes no difference which point of view is taken. That which best serves community safety is also in the best interests of the prisoner.
6. If the purpose of parole as I have set it out is accepted, then any consideration of parole, while complicated, requires one simply to apply the same test at various points in the process of parole: will this or will this not make the prisoner less likely to offend?
7. The same question should be asked of parole itself. Obviously, before troubling to examine the system of parole itself, one should consider the anterior and fundamental issue whether we would be safer as a community if there were no parole at all and if prisoners were required to serve out a full term of imprisonment. The most recent research suggests that paroled prisoners are less likely to re-offend than prisoners released without parole.¹

8. Consequently, it is not pertinent to debate whether parole is “a privilege” that authorities confer upon a conforming prisoner or whether it is “an entitlement” that a prisoner can claim if certain conditions are satisfied. In truth, it is nothing more than a method that has been developed in an attempt to prevent reoffending. It works to achieve that purpose to a degree; like the criminal justice system itself, it will never fully achieve the goal of eradicating reoffending, even serious reoffending. The only realistic issue is how it can be improved to reduce reoffending by increments and to avoid cases of serious offending on parole. The goal is perfection but perfection will always be out of reach.
9. Prisoner numbers in Queensland have been rising for years. Of the 8,000 or so prisoners currently incarcerated in the State, between 17 per cent and 20 per cent are there because their parole has been suspended. These prisoners stay imprisoned on suspension for an average period of three and a half months. In the case of Woodford Correctional Centre, elimination of this group, or even a substantial proportion of it, would *instantly* eliminate overcrowding.
10. Supervision in the community is cheaper than imprisonment. The cost of keeping a prisoner in custody in Queensland is more than ten times greater than the cost of managing the prisoner in the community. If it works to reduce reoffending, and if it is consistent with the other imperatives of punishment (with which I will deal in due course), it should always be adopted. Of course, the assessment of a prisoner’s suitability for parole and management on parole must be undertaken properly. I have found that improving the system of parole will cost a lot of money; but not improving it will cost much, much more and, most importantly, it will not make the community any safer. It is therefore apparent that, apart from issues of community safety and prisoner welfare, there is an unanswerable economic argument to improve the workings of the parole system so that more prisoners succeed on parole and do not return to prison.
11. Even if the effects of parole on reoffending are only modest, as some research suggests, the improvement in community safety is particularly worthwhile when considered with that economic case. If the system is designed and funded properly, the case against parole is unarguable. To argue against parole, or for less parole as a blanket approach, is to argue for less safety for the community at greater cost to the community.
12. Parole as a system begins at the point of sentence. It continues during the offender’s induction into prison. As time passes, it becomes increasingly relevant to a prisoner’s life in prison and its significance becomes acute as the prisoner confronts an imminent application for parole and the judgment of the Parole Board. Its greatest significance then emerges upon a prisoner’s release on parole. For these reasons an examination of parole limited to the operations of the Board and the work of parole officers would be inadequate. What is required is an examination of the correctional system from conviction to the day the sentence actually ends. This means that, to a degree, it is necessary to consider sentencing laws when considering parole.

13. To understand the present parole system it is essential to know where the system of 2016 came from. For present purposes, it is only necessary to consider its modern evolution.
14. Parole began in Queensland in 1937. Earlier, an open prison farm at Palen Creek had shown that an honour system would work with carefully chosen prisoners and the new parole system was an extension of that experiment. The first Board comprised five senior public servants including the Comptroller-General of Prisons and the Commissioner of Police.
15. In 1959 a new statute established a Board that was independent of government. It was chaired by a sitting Supreme Court judge. The Board now comprised the Under Secretary of the Department of Justice, the Comptroller-General of Prisons and three other members, one of whom had to be a medical practitioner or psychologist and one of whom had to be a woman. With certain exceptions, a prisoner was eligible for parole after serving half a sentence. A probation and parole service was established for the first time.
16. A new law was enacted in 1980. The Board continued with a similar composition. As a part time Board, it would sit to consider applications once every three weeks or so. A breach of a condition of parole now led to a summons to appear in the Magistrates' Court or to an arrest warrant. A magistrate could convict the prisoner and impose a fine without affecting parole. Alternatively, the Chief Officer of the Parole Office could suspend parole leading to reincarceration. The Board had to consider such suspensions within seven days.
17. The legislation was amended in 1986 to permit remission of one third of a prisoner's sentence for good behaviour. The decision to grant or to withdraw remission was in the hands of the Prison Service.
18. In 1988 the Government appointed Jim Kennedy, an eminent and respected businessman, to review the system of parole. He found that the criteria applied to the decision to grant or refuse to grant parole were arbitrary and that there were many inefficiencies in the system. He also found that little was done to prepare prisoners for parole. Prisoners with particular needs, such as Aboriginal or Torres Strait Islander people and those with mental disabilities, were not given the attention they needed if they were to succeed. Committees established to vet applications for parole were found to have insufficient ability to give the Board information which was credible, sound or reliable. Mr Kennedy found that the system operated to discriminate against Aboriginal or Torres Strait Islander prisoners because of their discrete circumstances.
19. My investigations and inquiries have shown that little has changed in the last 28 years.
20. Mr Kennedy's recommendations resulted in the passing of the 1988 Act which created a two tier Board system: a board to consider parole of prisoners serving less than five years and which would also make recommendations to another board about prisoners serving more than five years. The latter board had the decision making power for prisoners serving more than five years.

21. Provisions were enacted to allow for graduated release to prepare for community reintegration. This took the form of Board ordered release to work, release for home visits and release to home detention. The Chief Executive could grant leave, called “resettlement leave” to assist a prisoner’s re-entry to society. Prisoners were still eligible to apply for parole after serving half the sentence. The system of remission of up to one third of a sentence remained.
22. In 1992 the *Penalties and Sentences Act* provided that a sentencing court could state a parole eligibility date; the system of eligibility after serving half a sentence was abolished.
23. In 1997 that Act was amended to provide that prisoners convicted of certain serious offences and those sentenced to terms of 10 years or more were ineligible for parole until they had served the lesser of 80 per cent of the sentence or 15 years.
24. In 2000 the parole legislation came under a new Act. Prisoners serving less than two years could be released without supervision but subject to conditions after serving two thirds of a sentence by way of “conditional release”. The power to grant such release was conferred upon the Chief Executive. Remissions were abolished to create an incentive for prisoners to work towards parole. The two tier system was abolished, being considered as involving wasteful duplication of work. Instead, the regional boards decided parole applications for prisoners serving less than 8 years and the Queensland Board considered all other applications.
25. In 2006, a new Act was passed.
26. The new legislation ended conditional release, release to seek and obtain work and home detention and executive ordered resettlement leave. The only form of release was to be by way of parole.
27. On the other hand, a court could now order that a prisoner be released on parole on a fixed date, although this power was restricted to sentences of less than three years and excluded sexual offenders.
28. The current system of parole, therefore, has largely reverted to the system as it was when it began in 1937 although the study of criminology and penology has advanced in the last 80 years. There is a Board comprised of part-timers (with the exception of the President). Because it is comprised of part-timers, it meets periodically rather than daily. Other than the statutory requirement for one lawyer and one doctor or psychologist, members need have no relevant formal qualification or relevant experience.
29. Some of the problems that Mr Kennedy uncovered in 1988 still exist today.
30. I will deal with particular areas of significance in later chapters, devoting a chapter to each. However, a number of issues can be discussed at once in a summary way.
31. These issues should be considered against the background of the purpose of parole and the concept of “truth in sentencing”. The expression “truth in sentencing” means

different things to different people; but at its core was a demand that most prisoners should serve most of their sentences rather than being released on parole.

32. "Truth in Sentencing", insofar as it requires that sentences be served in full, reveals a tension between the three main rationales for punishment. These rationales are deterrence, rehabilitation and retribution.
33. First, a prison term is imposed in part to deter would-be criminals of the future; it is also intended to deter the offender from committing crimes upon release.
34. Second, prison is also regarded as a place in which the rehabilitation of criminals can occur.
35. Third, and importantly, a sentence of imprisonment can confer a sense of retribution for the victim and, indeed, for all of us. Outrage about too lenient a sentence is outrage addressed towards the lack of retribution inherent in a sentence. But retribution is not revenge; it is an attempt to satisfy a society's sense that serious wrong doing deserves a proportionate response officially and in the public interest by way of the infliction of a penalty by a court. The word "penalty" itself derives from the Latin "poena" which means "pain". Retribution holds that a person who does something wrong should face a painful consequence proportionate to the wrong. In the context of the justice system as serving civilisation, the imposition of proportionate punishment to satisfy the need for retribution ensures that victims and others affected by a crime do not feel the need to seek personal retaliation. It is a fact that there is a general social expectation that punishment for crimes must carry an appropriate degree of retribution.
36. There can often be a degree of tension between the rehabilitation element and the retributive element of sentencing. Sometimes in such debates the purpose of rehabilitation is forgotten. It is not an act of charity towards the offender; it is an act done to ensure the community safety. Parole, therefore, is ordered solely to increase community safety by way of rehabilitation and for no other reason. Sometimes it must give way to deterrence and retribution; sometimes rehabilitation should dominate.
37. Consequently, any analysis must recognise the different elements attaching to imprisonment as a punishment and must, in seeking solutions to current problems, ascribe appropriate weight to each.
38. Because the current legislation that is relevant to parole, including sentencing laws, has been amended from time to time to serve distinct aims, as issues of concern arose over time, the legal rules that judges have to apply when sentencing contain anomalies that lead to undesirable consequences. The relevant legislation is not just contained in the *Corrective Services Act 2006*; it includes the *Drugs Misuse Act 1986*, the *Dangerous Prisoners (Sexual Offenders) Act 2003* and the *Penalties and Sentences Act 1992*. Each of these Acts contains provisions that address specific problems that are independent of each other and sometimes work against each other. Some of these provisions interact with each other in unintended and undesirable ways. For example, s.160B of the *Penalties and Sentences Act* obliges a court, in certain cases, to fix a date upon which a prisoner shall be released on parole, the so-called "court ordered parole". This power

and requirement only applies to prisoners whose sentence is less than 3 years. Often, because of time served on remand, such an order means parole takes effect on the day of sentence, and so the prisoner leaves court immediately after sentence. For some prisoners, this means release into instant homelessness. The local Probation and Parole staff ought to be informed about the order by the Court, but sometimes the Court will contact a different district office from that which will be responsible for the offender and Probation and Parole staff may find that the contact information on the court file is out of date if the offender does not report.

39. Another anomaly has arisen because a court has no power to order a fixed date for parole in the case of sex offenders even if the sentence is less than 3 years. Inconsistently, and curiously, the term of imprisonment of a sex offender can nevertheless be wholly suspended. The result is that in cases in which a sentence of imprisonment is warranted but the circumstances call for a release from prison before the full term is served, it is more likely that a judge will impose a suspended sentence when court-ordered parole, if available, would instead have been ordered.
40. No conditions can be applied to a suspended sentence. This means that a sex offender released in that way cannot be required, for the remaining period of the sentence, to avoid places children frequent, cannot be required to avoid unsupervised contact with them or be prevented from grooming a victim. The result is that such sex offenders are released without the supervision that they might have otherwise received. Obviously this can have serious consequences.
41. I have been unable to find any reason why sex offenders were excluded from the scope of court ordered parole. Perhaps it was because it was believed that only a parole board could adequately determine the suitability of a sex offender for parole. But there is nothing different about sex offenders in this respect. And sex offenders and sex offences are not all the same. The community would benefit from the prisoner being subjected to a period of supervision in some cases but this means to reduce risk is denied by ill-thought-through legislation.
42. The law must be changed to give judges the power to order a fixed date for parole for such offenders so that they can be supervised.
43. Another anomaly arises because, although a Court can fix a parole release date for a prisoner sentenced to a period of imprisonment for three years or less, the Court cannot fix a parole release date for a sentence of greater than three years even if the prisoner has already served such a significant period of time on remand that the prisoner ought to be released on parole at or soon after the sentencing date.
44. The Court has the alternative of suspending the sentence, if the head sentence would be less than five years, but that is unsatisfactory in many cases because it means that the offender will not be supervised for the remaining period of the sentence.
45. The Court should be able to fix a parole release date for any sentence greater than three years if the Court considers that the appropriate parole release date is soon after the sentencing date.

46. A real problem has been created by the requirement that certain offenders must serve 80 per cent of a prison term before being eligible for parole. This rule applies, for example, to a person convicted of drug trafficking under s.5 of the *Drugs Misuse Act 1986*. The Act empowers a court to reduce the period of 80 per cent if it makes an intensive corrections order or if it suspends the sentence. Not everyone is suitable for an intensive corrections order and a suspension gives no supervision at all. If in a particular case the best order to ensure the safety of the community is one that requires the offender to serve a year in custody followed by two years of supervision on parole, this cannot be done. The prisoner will have to serve 80 per cent of the time, apply for parole, and the community thus has the benefit of only a much shorter period of parole as part of the effort to reduce the risk of reoffending – even though it is more risky to have a short period of parole.
47. When a prisoner enters prison, correctional staff will make a formal assessment of needs. Typically, the assessment will indicate what programmes the prisoner should undertake; for example, there are programmes for substance misuse and others to address violence. However, very often the programmes are full and the prisoner will be placed on a waiting list. Sometimes the prisoner will not be able to enter the programme until long after the parole eligibility date even though completion of the programme is required for the grant of parole.
48. One prisoner who wrote to me said that he had been sentenced to a term of imprisonment of three years. He knew he could apply for parole after serving half that sentence. He began to agitate to be included in the necessary programmes so that he would be ready to apply at the earliest date. No programme was available. It was only after he was able to instruct lawyers to agitate external agencies, members of parliament and the ombudsman and so on, that he was informed that he would be accepted in the next course of a number he had to complete. This would nevertheless commence after his eligibility date had passed. He completed one of several necessary courses and applied for parole. He supported his application with a report of a psychologist that he was a suitable person to fulfil the remaining course in the community. His application was refused by the Board because he had not done that course. This refusal was communicated well after the statutory period for decision of 210 days. He applied for Judicial Review of the Board's decision and, seemingly in response, the Board revoked its decision leaving the prisoner with no decision at all. A year had passed with no decision by the Board. The prisoner had access to legal assistance and his solicitors protested these actions. He was granted parole with a condition that he complete the course after release on parole. No direction has been given to him to complete the course and his parole has now expired.
49. I have examined this prisoner's file and his account to me was accurate. His complaint about the unavailability of necessary courses was corroborated by information given to me by other prisoners whom I interviewed as well as by staff of Corrections.
50. It has been well established that the provision of relevant courses in prison reduces the risk of reoffending. This may be because of the content of the courses, it may be

because the decision to undertake such a course has a formative influence upon a prisoner's determination to succeed or it may be that both factors are influential. Whatever the reason might be, there is no doubt that the failure to provide the money to ensure that sufficient courses are offered so that all prisoners wishing to undertake a course can be accommodated places the community at risk.

51. These failures are due solely to the failure of successive governments to apply the necessary money to the problem of community safety from crime and criminals. Longer sentences for serious crimes have their uses and have obvious political benefits and high security prisons serve a function. But, these are ineffective and expensive ways to protect Queenslanders from crime. The cheapest and most effective ways to reduce reoffending require direct engagement with prisoners to change behaviour. This is by means of targeted treatment and conditioning in prison and professional support and supervision on parole.
52. A massive proportion of prisoners suffer from various mental illnesses. In many cases these illnesses are implicated in the offence that led to imprisonment. There is such a lack of appropriate professional staff to deal with mental illness that only a handful of the most dangerous prisoners are able to be given treatment. The rest will be released one day without these issues ever being addressed although they are critical to reoffending and risk to the community.
53. Another massive proportion of prisoners are addicted to substances or, at least, are habitual alcohol and illegal drug misusers. Queensland has an insignificant opiate-substitution programme in prison although such programmes are known to work. On the other hand, and unfortunately, there are no known substitution programmes for methamphetamine users as opposed to opiate users. Methamphetamine users constitute an increasing proportion of offenders of all kinds, including violent offenders. It is cheap and it is now the prevailing drug. The only programmes that can be offered to such people involve direct engagement in behavioural change. These are among the programmes that are under funded and not offered adequately as a result. The lack of such programmes puts the public at risk.
54. In Victoria, following a review of parole by the Hon Ian Callinan AC, and by means of the commitment of a substantial amount of money by the Government, the Victorian Department of Corrections resolved to ensure that preparation for release begins on the first day of imprisonment. The department regards its task as one to ensure that, subject to the prisoner's own efforts, the prisoner will be ready for parole on the eligibility date ordered by the court. Victoria Corrections has increased and improved the programmes offered. They assess and target the most risky prisoners and devote more attention to them by the provision of appropriate services. Sexual offenders are given priority and are allocated to the most senior experienced officers.
55. As it was put to me: "If a judge has ordered that a prisoner be eligible for parole on a particular date, we feel obligated to see that that order is executed. We take very

seriously our obligation to ensure that the prisoner is aware of his or her obligations. Nobody says 'I didn't know what to do'".

56. In Queensland, once a prisoner has been assessed and a programme of treatment and courses of training have been identified, the prisoner is then left to his or her devices to execute the plan if that is actually possible. A review will be conducted 12 months later. Failures along the way, which might be detected and dealt with at the time, are not looked at until a review is undertaken, perhaps months later. There is, of course, constant supervision by *custodial* staff. However, this scrutiny is not aimed at rehabilitation efforts but at security. The corrections staff concerned with rehabilitation and, ultimately, parole is uninvolved.
57. Aboriginal and Torres Strait Islander prisoners present particular problems that must be addressed. Over 60 per cent of prisoners in Townsville Correctional Centre identify as Aboriginal or Torres Strait Islander. The requirements of successful parole for this group simply cannot be met by the application of a general system designed for people in completely different circumstances. The communities to which they will return, whether on parole or upon discharge, are not at all like the communities to which other prisoners will return. The challenges they will face are entirely different. Treatments and courses must address the specific risks and stresses that these prisoners face.
58. I was present while a panel of Corrective Services staff interviewed, on two separate occasions, a young Aboriginal woman and a young Aboriginal man who had applied for parole. These interviews were of a kind commonly conducted before a recommendation is made by Corrections staff to the Board concerning the grant of parole. In each case a cultural liaison officer attended to ensure that gaps in information or understanding on the part of the panel could be appropriately addressed. The presence of such an officer was evidently of the greatest value in ensuring that the panel understood particular issues as they arose.
59. The need for a greater involvement of Aboriginal and Torres Strait Islander people in the process became more and more apparent as my inquiries proceeded. Several community representatives emphasised to me the importance and the need for the involvement of Aboriginal and Torres Strait Islander people at certain stages of the process. In my view the provision of courses and treatment to Aboriginal or Torres Strait Islander prisoners should largely be in the hands of Aboriginal and Torres Strait Islander people. No amount of cultural awareness training undertaken by a non-Indigenous Australian person can substitute for the actual life experience of Indigenous Australian people. This is not a peculiar phenomenon. In any human field of endeavour, and particularly those in which human behaviour is the central consideration, actual experience is as necessary as scholarship.
60. The value of employing Aboriginal and Torres Strait Islander staff and engaging Aboriginal and Torres Strait Islander consultants simply cannot be underestimated.
61. The Deputy-Mayor of Woorabinda, Mr Stewart Smith, has proposed that parole offices in Aboriginal communities should have attached to them cultural liaison officers. I

would respectfully endorse this idea. Such an officer would serve the purposes of the community by the provision to parole staff of local knowledge and the benefit of experience lived in the community itself and bring the advantage of long held relationships.

62. For the similar reasons, as will appear, I would recommend that at least one of the professional members of the Parole Board be an Aboriginal or Torres Strait Islander person.
63. Prisoners lodge written applications for parole. They must then confront a “panel” of corrective services staff in prison who are to make an assessment of the prisoner’s suitability for parole. These staff members are assembled informally. One officer told me that it was common to be told at the last minute, when arriving at work, that one will be required to serve on such a panel that morning. Preparation by such officers cannot occur. No files can be read or considered. The meetings themselves are unguided by any stated charter or applicable criteria or standards. What is actually being assessed is not stated anywhere although implicitly it is risk of some degree of something happening. No distinction is made in discussion between, for example, risk of reoffending and risk of *dangerous* reoffending. There is no requirement for panel members to have any particular qualifications to suit them for the task of making such an assessment. Nevertheless the “recommendation” that results from this process is considered seriously by members of the Parole Board some of whom appear to treat the recommendation as having a kind of professional standing.
64. What I have also observed is that there is a disunity between those who stipulate the rehabilitation regime for a prisoner, the prisoner himself or herself, the staff who put together the recommendation about parole, the Parole Board and Probation and Parole officers. Sentence Management formulates a plan. The prisoner is then left to execute it if possible. That may not be possible because of a lack of courses or a place on a course. A year later the matter is looked at again. When getting ready for parole the prisoner faces a panel inside the correctional facility. Some members of the panel, as I have said, may not know the prisoner well or at all and may not have read the file. After some stock questioning about what the prisoner’s circumstances and the plans and intentions are if granted parole, the panel formulates a recommendation that is passed on to the Board. Somebody then collates the “file” and Board members receive the dozens of such files for the next meeting and read them. These files raise serious problems of their own which I will discuss later. The estimates of various members of the parole boards as to how long it took them to read the files for a meeting varied between five or six hours and more than a day. My own experience in reading such files for this review is that it can take *three or four hours to read and study a single file* in order properly to understand the issues it raises. The Board then sits periodically and takes, generally, just a few minutes to decide each matter. The prisoner is not usually a part of this process and is simply informed of the outcome in due course – with succinct reasons in the case of a refusal of parole.

65. It was accepted by all Corrective Services staff with whom I spoke that work to reduce the risk of a particular prisoner's reoffending should begin as soon as a prisoner enters a correctional facility. This is what is done in Victoria as a result of the Callinan review and recommendations. This work includes preparing a prisoner for parole. The lack of money presently means that this universally accepted goal is not being achieved with consequences for community safety.
66. The section of Corrective Services that is concerned with the fashioning of programmes, courses and treatments is distinct from the custodial arm of Corrective Services. Co-ordination is required. A dedicated unit from the Probation and Parole Service ought to be formed within each prison to work with psychological services to fashion programmes, deliver them, monitor a prisoner's progress in prison in order to anticipate and ward off problems and then prepare a report based upon first-hand knowledge for the use of the Board and, later, the officers who will supervise a prisoner on release.
67. Harmonising the work of training, treatment and reporting upon prisoners will result in a more professional assessment and management of risk. This requires the expenditure of money. However, this expenditure will save much more money elsewhere. As a senior officer explained to me, it is essential to make accurate assessments and to monitor progress closely in order to discriminate between those prisoners who need the time of parole officers and those who do not. Money and time should not be wasted on those whose circumstances do not require attention. The alternative to not spending money for this purpose is to spend even more money on policing and building cells in new prisons.
68. The result of the changes in Victoria has been not only the heightened professionalism of the officers working within parole, but the officers' own sense of their professionalism has increased along with their job satisfaction. They have been transformed from public servants required to apply mechanistic methods of supervision in aid of ensuring a prisoner has not breached conditions into professional staff who, as part of the criminal justice system, engage with prisoners personally to reduce reoffending. The difference is meaningful to staff, to prisoners and to community safety.
69. In Queensland, the Board is furnished with files relating to each prisoner whose application is to be considered. At any particular Board meeting between 60 and 100 applications will be considered. Each file can run between 40 and 300 pages. An application simply for the deletion of conditions contained, on the first page, the words: "Pages 1 to 297 of the file have been provided for consideration by the Board at this meeting". That file contained documents that had been relevant to a home assessment that had been conducted a year earlier and which could no longer have any possible relevance. These files are arranged, generally but not always, in chronological order. The files are furnished on iPads. There is no index and no way to search them. The Board members are expected to trawl through these many hundreds

- of electronic pages relating to dozens of matters to determine what is and what is not material to the matter to be decided. No doubt practice over time makes the task easier.
70. There is no discernible preliminary vetting of matters to separate matters that are ready from matters that are not ready for consideration. This is not surprising because the only full time member of the Board is the President. The meetings follow an agenda constituted by a list of matters. The list appears to follow no sensible order. Consequently, as a matter of mere chance, the most difficult and serious matters might (or might not) be considered at the end of the day when Board members' concentration has been reduced by the efforts of a long day. Applications that are inadequate in some respect and must be adjourned because of a lack of information are included among other applications of the most serious kind.
 71. Many of the matters are not ripe for decision because of some missing element or because some members of the Board wish to have the benefit of further information; in such cases the matter is put off to a later date. In the case of parole that has been suspended, of course, that means the prisoner must sit in prison to await a decision on some unspecified and uncertain future date.
 72. The material given to the Board contains much that is irrelevant. In the case of one sex offender, the file of nearly 300 pages contained the actual Medium Intensity Sexual Offending Program resource materials comprising 35 pages of a workbook used by offenders; the copy given to the Board was blank and why it was there is anybody's guess. Sometimes a judge's sentencing remarks are included and sometimes they are not. Without these, often the details of the crime committed are described in the most uninformative and general terms.
 73. There is a risk assessment method commonly used within Corrective Services called Risk of Re-offending Screening Tool. Depending upon whether it is administered in custody or on parole, it consists of four or six items to be answered. Where it is six items, they are: age at the date of assessment, highest educational qualification, employment status, number of offences for which sentenced currently, number of convictions in the last ten years and whether or not there is a conviction for breaching a "justice order" (such as breach of parole, breach of bail or breach of a domestic violence order). Each answer is given a numerical value and these numbers are then added. The resulting score will range from 1 to 20, if administered on parole, or 1 to 22, if administered in custody. A higher number signifies a greater risk of reoffending than a lower number. It will be observed that the factors under consideration are unlikely to change to any great degree. The resulting "RoR Score" is routinely put forward as part of the material for consideration by the Board as a factor in the decision about parole.
 74. The problem is that the creators of the Tool, two academics from Griffith University, make plain in the accompanying manual that the Tool "is not intended to be used to assess offenders for the purpose of parole eligibility ... or assessments of dangerousness". It is intended to be used only to determine which prisoners "should

- be subjected to a higher level of services” including the administration of risk assessment tools.
75. This misunderstanding of the significance of data and information illuminates a grave defect in the current system. As I have said, the Queensland parole system had its origins in 1937. The idea at the time was that five senior figures in the community, pillars of the establishment led by a Supreme Court judge, would confer together and apply their cumulative wisdom and experience to the question of parole. The study of criminology, psychology and penology was in its infancy and this was the best that anyone could do. A lot has changed over 70 years but we retain, in substance, the same system. The current President is a retired solicitor and is the only member engaged full time. The only formal qualification required of the remaining members is that one of them should be either a “doctor or psychologist”. Whether any Board that is constituted comprises this doctor or psychologist is a matter of rostering coincidence. On the occasion I observed the proceedings of a Board, the Queensland Board, which deals with the most serious offences, comprised six members but did not include a psychologist; it did have three retired lawyers. One member of the panel, also part time and subject to rostering, must be a nominee of Corrective Services. This nominee, on the occasion on which I observed proceedings, brought much of value to the Board’s deliberations no doubt because of her formal qualifications and relevant experience.
 76. Otherwise, and with no disrespect to the hard working community members who comprise the Boards across the State, decisions are being made, on the whole, by earnest and devoted amateurs who lack any directly relevant experience, qualifications or training and who are unassisted by a good brief. There is no significant training given to members upon appointment; there is no scheme for continuing education. There is no way for members to learn whether the decisions they have made are good or bad.
 77. It is past time for the Queensland parole system to become professional.
 78. In Victoria, I observed the operation of the Division of the Victorian Adult Parole Board which deals with the most serious offences. This Division routinely sits with only two members, the full-time presidential member, who is a retired judge and one of the four full-time members. In the sitting that I observed, the full-time member was an experienced psychologist.
 79. New South Wales has a similar professional State Parole Authority. The State Parole Authority has a number of judicial members that sit part-time. The current judicial members are two retired Supreme Court judges, a retired District Court judge and two magistrates. The State Parole Authority also has at least one police officer and at least one Community Corrections officers. At present, two of each are appointed by the respective agencies and sitting on the State Parole Authority is their only duty. There are also 12 community members of the State Parole Authority. These are selected on the basis of background in law, criminal justice, victims’ representatives and

Aboriginal and Torres Strait Islander members. The practice of the State Parole Authority is to sit five member panels to decide matters. The panel is comprised of one judicial member, as chair, one police officer, one Community Corrections officer and two community members.

80. The New South Wales State Parole Authority sits four days a week and is in the process of moving to five days a week. The Victorian Adult Parole Board sits daily. The State Parole Authority and the Victorian Adult Parole Board are assisted by a secretariat that is supervised by the President.
81. In Victoria, matters are evaluated in advance of the sitting of the Authority or the Board to ensure that they are ripe for decision to identify any missing element necessary for a decision to be made. This can only be done because there are members who work full time on the job of dealing with parole.
82. The President of the Victorian Board informed me that by reason of administrative changes alone, including consideration of the content of applications by the full time members before they reach the Board itself, the Board's agenda reduced from 100 matters to about 20 matters for each meeting.
83. The form of brief that each Board member receives in Victoria has been devised by the application of formal decision theory concepts. The result is a template that requires a logical progression of information in a way that is most conducive to efficient decision making and correct decision making. The template varies for different categories of offenders. That used for sexual offenders is very elaborate. The information will include, in appropriate cases, intelligence received from the correctional facility from informants and other sources. The assessment report emanating from corrections staff has also been designed to ensure that the information is comprehensive, relevant and coherent.
84. In Victoria, the person who prepares the recommendation for parole is an officer who has met and worked with the prisoner and has taken responsibility for the recommendation. That officer will, in due course, be the prisoner's case manager. This is a very desirable model but cannot be used in Queensland's regional areas for practical reasons. In any case, the Victorian reports are based upon a full understanding of a prisoner's history and present circumstances. Of course, this means that if a prisoner is returned upon suspension of parole, this officer is ready and available to find out what went wrong and whether the work done previously can be regained. As I have said, in Queensland at present a returned offender just sits and waits in prison and the involvement of the Probation and Parole Service is postponed to the time there is another release on parole. This is unacceptable. A return to custody means that risk of reoffending on parole became too high. The reasons for this should be examined immediately for obvious reasons. At present, however, staff numbers are too low to do anything like this.
85. The agenda for a sitting of the Adult Parole Board in Victoria and the State Parole Authority in New South Wales is based upon categories selected to ensure the best

decision making process. Time sensitive matters come first. Matters where risk looms large are also given high priority.

86. The creation of an office of full time participants means that information, knowledge and expertise can become a common culture that is shared to the advantage of the integrity and professionalism of the process.
87. The professionalization of the office should also have the effect that the members of the Board have a degree of engagement in the success of each parole order. In Victoria, parolees who are considered at higher risk than others are required to appear before the Board every three months and then, later, every six months. If a parole officer submits a report to the Board about concerning behaviour, such as a failed urine test, the Board will require the attendance of the prisoner to put questions about the concerns. The Board can cancel parole summarily on such occasions or, at a face to face meeting, can threaten to do so.
88. In some cases, such an experience will trigger the prisoner to provide information unknown to the parole officer and that can then be used to advantage.
89. According to members of the Victorian Board, this technique often has beneficial effects. Perhaps this is so particularly because the presiding member is a former judicial officer and the whole proceeding can look a little like being sentenced again.
90. The professionalization of the office should eradicate the huge inefficiencies that presently exist. A Board should be furnished with a coherent brief, not a file, relating to each matter for decision. This brief should contain a synthesis of the relevant facts and considerations. There should be access to documents by hyperlink or otherwise so that a member can refer to source material but such primary materials should not clutter the brief itself. Matters for decision should be organised in a methodical way to promote good decision making.
91. If the system of sentence management and reporting is reformed in the way that I have described, by increasing staff to monitor and guide prisoners, the quality of the information that the Board will use will also be improved.
92. Upon release, a parolee is required to report to a parole office for an induction process. Parolees who are given court ordered parole are typically released from court with a direction to report to a parole officer.
93. Inductions include an assessment about the prisoner's needs and risks. This induction will be performed by a parole officer who has never met the prisoner before and whom the prisoner may never see again because another officer will be assigned as case officer because parole officers are over-worked. One officer to whom I spoke had to induct six prisoners on a particular morning. Each induction performed properly should take about 45 minutes. The six prisoners who reported that morning waited in an excited and agitated state while this officer did her best to perform the inductions at a rapid speed. Even by working longer hours than they are obliged to work, these officers struggle with the work load. As result, the process of parole supervision itself

becomes a mechanical one, based upon answers to a list of questions to determine compliance with conditions. This is appreciated by parolees and any prospect of a trusting relationship is reduced. Offenders to whom I spoke all said that they would not trust a parole officer as a person in whom to confide in order to seek help. The officers of Probation and Parole whom I met were all highly educated and highly motivated. But a side effect of under-staffing is that it is hard to keep such people.

94. There is a pilot project currently underway at the Inala Probation and Parole Office that is based upon the idea that an offender will most likely reoffend if the propensity to commit an offence coincides with an opportunity do so. It is also based upon the fact that offenders will invariably come into contact with crime opportunities. Risk of reoffending ought to be addressed, therefore, by a case officer being able to identify both these elements in a particular parolee and to assist the parolee to devise means to deal with them. This is nothing more than a parole officer applying professional skills, in accordance with the existing scholarship in the field, in order to act upon an individual to change behaviour. The trial is proceeding under the guidance of Dr Lacey Schaefer, a criminologist. That trial should be supported. It is consistent with aim of raising the professionalism of the office which I discussed earlier.
95. The parole officers whom I met at Inala and elsewhere are superbly qualified, intelligent and highly motivated professionals. What they lack is time because there are not enough of them. Their workload means that cases cannot be given the attention they deserve. One officer I spoke to had a case load of about 100 prisoners. Her counterpart in Victoria would have only 10 to 15 if managing serious offenders or 25 to 35 if managing less serious offenders. Such officers do overtime but even so they cannot cover their caseload adequately.
96. In Victoria the parole system suffered from the same problems until the reforms of 2013. In the case of parole staff, one reform was to increase the rank of parole officers within the public service in order to recruit the best people (from inside the service and outside) and then to retain them. They were then entrusted with actual management of parolees.
97. Consistently and continually, people with whom I spoke identified three things as the most important factors in a prisoner's success on parole: a home, a job and freedom from substance misuse. Parolees the subject of court ordered parole commonly start parole homeless. For others, there can be no parole without proof that there will be suitable accommodation; but accommodation is difficult enough to secure for anyone convicted of a serious crime and it is even harder to secure from behind the walls of a prison.
98. Apart from a few fortunate people whose outside contacts enable them to go to a job, because of the abolition of all forms of release to find work, Board ordered parolees can only begin looking for a job upon release. Research and interviews with prisoners both demonstrate that a job is a huge agent for success. But the prospect of an unassisted long-term prisoner getting a job is very hard.

99. Lack of a job, lack of money, lack of progress in the task of “re-integration” can lead a prisoner to the comfort of illicit drugs or alcohol. The spiral leading back to prison begins.
100. Prior to 2006 there were methods available to assist a prisoner to find and establish a home and to look for and to obtain work. Under the 2000 legislation, a prisoner could be granted “resettlement leave” on the order of the Chief Executive. This was leave granted for the purpose of establishing a home in anticipation of release. Release in this way allowed a prisoner to make preparations for release upon parole by re-establishing connections within the community. The intent was that upon release on parole there would be a place to live and perhaps work to do. Second, it allowed staff to assess a prisoner’s behaviour while under a very restrictive regime; the consideration of such behaviour could be very important in gauging suitability for parole and appropriate conditions for parole.
101. These options were abolished by the 2006, the current, Act. The abrogation of the authority of the Chief Executive to grant “resettlement leave” was based upon four propositions. First, it was thought that empowering the Chief Executive to order resettlement leave of absence and the Board to grant release to work meant that the process was “disjointed”. I have seen nothing to explain what that meant. The purpose of such an order would have been to prepare a suitable prisoner for release on parole by a slow process of re-integration with society and, importantly, with family. It avoided the sudden intrusion of a prisoner into people’s lives and it reduced the risk of reoffending by slowly conditioning the prisoner to the shock of being set free. However, it was observed that Aboriginal or Torres Strait Islander prisoners often could not avail themselves of such order because there were no facilities to house prisoners on release outside South-East Queensland. It was thought that this made the system unfair. It was believed that these problems could be eliminated by providing for a single formula for release: parole with conditions.
102. Stakeholders have pressed me with the importance of resettlement leave. It was submitted to me that this was particularly important for female prisoners. A significant proportion of female prisoners are the primary caregivers for their children. The observation of those with experience with assisting female prisoners is that they tend to receive less familial support in prison than male prisoners. Gradual release, under conditions set by the Chief Executive, would do much to make ultimate release on parole easier to deal with. Such considerations are not unique to women. Men encounter them too but they appear to be most acute in the case of female prisoners.
103. In the case of all prisoners released after a long period, some of the necessary incidents of life do not exist and must be re-established. One needs a bank account, a debit card, a driver’s licence and other such facilities. The difficulties of undertaking parole should not be added to by the need to attend to such matters as well immediately upon release. Some of these jobs can be done from inside prison if Corrective Services had the resources. Others could be done on days on which resettlement leave is granted.

104. It must be remembered that, although resettlement leave was abolished in 2006, inconsistently with the intention for parole to be the sole form of release, other forms of leave of absence continued. Leave for educational purposes and for community service purposes can be still granted and rightly so. The abolition of resettlement leave was, I think, a mistake and it should be reintroduced.
105. There is another factor that bears upon the risks of reoffending inherent in transition to the outside world. It concerns prisoners sentenced for very serious crimes but who pose very little risk to prison security. Some of these also pose very little risk of reoffending. Murderers and those convicted of manslaughter often fall into both categories. They are usually well behaved prisoners who are at very low risk of reoffending. Some sex offenders fall into the first category.
106. However, because of the seriousness of these offences, there is a justified public expectation that prison should, to an appreciable degree, constitute a punishment in the retributive sense. One cannot argue against the rightness of such a viewpoint – to a certain degree. However, after a certain length of time, it must be the case that even a murderer ought to be able to be incarcerated on low security conditions rather than in an expensive high security facility. That expensive remedy should be reserved for the most dangerous people in society and for those who deserve it.
107. I have been informed that the prison farms are under-utilised and I have seen for myself that the high security facilities are badly overcrowded. Some of that overcrowding can be relieved to an extent *instantly* by transferring prisoners serving life sentences for murder and appropriate sex offenders to low security facilities.
108. There is no legislative impediment to taking this step and such placements used to be routine. The position changed when a convicted murderer, Tony Morgan, escaped from a prison farm causing public consternation. He and his accomplice were caught after two or three days. They did no harm to anyone while on the run although they did steal a car. The result of this embarrassing episode was that a policy was put in place under which prisoners serving life sentences were no longer placed in low security facilities. Murderers who had been well behaved for years and who were not likely to escape were sent back to the expensive high security facilities. This was, of course, an over-reaction to political events.
109. The same reasoning applies to sex offenders who, by a policy decision, have been disqualified from placement at low security facilities despite the fact that many of them constituted - as a matter of actual fact - a low security risk. I do not wish to contest the fact that prisoners convicted of serious and harmful crimes ought suffer real punishment by confinement in high security prisons with all the burdens that that entails. But it is just as true that, for most prisoners, the most severe form of retribution must come to an end at some point and, if a prisoner actually poses a low risk to the security of the prison, he or she should at some point be dealt with accordingly - not out of some sense of fair play but because of the needs of proper prison management,

because we must husband precious resources, and not least as a device to encourage good behaviour.

110. Excluding those who are violent or who are considered to continue to pose a permanent danger to others, all prisoners will be released on parole or at the end of a sentence. Even murderers are often paroled. It is vital that there be adequate preparation for such release. Being accommodated in a low security facility, with the potential for resettlement leave, is in my opinion an essential part of ensuring the community safety.
111. There is, in these cases too, a distinction between male and female offenders. In many cases women imprisoned for life pose a very low security risk and are at negligible risk of reoffending and yet, for political reasons that are contrary to the public interest in community safety, they are kept in expensive and overcrowded high security facilities.
112. I would recommend that Corrective Services review the classification of such prisoners with a view to reintroducing appropriate candidates to low security facilities.
113. A breach of a condition of parole might lead to a decision by the Chief Executive of Corrective Services to “suspend” parole. A warrant for arrest is then issued and the parolee is returned to prison to await a final decision. The role of Parole Officers in the suspension process, as the subordinates who trigger the path to re-incarceration, identifies them with the punishment process. This makes them less effective in their role of supporting a prisoner’s process of re-integration. There can be no trusting a person who has the power to imprison you. Yet, they need to be trusted by offenders to a certain extent if the system is to be made to work. This view is shared by Corrections staff. In one file that I read, it was apparent that the prisoner had resolved to be candid with his parole officer (as the officer expressly noted) about his struggle with drug addiction. Ultimately, repeated failed urine tests led to the suspension of his parole. In a letter written on his behalf, the prisoner expressed dismay when he learned that his parole officer had been responsible for his reincarceration. Doubtless, he will be less candid with others in the future. This problem can be easily eliminated in a way discussed later.
114. At present, the Board decides in due course whether to continue the suspension of a offender who has been reincarcerated, to amend the parole order, to cancel it or to revoke the suspension and release the prisoner. These decisions are often postponed. The average length of stay in prison of such a prisoner until re-release is 3.5 months. Any job is usually gone. Housing supplied may be withdrawn. Children may be taken into care. The prisoner must now await the Board’s decision. During this time, such prisoners are left to their own devices. They lose touch with their parole officer and nothing is done to address, or even to identify, the factors that led to the breach. They are in limbo for as long as our part-time Board takes to consider the case. Any trust in a parole officer is gone. In short, the efforts made to prepare the prisoner for parole are largely wasted.

115. The overcrowding that has resulted at Woodford Correctional Centre is *due entirely* to prisoners returned in this way.
116. The system in New South Wales requires suspensions to be decided by the Board. For urgent cases a full time member is rostered to be on duty to hear applications 24 hours a day and seven days a week.
117. The Victorian Board engages with offenders by requiring their physical attendance at cancellation hearings or, where that is impractical, attendance by video link. I was told that such methods tend to be effective in reducing further breaches because the seriousness of the breach is brought home by the imminence of a return to prison. Such an experience can constitute the impetus for an offender to make efforts at securing a place in rehabilitation treatment. All of these measures should be adopted in Queensland.
118. In summary, we must reduce reoffending by released prisoners. We must reduce the huge costs caused by the unnecessary imprisonment of people and by the unnecessary imprisonment of people in the most expensive, high security, facilities.
119. My actual recommendations and the detailed reasons for them appear in each of the chapters that follows.
120. In making my recommendations, I am mindful that Mr Kennedy proposed many reforms long ago and prisoner numbers keep rising. I am also conscious that some of the most important measures that he recommended were not enacted. The inefficiencies in the parole process that he identified were not addressed. The little attention paid to Aboriginal and Torres Strait Islander prisoners and those with intellectual disabilities was not dealt with. The unit which he recommended be established within prisons to monitor, supervise and guide prisoners, to gather information about them as they progress and then to inform the Board was never established and I have had to recommend this step once more. The failure to ensure that material given to the Board is sound, credible and reliable has not been corrected. His recommendation that prisoners appear before the Board has not been taken up in practice with the result, I think, that the process, a secret one from the point of view of an applicant, is regarded with cynicism. The problem of Aboriginal and Torres Strait Islander prisoners have not been addressed and has grown although Mr Kennedy pointed out measure that had to be taken. He recommended that measures be taken that would have improved the operation of home detention; but none of these steps were taken and, inevitably, that feature, that could have worked, failed and was abolished in 2006.
121. My view is that the government of the day adopted the measures which Mr Kennedy recommended that were cheap or that cost nothing and ignored the rest.
122. I must acknowledge that I cannot claim any form of absolute authority about the measures that I have recommended. I also acknowledge that it is for the government to decide both what is best to be done and what can be done. But I do emphasise that the recommendations that I make are systemic. A cherry-picked selection of reforms

risk creating the dangerous illusion that something is being done about a very serious matter of public safety when, in truth, very little is achieved and, in fact, without any coherence. This was the lesson of the Kennedy recommendations and the ensuing legislation for me.

123. The complexity of the problems of crime and the difficulty of the task of dealing with the problems should not make us despair or give up. We must, at all costs, avoid taking measures that are politically appealing but are either of no use or that even make matters worse. Instead, we must do our best to identify with clarity the things that can be done to reduce reoffending and the excess of prisoners and, within the limits of both budgetary demands and of political realities, do them in the faith that the money spent will save money elsewhere and will, otherwise, furnish benefits.
124. In short summary, the things we can do, and that we ought to do, are these:
- a. Improve the sentencing laws to eliminate unintended aberrations that do no good but increase risks or numbers of prisoners
 - b. Improve the quality and quantity of treatments available to prisoners to turn them away from criminal behaviour and, in particular, by securing the services of more Aboriginal and Torres Strait Islander service providers and teachers;
 - c. Improve the quality of assessment and supervision of prisoners in prison to ensure that issues are identified early and that all available measures can be taken to reduce the propensity to offend upon release;
 - d. Empower the Chief Executive again to release prisoners on resettlement leave when appropriate to aid in preparation for release;
 - e. Improve the quality of information provided to the Parole Board that will be used to decide applications by the establishment of a dedicated system for that purpose;
 - f. Create a centralised full-time professional Parole Board assisted by a Secretariat that is responsible solely to the Board and which is supervised by a full time President;
 - g. Ensure that Aboriginal and Torres Strait Islander people are appropriately represented in the parole system by the presence of a full time Aboriginal and Torres Strait Islander member as a member of the Board and with enough part-time representatives to reflect the scandalously high number of Aboriginal and Torres Strait Islander prisoners we have imprisoned;
 - h. Increase the number of Probation and Parole staff and appropriately raise their professional status, ensuring that they have adequate administrative support to avoid waste of professional time;
 - i. In appropriate localities, engage Aboriginal and Torres Strait Islander parole liaison officers to aid in the supervision of the massive number of Aboriginal and Torres Strait Islander prisoners in the State;

- j. Establish an independent Inspectorate to ensure the continued integrity and efficiency of Corrective Services in all of its operations;
 - k. Apply the necessary money to do these things in the faith that such measures will substantially reduce what would otherwise become a more and more expensive and systemic problem of community safety;
125. Like Mr Kennedy did, I would recommend that there be a review of the system in five years' time.

Recommendation No. 1

The Government should commission a review of the parole system in Queensland in five years.

Recommendations

Recommendation No. 1

The Government should commission a review of the parole system in Queensland in five years.

Legislative Framework and Sentencing

Recommendation No. 2

Court ordered parole should be retained.

Recommendation No. 3

A Court should have the discretion to set a parole release date or a parole eligibility date for sentences of greater than three years where the offender has served a period of time on remand and the Court considers that the appropriate further period in custody before parole should be no more than 12 months from the date of sentence.

Recommendation No. 4

A suitable entity, such as the Sentencing Advisory Council, should undertake a review into sentencing options and in particular, community based orders to advise the Government of any necessary changes to sentencing options.

Recommendation No. 5

Court ordered parole should apply to a sentence imposed for a sexual offence.

Recommendation No. 6

The minimum 80 per cent mandatory non-parole period under the *Drugs Misuse Act 1986 (Qld)* should be removed (on the assumption that the Serious and Organised Crime Legislation Amendment Bill 2016, which provides for that to occur, has not yet been passed).

Recommendation No. 7

Where a sentence is to be imposed for an offence that presently carries a mandatory non-parole period, the sentencing judge should have the discretion to depart from that mandatory period.

Assessment and management of offenders

Recommendation No. 8

The risk and need assessments used in Queensland Corrective Services, in the custodial and Probation and Parole setting, should be replaced with a validated assessment.

Recommendation No. 9

The assessment to be used by Queensland Corrective Services should be implemented after external expert advice is sought regarding the appropriate tool for this jurisdiction.

Recommendation No. 10

Any expert review of assessment tools must include consideration of the appropriate role for actuarial risk and need assessment to inform and guide parole board decision making.

Recommendation No. 11

A body should be established and appropriately resourced to evaluate the risk assessments, training and interventions used by Queensland Corrective Services.

Recommendation No. 12

Queensland Corrective Services should implement a dedicated case management system that begins assessing and preparing a prisoner for parole at the time of entry into custody and should consider utilising a model whereby a dedicated Assessment and Parole Unit is embedded in each correctional centre.

Recommendation No. 13

Queensland Corrective Services should alter the application process for parole to limit the written material required to be produced unassisted by a prisoner.

Recommendation No. 14

Queensland Corrective Services should abandon its current process of parole assessment and the parole panel in favour of a case management process that includes assessment by a Probation and Parole assessment officer using a formal assessment tool and structured professional judgment.

Recommendation No. 15

Queensland Corrective Services should implement a system so that the case manager from Probation and Parole who is to manage a prisoner on parole begins contact with, and involvement in the management of the prisoner, before he or she is released from custody.

Recommendation No. 16

Queensland Corrective Services should provide for continuity of case management for offenders returned to custody on parole suspension.

Rehabilitation programs, mental health and substance misuse treatment

Recommendation No. 17

Queensland Corrective Services should increase the number and diversity of rehabilitation programs, and training and education opportunities, available to prisoners in custody, including short term programs.

Recommendation No. 18

Queensland Corrective Services should deliver a greater variety of rehabilitation programs to address the specific and complex needs of women and Aboriginal and Torres Strait Islander prisoners and offenders and increase the availability of those programs.

Recommendation No. 19

To provide equitable access to rehabilitation for prisoners and offenders, including short term prisoners, Queensland Corrective Services should develop and increase rehabilitation program delivery in partnership with non-governmental service providers.

Recommendation No. 20

As a significant component of end-to-end case management, Queensland Corrective Services should increase the delivery of accredited programs to offenders supervised by the Probation and Parole Service, particularly in light of the issues associated with delivering programs in custody.

Recommendation No. 21

Queensland Corrective Services should have all rehabilitation programs that it offers evaluated to ensure that they are effective in reducing reoffending as intended.

Recommendation No. 22

Queensland Corrective Services should ensure that an independent researcher or body undertakes or is involved in undertaking that evaluation, and undertakes regular re-evaluations of the programs, with the results of each evaluation to be publicly available.

Recommendation No. 23

Queensland Corrective Services should re-establish a dedicated research unit.

Recommendation No. 24

In response to the increased demand for mental health services, in line with the significant increases in prisoner and offender numbers across the State, the Queensland Government should review the resourcing of prison and community forensic mental health services.

Recommendation No. 25

The resourcing and provision of mental health services for Aboriginal and Torres Strait Islander people and women in the correctional system should be reviewed by Government.

Recommendation No. 26

Queensland Corrective Services and Queensland Health should jointly develop a plan for the administration of a screening assessment for all prisoners on admission to prioritise substance misuse rehabilitation, especially for those prisoners with short sentences.

Recommendation No. 27

Queensland Corrective Services should increase delivery and should develop new rehabilitation programs specifically designed for Aboriginal and Torres Strait Islander people, by Aboriginal and Torres Strait Islander people.

Recommendation No. 28

Queensland Corrective Services should provide substance misuse rehabilitation to all prisoners and offenders as required in accordance with their assessed risk and need.

Recommendation No. 29

Queensland Corrective Services should increase the number of high intensity substance misuse programs available to prisoners.

Recommendation No. 30

The Government should consider whether it would be appropriate to implement a brokerage model like COATS, to address the significant treatment service gaps for offenders in the community.

Recommendation No. 31

Insofar as it is necessary for a further recommendation to be made about this matter, Queensland Corrective Services and Queensland Health should together introduce an opioid substitution treatment program into all Queensland prisons.

Re-entry

Recommendation No. 32

The Government should undertake a short-term evaluation of Queensland Corrective Services redesigned re-entry service after 12 months of implementation, with a further review prior to the contract renewal period.

Recommendation No. 33

Queensland Corrective Services should expand its re-entry services to ensure that all prisoners have access to the services, including specialty services to assist remandees and short sentenced prisoners.

Recommendation No. 34

An intergovernmental taskforce, with representation from the Department of Housing and Public Works, Queensland Corrective Services and the Department of Premier and Cabinet, should be established to examine the issue of the availability of suitable long-term accommodation for prisoners and parolees.

Parole Board

Recommendation No. 35

There should be only one Parole Board in Queensland that hears all applications for board ordered parole.

Recommendation No. 36

The positions of President and Deputy President of the Parole Board should each be full-time positions filled by a retired judge of a State or Federal Court.

Recommendation No. 37

There should be a legislative requirement for at least two full-time equivalent professional member positions on the Parole Board.

Recommendation No. 38

The number of full-time equivalent professional member positions should be reviewed from time to time on advice from the President of the Parole Board.

Recommendation No. 39

The legislation should require that at least one professional member of the Board be an Aboriginal or Torres Strait Islander person.

Recommendation No. 40

The legislation should provide for community members of the Parole Board in such number as the Governor appoints from time to time.

Recommendation No. 41

In nominating community members for appointment, the Minister should consult with the President of the Parole Board and give consideration to, amongst other things, ensuring representation of women on the board, representation from diverse cultural backgrounds and ensuring representation of community members from throughout Queensland.

Recommendation No. 42

A large proportion of community members should be Aboriginal and Torres Strait Islander people.

Recommendation No. 43

Community members of the Parole Board should be remunerated for time spent reading and preparing in advance of a meeting.

Recommendation No. 44

The legislation should permit and provide for a police officer nominated by the Commissioner of Police to sit as a member of the Parole Board.

Recommendation No. 45

The legislation should provide that, when hearing and deciding an application for parole from a prisoner who has been sentenced for serious violent or serious sexual offence, and for any subsequent decision in relation to a grant of parole to such a prisoner, the Parole Board shall be constituted by five members comprising:

- (a) the President or Deputy President;**

- (b) a Professional Member;
- (c) a public service officer employed in the Probation and Parole Service and nominated by the chief executive;
- (d) a serving police officer nominated by the Commissioner of Police;
- (e) a Community Member.

Recommendation No. 46

The legislation should provide that for all other applications heard by the Parole Board, the Board shall be constituted by three members comprising:

- (a) a Chair, who is either the President, Deputy President or a Professional Member who has engaged in legal practice for at least five years;
- (b) a Professional Member;
- (c) a Community Member.

Recommendation No. 47

Queensland Corrective Services should design an initial training program for new Parole Board members and the Secretariat of the Parole Board should deliver ongoing training to Parole Board members.

Recommendation No. 48

The training for Parole Board members should include training in the value, uses and limitations of risk assessment tools.

Recommendation No. 49

The President, Deputy President and professional members of the Parole Board should work with those with relevant responsibilities in Queensland Corrective Services to develop and refine the information and reports presented to the Board and continue to review that material.

Recommendation No. 50

The prisoner and relevant Probation and Parole officer or case manager should be available by videolink to appear before the Board at the time that the Board is considering a matter.

Recommendation No. 51

The Parole Board should be required to decide applications for parole within 120 days of the application being made by a prisoner.

Recommendation No. 52

Once appointed, the President, Deputy President and professional members should not be able to be removed except for misconduct so as to give certainty to those positions and ensure the independence of the Board.

Recommendation No. 53

The Parole Board and Queensland Corrective Services should review their information technology systems and be adequately funded to implement the required new systems and the increased use of videoconferencing.

Recommendation No. 54

As an independent statutory authority, the Parole Board should be supported by a Secretariat separate from Queensland Corrective Services, subject to the direction and management of the President.

Recommendation No. 55

The Parole Board should be provided with new premises to support multiple, concurrent meetings with appropriate facilities to provide for offender appearances and the use of videoconferencing for each board meeting.

Recommendation No. 56

The Attorney-General should review the interaction between the *Dangerous Prisoners (Sexual Offenders) Act 2003* and the grant of parole.

Recommendation No. 57

The Parole Board, through its President, and in consultation with Queensland Corrective Services, should produce a practice note or guideline identifying the information and reports that it will require for its deliberations in respect of applications for parole by prisoners convicted of serious sexual offences, and such other types of prisoners as the Board considers helpful and necessary.

Recommendation No. 58

The government should review the *policy* restricting placement of sexual offenders and those prisoners convicted for murder or those with a serious violent offence declaration with a view to reintroducing appropriate candidates to low security facilities.

Recommendation No. 59

The *Corrective Services Act 2006* should be amended to reintroduce the discretion of the Chief Executive to grant resettlement leave.

Recommendation No. 60

Queensland Corrective Services' GPS tracking capabilities should be developed so that it is possible for the parole board to require GPS tracking and monitoring in appropriate circumstances based on the assessed risk of each parolee.

Recommendation No. 61

Decisions of the Parole Board should continue to be subject to judicial review.

Management of offenders in the community

Recommendation No. 62

The Government should provide the funding and associated resources necessary to allow Queensland Corrective Services progressively to bring Queensland in line with the Australian average offender-to-staff ratios within three years to make workloads more manageable and increase the efficacy of case management.

Recommendation No. 63

Queensland Corrective Services should remove the mandatory requirement for a degree qualification in human services or criminology for Probation and Parole case managers but with the following two qualifications:

- (a) such qualifications would remain desirable
- (b) the implementation of this recommendation should only occur in concert with the implementation of the recommended changes to the training programs for probation and parole officers.

Recommendation No. 64

Queensland Corrective Services should substantially and immediately increase the number of Cultural Liaison Officer positions within the Probation and Parole workforce, particularly in offices supervising high numbers of Aboriginal and Torres Strait Islander offenders.

Recommendation No. 65

Queensland Corrective Services should consider options for expanding or relocating probation and parole offices as needed to accommodate the growing offender numbers and necessary increases in staffing.

Recommendation No. 66

Queensland Corrective Services should reformulate its training program so as to ensure that new probation and parole officers undertake all necessary

and appropriate training prior to being allocated a caseload of offenders to supervise.

Recommendation No. 67

Queensland Corrective Services should review and revise the content of the current training program for probation and parole officers, and consider doing so in partnership with a university, so as to develop a training program that is fit for purpose and appropriately instructs trainee officers in managing offenders.

Recommendation No. 68

Before removing the mandatory degree qualification for probation and parole officers, Queensland Corrective Services should develop additional training modules appropriate for trainee officers without an academic qualification.

Recommendation No. 69

The revised training program for probation and parole officers should be externally evaluated before it is implemented and be subject to programmed periodic re-evaluations.

Recommendation No. 70

Queensland Corrective Services should develop training courses for more senior positions, such as the role of Supervisor, and require those courses to be completed before an employee takes up the role.

Recommendation No. 71

Queensland Corrective Services should create Practice Leader positions within Probation and Parole to provide practice development sessions, professional supervision and clinical support of staff to embed their training and continually improve their case management skills.

Recommendation No. 72

Queensland Corrective Services should have ongoing professional and practice development training of probation and parole officers.

Recommendation No. 73

As part of designing and implementing the system recommended in Recommendation No 12, Queensland Corrective Services should identify tasks that can be completed pre-release, such as induction into the parole order, and provide for those tasks to be undertaken by the parole officer before the commencement of the offender's order.

Recommendation No. 74

Queensland Corrective Services should introduce dedicated support positions to provide administrative support to supervising officers, eliminating the administrative burden and increasing the efficacy of face-to-face case management, and should be appropriately funded to do so.

Recommendation No. 75

Queensland Corrective Services should carefully consider the results of evaluations of the trial of environmental corrections at Inala, including external evaluation, and how, if at all, the environmental corrections approach might inform and benefit case management of parolees in Queensland.

Recommendation No. 76

Queensland Corrective Services and the Parole Board should specifically record whether a suspension has occurred because a further offence has been committed and distinguish between a suspension involving actual reoffending and suspensions due to an unacceptable risk where no further offence has occurred.

Recommendation No. 77

Queensland Corrective Services should instruct probation and parole officers to consider, as part of the case management of parolees, whether it is appropriate to seek to have the Parole Board add a condition requiring GPS monitoring for an appropriate period of time.

Recommendation No. 78

The power to suspend parole should be vested solely in the Queensland Parole Board.

Recommendation No. 79

The legislation should provide for urgent suspensions of parole to occur on the following basis:

- (a) the Chief Executive (or delegate) can apply to the Parole Board for the urgent issuing of a warrant
- (b) the decision to urgently issue a warrant can be made on behalf of the Parole Board by one professional member of the Board or the President or Deputy President of the Board
- (c) the full Board must consider whether to rescind the warrant or, if the warrant has been executed, order the release of the parolee, within two business days of the warrant having been issued;

- (d) for the purposes of the consideration by the full Board, the parole officer responsible for the management of the prisoner must provide a written report to the Board as to the reasons justifying the suspension.

Recommendation No. 80

For the purposes of implementing the legislative system set out in the preceding recommendation, at least one professional member of the Parole Board should be rostered 24 hours a day, seven days a week, for the purpose of considering an urgent application for a warrant.

Victims and other matters of importance to parole

Recommendation No. 81

Queensland Corrective Services and the Parole Board should implement strong systems and accountability measures to ensure that information is available to the Victims Register to provide to victims at the earliest opportunity.

Recommendation No. 82

The phrase 'history of violence' should be defined in section 320(2)(d)(i) of the *Corrective Services Act 2006* to include the broad definition of domestic violence as outlined in the *Domestic and Family Violence Protection Act 2012*.

Recommendation No. 83

The relevant legislation should be amended so that DVOs automatically pause while the subject of the order is in prison.

Recommendation No. 84

The Assessment and Parole Unit should liaise with Queensland Police Service and investigate whether an offender had a DVO at the time of, or around the time of, entering custody. If an offender has been the subject of a DVO as a respondent or a perpetrator, the Parole Unit must:

- (a) ensure that victims of domestic violence and the Queensland Police Service are informed if an offender is approaching a parole release date or is preparing to apply for parole;
- (b) any current or previous DVO should be considered in conducting any home assessment;
- (c) the existence of a DVO should be communicated to the Parole Board to allow appropriate measures (conditions and submissions) to be put

in place to ensure the safety of those with a history of being the victim of domestic violence; and

- (d) the Parole Board must notify the Queensland Police Service if they intend to release an offender who was the subject of a DVO at the time of sentence.

Recommendation No. 85

A person registered on the Victims Register should be able to apply to the Parole Board for an extension of the 21-day period allowed under section 188 of the *Corrective Services Act 2006* to provide submissions.

Recommendation No. 86

A criterion for appointment of community members of the Parole Board should include a victims representative.

Recommendation No. 87

The Queensland Government should introduce legislation, similar to that in South Australia, which requires the Parole Board to consider the cooperation of a prisoner convicted of murder or manslaughter and not release the prisoner on parole unless the Board is satisfied that the prisoner has satisfactorily cooperated in the investigation of the offence, including, when relevant, by assisting in locating the remains of the victim of the offence.

Independent prison and parole inspectorates

Recommendation No. 88

The Queensland Government should establish an Inspectorate of Correctional Services with the following conditions:

- (a) the Governor of Queensland is to appoint an appropriately qualified person to the office of Chief Inspector;
- (b) the Chief Inspector is not subject to the direction by a Minister or Member of Parliament in the performance of the functions of the office;
- (c) the Chief Inspector examine all operations of the correctional system in Queensland, including all prisons, probation and parole and other operations;
- (d) the Chief Inspector report to Parliament on findings of each review or examination;
- (e) the Chief Inspector oversee the Official Visitor programs; and

- (f) the Chief Inspector work collaboratively with the Office of the Queensland Ombudsman.

Recommendation No. 89

Queensland Corrective Services should retain a function internal to the department to undertake internal review and investigations as required by the Commissioner, but this must be in addition to and not in derogation of a fully independent inspectorate.

Recommendation No. 90

The Queensland Government should consider expanding the Inspectorate of Correctional Services to examine the operations of adult corrections, youth detention and supervision and police detention in watch-houses.

Technology and infrastructure

Recommendation No. 91

The information technology systems required for the implementation of other recommendations should be reviewed and the necessary software systems developed or upgraded with appropriate funding.

1. Purpose of parole and its effectiveness

126. There are two main reasons for parole.
127. Firstly, parole is a system of administering sentences in a way that reduces reoffending by:
1. providing an incentive for prisoners to participate in programs in custody
 2. supporting an offender's reintegration into the community
 3. managing serious offenders more intensely.
128. Secondly, parole reduces the social and financial costs of severe sentences in appropriate cases.² The parole system allows expensive prison space to be allocated to the highest-risk offenders. This is a practical matter that should not be overlooked in any consideration of the parole system.
129. If the parole system works to reduce reoffending, it is clearly in the interest of the community and should be retained. Therefore, it is necessary to consider what the evidence suggests regarding the effectiveness of parole in reducing reoffending.
130. In considering the evidence that parole may have a beneficial effect upon recidivism, the New Zealand Law Commission³ concluded that "parole at least postpones recidivism; however, it may not prevent it." The New Zealand Law Commission believed that the evidence is sufficient to warrant caution abandoning the parole system.
131. The Callinan Review suggested that the research shows that, at best, parole offers a modest benefit over unconditional release.⁴ It referred to a United States study that found after three years parolees are predicted to reoffend at one per cent lower rate than unconditionally released offenders. Offenders who are under supervision periods of three or more years are predicted to have an eight per cent lower recidivism rate.⁵
132. That review pointed to another US study that found parole supervision to have little effect on overall arrest rates.⁶ This study found that parolees released automatically and offenders released unconditionally reoffend at the same rate, while reoffending of parolees released through discretionary parole (by a parole board or similar) was four percentage points lower.
133. The review also had regard to Kuziemko's⁷ and Broadhurst's⁸ studies but did not discuss their results. Kuziemko studied Georgia in the United States after a reform that eliminated parole for certain offenders. They accumulated a greater number of disciplinary infractions, completed fewer prison rehabilitative programs, and reoffended at higher rates than prisoners unaffected by the reform. The study lead Kuziemko to estimate that "eliminating parole for all prisoners would increase the prison population by 10 per cent while also increasing the crime rate through deleterious effects on recidivism".⁹

134. Broadhurst found that an analysis undertaken in Western Australia showed that parole prisoners have lower recidivism after a number of important selection factors (age, period in prison, race, sex offence and prior incarceration) are controlled. Broadhurst concluded that these results establish a positive case that parole as a penal measure is more effective than a finite sentence.
135. The New South Wales Law Reform Commission (NSWLRC) conducted an extensive review of the literature surrounding whether parole reduces reoffending.¹⁰ It found there was sufficient evidence to conclude that parole reduces reoffending.
136. The NSWLRC cited descriptive studies that found lower rates of recidivism for parolees compared with offenders released unconditionally at the end of their sentence. However, these studies do not control for other variables, like offence type, criminal history, age and sentence length and therefore it cannot be determined whether the lower recidivism rates are the result of parole (parole effect) or due to the fact that offenders who are less likely to reoffend are selected for parole (selection effect).
137. A recent study of New South Wales offenders¹¹ gave the NSWLRC good reason to be optimistic of the paroles impact of reducing reoffending. The study used matched groups to ensure that any observed differences in reoffending rates was due to parole and not selection effects. The study found offenders released unconditionally were more likely to reoffend than parolees and that this was statistically significant.
138. The NSWLRC also pointed to the indirect evidence that parole reduces reoffending by referring to the evidence that time in prison has a criminogenic effect.¹²
139. There is a body of research that in-custody and community-based rehabilitation programs and therapeutic interventions can reduce reoffending.¹³ Relying on the fact that parole is the main incentive for most offenders to participate in programs inside and outside of prison, the conclusion can be drawn that as parole addresses factors that contribute to offending, the parole system is likely to reduce reoffending.¹⁴
140. On balance, the evidence suggests that parole has a beneficial impact on recidivism, at least in the short term. Although its effect upon recidivism may be modest the parole system is in the interest of the community and should be retained.
141. All other jurisdictions in Australia continue to have a parole system. Appendix A is a summary of each of the jurisdictions.

2. History of Parole in Queensland

The Prisoners' Parole Act of 1937

142. *The Prisoners' Parole Act of 1937* established a parole system in Queensland¹⁵ as a means to give prisoners every opportunity to become decent and useful citizens upon release into the community. The Honourable E. M. Hanlon, Secretary for Health and Home Affairs, described the system as the release of a prisoner on trial subject to certain conditions while retaining the power to pick up a prisoner immediately if he or she breaks the terms of release.¹⁶
143. The proposal was introduced as an alternative to remission and supported by the success of the prison farm at Palen Creek, which was a farm that housed and was run by a selection of low-risk prisoners. Prisoners erected their own buildings and sold produce. There were no security measures, relying entirely on the honour of the prisoners not to escape.¹⁷ In 1937, there was a daily average of 23 prisoners at Palen Creek.¹⁸
144. The Government at the time also looked to certain states in America where the parole system was working “remarkably well” but made a point to distinguish the Queensland proposal as a decision making body comprising of officers responsible to the Government from the American system which appointed people prominent in social work.¹⁹
145. The Prisoners' Parole Board of Queensland examined applications for release on parole from all prisoners and made recommendations to the Governor-in-Council that a prisoner be released on a parole order along with any relevant conditions²⁰ The Governor-in-Council, and therefore the Minister, had absolute discretion as to whether a prisoner should be released on parole.²¹
146. The Board consisted of the five senior executives from different departments of the Public Service.²² At the introduction of the Prisoners' Parole Bill on 26 October 1937, the membership of the Parole Board of public servants “who were sensible to their obligations to the community” was highlighted as essential to the success of the parole system.²³
147. To recommend a prisoner for parole, the Board was required to be satisfied that there were reasonable grounds to believe that the prisoner would be and remain at liberty without violating the law, that the prisoner's release on parole was not incompatible with the welfare of society, or that there were other good and sufficient reasons for the release on parole of such prisoner. In examining this, the Board was required to inquire into and consider the record and character of the prisoner in prison and prior to prison, the nature and character of the offence for which the prisoner was serving the sentence through a report obtained by the sentencing judge, and have regard to the safety of the public and any individuals or class of persons and the welfare of the prisoner.²⁴ When considering habitual criminals, the Board had further conditions about when it had to be satisfied.²⁵

148. When prisoners were released to parole they were supervised by the local police. In its first six months, 10 prisoners were released on parole by the Governor-in-Council on the recommendation of the Parole Board.²⁶

The Offenders Probation and Parole Act of 1959

149. The Parole System in Queensland was changed by *The Offenders Probation and Parole Act* of 1959 which repealed *The Prisoners' Parole Act* of 1937 and placed decision-making regarding the release of prisoners on parole into the hands of an independent Parole Board and established a Probation and Parole Service.
150. This Act introduced the release of offenders on probation, provided for the establishment of a Parole Board and made provision for the establishment of a probation system in Queensland and other related matters, including a reorganisation of the Prisoners' Parole Board to bring its functions more into conformity with the new probation system.
151. In the introduction of the Bill into Parliament, the Minister for Justice, the Honourable A.W. Munro said:²⁷

This State, up to the present, has lagged behind popular thought on, and action in, penal reform legislation. Most other States of Australia have followed the American or English laws on penal reform, and have more or less modern laws on this subject. Prison, or the threat of it, is primarily a deterrent against wrongdoing, but in recent times there has been a growing realisation that the mere locking up of a man in prison in many cases achieves nothing more than the temporary protection of society during the period of his imprisonment. The upkeep of prisons under these conditions is very expensive and the high rate of recidivism in many countries is ample demonstration that, beyond the primary purpose of temporary community protection, such a prison system can be a somewhat futile procedure unless there is an adequate recognition of the need for probation in suitable cases and, in other cases, prison reformation, training, and rehabilitation.

152. The Bill received bipartisan support, with the Acting Leader of the Opposition highlighting the plight of those released from prison attempting to reintegrate into the community as a reason to support the Bill:²⁸

We have to try to educate the community to give them a chance. That is why I welcomed the announcement that the Bill would be introduced. It is highly desirable that those released on parole should realise that the parole board has considered them fit to be returned to society and that we recognise our responsibility as citizens to give them the opportunity to be assimilated.

153. The new independent Parole Board consisted of a Judge of the Supreme Court as chairman, the Under Secretary of the Department of Justice, Comptroller-General of Prisons and three other members including a qualified medical practitioner or a

psychologist, and a woman.²⁹ The Parole Board had power to cancel, amend or vary parole orders.³⁰

154. Under the *Offenders Probation and Parole Act of 1959* offenders serving periods of imprisonment of more than six months,³¹ except those serving life sentences or indeterminate sentences, were eligible to apply to the Parole Board for release on parole at the expiration of half of their sentence.³² Offenders serving a sentence of life imprisonment were required to be released by the Governor-in-Council upon the recommendation of the Parole Board.³³
155. The new probation system allowed the Court, instead of sentencing the offender to imprisonment, to impose a probation order for between one and five years on a young offender or a first time offender.
156. The new system also resulted in the Probation and Parole Service establishing its first office in Queen Street, Brisbane, which welcomed the commencement of community corrections in Queensland. A regional probation and parole office opened in Townsville in 1965.³⁴
157. The Government pointed to the quality of the probation and parole officers managing the offenders as crucial to the success of the system and remarked that “if a probation officer is given too many ‘clients’ to handle he cannot carry out his job successfully. A probation officer can handle only a certain number.”³⁵

Offenders Probation and Parole Act 1980

158. The probation and parole system under the *Offenders Probation and Parole Act 1959* continued for 20 years with only minor amendments. In 1980 the *Offenders Probation and Parole Act 1980* was introduced. It was intended to simplify and clarify the previous legislation and introduce community services orders. The *Offenders Probation and Parole Act 1980* gave courts more flexibility when sentencing and allowed for the use of combined imprisonment and probation orders where appropriate.
159. The previous system for release on parole continued in most part under the *Offenders Probation and Parole Act 1980*. Offenders serving periods of imprisonment of more than six months,³⁶ except those serving life sentences or indeterminate sentences, were eligible to apply to the Parole Board for release on parole at the expiration of half of their sentence.³⁷ However, the Court could also recommend a period after which the prisoner would become eligible for parole at the time of sentence.³⁸ Offenders serving a sentence of life imprisonment and those declared habitual criminals were required to be released by the Governor-in-Council upon the recommendation of the Parole Board.³⁹
160. The *Offenders Probation and Parole Act 1980* retained a similar composition of the board that was established in the *Offenders Probation and Parole Act 1959*, with a Supreme Court Judge as chair; Government members including the Under Secretary of the Department of Corrective Services and Administrative Services, the Under Secretary of the Department of Justice, the Comptroller-General of Prisons, and three

- community members including a medical practitioner or a psychologist, and a woman. The Board had power of commission of inquiry.⁴⁰
161. During the 1980s the Parole Board usually sat at three weekly intervals to consider applications.⁴¹
 162. The breach system involved a parole officer issuing either a summons to appear at a Magistrates' Court or a warrant for arrest directed at police officers to arrest and bring before a Magistrates' Court.⁴² The Magistrate then had the power to convict the parolee to a breach of parole order and without prejudice to the continuation of the parole order, impose on him a penalty not exceeding \$500.⁴³
 163. Alternatively, the Chief Probation and Parole Officer could suspend a prisoner's parole for a period of not more than seven days. Notice was then given to the Board and information was required to be furnished to the Board to support the breach. Administrative suspensions of parole were subject to review by the Parole Board within a period of seven days.⁴⁴
 164. In practice, the Probation and Parole Service provided an advisory service to both the Court and the Parole Board. A Probation and Parole Officer was available at the Court to advise of the suitability of an offender for community supervision before a decision was made on a sentence. The service varied from area to area depending on the individual Magistrate or Judge and the capacity of the staff.
 165. Probation and Parole officers also compiled pre-parole reports at the request of the Parole Board. The reports included recommendations as to the appropriateness of an offender to be released on parole and addressed any specific areas of concern for the Board. To complete a report, the Parole Officer would interview the offender, consider his or her risk to the community and his or her parole plan and arrive at a recommendation.
 166. The legislation expanded community based orders. Introducing a community service order that could be imposed as a sentencing option of between 40 and 240 hours. The probation scheme introduced in *Offenders Probation and Parole Act 1980* allowed the court to make a probation order and release an offender onto supervision where a person was convicted of an offence punishable by a term of imprisonment, other than a default of a fine. The previous requirements to be a young or first time offender were removed.
 167. The Court was also able to sentence the offender to a term of imprisonment of not more than six months in addition to a probation order of not less than nine months and not more than three years (a combined prison and probation order).
 168. An order for probation was restricted to being not less than six months and not more than three years.⁴⁵ It is worth noting that the same restrictions on length of probation and community service orders exist in 2016.

Operation of Parole and Remissions in 1980s

169. In all Australian jurisdictions by 1980, Parole Boards had broad powers to release prisoners prior to the expiry of their maximum sentence. In South Australia and Tasmania, prisoners could be considered for parole immediately as the sentence commenced. The non-parole period was set by the judiciary in New South Wales, Victoria and Western Australia.⁴⁶
170. In March 1986, Queensland introduced a standard rate of one-third remission for all prisoners serving sentences of imprisonment of more than two months. This change brought Queensland into line with other Australian states. This created two streams of release from custody, via parole at one half or remission at two-thirds.
171. Remissions were an administrative arrangement whereby the Prisons Department could release a prisoner on the grounds of good behaviour. Previously, a remission system had operated on a rewards basis for good behaviour in custody by the Queensland Prison Service.
172. Remission systems were used by correctional authorities to maintain discipline and prevent overcrowding in prisons. The idea originated in the 19th Century after pressure of the British Governments on governors to economise. A ticket of leave incentive was established, which allowed prisoners to work for payment and also resulted in improved conduct.⁴⁷
173. In practice the new standard remission system meant that prisoners were released at two-thirds of the sentence, with an additional remission earned for work performed and extra good behaviour (these were called 'overtask marks').⁴⁸ When the remission stream at two thirds was brought in, many offenders stopped applying for parole.⁴⁹ In weighing up the pros and cons, it is easy to see why one would wait a further period for unconditional release rather than risk being released and then breached and returned to custody with a parole order cancelled. As a consequence some prisoners were serving more time in custody waiting for remission when they could have been on parole, rehabilitating in the community and relieving the State of the cost of their incarceration.

Kennedy Review

174. In February 1988, prominent businessman, Jim Kennedy, was commissioned to review corrective services in Queensland. The Commission of Review into corrective services in Queensland was established in response to the Government's recognition that there were serious deficiencies in the corrective services system. This was a time when the prisons had come under an enormous amount of public criticism. Prison officers were poorly trained and supported, the parole system was unfair and inefficient and prisoners were "released worse than when they went in".⁵⁰
175. The Kennedy Report was a wide-ranging and comprehensive review. Many of the findings Kennedy made still ring true and the recommendations he made remain

relevant. The watershed review transformed corrections in Queensland and much of the system Kennedy envisaged continues to operate today. It is worth considering Kennedy's reports in some depth, particularly as they relate to parole.

176. In May 1988, Mr Kennedy published an interim report and found that there was an urgent need for legislative change.⁵¹ It contained a suite of recommendations, including tasking the Secretariat of the Commission with the drafting of new corrective services legislation and establishing a Justice Committee to examine justice issues and draft a Penalties and Sentences Bill.
177. The interim report identified that Corrective Services had been neglected in the good times and the system could no longer run on the goodwill of the staff. Mr Kennedy advised that the allocation of additional funds was "*really not a matter of choice, but of necessity*".⁵²
178. At the time of the Kennedy Review, the Department of Correctional Services and Administrative Services was operating correctional services under two separate arms: Prisons, and Probation and Parole. Kennedy identified that these arms needed to be combined into a cohesive organisation. The Interim Report advised that Corrective Services was unable to continue under the management structure that existed and recommended an independent statutory body be established to replace the existing department.
179. In August 1988, Mr Kennedy delivered his final report, recommending the new Corrective Services Commission that was to be established would implement sweeping reform to the correctional systems.

Transfer to Community Corrections

180. The Kennedy Report found an overwhelming consensus that change was needed and recommended a greater emphasis be placed on corrections in the community. Kennedy strongly supported community corrections as an alternative to prison, stating in his final report:⁵³

It is incumbent upon society that if adequate punishment can be provided in a setting other than a prison, and if it can be demonstrated that a person can be adequately supervised outside prison, then society ought to take this option in preference to the prison system.

181. Kennedy envisaged a strong Community Corrections arms of Queensland Corrective Services that provided two types of services: (1) a range of community corrections orders as sentencing options for the courts and (2) a graded transfer from prison to community corrections as the sentence progresses and prisoners are prepared for release.⁵⁴
182. In his report, Kennedy abandoned the term "release on parole" because he believed it created a misconception in the public of a parole order and used "transfer to Community Corrections" instead. Kennedy felt the Probation and Parole Services had

undersold itself, failed to get resources and was seen as a soft option. The report found there was an obvious need for community corrections to market itself.⁵⁵

Problems of inequity, inefficiency and lack of due process

183. Mr Kennedy identified many problems with the parole system and found it was the single most common grievance of the prisoners. For example, the prison system appeared to be arbitrary in its application of criteria for release and many people who were currently serving prison sentences could be more appropriately serving their sentences in the community but miss out on parole. Prisoners complained about the lack of due process from the parole system, the lack of reasons when refused parole, and waiting months for advice on their parole applications without any indication of why they were refused or how to improve the chances of success. Submissions also claimed that parole applications were easily jeopardised if a prisoner came into conflict with a particular custodial officer.⁵⁶
184. Mr Kennedy found there were efficiency issues and many basic inequities with the parole system at the time.⁵⁷ No reasons were given as to why an application for parole was unsuccessful and what could be done by the prisoner to address any concerns. There was no avenue of appeal against refusal. Prisoners were not allowed to be present to argue their applications.
185. Mr Kennedy also found that there was little attempt to address offending behaviour and little attention was paid to the preparation of prisoners for parole and special needs groups such as Aboriginal and Torres Strait Islander people, the intellectually disabled and the socially disadvantaged.⁵⁸
186. Aboriginal and Torres Strait Islander people felt they were discriminated against because the parole criteria did not accommodate the culture to which many of them returned. They opposed the expectations of the parole board and said they did not have, and should not be expected to have, the kinds of jobs, families and homes that the Parole Board regards as appropriate for release of a prisoner into the community.

The system needs revitalising

187. In making recommendations for a new system of parole, Mr Kennedy stated that he was treading very cautiously and believed the community, the legal profession, the judiciary, the magistracy and the Parliament needed the fullest opportunity to debate all of the issues involved.⁵⁹ Kennedy found that more debate was generated among the advisory committee members on the issue of parole than on any other issue. The recommendations addressed specific issues and did not radically revise the system. Kennedy believed that reform could proceed much further.⁶⁰
188. Kennedy recommended the abolition of Parole Advisory Committees and the establishment of a community corrections unit in each prison. The Parole Advisory Committees were established to gather information on prisoners throughout the state and report to the Parole Board. In reality, these committees were described by Justice Carter, the Chair of the Parole Board at the time, as having “*neither the time or the*

*resources to ensure that the resources it collects and which it conveys to the Parole Board is in fact sound, credible and reliable.”*⁶¹ In practice, recommendations were made by the committees with no established criteria on how they were to arrive at a conclusion as to the suitability of an applicant. Kennedy described the Parole Advisory Service as adding another layer between the decision makers and the prisoners and giving the appearance of pre-empting Board decisions.

189. The Community Corrections Units were recommended to operate as a committee consisting of a community corrections officer who was based in the prison, a supervisory corrections officer, and suitable staff from the Programs area including a psychologist. Each unit was to be responsible for assisting prisoners with their applications and ensuring that prisoners knew when to apply for transfer to community corrections and the requirements that they must meet. The Unit was to advise the Board as to the suitability of the prisoner for transfer to community corrections and the type of order they should be placed on. The Unit was also to liaise with Community Corrections Office to ensure that suitable arrangements were made for each prisoner granted a transfer to a community corrections order.
190. Kennedy found that it was widely agreed that Regional Community Corrections Boards were needed as the parole system had outgrown the capacity of a single Board in Brisbane to meet demand.
191. It was recommended⁶² that a parole system be established that consisted of:
 - a. Queensland Community Corrections Board (Queensland Board) to replace the State Parole Board;
 - b. Queensland Board to consist of a Chairman who is a judge of the Supreme Court; a medical practitioner; the Director-General of Corrective Services; the Under Secretary of the Ministers Department; and three representatives of the community including a female, an Aboriginal or Torres Strait Islander person, and a lawyer with an interest in corrections and civil liberties;
 - c. Regional Community Corrections Boards (Regional Boards) in Brisbane, Townsville and Rockhampton;
 - d. Regional Boards consist of a Chairman who is a barrister or solicitor; a medical practitioner; a community representative; a senior Custodial Correctional Officer; a Senior Community Correctional Officer; and where practical a member of the Aboriginal or Torres Strait Islander community;
 - e. Regional Boards have decision-making responsibility of all sentences of less than five years;
 - f. Regional Boards receive applications from prisoners serving sentences of more than five years and make a recommendation to the Queensland Community Corrections Board who makes the ultimate decision;

- g. The Queensland Board was to provide oversight of the Regional Boards by monitoring the decisions of the Regional Boards, having the authority to issue guidelines and acting as a Board of Appeal and Review.
192. The new parole system was to allow personal appearances, which was considered a logistical impracticability with one Board based in Brisbane.
193. In examining the issue of representation before the Parole Board, Mr Kennedy accepted the chairman of the Parole Board, Justice Carter's opinion that it was not appropriate that the parolee's chances of parole should be measured by the quality of the legal representation and such a system would represent a massive cost to the community in legal fees. To attempt to address some concerns raised in submissions, Kennedy recommended assistance by lay representation be allowed where the Board feels it would assist the understanding and assessment of the application.
194. Mr Kennedy also found that the system discriminated against Aboriginal and Torres Strait Islander people. The Honourable Justice Carter, Chairman of the Parole Board, advised:

The central concern of the Board in relation to Aboriginal prisoners is that their general lifestyle is such that they may not present as appropriate persons for parole. It is obvious that in many cases their parole plan will lack substance. It is almost invariable the case that they may not have suitable permanent accommodation available to them nor will they be able to reasonably look forward to any sort of employment... all of these matters have led the Board to believe that Aboriginal applications for parole may be seen to have less chance of success than other because of the kind of matters to which I have referred. This is a matter of real concern to the Board and the Board is concerned to satisfy itself that Aboriginal prisoners should not be disadvantaged by reference to these facts.⁶³

195. Mr Kennedy received submissions seeking an 'Aboriginal and Islanders Parole Board'. He rejected the concept on the grounds that Aboriginal and Torres Strait Islanders should have access to the same justice as other Australians, not special or lesser justice and instead recommended that an Aboriginal or Torres Strait Islander be appointed to the Regional Community Corrections Boards and efforts be made to strengthen the Community Corrections presence and involvement with Aboriginal communities.

The interaction between remission, home detention and parole

196. Mr Kennedy found the system of remission provided little incentive for good behaviour and a positive incentive to avoid parole. He also found that as a consequence of the remission scheme as an alternative to parole, the number of prisoners remaining incarcerated longer than is necessary became a factor in the crowding of prisons. Prisoners released on remission were being released back into the community without the controlled supervision of experienced parole officers and discharged "not into the community, but upon the community".⁶⁴ Kennedy believed as a

general principle that all prisoners should have a period of supervision in the community prior to release.

197. The report found that in the financial year 1987-88, 745 prisoners applied for parole and 296 were released. During the same year nearly 5,000 prisoners were discharged from prison, meaning that the great majority of offenders were released without supervision.⁶⁵
198. Mr Kennedy concluded that remission was a flawed concept and that justice would be better served by its abolition. He recommended the matter be referred to the justice committee for further consideration. Kennedy found the system to be unworkable:⁶⁶
- ...the very worst of thugs with a history of violence who are refused parole need to wait only a relatively short period between half sentence and the 2/3 remission period to be released.*
199. Mr Kennedy found a strong case for parole eligibility at one third and automatic community supervision at two-thirds of a sentence unless the Queensland Corrective Services Commission specifically opposes the transfer and referred the matters to the Justice Committee.
200. At the time of the Kennedy Review, the Prison Service operated two community-based schemes under their leave of absence powers: Home Detention and the Release to Work Hostel. The Release to Work Hostel was in Brisbane and provided 20 places for prisoners to work in the community for up to six months prior to release. The Home Detention Program allowed offenders to gain approval from the Prison Service to serve the last part of their sentence at home. This was supposed to be restricted to offenders who were not convicted of serious violent or serious sexual offence.⁶⁷
201. Kennedy was very critical of the way leave of absence powers were used by the Queensland Corrective Services Commission to circumvent parole refusal.⁶⁸ Kennedy described the use of Home Detention operated by prisons as a way of relieving prison overcrowding “using a fairly dubious interpretation of the leave of absence provisions of the Prisons Act.”⁶⁹ The Parliament intended that the Parole Board be the method by which suitable prisoners are transferred out of prison back to the community, the use of Home Detention eroded the authority of the Parole Board in determining release.⁷⁰ Kennedy recommended Home Detention be established properly under legislation and that a tender be put out to the private sector to allow a program of electronic monitoring for offenders on home detention to be piloted.
202. It was clear that Kennedy favoured a system where decision making responsibility regarding the early release of offenders from custody was to only lie with the Community Corrections Board.

The Corrective Services Act 1988

203. The legislation to implement the Kennedy Review recommendations, the *Corrective Services Act 1988* and the *Corrective Services (Administration) Act 1988* (the 1988 Acts)

received bipartisan support and came into force on December 1988. The legislation embodied the philosophy and direction of the Queensland Corrective Services Commissions as expressed by Jim Kennedy in his final report, to put the community at the focus of corrective services. It was described as *trail blazing*,⁷¹ progressive and visionary reform that was needed greatly.⁷²

204. The new legislative framework established the Queensland Corrective Services Commission and the government-owned corporation 'Queensland Corrections' and provided a new management structure for prisons. It emphasised community corrections as an alternative to imprisonment and provided for the establishment of community corrections centres as an avenue for community groups to become directly involved in the rehabilitation process. It provided a system of redress for prisoners' grievances. It provided for prisoner development programs to assist in the rehabilitation of prisoners. It provided a legislative basis for the home detention program and transferred decision-making responsibility regarding Home Detention and Release to Work to the Community Corrections Boards.
205. These community corrections options created a system of graduated release through release to work, then home detention, then parole.
206. It was said that the changes to the parole system were among the most important aspects of the new legislation.⁷³ The changes reflected the recommendations made by Kennedy and the Parole Board became the Queensland Community Corrections Board and three regional Community Corrections Boards were established in Townsville, Rockhampton and Brisbane.⁷⁴ There were legislative requirements that the Boards consist of a Chairperson who was a retired judge, a barrister or a solicitor, and six members that included an Aboriginal or Torres Strait Islander, a medical practitioner or a psychologist, and a woman.
207. The powers and responsibilities of these boards were considered radical departures from traditional practice.⁷⁵ The Boards were governed by ministerial guidelines.
208. A two tier system of parole boards was established. The Regional Boards' functions included the receipt and the consideration in the first instance of all parole applications. The Regional Boards were to make recommendations to the Queensland Board for prisoners serving periods in custody of more than five years and make decisions regarding prisoners serving less than five years. The Queensland Board was to decide applications for parole from prisoners serving sentences of longer than five years and make recommendations to the Governor in Council regarding applications from prisoners serving life sentences, habitual criminals and those serving indefinite sentences.
209. Under the new legislation, prisoners were able to appear before the board and have a non-legal advocate assist in presenting the application. For the first time, it was required that if the application was rejected, grounds for refusal were to be given. An appeal process of Community Correction Board decisions to the Queensland

Community Corrections Board after the application had been rejected three times was instigated.

Remission continues

210. Although Mr Kennedy found that remission was a flawed concept and recommended it be examined, it was not abolished in the new legislative framework. The abolition of remission, the eligibility date and automatic release date for parole were referred to the Justice Committee on Penalties and Sentences Legislation for consideration. For whatever reason, the consideration of these matters did not result in any changes to the remission and parole schemes.
211. Under the 1988 Acts remission continued. In addition, the Community Corrections Board, on application by the Commission, was given the power to reduce a parolee's parole period. It was a system of remission of a sentence while on parole.⁷⁶

The *Penalties and Sentences Act 1992*

212. Another outcome of the Kennedy Review was the *Penalties and Sentences Act 1992* which consolidated all types of penalties and sentences into one enactment. It contained a number of significant reforms that were to meet a changing Queensland society and replaced the confusion of enactments that existed.
213. The Act provided a greater range of sentencing options available to courts, introducing indefinite sentences and intensive corrections orders and reintroducing suspended sentences. These expanded sentencing options were aimed at reducing the number of offenders who were sentenced to prison and also reducing the length of prison sentences. The Government was mindful of the cost of imprisonment, the rising prison population and the looming need for a new prison.⁷⁷
214. The parole system was not changed under the *Penalties and Sentences Act 1992* as it was first enacted. Parole was still available after an offender had served half of a sentence and remission still operated for the final one third of an offender's sentence.
215. Under the *Penalties and Sentences Act 1992*, if a court imposed a term of imprisonment on an offender, it could recommend that the offender be eligible for release on parole after serving a period of the term of imprisonment specified by the court. As this was a recommendation, the parole board still retained the decision making responsibility for the date of release of all offenders on parole.
216. In 1997, the *Penalties and Sentences Act 1992* was amended to introduce restrictions on sentencing offenders who were convicted of offences involving serious violence. This amendment created a class of offenders convicted of a 'serious violent offence' as listed in the Schedule of the *Penalties and Sentences Act 1992*, or by way of a declaration made by the court that the offence is a 'serious violent offence'. Offenders who are convicted of a 'serious violent offence' as listed in the Schedule and sentenced to a period of imprisonment of 10 years are automatically declared a 'serious violent offences'.

217. Offenders serving periods of imprisonment for a serious violent offence must serve 80 per cent of their prison sentence (or 15 years, whichever is less) before becoming eligible to apply for parole. These amendments limited sentencing discretion by removing the ability for a court to set a parole eligibility date for offenders convicted of serious violent offences.

Reviews conducted in the 1990s

218. During the 1990s there were numerous reviews of Queensland's Corrective Services legislation. The reviews all identified many legal issues and deficiencies in the *Corrective Services Act 1988*, the *Corrective Services (Administration) Act 1988* and the remission scheme however, for various reasons, none were successful in reforming the legislation.
219. The Corrective Services Commission worked under the legislative framework established by the Kennedy Review for 18 months before it was announced that it was considered timely to consider possible amendments to the Acts. Robert Mulholland QC was tasked with reviewing the legislation to obviate any demonstrable weaknesses or deficiencies.⁷⁸ The review was not to involve a complete rethinking of the philosophy behind the Acts and was to ensure the legislation would reinforce the current philosophy and direction.
220. In conducting the review, Mr Mulholland QC chaired a committee that comprised a nominee from Prisoners Legal Service, a nominee for the Prisoner and Family Support Association, a nominee from the Bar Association of Queensland, a nominee from the Queensland Law Society, and several other members representing Aboriginal and Torres Strait Islander and other interests.
221. In mid-1993, the review of the Acts was completed. Mr Mulholland QC presented a suite of recommendations to the Government reflecting his strong view that fundamental legislative changes were desirable.
222. Mr Mulholland QC proposed that remission be abolished on sentences longer than six months imprisonment. All other prisoners would be released on parole with the degree of supervision imposed dependent on the circumstances of the case. If a court did not otherwise recommend, release on parole would automatically occur at the halfway point of a sentence with certain mandatory conditions to apply unless a community corrections board considered that the prisoner's release should be postponed or additional conditions included. Except on sentences of five years or more, which it was proposed would come before the Community Corrections Board in the normal way, the onus would be on the Commission to bring a matter before a Community Corrections Board if it considered automatic parole should not be granted or that additional conditions be included.⁷⁹
223. There was a change in Government and the Mulholland Review was never publicly released. The 1988 Acts continued in operation under the new government.

224. The *Corrective Services (Administration) Act 1988* provided for a review of the legislation after five years and again after 10 years. The reviews were to consider the effectiveness of the operation of the Acts and the Commission and the need for the continuation of the Commission.
225. The Public Sector Management Commission conducted that first review in 1993. The Public Sector Management Commission's review found that the issue of resourcing community corrections had been contentious and staff strongly perceived that they were under-resourced in terms of staff and funding. The review made recommendations which included that a framework be established for the provision of community corrections services, the effectiveness of programs and supervision strategies be researched and a model for the resourcing of offices be developed.⁸⁰
226. The review also found certain aspects of the legislation were in need of amendment and the proliferation of rules and regulations were confusing and complex. It was recommended that there be a review of the Corrective Services legislation, which commenced in 1994 but was never completed.
227. These reviews and other reviews regarding the operation of different aspects of the Acts that followed did not result in reform to corrections law. The 1988 Acts remained in operation until the introduction of the *Corrective Services Act 2000*.

Corrections in the Balance

228. In accordance with the legislative review provisions of the 1988 Acts, in August 1998 the Corrective Services Review, headed by Mr Frank Peach, with the power of a commission of inquiry, commenced work on the 10 year review of the effectiveness of relevant legislation and the Corrective Services Commission. In January 1999, Mr Peach reported the findings to the Minister for Police and Corrective Services in a report titled 'Corrections in the Balance'.⁸¹
229. The review made recommendations about replacing the Queensland Corrective Services Commission and its Board with a department; the framework and operations of the department; abandoning the corporatisation of corrective services; implementing comprehensive accountability mechanisms for corrections in Queensland; actions to be taken to cater to Aboriginal and Torres Strait Islander issues; and strengthening of community corrections and complete legislative reform.⁸² In short, it recommended undoing the parts of Kennedy's ideas that had been enacted.
230. Arising out of a recommendation in the review, on 1 May 1999 the Department of Corrective Services was created to replace the Queensland Corrective Services Commission and Queensland Corrections.
231. The review also made recommendations for the need for a simpler, more effective and more accessible legislative and policy framework and identified almost 50 legislative issues as requiring resolution. The review found comprehensive revision of corrective services legislation was long overdue and resulted in the introduction of the *Corrective*

Services Act 2000 and corresponding amendments to other acts, including the *Penalties and Sentences Act 1992*.

232. In putting forward legislation issues for consideration, Mr Peach made the comment:⁸³

Consideration has been given to the abolition of remission in the past, however, no action has been taken due to the potential impact on prisoner numbers. It is clear that considerable numbers of prisoners serving short sentences are released with remission. If the provision was abolished, prisoner numbers would increase. Consequently, if a change is made, an alternative release mechanism will need to be established for short-term offenders — such as presumptive parole.

233. Mr Peach then recommended that presumptive parole (for example, at two-thirds of a sentence) be considered in preparing the new legislation.⁸⁴

The *Corrective Services Act 2000*

234. Among other things, the *Corrective Services Act 2000* abolished remission, bringing Queensland into line with other Australian jurisdictions and providing for future prisoners to serve their entire sentence either in custody or under supervision.
235. Under the *Corrective Services Act 2000*, prisoners serving a period of imprisonment of two years or less did not have access to community release options, including parole, but were eligible for early release through “conditional release” after completing two-thirds of their sentence. The conditional release order was described as similar to a court order to release on recognisance, in that it required the prisoner be of good behaviour during the term of the order. The only standard condition of the conditional release order was that the prisoner not be convicted of an offence punishable by a term of imprisonment. Conditional release allowed the chief executive to impose conditions on the prisoner for release, but did not provide supervision of the offender in the community.
236. The decision in regard to conditional release was made by corrective services and subject to the chief executive determining that the prisoner's release did not pose an unacceptable risk to the community and the prisoner had been of good conduct. The Government of the time wanted to move away from remission (which had become seen by prisoners as an almost automatic right to release after serving two-thirds of their sentence) to a discretionary power based on good behaviour and working hard.⁸⁵
237. Conditional release was different to remissions in two ways. It allowed offenders to be called back to prison to serve the remainder of their term if they reoffended and offenders would only be released if they did not pose an unacceptable risk to the community.
238. In the second reading speech for the Bill, the Honourable. T. A. Barton, Minister for Police and Corrective Services, explained that under the remission scheme, short sentenced prisoners were not bothering to apply for parole and simply waiting for

their remission eligibility date.⁸⁶ Conditional release aimed to provide incentive for good behaviour and manage prisoner numbers in the same way as remission while providing reassurance to the community that the whole court ordered term of the sentence was operational upon these prisoners encouraging them to abstain from further offending.

239. The Aboriginal and Torres Strait Islander Corporation for Legal Services stated that the most potentially disastrous proposal in the Bill was the proposal to abolish supervised community release (parole, home detention and release to work) for prisoners serving two years or less.⁸⁷
240. The objective of the Act's early release provisions was to find the best mechanism to ensure that risk to the community was minimised and that the sentence imposed by the court operated upon the prisoner for the whole of the period of imprisonment, whether in custody or under supervision in the community.
241. The Act was said to ensure that all serious offenders underwent some form of supervised release. Prisoners serving more than two years continued to have access to release to work, home detention or parole, after serving half of their sentence. These offenders remained under supervision as stipulated in the post-prison community-based release order until their full sentence was discharged. The thinking behind abolishing remission for more serious offenders was that prisoners will be encouraged to address their offending behaviour and be motivated to seek early supervised release through a decision made by an independent community corrections board.
242. The parole system under the *Corrective Services Act 2000* retained the Community Corrections Board as the decision maker for a prisoner's suitability for release to work, home detention, exceptional circumstance parole and parole orders. These orders were now referred to as post-prison community-based release under the *Corrective Services Act 2000*.
243. The concept of post-prison community-based release involved a Community Corrections Board deciding whether a prisoner should undergo a fully or partially staged process of supervised release by granting periods of release to work or home detention before final release on parole. The system allowed the Board to determine the most appropriate form of supervised release in accordance with a prisoner's risks and needs.⁸⁸
244. The Act also made changes to the operation of Community Corrections Boards, which were described by the Minister for Corrective Services, "*to assist the community corrections boards make decisions expeditiously*".⁸⁹
245. The Act removed the two-tiered system that previously operated. Previously, there was a need for regional boards to consider each prisoner's application and to forward a recommendation to the Queensland Community Corrections Board. This was labelled a 'duplication', was considered unnecessary and placed a major impost on regional boards' time.⁹⁰

246. The jurisdiction of the Queensland Community Corrections Board was also extended so that it considered applications for post-prison community-based release from prisoners sentenced to eight years or more. Regional boards were to consider applications from prisoners sentenced from more than two years to less than eight years.
247. During the committee hearing of the Corrective Services Bill, there was some enlightening discussion regarding the community corrections board. The shadow Minister, Michael Horan, moved an amendment to ensure community corrections boards were involved in the decisions to release offenders to conditional release. This amendment was not supported by the Government and ultimately defeated to ensure that the community corrections board workload was manageable. The Government of the day did not want to create full-time professional boards, both sides of Government favoured a board that operated separate to the correctional system as a part-time community board.⁹¹
248. Conditional release was automatic and the Parole Boards retained their decision-making powers in relation to supervised release from custody.

The *Corrective Services Act 2006* and Court Ordered Parole

249. The *Corrective Services Act 2006* was intended to represent a new phase in corrections in Queensland, the introduction of “truth in sentencing”. The objective of the Bill was to ensure that every prisoner sentenced would serve 100 per cent of a sentence, either in custody or under supervision in the community.⁹²
250. The legislation resulted in significant reform to the parole system. Importantly, under the new regime there were only two options available to a prisoner: serve the entire sentence behind bars or be deemed suitable by a court or parole board to serve some of the sentence in the community under supervision.⁹³
251. The *Corrective Services Act 2006* abolished a range of pre-release options that had previously been available, including conditional release (which was essentially remission), home detention and leave of absence schemes.
252. It was perceived that the Community Corrections Boards were reluctant to grant parole despite the recommendation of the sentencing court when the more restrictive options of release to work or home detention were available. Release to work was restricted by the location of the community corrections centres that accommodated offenders on the order. There were no available centres outside of South East Queensland. These release orders were not available to all prisoners and the result was that they benefitted offenders in South East Queensland. This was regarded as unfair.
253. Those offenders without stable home environments or access to a release to work scheme were unable to move through the graduated release to parole and faced the great hurdle of convincing the Parole Board they should be released straight to parole. It was seen that the purpose of home detention and release to work could be achieved through the use of conditions of a parole order.

254. The *Corrective Services Act 2006* streamlined the parole boards, reducing the six regional boards down to two, resulting in the system of three parole boards: Queensland Parole Board; Southern Queensland Regional Parole Board; and Central and Northern Queensland Regional Parole Board.
255. The rights of victims were enshrined in the legislation and they were now able to register on the Victims Register and make submissions to the parole boards.⁹⁴
256. Importantly, in introducing court ordered parole the Government established a mixed parole system where prisoners on short sentences received automatic parole and prisoners on longer sentences became subject to discretionary parole.
257. The Government made their intention clear that they did not wish to interfere with court mandated release dates. In the second reading debate, the Minister advised that if an offender misbehaved during incarceration it would not interfere with an offender's release from custody unless the prisoner is remanded or convicted of an offence.⁹⁵
258. The introduction of court ordered parole in Queensland was not a new concept; it followed reform to parole legislation in other jurisdictions in Australia and Great Britain to curtail discretionary release.
259. New South Wales introduced automatic parole for sentences of three years or less on the recommendation of the Nagle Commission into NSW Prisons, 1978. This was solely to alleviate the enormous workload of the New South Wales Parole Board.⁹⁶ The resulting parole system in New South Wales was parole being more or less automatic for minimum terms of three years but entirely discretionary for longer sentences with the onus on the prisoner to establish suitability before the Board. South Australia followed, introducing a determinate approach to sentencing in 1984, with Courts given the responsibility for deciding actual terms of imprisonment.
260. In Great Britain a review of parole in 1988 (the Carlisle Report)⁹⁷ concluded that it was both unworkable and wrong to try to operate a selective parole system for short sentence prisoners. The report led to the *Criminal Justice Act 1991* (UK) which limited discretionary parole to the release of offenders serving long terms. Remission was abolished and replaced with automatic parole at 50 per cent for sentences of less than four years and discretionary release for offenders serving terms of imprisonment of more than four years.
261. The *Corrective Services Act 2006* adopted the common theme that emerged in consultation that a gradual and supervised release of prisoners was desirable and should maximise a prisoner's rehabilitation and integration. Many of the people consulted during the review of the previous legislation favoured automatic release on parole at the point in time nominated by a sentencing court or after statutory determined period for prisoners serving short sentences.⁹⁸
262. At the time of the review of the *Corrective Services Act 2000*, prisoner numbers had grown by 143 per cent over the previous decade. Without intervention, the prisoner

numbers were forecast to continue the growth trend, requiring new prison infrastructure. As at 30 June 2004, 29.1 per cent of all Queensland prisoners incarcerated were serving a sentence of two years or less and 70 per cent of prisoners received into custody were serving short sentences. There was a high degree of turnover in the prison population.⁹⁹

263. The intention of the court ordered parole system was to divert low-risk offenders from custody whilst ensuring post release supervision. As well as providing truth in sentencing and the benefit of supervision, court ordered parole also aimed to address the over-representation of short sentenced, low-risk prisoners. These prisoners were responsible for a high degree of turnover in the prison population. Court ordered parole was to be used to divert these offenders from custody, while providing post-release support and supervision.¹⁰⁰
264. Court ordered parole stabilised growth in prisoner numbers for some time, maintaining prisoner numbers at approximately 5,500 from August 2006 until mid-2012 and in so doing delayed the need for new prison infrastructure.

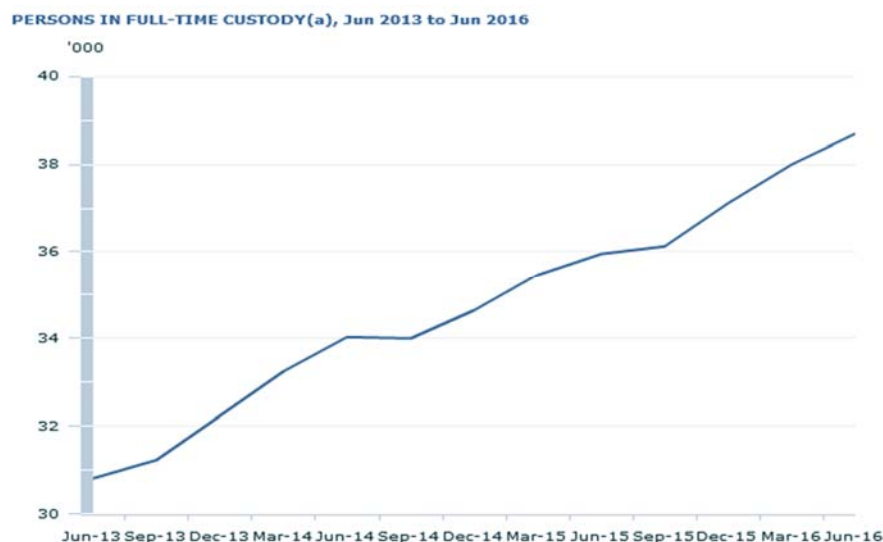
3. Current state of the correctional system

265. There are currently 11 high security correctional centres (nine government-operated and two privately-operated centres) and six low security facilities for prisoners across Queensland¹⁰¹. In the community, offenders are supervised by officers at 34 Probation and Parole District Offices, 11 permanent reporting centres and 134 out-reporting centres across seven regions¹⁰².
266. A detailed map of Queensland Correctional Services (QCS) facilities can be found at Appendix 1, a list of correctional centres at Appendix 2 and a list of probation and parole offices at Appendix 3.

Prisoner numbers

267. Prisoner numbers continue to increase in Queensland. This is by no means unique to this State, however it is a symptom of a system under pressure (refer to Figure 3.1). According to the Australian Bureau of Statistics,¹⁰³ prisoner numbers have continued to rise across the country, by 8 per cent between June 2015 and June 2016. The national imprisonment rate has also continued to increase, from 196 prisoners per 100,000 of the population in 2015, to 208 by June 2016, an increase of 6 per cent.¹⁰⁴

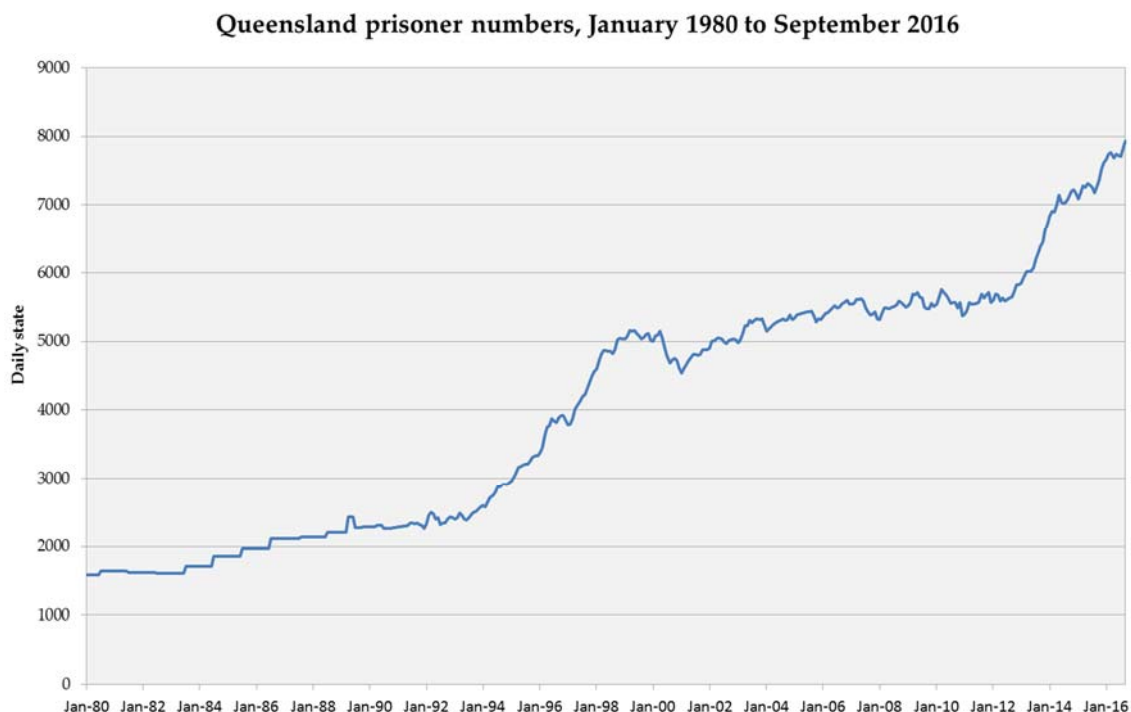
Figure 3.1: Persons in custody in Australia¹⁰⁵



268. Between 31 January 2012 and 30 September 2016, Queensland experienced a 41.6 per cent increase in prisoner numbers, from 5,604 to 7,938 (refer to Figure 3.2) with Aboriginal and Torres Strait Islander prisoners accounting for 31.3 per cent of the prison population (2,482 prisoners)¹⁰⁶. As at 30 September 2016, there were 7,291 prisoners in high security facilities, with a built capacity of 6,138. In other words, QCS was holding 1,153 more prisoners than it has been designed for, putting the prison system at 118.8 per cent capacity. More recently, the Queensland Ombudsman has tabled a report outlining serious concerns regarding overcrowding at the Brisbane Women's Correctional Centre, which is the most overcrowded facility in Queensland.¹⁰⁷ The Ombudsman noted that at the time of his inspection of Brisbane

Women's Correctional Centre in April 2015, the centre was 47.7 per cent over the built cell capacity of 258.

Figure 3.2:¹⁰⁸

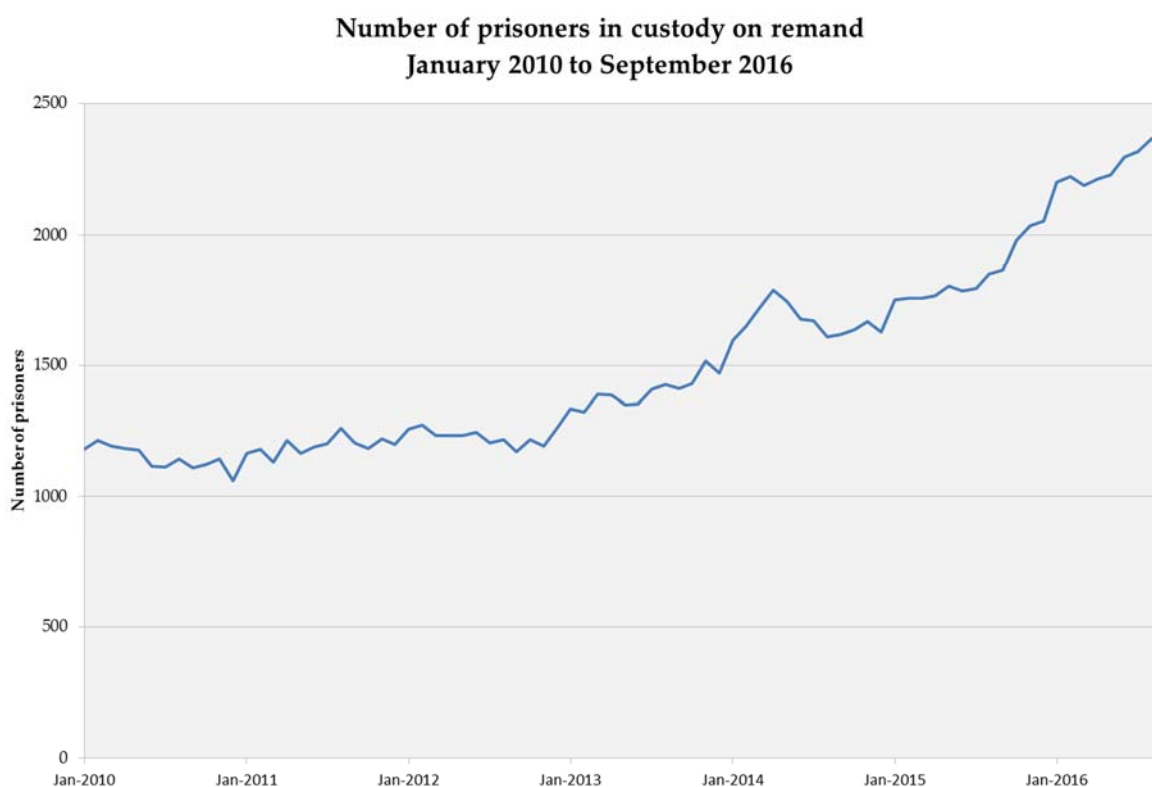


269. QCS has informed me that the main factors contributing to the growth in Queensland's prisoner numbers include:
- a. an increase in reported and cleared property offences;
 - b. an increase in sentences of imprisonment imposed by the courts, instead of non-custodial orders;
 - c. a decrease in grants of parole by Queensland's Parole Boards; and
 - d. an increase in the number of prisoners returning to prison, due to parole breaches.¹⁰⁹
270. The third and fourth of these factors can be addressed by improving the system of parole.
271. As at 30 September 2016, 29 per cent (2,320 prisoners) of prisoners are held awaiting trial. Aboriginal and Torres Strait Islander prisoners account for 607 of these¹¹⁰. Queensland's remand population is consistent with other Australian jurisdictions, with 31 per cent of all prisoners held in Australia being unsentenced.¹¹¹ In 2015-16 the flow of prisoners on remand through the system in Queensland was examined by QCS and it was found that a total of 5,568 prisoners were admitted on remand in that year. Approximately 48 per cent of the prisoners spent less than two months on remand, almost 30 per cent were released from remand to freedom or to a non-custodial sanction, with 70 per cent sentenced to imprisonment. It was found 43 per cent of the

prisoners sentenced to imprisonment were released on the same day to court ordered parole.

272. The data also indicates there was no relationship between the previously assessed Risk of Reoffending (RoR) and the length of remand. For example, 328 of the 1001 prisoners who served less than one month on remand were at high risk of reoffending, scoring 16+ on the automated screening tool.¹¹²
273. Figure 3.3, below, shows the growth in the number of remand prisoners in Queensland since 2010.

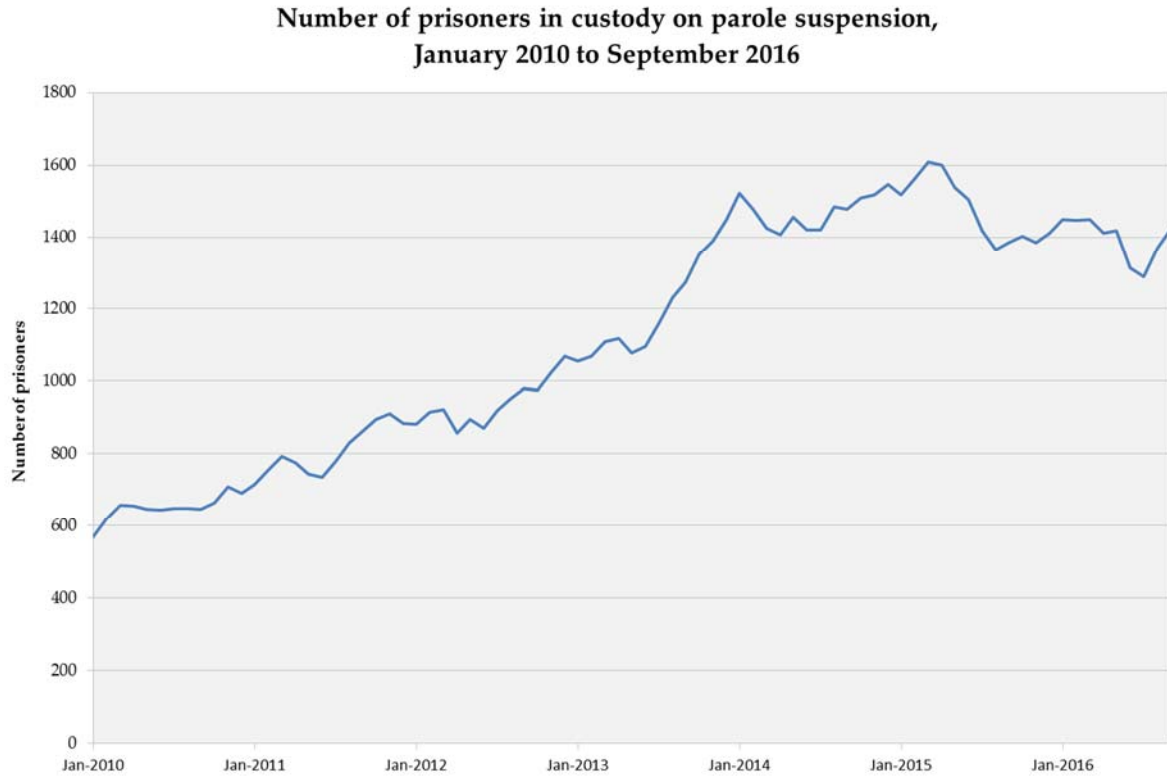
Figure 3.3¹¹³



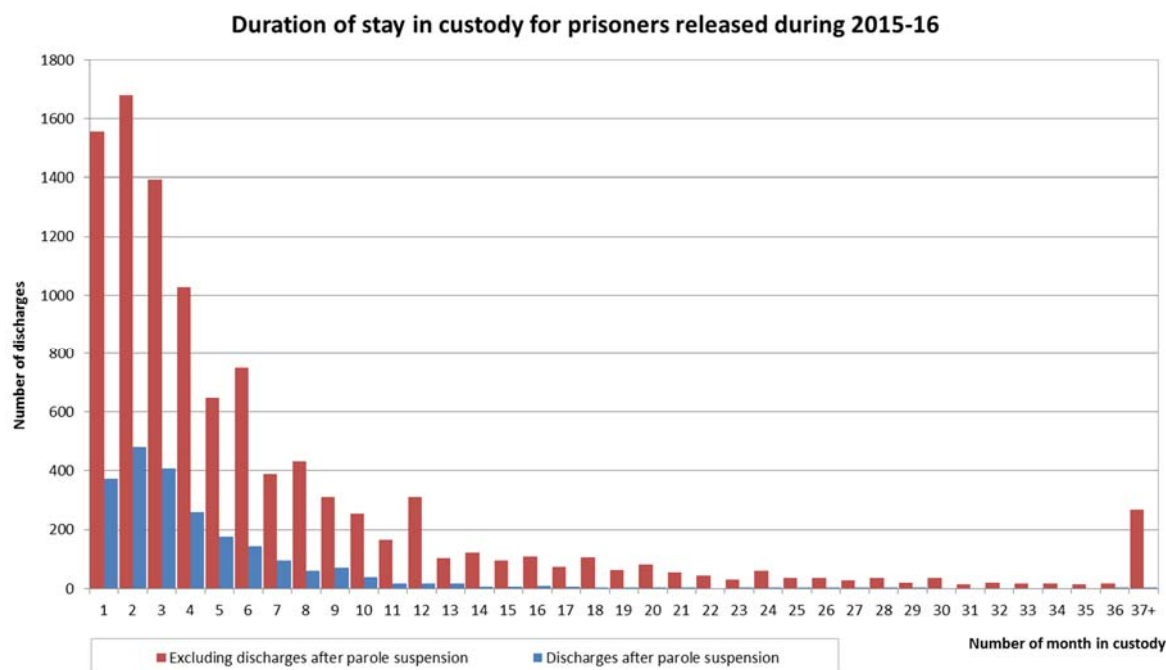
274. Prisoners held in custody on suspension of their parole order are a significant proportion of the prisoner population in Queensland. In 2015-16 there was a total of 3,887 prisoners held in custody on suspension of a court ordered parole order and 639 prisoners held on suspension from a parole order issued by the parole board¹¹⁴. The total number of parole suspensions in Queensland has grown from 2,566 in 2009-10 to 4,526 in 2015-16. But it is important to know that the number of offenders under supervision in the community has also grown significantly in the last three years. I will examine offender numbers, parole supervision and parole suspension later in this report.
275. As at 30 June 2015, prisoners on parole suspension comprised 21 per cent of the prison population (1,503 prisoners)¹¹⁵. By 30 September 2016, this proportion had decreased to 18 per cent (1,427 prisoners) with Aboriginal and Torres Strait Islander prisoners accounting for 40 per cent of prisoners on suspension (572 prisoners)¹¹⁶.

276. Approximately 23 per cent of the total Indigenous prison population are in custody merely on parole suspension¹¹⁷. Figure 3.4, below, demonstrates the growth in the number of prisoners in custody on parole suspension over the last six years.

Figure 3.4¹¹⁸



277. As I observed earlier with respect to remand and parole suspensions, the average duration of stay in custody is quite short, at 6.8 months (for 2015-16)¹¹⁹. Figure 3.5, below, shows the duration of stay prior to release for prisoners on parole suspension and those who are discharged after a sentence. For both groups of offenders, the most common duration of stay is between one and two months. In 2015-16, for court ordered parolees, the average duration of stay was 3.5 months.

Figure 3.5¹²⁰

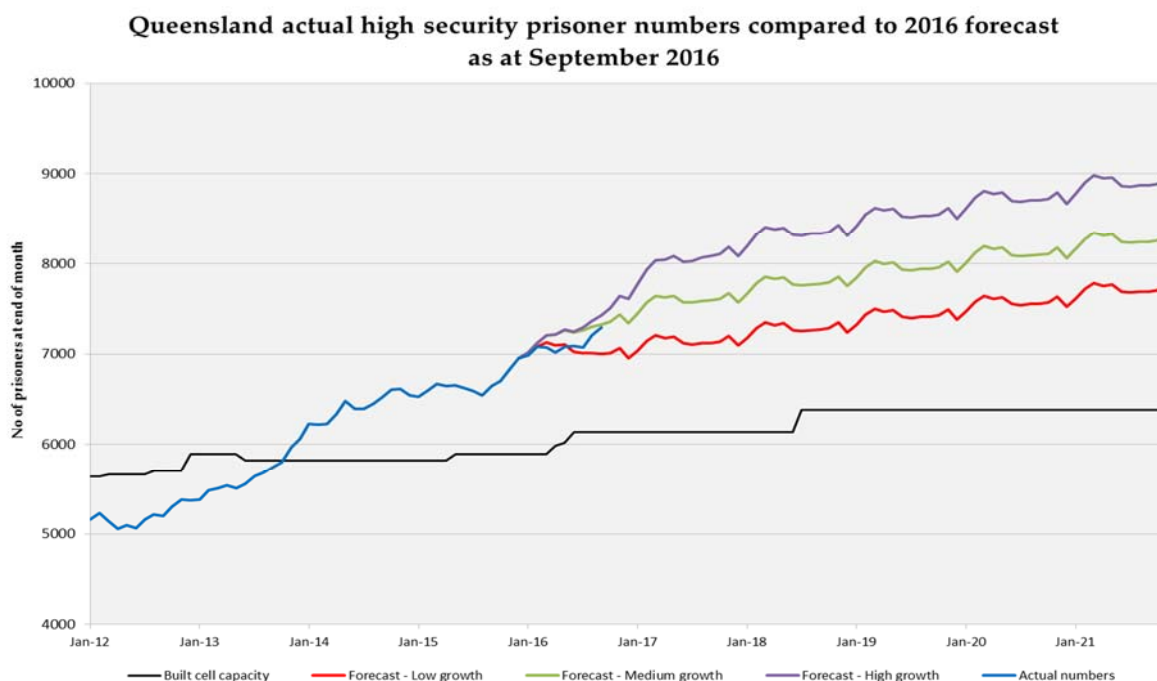
Managing overcrowding

278. QCS has been using double-up placements to manage increasing prisoner numbers, including using double cells and temporary bunk beds, trundle beds and mattresses in secure cells and residential areas. Where prisoner numbers exceed the built capacity of the correctional system, two prisoners share a cell designed for one prisoner.
279. Prisoners are not doubled-up in low security correctional centres.
280. In the report into overcrowding at Brisbane Women's Correctional Centre, the Ombudsman expressed significant concern regarding the effects of overcrowding.¹²¹ The actual mechanics of doubling up prisoners does not vary significantly across the State, so the investigation conducted by the Ombudsman is informative and may be generalized to the greater system in Queensland. A single prisoner cell is approximately 8.5m² containing a bed, shower, toilet, fixed desk and allocated space for personal effects. When doubled-up, a mattress is typically placed on the floor and the prisoner must sleep with his or her head next to an exposed toilet to allow for nightly welfare checks by custodial officers. The Ombudsman was of the view that this arrangement impinges on a prisoner's dignity and privacy. It obviously does. Due to the high proportion of prisoners doubled-up at Brisbane Women's Correctional Centre, women are receiving less favourable treatment than male prisoners who are doubled-up a significantly lesser rate.
281. QCS have submitted that as prisoner numbers continue to increase above the capacity of the system, the risks, including loss of discipline and control in correctional centres, increasing assaults, a deterioration in staff safety and, potentially, riots, will increase

- too. Risks relating to fire safety and plumbing failure also increase. Prisoners and corrections staff are endangered.
282. In response, QCS have a systems and operational response and short, medium and long term infrastructure options. Practically, this means QCS has attempted to increase prisoner access to exercise, visits, phone calls and access to a new program, the 'strong not tough' resilience program, to provide prisoners with emotional coping skills and mindfulness, which is positive for prisoners who are at risk of self-harm or facing significant adjustment, such as remand.¹²² Prisoners in high security in Queensland have the third highest number of hours out of their cell in Australia, at nine hours, similar to the national average of 9.1 hours, and substantially higher than New South Wales, with 6.7 hours out of cell each day.¹²³
283. At an operational level, additional frontline staff including custodial officers, nurses, psychological services staff, and supervisors have been brought online to respond to the prisoner number increases and meet additional demands placed on decision makers and other professional staff.
284. The 2016 Report on Government Services identifies that Queensland's operating expenditure 'per prisoner per day' was \$177.86 in 2014-15.¹²⁴ When multiplied by the current number of incarcerated prisoners, this equates to approximately \$1.45 million per day. To ensure continuity of service, the Department of Justice and Attorney-General has a funding agreement with Queensland Treasury and Trade that adjusts automatically as prisoner numbers increase. The approximate average cost to government of accommodating prisoners at "above built capacity" is \$111 per prisoner per day¹²⁵.
285. Notwithstanding the risks, the single greatest impost on the correctional system by overcrowding is the lack of physical resources and space to deliver services such as programs and education. QCS use statistical modeling to forecast prisoner numbers against the built capacity of the correctional system. The forecasts are revised every quarter and take all relevant crime data to provide a reliable model for planning purposes.
286. Figure 3.6, below, shows the forecast prisoner numbers to 2021, matched against the current built cell capacity in QCS high security correctional centres¹²⁶. It is important to note the decreases in built capacity are indicative of the temporary mothballing of capacity at the Borallon, Woodford and Townsville Correctional Centres in 2011-12. This accommodation has now been recommissioned, with the exception of a proportion of cells at the Borallon Training and Correctional Centre undergoing refurbishment which will reopen in 2018-19.
287. As at July 2016, prisoner numbers had temporarily plateaued and were tracking with the low growth forecast, which is based on population growth in the State. However, prisoner numbers have been rapidly increasing again, with numbers exceeding 8,000 from 1 November 2016 and reaching a high of 8,159 on 22 November 2016¹²⁷.

288. Short term accommodation options used by QCS, such as mattresses on the floor and trundle beds, have been used broadly throughout the system. As a medium term response, QCS is assessing options to manufacture the beds and install bunk beds into prisoner cells with the assistance of a maintenance provider. Bunk beds are costly, but they are not as costly as new cells. For example, 30 bunks were installed at the Brisbane Women’s Correctional Centre in 2014 at a cost of \$10,000 each. The cost is high because of the amount of modification required to make sure the bunks are ligature proof, structurally designed to cantilever off adjacent walls with specially designed access ladders, sealed to prevent contraband, and robust enough to resist damage. The cost includes the bed and the installation and relocation of tamper proof electrical services in the cell, which is the majority of the cost. Installing bunks into operating centres also adds to the cost because of the need for security.

Figure 3.6¹²⁸



Funding considerations

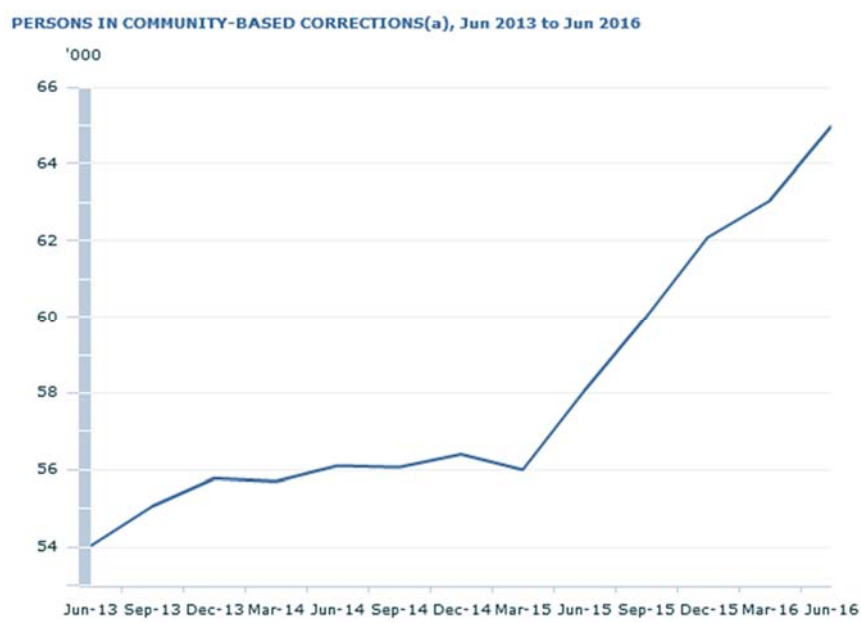
289. As noted above, a funding agreement with Queensland Treasury and Trade is in place to account for the additional costs associated with accommodating prisoners above the built capacity of Queensland’s correctional centres. QCS submit that in 2015-16 the department received an additional \$32 million to cover the cost of operating correctional centres above the built capacity.¹²⁹
290. In 2016-17 QCS was provided additional funding of \$13 million over four years to build priority non-custodial infrastructure.¹³⁰ Buildings will be installed at various locations to support the additional support staff, such as programs and education staff, employed in response to the increasing prisoner numbers.

- 291. In support of long term planning, QCS was provided \$1 million in the 2016-17 State Budget to develop a business case for an expansion of the Arthur Gorrie Correctional Centre (the State’s primary remand facility), to revise the business cases for the 1,000 cell Southern Queensland Correctional Centre Stage 2 and an expansion of the Capricornia Correctional Centre¹³¹.
- 292. Correctional infrastructure is costly and requires significant time to construct and commission. For example, QCS advise a 1,000 cell facility could cost in excess of \$700 million and take approximately five years from approval to commissioning. This is a significant investment for the State and requires long term planning. As the forecasts above at Figure 3.6 demonstrate, if a new prison was approved in 2016, it would not be commissioned until 2021. Prisoner numbers in high security had been forecast to increase to over 7,500 at the low growth forecast, or in line with population growth. In fact, that number has already been exceeded as of the time of writing.

Offender numbers

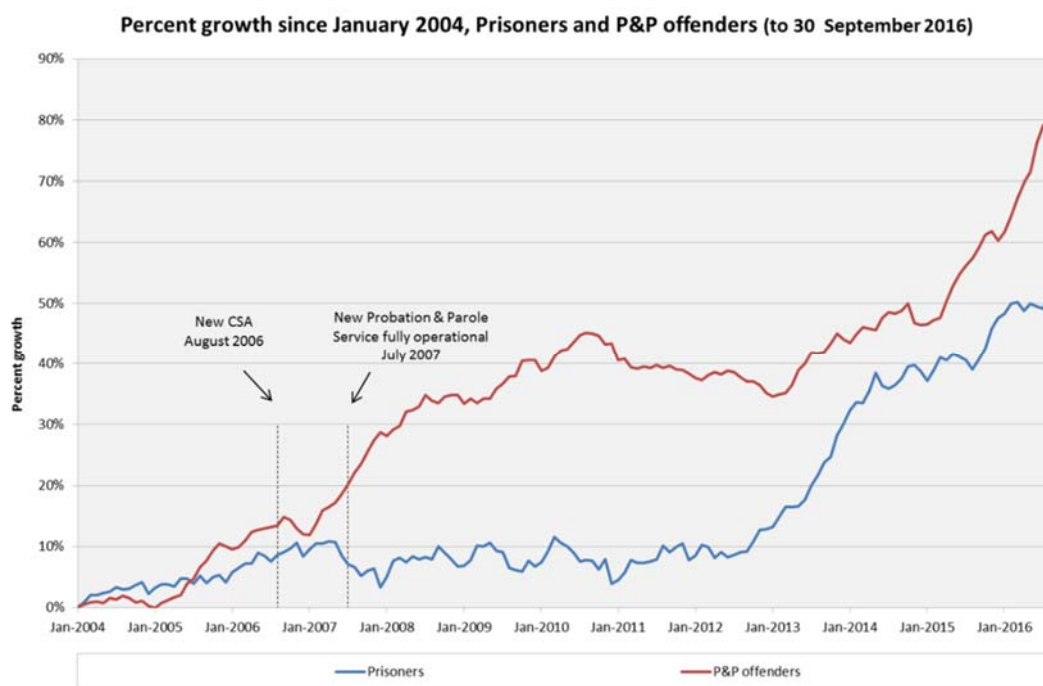
- 293. As well as increases in prisoner numbers, offender numbers have been steadily increasing in Queensland and across Australia as a whole. The Australian Bureau of Statistics (ABS) identified the average daily number of persons serving community-based corrections orders increased to 64,977 persons in the June quarter 2016 (Figure 3.7).¹³² This was an increase of 3 per cent from the March quarter 2016 and 12 per cent from the June quarter 2015.
- 294. Across Australia, female offenders accounted for 18.4 per cent of offenders and Aboriginal and Torres Strait Islander offenders accounted for 20 per cent of offenders under supervision in 2014-15.¹³³

Figure 3.7. Persons in Community Based Corrections in Australia¹³⁴

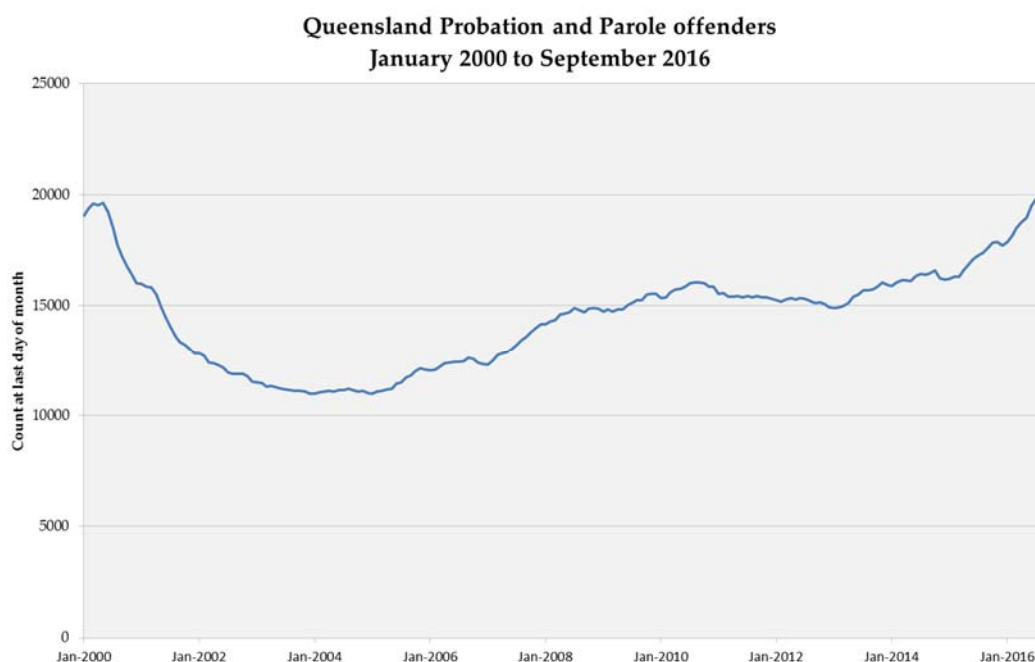


- 295. From the March quarter 2016, the largest quarterly increases were recorded in Queensland (up by five per cent), New South Wales (up by three per cent) and Victoria (up by three per cent)¹³⁵. These states also accounted for over three-quarters of the national number of people in community-based corrections, with Queensland the highest at 29 per cent. It is noted the offender population in many jurisdictions has remained relatively stable over the last decade compared to Queensland (see Appendix 4). It is unclear why growth has occurred in some jurisdictions but not others and detailed analysis of the drivers of offender numbers across jurisdictions is outside the scope of this review.
- 296. Parole is one driver of Queensland’s high numbers with Queensland having the highest number of offenders subject to parole orders of any Australian jurisdiction, with 5,863 parolees in June 2016¹³⁶ (see Appendix 5).
- 297. The growth in offender numbers, particularly since 2013, has occurred alongside the significant increase in prisoner numbers outlined above and shown in Figure 3.8. This has resulted in significant pressure on all aspects of the correctional system.

Figure 3.8. Percent growth in prisoners and probation and parole offenders¹³⁷



- 298. As at 30 September 2016, Probation and Parole was responsible for the supervision of 19,893 offenders across Queensland with Aboriginal and Torres Strait Islanders accounting for 24 per cent of those under supervision (4,769 offenders)¹³⁸. The overall number of offenders is an increase of 13 per cent in the 12 month period since 30 September 2015 and an increase of 65 per cent since January 2006 from 12,044 offenders (see Figure 3.9).

Figure 3.9. Probation and Parole Offender Numbers¹³⁹

299. I understand the sharp reduction in offender numbers around 2000 to 2002 shown in Figure 3.9 was largely the result of a significant reduction in Fine Option Orders following the establishment of the State Penalties Enforcement Registry (SPER) to take responsibility for the collection and civil enforcement of most penalty amounts due and owing to the State. *The State Penalties Enforcement Act 1999* was passed by Parliament in December 1999.
300. Offender numbers have grown across all Probation and Parole regions (in varying levels of intensity) and all Probation and Parole order types, including court ordered and board ordered parole. In January 2008, there were 3,046 court ordered parolees and 1,026 board ordered or interstate parolees supervised by Probation and Parole. As at 30 September 2016, there were 4,365 court ordered parolees (43 per cent growth) and 1,659 board ordered or interstate parolees (62 per cent growth)¹⁴⁰. This growth has exceeded QCS' forecasts and the increase in offender numbers is expected to continue (see Figures 3.10 and 3.11).

Figure 3.10. Court Ordered Parole and Probation¹⁴¹

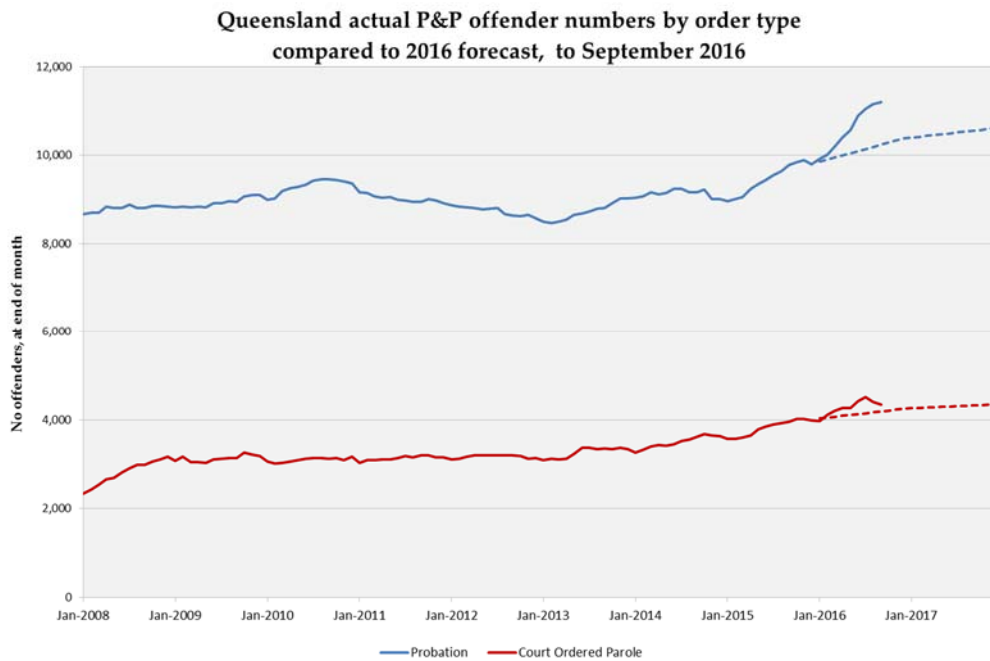
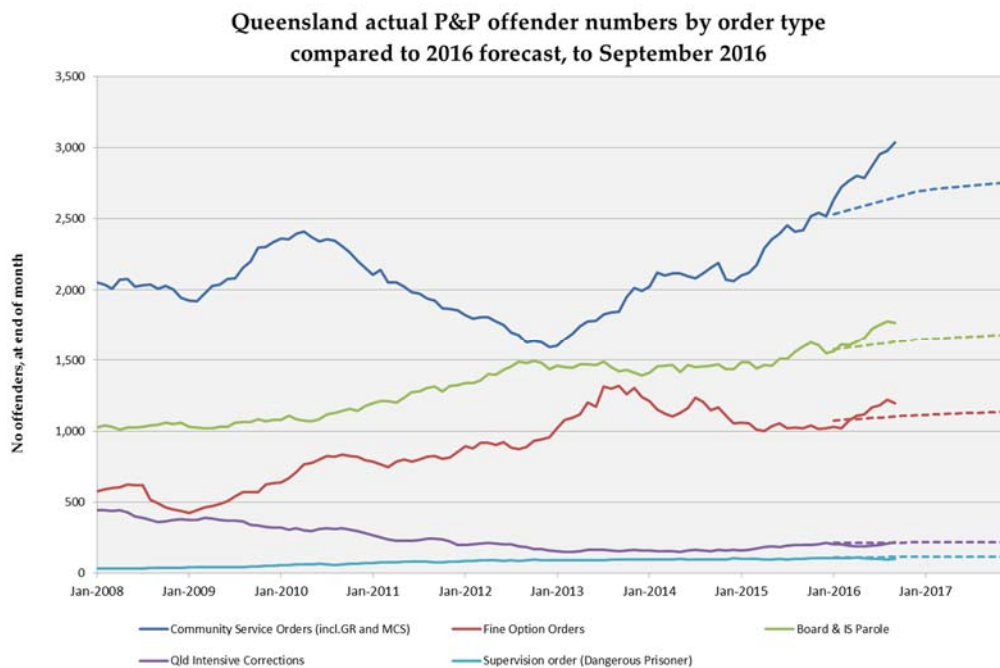


Figure 3.11. Board Ordered Parole, DPSOA Orders and other community based orders¹⁴²



Funding considerations

301. As I have observed, the custodial side of QCS receives double up funding for increases in prisoner numbers through an agreed funding model with Queensland Treasury. A similar model has not been developed for the Probation and Parole side of QCS to address ongoing increases in prisoners.

302. Following the introduction of the *Corrective Services Act 2006*, QCS received \$57.5 million over five years to expand and modify the Probation and Parole Service (known as Community Corrections prior to 2006) and to implement court ordered parole¹⁴³.
303. In the 2009-10 State Budget, QCS received \$2.5 million to manage increasing offender numbers and improve supervision and reparation to the community¹⁴⁴. QCS advise this funding increased in increments to \$5 million in 2012-13¹⁴⁵.
304. In 2012, QCS implemented the Next Generation Case Management (NGCM) Model in an attempt to manage increasing offender numbers focused on differentiated offender management to ensure resources were directed appropriately based on offender risk¹⁴⁶. This included the implementation of biometric reporting technology for lower risk offenders. A low risk prisoner could signify that he or she has reported at a parole office by registering a fingerprint on a machine. No additional funding was provided by Government for these reforms.
305. Between 2012-13 and 2015-16, Probation and Parole's funding allocation did not change despite the increase in offender numbers¹⁴⁷. QCS advise the operating funding allocation associated with court ordered parole has not changed since the introduction of court ordered parole in 2006 and the funding allocation for Probation and Parole programs has not changed since the 2009-10 financial year (\$1.31 million per annum). See Appendix 6 for a breakdown of funding allocations since 2006.
306. In the 2016-17 State Budget, QCS received temporary funding for the Probation and Parole Service in recognition of the significant growth in offender numbers. A total of \$17.8 million (out of \$20.5 million) over two years was allocated to address increasing demand for services and review the current staff training program¹⁴⁸. I note, however, that offender numbers have increased by over 1,500 since the budget submission was considered¹⁴⁹.

Reoffending

307. Re-offending rates are defined as the extent to which people who have had contact with the criminal justice system are re-arrested, re-convicted, or return to corrective services (either prison or community corrections).¹⁵⁰
308. This is the definition for corrective services when discussing recidivism.
309. The most recent data for adult offenders released from prison who returned to corrective services within two years relate to prisoners released during 2012-13 who returned to corrective services by 2014-15 as detailed in Table 3.1. "Prisoners" refers to all prisoners released following a term of sentenced imprisonment including prisoners subject to correctional supervision following release; that is, offenders released on parole or other community corrections orders. Data includes returns to prison resulting from the cancellation of a parole order¹⁵¹. In Queensland, 40.9 per cent of prisoners returned to prison and 49.1 per cent returned to corrective services (prison or a community corrections order) which is slightly below the national averages. I

understand Queensland's figures have shifted slightly to 39.7 per cent and 49.8 per cent respectively in 2015-16¹⁵².

Table 3.1. Prisoners released during 2012-13 who returned to corrective services within a new correctional sanction within two years (per cent)¹⁵³

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Prisoners returning to:									
- prison	48.1	44.1	40.9	36.2	38.1	39.9	38.7	57.5	44.3
- corrective services ^b	52.9	53.7	49.1	42.7	46.0	50.0	59.8	59.6	51.1

^b includes a prison sentence or a community corrections order.

310. Table 3.2 provides data on offenders who were discharged after serving orders administered by community corrections, including post-prison orders such as parole, and then returned with a new correctional sanction within two years. In Queensland, 12.2 per cent of offenders discharged from community corrections returned to community corrections and 17 per cent returned to corrective services (prison or a community corrections order), which are below the national averages. I understand these figures have increased to 15.8 per cent and 21.7 per cent respectively in 2015-16¹⁵⁴.

Table 3.2. Offender discharged from community corrections orders during 2012-13 who returned with a new correctional sanction within two years (per cent)¹⁵⁵

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Offenders returning to:									
- community corrections	12.7	16.3	12.2	10.1	13.4	19.8	15.4	9.3	13.4
- corrective services ^a	22.6	24.9	17.0	15.0	21.7	23.6	17.4	31.1	21.5

^a includes a prison sentence or a community corrections order.

311. While some may argue that Queensland's reoffending rates are not dissimilar, and in some cases lower, compared to other jurisdictions in Australia I do not believe this is an argument that the system seems to be working as well as it can be. In my opinion, there is a lot that can be done to increase community safety, improve the lives of offenders and encourage them to lead more pro-social lives going forward. While statistics about recidivism have a place in discussion about the parole system I do not think that they should be the primary focus or used as an excuse not to strive for a better system. These statistics do not detail what kind of reoffending occurred and, especially in the cases of violent reoffending, I think any improvements would be welcomed by the community.
312. What has been made evident to me is that the corrections system must change. Unless that happens, the overcrowding will become even worse, with risks of violence to prisoners and corrections staff, we will have to spend hundreds of millions of dollars building expensive prisons but the rate of reoffending and the rate of imprisonment will not reduce.

4. Legislative framework and sentencing

313. In this section, the legislative framework for parole is examined to determine if it is operating effectively as possible to achieve the purposes of parole. Specific consideration is given to:
- a. court ordered parole;
 - b. parole for short sentences;
 - c. parole where no actual time is served in custody;
 - d. the interaction between remand and parole;
 - e. sex offenders; and
 - f. mandatory non-parole periods.

Parole in Queensland

314. Parole is the discretionary early release of a prisoner from custody. It is a component of a sentence of imprisonment. All offenders on parole are still serving their sentence, they are simply serving a portion of the term of imprisonment in the community.
315. In Queensland, parole is a mixed system where orders for release on parole are either made by the Court at the time of sentencing or by the Parole Board sometime during the sentence period.
316. Any order for parole can only arise out of a Court's sentencing an offender to a term of imprisonment. Whether an offender is released on a parole order made by the Court or the Parole Board depends upon the type of offence and the length of the term of imprisonment imposed.
317. Offenders sentenced to a term of imprisonment of three years or less for offences that do not include a serious violent offence or a sexual offence are released on parole on a date fixed by the Court. The Court *must* fix the date for release in these circumstances,¹⁵⁶ and may fix any day of the sentence as the release date.¹⁵⁷ The chief executive of Queensland Corrective Services (QCS) is required to issue the parole order for an offender in accordance with the date fixed by the Court for release on parole.¹⁵⁸ This is referred to as court ordered parole.
318. Although there are no fixed terms of imprisonment in Queensland, a Court may order that the parole release date is the last day of the term of imprisonment. In these circumstances a court ordered parole order does not have to be issued.¹⁵⁹
319. When sentencing an offender to a term of imprisonment of more than three years or for a serious violent offence or a sexual offence, the Court may fix the date the offender is eligible for release on parole.¹⁶⁰ If the Court does not fix a date that the offender is eligible for parole, the offender will automatically become eligible for parole after serving half of their sentence.¹⁶¹

320. No matter how many times an offender is sentenced, there can only ever be one parole release or eligibility date.¹⁶² This means that if an offender is sentenced to a further term of imprisonment while serving a sentence of imprisonment, a new parole eligibility date is set, replacing the parole eligibility date under the previous sentence.
321. Offenders serving a term of imprisonment with a parole eligibility date must apply to the Parole Board for release onto a parole order. The Parole Board must then hear and decide whether the offender will be released on parole¹⁶³ and if so, on what conditions.¹⁶⁴ The Parole Board may grant a parole order to release an offender on parole on any date after the parole eligibility date, this is referred to as board ordered parole.¹⁶⁵
322. The Parole Board also has the power to release any prisoner on parole if the board is satisfied that exceptional circumstances exist in relation to the prisoner.¹⁶⁶ This is referred to as 'exceptional circumstances parole' and usually only granted if an offender is terminally ill.
323. Currently, any order for court ordered parole is limited to the standard conditions contained in section 200 of the *Corrective Services Act 2006*, which requires the offender:¹⁶⁷
- (a) to be under the chief executive's supervision;
 - (b) to carry out the chief executive's lawful instructions;
 - (c) to give a test sample if required to do so by the chief executive;
 - (d) to report, and receive visits, as directed by the chief executive;
 - (e) to notify the chief executive within 48 hours of any change in the prisoner's address or employment during the parole period; and
 - (f) not to commit an offence.
324. A parole order granted by a Parole Board may also contain conditions the board considers reasonably necessary to ensure the prisoner's good conduct or to stop the prisoner committing an offence.¹⁶⁸ These conditions can include a condition about the prisoner's place of residence, employment or participation in a particular program and a condition imposing a curfew for the prisoner.

Parole systems in Australia

325. Queensland is the only state in Australia to have a system where parole must apply to all sentences of a term of imprisonment. In Victoria, South Australia, Western Australia, the Northern Territory and the Australian Capital Territory, parole is not available for sentences of imprisonment for periods of less than 12 months. In New South Wales, parole is not available for sentences of imprisonment for periods of less than six months. In all Australian states, except for Queensland, the sentencing Court may choose not to fix a non-parole period, meaning the offender will not be eligible for parole and will be required to serve the full term.

326. The majority of other Australian jurisdictions have systems that involve a Parole Board (or similar) determining whether a parole eligible offender should be released on parole for all sentences eligible for parole. Only New South Wales and South Australia have system similar to Queensland's court ordered parole system, where for short sentences the Court determines when the offender will be released on parole at the time of sentencing.
327. In South Australia there is automatic parole for sentences of imprisonment greater than 12 months and less than five years that are not in relation to a sexual offence, personal violence offence, an act of arson or a serious firearm offence. Originally, automatic parole applied to all sentences greater than 12 months and less than five years but amendments have been made to limit the offences for which automatic parole can be used. This has resulted in a limited number of offenders being eligible for automatic parole. In operation, when the Court sentences an offender to a sentence with automatic parole it sets a non-parole period and the Parole Board has up to 30 days after the expiry of that period to determine the prisoner's release plan and order the release of the prisoner.
328. In New South Wales, for sentences more than six months and less than three years, an offender is released by order of the sentencing Court at the end of the non-parole period. The non-parole period is "the minimum period for which the offender must be kept in detention in relation to the offence".¹⁶⁹ Under the *Crimes (Sentencing Procedure) Act 1999* (NSW) there is a presumption that the balance of the term must not exceed one-third of the non-parole period.¹⁷⁰ This means that the non-parole period is to be three-quarters of the term of the sentence unless the Court decides and gives reasons outlining that there are special circumstances for it being more or less.

Overview of sentencing

329. An offender's entry into the parole system will only arise out of an initial decision made by the Court to impose a sentence of a term of imprisonment.
330. Sentencing is an exercise of discretion by a judicial officer, guided by legislation, the existing precedents and the available alternatives. Queensland legislature stipulates that sentences are to be imposed on an offender by the Court to punish, rehabilitate, deter the offender and others, denounce the conduct, and protect the community, or for any combination of these factors.¹⁷¹ There are a variety of different orders that the Court may impose to achieve these purposes when sentencing an offender, including non-custodial sentences, custodial sentences, and special orders.
331. When sentencing, the Court must have regard to a number of matters outlined in the *Penalties and Sentences Act 1992*. These matters include the principles that a sentence allowing the offender to stay in the community is preferable and a sentence of imprisonment should be imposed as a last resort.¹⁷² These principles do not apply to any offences involving violence or physical harm to another person and child sex offences. There are some offences for which imprisonment is mandatory, including

murder and driving under the influence where the offender has two prior driving convictions in the last five years.

332. In order to understand the parole system and its effectiveness, it is necessary to consider the range of sentencing options and alternative orders available to the Court when sentencing an offender.

Orders of imprisonment

333. In Queensland there are three ways an offender can be sentenced to serve a period of imprisonment: an order of a term of imprisonment¹⁷³; a suspended sentence¹⁷⁴; or as part of a combined prison and probation order¹⁷⁵.
334. If a term of imprisonment is imposed, the offender will be subject to the parole system.
335. As discussed above, whether the Court orders the date on which an offender is released on parole or the date the offender becomes eligible for parole is dependent upon the length of the term of imprisonment imposed and whether the offender's sentence includes a term of imprisonment for a serious violent offence or a sexual offence.

Setting a parole release or eligibility date

336. Under the *Corrective Services Act 2006*, a prisoner's parole eligibility date is after the day on which the prisoner has served half the period of imprisonment unless a different parole eligibility date is fixed by the Court.¹⁷⁶
337. When sentencing an offender, the Court undertakes a process of examining and weighing up all of the relevant matters, applying the sentencing guidelines and imposing the appropriate sentence to fit the particular circumstances of the individual case. It is common sentencing practice in Queensland for the Court to recognise mitigating factors such as a timely plea of guilty and the offender's personal circumstances, in arriving on a parole release or parole eligibility date at approximately one-third of the sentence.¹⁷⁷ The Court of Appeal has also said that where a sentence involves mitigating features, such as a plea of guilty, a parole release date significantly beyond the midpoint of the sentence would be very unusual.¹⁷⁸
338. There are a number of sections contained within the *Corrective Services Act 2000* that limit discretion of the sentencing judge by stipulating the parole eligibility date for offenders convicted of certain offences.
339. An offender serving life imprisonment for a repeat serious child sex offence is eligible for parole after serving 20 years.¹⁷⁹
340. An offender serving life imprisonment for a murder is eligible for parole after serving between 20 and 30 years, depending on the circumstances.¹⁸⁰
341. An offender serving a term of imprisonment for serious violent offences or the offence of unlawful striking causing death¹⁸¹ is eligible for parole after serving 80 per cent of their sentence of imprisonment or 15 years (whichever is less).¹⁸²

342. An offender serving a term of imprisonment for drug trafficking is eligible for parole after the prisoner has served 80 per cent of the term of imprisonment.¹⁸³

Suspended sentences

343. A suspended sentence is a different type of sentence of imprisonment and is distinct from an order of a term of imprisonment involving parole. The Court may impose a sentence of imprisonment of five years or less, and order that it be wholly or partially suspended,¹⁸⁴ meaning the offender serves part of the sentence or none of the sentence in actual custody. Under a suspended sentence, an offender is released from Court or custody after serving the period ordered by the Court, but remains under the sentence order until the expiry of the 'operational period' of the sentence, which is set by the Court. There is no supervision of these offenders in the community. A Court may only make an order that the term of imprisonment be suspended if it is satisfied that it is appropriate to do so in the circumstances.¹⁸⁵
344. If an offender commits an offence during the operational period of the suspended sentence, they have breached the suspended sentence. A breach of a suspended sentence is returned to the Court for determination of the appropriate penalty. The Court may extend the operational period of the sentence for up to one year or order that the offender serve all or part of the suspended imprisonment.¹⁸⁶ If the Court orders that the offender must serve all or part of the suspended period of imprisonment, the Court may set a parole release or eligibility date, meaning that the offender could subsequently be released under a parole order.

Community based orders

345. Community based orders are non-custodial orders that allow the offender to serve their sentence within the community. These include community service orders, graffiti removal orders, intensive correction orders, and probation orders. Although the different types of community based orders can vary in form, all involve at least some type of supervision in that the offender's compliance with the order is supervised by probation and parole.
346. Probation is a sentencing option the Courts may use instead of, or in conjunction with, a term of imprisonment. Probation involves an offender being released into the community with monitoring and supervision by a probation and parole officer. A probation order can last from six months to three years.¹⁸⁷
347. A combined prison and probation order involves the offender serving a fixed term of imprisonment in custody with a period of probation that commences upon their release into the community. This order may be made with a term of imprisonment of one year or less and a period of probation of between nine months and three years.¹⁸⁸
348. Much like parole, after being released on probation, an offender must report regularly to a probation and parole officer, who will monitor their progress and rehabilitation. They will ensure that the offender is complying with their order conditions, help with

rehabilitation, and start disciplinary action in the event that the offender breaches any of the conditions imposed on their probation order.

349. Unlike parole, if the Probation and Parole Office determines that an offender has breached the conditions of their community based order, the offender is summonsed to appear before a Court. A breach of a community based order is a separate offence.¹⁸⁹ The Court can then deal with the breach in a variety of ways.¹⁹⁰

Indefinite sentences and the *Dangerous Prisoners (Sexual Offenders) Act 2003*

350. Nearly all offenders are released from custody or supervision at the expiry of his or her sentence, even if they are never granted parole. However, there is a small group of offenders that will not be released at the end of a term of imprisonment fixed by the Court at the time of sentencing.
351. If the Court believes an offender is a serious danger to the community it may impose an indefinite prison sentence.¹⁹¹ An indefinite sentence will continue until a Court reviews the sentence and is satisfied that the offender no longer poses a serious danger to the community. In this case, the Court will order that the indefinite term be discharged and impose a finite sentence in its place.¹⁹² Once a finite sentence is imposed, the prisoner will become eligible for parole when reaching the parole eligibility date. In any event, he or she will be released at the expiry of the finite term.
352. The *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSOA) allows the continued detention and supervision of serious sex offenders beyond the expiration of their sentence. The DPSOA is only intended for the serious sex offenders who pose the greatest risk to the community. It can result in severe restrictions on the prisoner's liberty through continued detention or intensive supervision in the community.
353. QCS uses a specialised identification and risk assessment process to determine which prisoners should be referred to the Attorney-General for consideration for a DPSOA order. The Attorney-General then brings an application to the Supreme Court for an order under the DPSOA. A DPSOA order is an order made by the Supreme Court in its civil, not its criminal, jurisdiction. It is separate to the sentence order for the criminal offence committed by the offender.
354. If the Court has set a date for the hearing of a DPSOA application or the prisoner is subject to a continuing detention order or an interim detention order under the DPSOA, the prisoner is not eligible for parole. Offenders on a DPSOA supervision order are managed in the community by QCS but are not on a parole order.

The use of sentences involving parole in Queensland

355. The *Corrective Services Act 2006* (Qld) abolished work release, conditional release, temporary absences and home detention, and parole became the only form of early release from prison.
356. The Queensland Courts impose a large number of sentences of imprisonment on defendants. These defendants all enter the parole system, either by release on parole as ordered by the Court or by becoming eligible to the Parole Board for parole. Table 4.1 shows the number of defendants sentenced to a term of imprisonment by the Queensland Courts for the past five years.

Table 4.1:¹⁹³ Number of defendants¹⁹⁴ sentenced to a term of imprisonment¹⁹⁵ at specified Queensland Courts by court, custodial type and year

Court	Custodial Type	Year					Grand Total
		2011-12	2012-13	2013-14	2014-15	2015-16	
Magistrates Court	Parole release date specified	4,779	5,103	5,922	6,457	7,193	29,454
	Parole eligibility date specified	1,084	1,037	1,249	1,309	1,409	6,088
	Parole NOT declared	345	326	394	374	413	1,852
Magistrates Court Total		6,208	6,466	7,565	8,140	9,015	37,394
District Court	Parole release date specified	1,025	1,000	1,040	1,074	1,017	5,156
	Parole eligibility date specified	402	455	499	482	438	2,276
	Parole NOT declared	191	161	132	158	160	802
District Court Total		1,618	1,616	1,671	1,714	1,615	8,234
Supreme Court	Parole release date specified	220	185	156	203	256	1,020
	Parole eligibility date specified	108	138	150	131	116	643
	Parole NOT declared	87	76	68	82	102	415
Supreme Court Total		415	399	374	416	474	2,078
Grand Total		8,241	8,481	9,610	10,270	11,104	47,706

357. The orders made that have had a "Parole release date specified" are court ordered parole orders. The orders that have had a "Parole eligibility date specified" are orders where the offender will be required to apply to the Parole Board for release on parole on the date specified by the Court. The orders that have had "Parole NOT declared" become eligible to apply to the Parole Board for release on parole after completing half of their sentence, in accordance with section 184 of the *Corrective Services Act 2006*.

358. The operating environments of court ordered parole and board ordered parole have resulted in two regimes with different issues. For this reason it is best to explore them separately.
359. The problems with board ordered parole arise primarily in the operation and implementation of the legislation, policies and procedures. These matters are discussed in some detail later in the report.
360. A mixed court ordered and board ordered parole regime is championed by the Courts and legal practitioners. It allows lower-risk offenders to be released from custody without the cost in time and resources to apply to the Parole Board for release on parole which ensures higher risk offenders receive the allocation of resources they require. It has also been submitted to the review that certainty of release allows offenders to make arrangements for their release, is more likely to result in retention of employment and the support networks of their friends and family, and can encourage offenders to plead guilty.
361. It is also a widely held opinion that the Courts prefer sentences where there is certainty of release. Certainty of release allows the Court to impose a sentence that is fair and reasonable in all of the circumstances. An unknown release date of an offender introduces a further complicating factor to the Court's task of sentencing.

The use of court ordered parole in Queensland

362. The *Corrective Services Act 2006* also introduced court ordered parole, a mechanism to allow the Court to set a parole release date for an offender to be released into the community on a parole order. Prior to 2006, all orders for release on parole were made by a parole board.
363. Court ordered parole was introduced at a time when prisoner numbers had grown by 143 per cent over the preceding decade and, without intervention, the prisoner numbers were forecasted to continue the growth trend, requiring new prison infrastructure.¹⁹⁶ Release from custody under community release schemes, including parole, had declined and prisoners' lengths of stay in custody had increased consistently and substantially.¹⁹⁷ In addition, there had been extraordinary growth in the number of persons expected to serve short sentences of one year or less.¹⁹⁸
364. Despite the rapidly rising prisoner population, there was a downward trend in the rate of applications for release that were being approved by the Queensland Community Corrections Board.¹⁹⁹ Prisoners were serving longer periods in custody than the Court had intended. This had a significant effect on prison populations and the Courts' perception of the parole system.
365. Court ordered parole was initially successful in reducing the growth in prisoner numbers and provided certainty in sentencing for the judiciary, the offender and the public. However, there have been some consequences of the court ordered parole system that raise concerns as to whether court ordered parole is operating as effectively as it might.

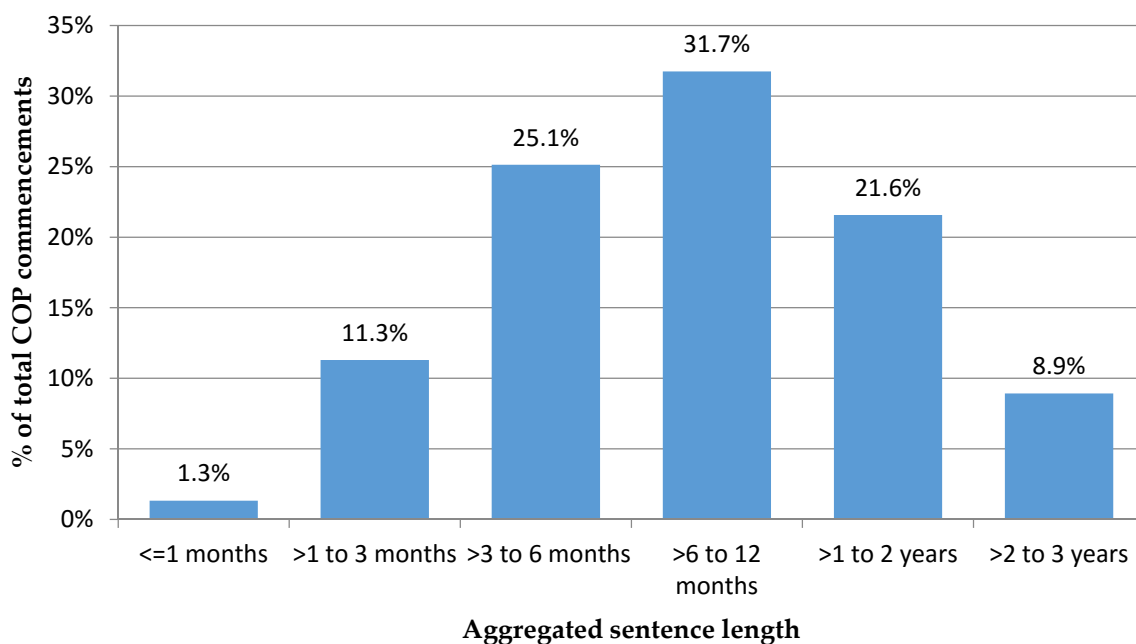
366. Since its introduction in 2006, court ordered parole has been frequently used by the Courts. In 2015/16:²⁰⁰

- the Magistrates Court made 16,717 orders for imprisonment with a parole release date.
- the District Court made 1,967 orders for imprisonment with a parole release date.
- the Supreme Court made 553 orders for imprisonment with a parole release date.

367. The Magistrates Court imposes the majority of sentences with court ordered parole. A breakdown of the number of defendants sentenced to different orders by Court, order type and year is provided in Appendix 7.

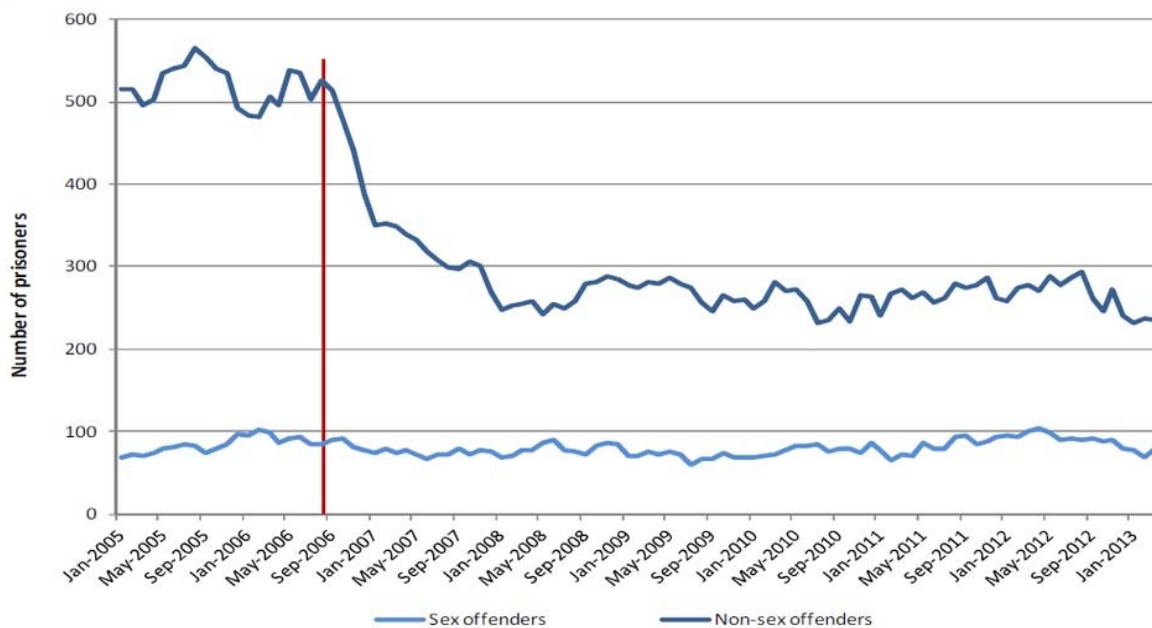
368. Offenders on court ordered parole are typically serving short sentences; 68.9 percent of court ordered parole orders that commenced in 2015/16 had an aggregated sentence length of 12 months or less. Figure 4.1 shows the distribution of offenders on court ordered parole by sentence length in 2015/16.

Figure 4.1: Percentage breakdown of Court Ordered Parole orders commenced during 2015/16 by aggregated sentence length



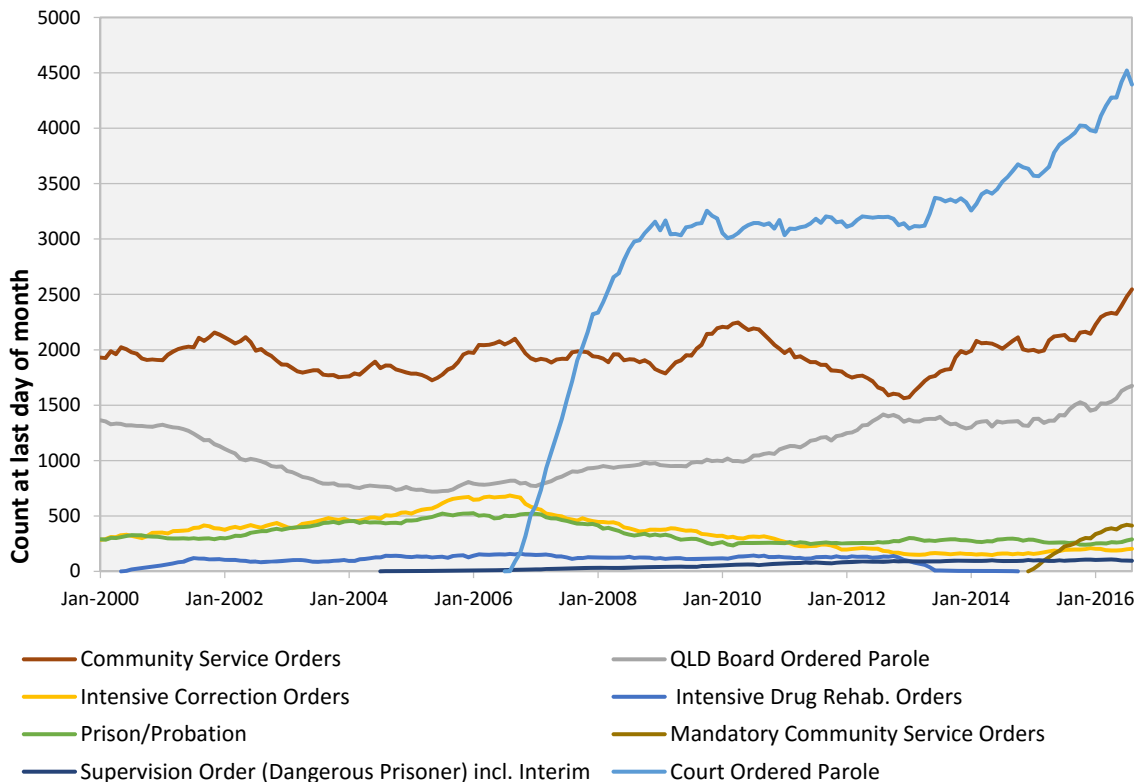
369. The introduction of court ordered parole had a significant effect on the use of suspended sentences. Figure 4.2²⁰¹ shows that the number of prisoners on partially suspended sentences sharply declined while the number of sex offenders in custody with a partially suspended sentence remained stable. At present, court ordered parole cannot apply to offenders convicted of a sexual offence. The red line indicates the introduction of court ordered parole.

Figure 4.2: Trend in partially suspended sentences



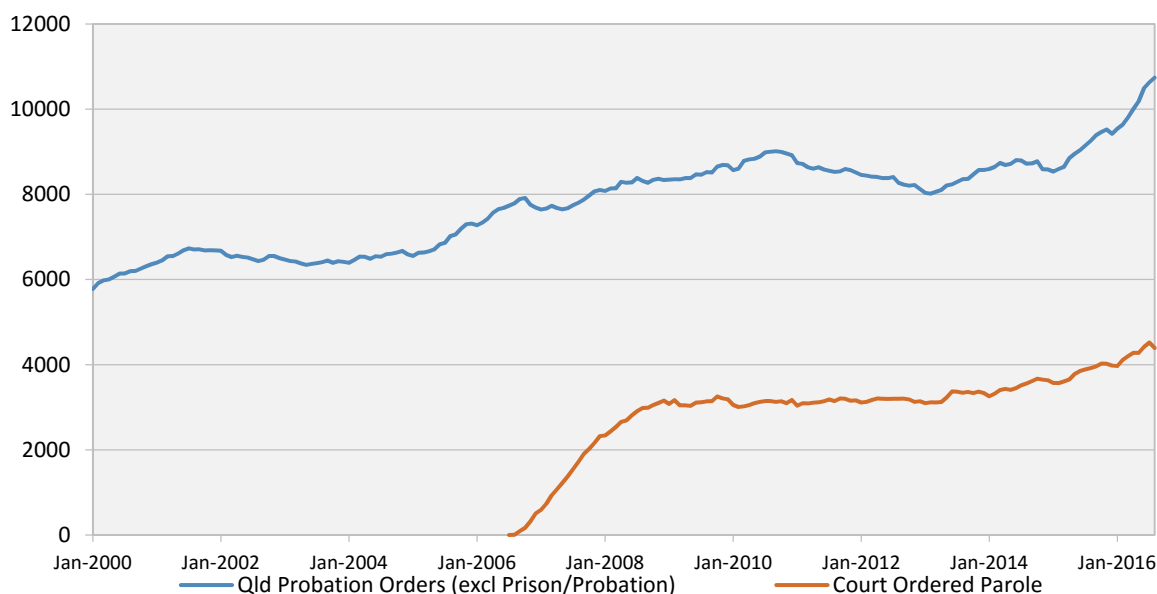
370. Figure 4.3²⁰² demonstrates the rapid rise in court ordered parole following its introduction in 2006 and the fall in offenders supervised in the community on alternative orders, such as combined prison and probation orders and intensive corrections orders. Figure 4.3 also demonstrates the decline in board ordered parole prior to the introduction of court ordered parole in 2006.

Figure 4.3: Offenders supervised in the community by order type (except probation)



371. Figure 4.4²⁰³ demonstrates the steady growth of the number of offenders on probation and the volume of offenders on probation compared with court ordered parole. In August 2016, there were 19,935 offenders being supervised by Probation and Parole in the community. Of those offenders, 10,741 were on probation orders and 4,394 were on court ordered parole orders.

Figure 4.4: Offenders supervised in the community on Probation and Court Ordered Parole



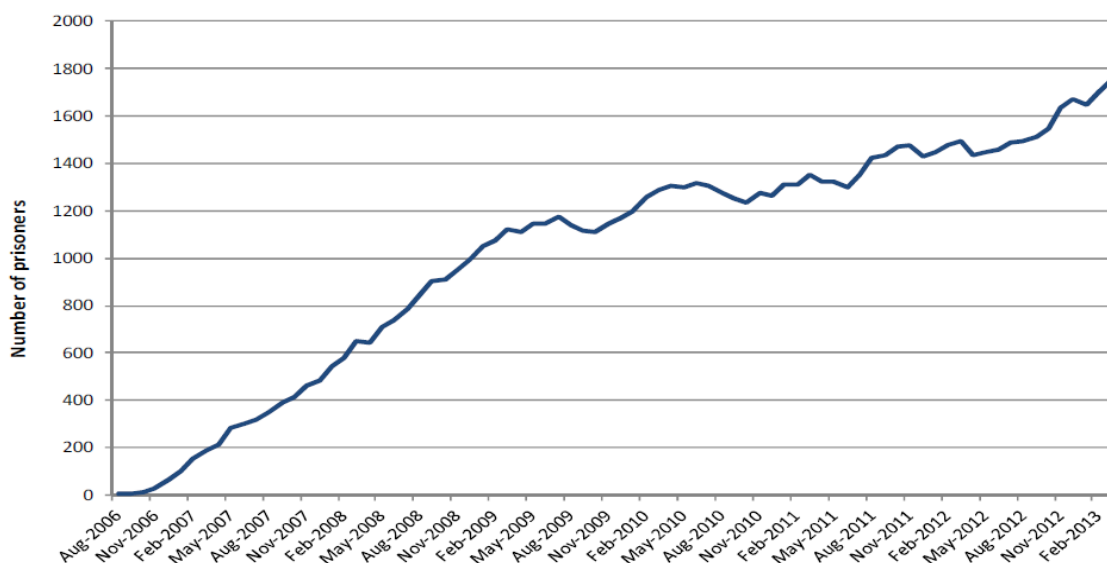
372. The introduction of court ordered parole resulted in an initial stabilisation of the growth prisoner numbers and a decline in the use of alternative sentencing options, such as suspended sentences and combined prison probation orders. These trends indicate that imprisonment with court ordered parole is a sentencing order favoured by the Court and it is most commonly used for a short sentence length.

Suspension of court ordered parole

The use of a suspension of parole to return offenders to custody

373. The use of a suspension of a parole order is considered in depth later in this report. However, it is necessary to consider the matter briefly here when examining the effectiveness of the legislative framework, particularly as it relates to court ordered parole, as the matters are inextricably linked.
374. At the same time court ordered parole was introduced, QCS relaunched community corrections as the Probation and Parole service. The introduction of the Probation and Parole service and court ordered parole coincided with an increase in suspensions of parole orders. The rapid rise in prisoners in custody due to suspensions and cancellations of court ordered parole is shown in Figure 4.5²⁰⁴ below.

Figure 4.5: Prisoners in custody due to court ordered parole suspension or cancellation

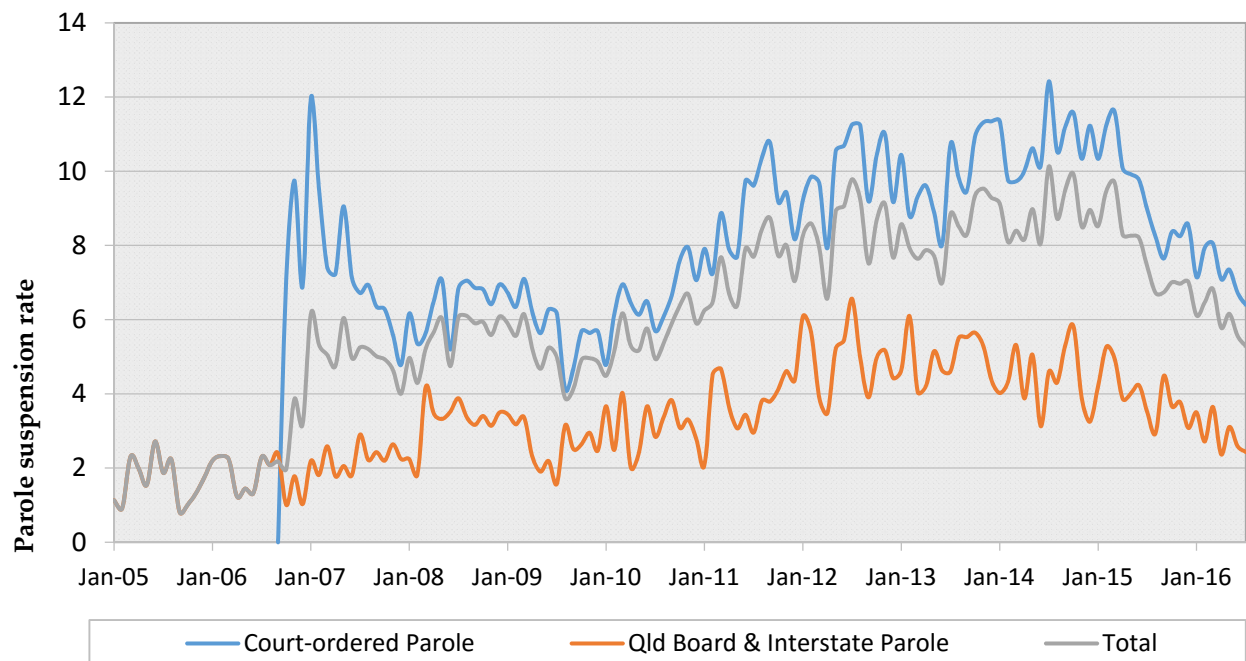


375. In Queensland, the Chief Executive of QCS or a delegate has the power to suspend a parole order for up to 28 days if he or she reasonably believes the parolee:
- has failed to comply with the parole order;
 - poses a serious and immediate risk of harm to someone else;
 - poses an unacceptable risk of committing an offence; or
 - is preparing to leave Queensland, other than under a written order granting the prisoner leave to travel interstate or overseas.
376. A parole officer who believes that the offender has contravened the parole order is guided by the Probation and Parole Operational Practice Guidelines. These guidelines set out the different processes a parole officer must follow. To act on a contravention of a parole order, the parole officer identifies the relevant risks relating to an offender and makes recommendations to a supervisor or district manager.
377. In practice, the Regional Manager decides whether to suspend the parole order and issue a warrant for the parolee's arrest. The Board must be notified by a report prepared by Probation and Parole and is requested to take action in response to the suspension.
378. Once the offender returns to custody, the suspension remains in place for up to 28 days and often for much longer as the Board might decide. During this time the Parole Board must deal with the matter.

Rate of suspensions of court ordered parole

379. Court ordered parolees make up the majority of offenders on parole and also make up the vast majority of suspensions of parole orders. Figure 4.6 demonstrates the parole suspension rate for court ordered parole and board ordered parole.

Figure 4.6: Parole Suspension Rate, January 2005 to July 2016 (Number of Parole Suspension Incidents per 100 Parole Orders)



380. In 2015-16, there were 3,887 suspensions of court ordered parole ordered, while only 639 parole orders made by the Parole Board were suspended.
381. The majority (62.25 per cent) of court ordered parole suspensions were suspended because Probation and Parole assessed that there was an “unacceptable risk of further offending”. Such an assessment could have been made because the offender had merely been charged with a further offence on parole or because the parole officer assessed that there had been an increase in risk factors associated with the individual’s offending pathway.
382. Offenders can have a parole order suspended multiple times without having the parole order cancelled. However, if a parole order is cancelled, the offender remains in custody and is required to prepare an application to apply to the Parole Board for release on parole. When prisoners are considered by the Parole Board for release on a parole order there are factors that are taken into account that the Court was not required to consider when ordering release on parole on a fixed date. For example, an offender may be required by the Parole Board to find suitable accommodation.
383. Of the offenders who complete a court ordered parole order (that is, did not have their parole order cancelled), approximately 50 per cent receive at least one parole suspension and many receive multiple suspensions.²⁰⁵
384. There is a high rate of suspensions of court ordered parolees but a comparatively low number of resulting *cancellations* by the Parole Board. In 2015, the percentage of

suspensions that were subsequently cancelled by the Parole Board was only 20 per cent.

385. This results in a high number of short periods of imprisonment for offenders while they await consideration and their ultimate release by the Parole Board.
386. In 2015-16, the *average* length of stay in custody for an offender on suspension of a court ordered parole order prior to being re-released back to the same parole order or discharged to freedom is 3.5 months. The most common length of stay on parole suspension was 1.9 months.²⁰⁶

Consequences of a suspension of parole

387. There appear to be two main consequences of a suspension of a parole order.
388. The first is the adverse impact upon the offender's reintegration into the community. The time served in custody by offenders on parole suspensions is significant. It is long enough to isolate an offender from family and friends providing them with support, services and any rehabilitation providers. It is likely the offender would lose her or his job and any private rental accommodation. It would detrimentally affect the offender's position on a waitlist for any application for public housing or for rehabilitation services like residential rehab centres.
389. Bearing in mind that the purpose of parole is a means to reintegrate an offender into the community, suspensions appear counter-productive to that cause. Suspending parole removes the offender from the community and puts at jeopardy important factors that militate against reoffending, the so-called "protective factors", such as housing and employment, hindering reintegration and adversely impacting community safety and the correctional system.
390. The second consequence is the adverse effect on the prison system and the cost to the State. Suspensions of parole result in increases to prisoner numbers and significant churn through the prisons.
391. As at 31 August 2016, 17.5 per cent of the almost 8000 prisoners in Queensland were in custody solely due to parole suspension.
392. An average night in custody costs the State \$177.86 per offender²⁰⁷, however, the marginal rate of a day in custody for 'double-ups' as a result of the overcrowding in prisons is \$111. With 3,887 offenders suspended in the last year for an average of 95 days, periods of suspensions of court ordered parole cost the State approximately \$40 million in the last financial year alone.
393. These consequences are detrimental to the safety of the community and impose a significant financial burden on Queensland. Considering the high rate of court ordered parole suspensions, the effectiveness of court ordered parole in reducing reoffending must be closely studied.

Should court ordered parole be abolished?

394. Court ordered parole takes no account of an important collateral purpose of discretionary parole repeatedly referenced in the criminological literature: to aid in the maintenance of prison discipline. When offenders have to apply for parole to a Parole Board (that has a discretion to grant or refuse parole), behaviour in prison and participation in education, vocational training and treatment programs designed to address offending behaviour or drug and alcohol addictions become highly relevant factors. If the offender has behaved badly, or has refused to participate in education, training, or treatment, then these become matters that will make it far less likely that the Parole Board will exercise its discretion to grant parole. As such, there are obvious incentives for the offender to behave correctly, and to participate in treatment while incarcerated, because the prospect of release on parole is contingent on these things.
395. In contrast, in the case of court ordered parole, because the offender already has a guarantee of parole, there is no incentive to behave well in prison, nor to participate in any relevant treatment (if available) that may assist to reduce the chances of re-offending when released back into the community.
396. These considerations raise the question whether court ordered parole should be abolished and whether Queensland should return to a system whereby parole is only to be granted by a Parole Board near the time the period of parole is to commence.
397. There are reasons why court ordered parole should be retained and improved:
- (a) a system involving the Parole Board is resource-intensive and time consuming;
 - (b) the prison population would rapidly expand;
 - (c) early releases systems that do not involve a Parole Board are used without problems in other jurisdictions; and
 - (d) any concern about motivating prisoners to address their criminogenic needs in prison could be addressed by adopting a system whereby the Parole Board could, in certain exceptional circumstances, pre-emptively cancel the issuing of a parole order by the Chief Executive that would otherwise have taken effect pursuant to court ordered parole.
398. At the time when court ordered parole was introduced in Queensland, systems of 'automatic' release, in the sense that offenders' release is not considered by a Parole Board, were in place in New Zealand, Canada, South Australia, New South Wales and Western Australia.
399. New South Wales introduced automatic parole for sentences of three years or less on the recommendation of the Nagle Commission into NSW Prisons, 1978. This was to alleviate the enormous workload of the New South Wales Parole Board.²⁰⁸ The resulting parole system in New South Wales was parole being more or less automatic for minimum terms of three years but entirely discretionary for longer sentences with the onus on the prisoner to establish suitability before the Board. South Australia

followed, introducing a determinate approach to sentencing in 1984, with Courts given the responsibility for deciding actual terms of imprisonment.

400. In Great Britain a review of parole in 1988 (the Carlisle Report)²⁰⁹ concluded that it was both unworkable and wrong to try to operate a selective parole system for short sentence prisoners. The report led to the *Criminal Justice Act 1991* (UK) which limited discretionary parole to the release of offenders serving long terms. Remission was abolished and replaced with automatic parole at 50 per cent for sentences of less than four years.
401. A system that requires all prisoners to be considered by the Parole Board before their release from custody is resource intensive and time consuming. Historically, parole boards have proven unsuccessful at managing enormous workloads and this has led to the introduction of court ordered parole in many jurisdictions.
402. If court ordered parole were abolished, and the Parole Board was unable to efficiently manage applications for parole by offenders on short sentences, the prison population would rapidly expand. Currently the majority of prisoners are serving short terms of imprisonment. Management of the current prison population relies very heavily on court ordered parole.
403. In 2015-16, 7,430 offenders commenced court ordered parole and of that number, 2,266 commenced court ordered parole on a sentence of more than 12 months. If every prisoner on a sentence of more than one year and less than three years served even one extra month in custody while awaiting the outcome of a parole application, it would have a potentially disastrous consequence for the prison population both in terms of safe and humane management of prisons and the cost to the State.

Prisoners on short sentences are unable to show rehabilitation to the Parole Board

404. Prisoners on short sentences are unlikely to have enough time in custody to prove they are rehabilitated. The Parole Board relies heavily upon an offender's conduct in custody and the programs they have completed to decide whether to release an offender on parole.

Court response to removal of court ordered parole

405. The response of the Courts is likely to be to move away from imposing orders where the period of time in custody for a short sentence is left in the hands of the Parole Board. Two examples are illustrative of such a possible tendency.
406. *First*, the exclusion of sex offenders from the court ordered parole regime in Queensland appears to have resulted in sex offenders being placed on alternative sentencing orders instead, but which also involve release.
407. As at 30 September 2016, of the sex offenders under supervision in the community who were sentenced to period of imprisonment or probation of three years or less, there were 237 sex offenders on probation, 40 sex offenders on a combined prison and

probation order and only eight sex offenders on a board ordered parole order. This distribution is reflective of most months for the past five years.

408. *Secondly*, a similar phenomenon has been observed in Victoria since the introduction of the Community Corrections Order (CCO). A CCO allows a Court to set the date of release of an offender from custody to a community-based order. This has resulted in an emphatic move away from sentences involving non-parole periods and the release to parole ordered by the Parole Board.²¹⁰ The Victorian Sentencing Advisory Council found that in the higher Courts, the percentage of imprisonment terms of one to under two years that included a CCO increased from 5.3 per cent to 81.3 per cent between the September quarter of 2014 and the December quarter of 2015, while the percentage that had a non-parole period declined from 89.5 per cent to 10.7 per cent during the same period.²¹¹

Jurisdictions with systems similar to court ordered parole

409. Currently, the United Kingdom, Canada, New Zealand, New South Wales and South Australia have systems that involve an offender's early release from custody without consideration by the Parole Board.
410. In New Zealand, offenders serving sentences under two years are released with conditions after serving half of their sentence.²¹² They are not released to parole; they are released on conditions set by the Court with the probation office to monitor their compliance. The New Zealand Parole Board makes the decision to release offenders on parole who are serving sentences of more than two years.
411. It should be noted that the New Zealand Law Commission completed a report on Sentencing Guidelines and Parole Reform in 2006. The report recommended that offenders serving terms on imprisonment of 12 months or less should not be eligible for early release and should serve their full term, and offenders serving terms of imprisonment of more than 12 months should be considered for release by the Parole Board at two thirds of their sentence. These recommendations were never adopted by the New Zealand government.
412. In the United Kingdom, most sentences²¹³ have automatic release on licence after they have served the requisite custodial period.²¹⁴ For sentences of 12 months or more, that period is one-half.²¹⁵ For sentences less than 12 months, the Court must specify a custodial period.²¹⁶ Only offenders who have a custodial term of 10 years or more or the offence is of a particular type must be considered by the parole authority before their release from custody.
413. In Canada, if the prisoner is of good behaviour and obeys the rules of the institution, for every two days served, the sentence is reduced by one day.²¹⁷ This means offenders will be released with supervision under statutory release after serving two-thirds of their sentence.²¹⁸ Statutory release is not parole. However, offenders are required to follow standard conditions that include reporting to a parole officer, remaining within geographic boundaries, and obeying the law and keeping the peace. The Parole Board

can also impose special conditions specific to the offender. Release on parole is available for sentences of two years or more after serving one-third of the sentence or seven years, whichever is less.

414. In New South Wales, when offenders are sentenced to periods of imprisonment of more than six months but less than three years, the Court sets a non-parole period at which the offender is released from custody to parole. The State Parole Authority considers offenders serving periods of imprisonment of more than three years.
415. A similar system is used in South Australia. Where an offender is sentenced to a period of imprisonment of more than 12 months but less than five years for an offence that is not excluded from the regime, the Court sets a non-parole period. The South Australian Parole Board must release the offender within 30 days of the expiry of the non-parole period.
416. The New South Wales Law Reform Commission recently considered parole and determined that a mixed parole system of automatic parole and discretionary parole (decisions made by the Parole Authority) should be retained in New South Wales. The Commission identified that nearly all stakeholders supported retaining a mixed parole system in New South Wales. The Commission found that lower risk offenders should receive automatic parole, saving the Parole Authority the unnecessary workload and requirement for more resources. The mixed system should be based upon risk, ensuring that high risk offenders (with longer sentences) receive the intensive resources required in their decision making and low risk offenders (sentences under three years) receive less attention and fewer resources.²¹⁹
417. Although there were submissions that called for the removal of court ordered parole, the majority of stakeholders strongly supported the retention of court ordered parole. It appears to me that its removal would not be a practical option for the Queensland corrective services system.

Recommendation No. 2

Court ordered parole should be retained.

Pre-release suspension or cancellation safeguard

418. The substantive basis of a concern about motivating prisoners to address their criminogenic needs in prison where they will receive automatic parole is difficult to assess given the limited availability of rehabilitation programs in Queensland prisons in any event for prisoners on short sentences. However, it may be that there are exceptional circumstances that arise after sentencing, while a prisoner is in custody, that might suggest that the prisoner would represent a sufficiently significant danger to the community if released on parole such that the grant of parole ought not be made. Such an exceptional case can be addressed by allowing the parole order to be preemptively suspended or cancelled before an offender's release.

419. Currently there is no specific legislative safeguard on the release of offenders under a court ordered parole order. However, in *Foster v Shaddock* [2016] QCA 36, the Court of Appeal held that the power of QCS to amend, suspend or cancel parole under section 205 of the *Corrective Services Act 2006* can be exercised whether the offender has actually been released pursuant to an existing parole order or not. In practice, the chief executive of QCS is required to issue the parole order in accordance with the legislation and then subsequently he can suspend or cancel the order.
420. Following this decision, it is beyond doubt that under current legislation the Chief Executive has power to suspend a prisoner's parole order before a prisoner's release on parole pursuant to an existing order.
421. This power to pre-emptively suspend or cancel the issuing of a parole order has the following benefits:
422. *Firstly*, it operates to safeguard community safety by allowing an offender's parole order to be suspended or cancelled on limited grounds before they are released to the community. This approach allows QCS to consider the offender's behaviour close to release and, where appropriate, make a recommendation that the offender's parole be amended, suspended or cancelled before they are released into the community.
423. *Secondly*, the ability to suspend or cancel a parole order because of conduct in custody would, to some degree, aid in the maintenance of prison discipline by providing an offender with an incentive to behave while in custody.
424. *Finally*, the system retains certainty for the Court, and for the community, as to the length of time in custody that will actually be served by a prisoner unless the offender, by his or her conduct while in prison, demonstrates an unacceptable risk to the community close to his or her release.
425. An issue that arose during the course of the review is whether there should be a specific legislative provision similar to that in New South Wales, which allows the Parole Authority to revoke an offender's parole order before release.²²⁰ This provision was the subject of a recommendation by the NSWLRC as to amendments that should be made to the circumstances in which the power can be exercised by the NSW State Parole Authority²²¹.
426. At the time of writing, the power to suspend parole prior to release as established in *Foster v Shaddock* appears only to have been appreciated by QCS as a means to suspend for a short time.
427. It is important that offenders who are of low risk and who do not raise concerns with QCS should be released automatically. This would make sure that the workload for the Parole Board is manageable, allowing the Board to make decisions about more serious matters more efficiently and effectively. Restricting the suspension or cancellation of parole prior to release to limited grounds is important to ensure that the ability to pre-emptively suspend does not in effect become board ordered parole with QCS overloading the Parole Board with information about prisoners.

428. Considering the significant reform I am recommending to the system of suspensions, which is outlined in detail later in this report, I see no need to create any additional power to suspend. However, the use of pre-release suspensions should be reviewed in the future.

The problems with parole and short sentences

429. There may be an assumption that a prisoner released on parole will have begun a process of rehabilitation while in prison, by attending appropriate training or therapy and by a growth in self-discipline.
430. However, prisoners on sentences under 12 months and those assessed as low risk do not engage in rehabilitation programs in Queensland prisons. They are either ineligible or not referred for most rehabilitation programs inside prison. While a few prisoners may be able to access low intensity programs with self-referral, this does not typically occur due to long waiting lists. In addition, programs are not delivered in Queensland for prisoners who continue to deny guilt or responsibility for their offences or for prisoners who are on remand and have not been convicted of the offences for which they have been charged.
431. This means that offenders who serve short periods of imprisonment or time on remand prior to sentence are not given the opportunity to attempt to address their offending behaviour before their release from custody.
432. Once the offender is released from custody, the offender attends Probation and Parole and undertakes an admission and induction process and an Immediate Risks Assessment. The Immediate Risks Assessment is used to identify immediate risks of harm and immediate basic needs; it is not used to determine a level of service, allocation to programs or recommendations for specialised assessment.
433. The Benchmark Assessment, which forms the basis of case management for offenders on parole, is not conducted for offenders supervised on parole orders of less than three months. Without the Benchmark Assessment, a parolee's needs are not identified, goals are not set and rehabilitation and activities are not identified by the parole officer. The parolee is unlikely to be referred to rehabilitation providers or non-government organisations to assist them.
434. Even if the offender has a parole period of more than three months and is provided the Benchmark Assessment, significant time is required by Probation and Parole to properly case manage an offender and ensure they undertake any programs that are suitable. These issues are compounded by the lack of availability and long waiting lists of programs and assistance from non-government organisations.
435. The lack of time for Probation and Parole to work with short-term parolees to address their criminogenic needs is likely to result in limited or no rehabilitative benefit to the offender while on parole. The case management provided by Probation and Parole is likely to be limited to compliance-focussed supervision in the form of urinalysis testing and mechanistic interviews.

436. However, mere supervision of an offender without the assistance and time to undertake programs to address offending behaviour is also likely to result in non-compliance with the parole order. Each time an offender's parole is suspended for non-compliance, there is a return to custody. But there are no programs available in custody that could be undertaken by an offender on a suspension.
437. A period of imprisonment on suspension can be expected to cause serious disruption to any progress that the offender was making in the community. When the offender is released back into the community there is the real likelihood that she or he will be in a worse position than before suspension.
438. In Queensland, the majority (68.9 per cent) of sentences of imprisonment coupled with court ordered parole are for a period of 12 months or less. Many of these offenders are released directly from Court without serving any time in custody. This raises two questions.
439. *First*, if the purpose of parole is to allow a prisoner to serve part of his or her sentence in the community so as to facilitate the prisoner's reintegration into the community, why are offenders being sentenced to parole directly from Court without having served any time in custody?
440. *Secondly*, if there is no or little rehabilitative benefit in short sentences with short periods on parole, what is the value in allocating precious resources in the provision of community supervision with the danger of further imprisonment but not the benefit of rehabilitation and re-integration?
441. Removing parole for sentences of 12 months or less would bring Queensland into line with most other Australian states and removing parole for six months or less would bring Queensland into line with New South Wales.
442. Removing parole for short sentences would reduce the number of offenders on parole, which could result in more resources being available for parole orders to be administered effectively by the Probation and Parole Service on offenders who have committed serious offences or are of more risk to the community.
443. On the other hand, if Courts responded to such a change in the sentencing legislation by merely imposing custodial sentences of the equivalent length, the existing problem of over-population in Queensland's prison system would be catastrophically exacerbated. QCS performed some modelling on the potential impact of removing parole for offenders sentenced to six months or less seen in Table 4.2 below.

Table 4.2. Scenario modelling – if no court ordered parole available for sentence of less than six months

	Actual 2015	Scenario (1)	Scenario (2)	Scenario (3)
Description	Current prisoner – sentenced to less than six months	100% of sentence length served in custody	Length of sentence reduces to what would otherwise have been the time in custody before parole release date	Length of sentence reduces to what would otherwise have been the period of imprisonment + 1/2 time on parole
Average daily number of prisoners	378 prisoners ²²²	1,052 prisoners	238 prisoners	371 prisoners
Change from actual		+178% +674 prisoners	-37% -140 prisoners	-2% -7 prisoners

444. Table 4.2 demonstrates the potentially catastrophic effect of Scenario 1 on the prison population and the modest reduction in prison population flowing from Scenarios 2 and 3. There is also the added benefit of no returns to custody as a result of a suspension of a parole order from this cohort which would lead to a reduction in churn for the prison system and less disruption for the offenders.
445. It is unlikely that the Court would respond to a removal of court ordered parole for short sentences by ordering that the whole length be served in custody. However, without adequate alternatives, the Court may be placed in a situation where it is constrained by precedent and is unable to fashion an appropriate order without ordering the offender be sentenced to a significant custodial sentence when they otherwise would have served the majority on parole.
446. I am of the view that a system that allows parole for short sentences provides limited benefit to the prisoner or to the community and is an ineffective aspect of the parole system. However, to recommend the removal of this option without proper consideration of the flow-on effects to prison population and court workloads would be imprudent.
447. The sentencing regime is a system that has huge ramifications on many other aspects of the criminal justice system. Sentences under six months make up 37.7 per cent of court ordered parole orders, and are a large proportion of sentences delivered by the Magistrates' Court. Some offenders would probably be placed on alternative orders, like a combined prison and probation order, which could achieve a similar result, but we have not had the time to fully explore what alternative order would be required.

Sentences of imprisonment to be served entirely on parole

448. A significant proportion of offenders who are sentenced to terms of imprisonment are released onto court ordered parole without serving any period of time in custody.

449. Table 4.3 shows the high proportion of offenders that are sentenced to court ordered parole where parole commences without the offender having served any time in custody.

Table 4.3: Offenders who commenced court ordered parole direct from Court and did not serve any time in custody either on remand or under sentence²²³

Commencement year	Direct-from-Court commencements	% of total	Total COP commencements
2011/12	2,412	44.4%	5,431
2012/13	2,352	41.5%	5,661
2013/14	2,624	41.0%	6,393
2014/15	3,169	44.5%	7,116
2015/16	3,257	43.5%	7,480

450. These offenders are ordered by the Court to serve no actual period of imprisonment and are to serve the entirety of their sentence of imprisonment in the community on parole. At least one-third of the court ordered parolees who are placed on parole without serving any period in custody have at least one parole suspension. These offenders completed the order without having their parole cancelled by the Parole Board, yet still spent periods of time in custody on suspension.

Table 4.4: Court ordered parole orders where no time in custody is ordered to be served that have at least one parole suspension incident prior to order completion²²⁴

Completion year	Total completed	Direct-from-Court COP orders with no time served that have at least one parole suspension incident	
		Number	% of Total
2013/14	2,508	955	38.1%
2014/15	2,875	1,209	42.1%
2015/16	3,102	1,036	33.4%

451. The average period of time served by these offenders in custody on a parole suspension is three months.²²⁵
452. Queensland appears to be the only state in Australia that allows offenders to serve a period of imprisonment completely on parole. Although both South Australia and New South Wales have court ordered parole systems, because of the operation of the non-parole period that requires the Court in those states to identify the minimum period for which the offender must be kept in custody in relation to the offence, offenders must serve an actual period in custody before their release onto parole.

453. In sentencing offenders to a period of parole with the parole release day at the first day of the sentence, the Court did not intend to impose a sentence where these offenders would serve actual periods of time in custody. However, as demonstrated above, in reality many of these offenders are serving long periods of time in custody because of suspensions that ensue. The decision to suspend parolees and take them into custody is being exercised administratively and appears to be inconsistent with the intention of the sentencing judge.
454. It is difficult to reconcile allowing an offender to be sentenced to a period of imprisonment to be served entirely on parole with the purpose and intended operation of parole. The purpose of parole is to allow a prisoner to serve part of her or his period of imprisonment in the community so as to reintegrate the prisoner following a period of imprisonment through supervision and rehabilitation. Without serving any actual period in custody, the offender does not require such reintegration.
455. I am of the view that sentences involving court ordered parole where no actual time is served are a use of parole that was not envisaged at the time of implementing a parole regime in Australia and philosophically, is not the proper use of a parole order. However, with court workloads alarmingly high and the prison population drastically overcapacity, a dramatic change to sentencing options could successfully alleviate pressure on the system or be the straw that breaks the camel's back. Some key stakeholders fear it will be the latter and without the time and resources to properly investigate, I am unable to confidently recommend these changes to the court ordered parole regime. What I have learned is that there is a huge latent issue the existence of which has not been appreciated by courts, by the legislature or by the legal profession. It has ramifications for proper sentencing, for prisons, for the parole system and for the use of precious public moneys. It should be examined fully in a dedicated manner.
456. I recommend that the Government review the sentencing options available to the court in cases calling for short sentences, where supervision of an offender is desirable and where no time is to be served.

Extension of court ordered parole to head sentences of greater than three years

457. At present, a Court cannot fix a parole release date for a sentence of greater than three years.
458. As a result of increases in head sentences in line with Government attempting to be 'tough on crime', sentence length and severity gradually increase over time. As a result there is a large group of sentences, those in excess of three years' imprisonment, that falls outside the scope of court ordered parole. The Court should be able to order a parole release date in many of these sentences because the offending is not of a kind that warrants the offender undertaking the parole application process and potentially being denied parole. A suggestion was made that on sentences involving a head sentence of more than three years, but less than five, the court should have the

discretion to order a parole release date or a parole eligibility date. This change would in effect extend court ordered parole as a matter of discretion to sentences of more than three years.

459. Although I agree it is the function of the Court to determine the appropriate time an offender deserves to spend in custody for the offence committed, there are some difficulties with this proposal. The system of parole is designed to release offenders at the most appropriate time to reduce reoffending.
460. The Parole system should be able to operate effectively to release offenders serving sentences of greater than three years at the appropriate time. Not only should the Parole Board play a crucial role in determining whether an offender is an unacceptable risk to be released into the community, but the process a prisoner must undertake when applying for parole has tangible benefits for offenders in requiring them to undertake programs in custody, prepare and make plans for their release, obtain suitable accommodation and be assessed by a psychiatrist or a psychologist as required.
461. A sentencing Court is best placed to assess the suitability of an offender for release on parole on a particular date if the date of parole is close to the date of sentence. Without being able to revisit the matter, the Court is not in the best position to determine whether an offender should be released on parole months or even years in advance.
462. However, there is a limited set of circumstances in which the Court faces a real difficulty when sentencing an offender who has served a long period on remand. If the Court considers that the best interests of the community would be served if only a further short period of time in custody is served before release under supervision but that appropriate head sentence is greater than three years the Court cannot give effect to that conclusion. The Court is deprived of the flexibility in those circumstances to fix a parole release date. The Court's options, in those circumstances, are limited to either:
- (a) imposing a suspended sentence, which would ensure the date of release but not provide for supervision and rehabilitation in the community through Probation and Parole; or
 - (b) imposing a sentence with a parole eligibility date which may have the consequence that the prisoner would serve a longer period in custody than intended by the Court while awaiting the outcome of her or his application to the Parole Board and without any rehabilitative programs being offered during that further custodial period.
463. That difficulty can be addressed by legislating to provide that a Court can fix a parole release date for sentences of greater than three years where the offender has served a period of time on remand and the Court considers that the appropriate further period in custody, before parole, should be no more than twelve months from the date of sentence.

The issues with remand and the parole system

464. A prisoner held on remand is in custody before being convicted of an offence. Defendants can be held on remand because their application for bail may have been refused, they may not have applied for bail, or for reasons outside the offender's control. For example, this could include a referral to the Mental Health Court or delays in the disclosure of material.
465. In 2015-16, of the 5,193 remand prisoners, 70 per cent were ultimately sentenced to imprisonment. Forty-three per cent of those sentenced to imprisonment, or 30 per cent of all remand prisoners, were released on the same day as they were sentenced (that is, straight from Court, on court ordered parole). This group spent no time in custody under sentence prior to release on parole.
466. About 48 per cent of prisoners spend less than two months on remand. Some offenders spend much longer periods on remand. When offenders spend long periods on remand prior to their sentence, a Court is limited by the sentencing options available to them when taking into account the time served on remand by the offender.
467. As the date of release from custody is soon after the time of sentence, the Court should be able to make an assessment of the offenders risk to the community and whether it is appropriate they be released on parole. The option should still be available to the Court to set a parole eligibility date if they deem it appropriate that the offender should undergo the parole application process.
468. Allowing a Court to set a release date in these circumstances reduces the constraints on a Court when sentencing an offender who has spent a significant period on remand and will ensure the offender is placed upon the most appropriate order.

Recommendation No. 3

A Court should have the discretion to set a parole release date or a parole eligibility date for sentences of greater than three years where the offender has served a period of time on remand and the Court considers that the appropriate further period in custody before parole should be no more than 12 months from the date of sentence.

The prevalence of court ordered parole orders in Queensland

Lack of alternative sentencing options

469. It is a difficult task for sentencing judges to impose a sentence that is fair and appropriate for the offender, the victim and the public and within the established sentencing range. Courts should have the greatest possible range of sentencing options available to carry out this task. It is possible that the reason so many offenders are sentenced to imprisonment with court ordered parole is due to the lack of flexibility available to the Court when sentencing.

470. Currently in Queensland, the alternatives to a term of imprisonment with court ordered parole are a suspended sentence or some form of a community based order. Under a suspended sentence, there can be no supervision of the offender in the community.
471. When sentencing, a lower Court may feel constrained by sentences imposed in higher courts that indicate a term of imprisonment is warranted in the circumstances. This means the Court is limited to imposing a suspended sentence, a term of imprisonment, or in more limited circumstances, a combined prison and probation order.
472. It is clear from the prevalence of orders for imprisonment with a parole release date when compared to orders for a suspended sentence that the Court prefers a sentence that provides supervision upon release.
473. While the majority of offenders under supervision in the community are on probation orders, the Courts may be imposing terms of imprisonment with a parole release date on offenders where they feel community based orders are unsuitable because of the inflexibility of the order or because of the restrictions on the length of time that they can be imposed upon the offender.
474. For example, probation is a sentencing option the Courts may use instead of, or in conjunction with, a prison sentence. However, a probation order can only last from six months to three years, while a combined prison and probation order can only be made with a term of imprisonment of one year or less and a period of probation of between nine months and three years.²²⁶ An intensive corrections order is a prison sentence of one year or less served in the community under intensive supervision. A community service order is an order for the offender to do unpaid community service for no less than 40 hours and no more than 240 hours.²²⁷ Usually, it is ordered that the hours be completed within one year.
475. Considering the restrictions on imposing community based orders when sentencing offenders, it is not surprising that there is a significant proportion of offenders placed upon court ordered parole. It is likely that in many cases there would be no suitable alternative order. If the circumstances of the offending are such that it warrants a head sentence of more than 12 months, and the offender would also benefit from rehabilitation and supervision in the community, arguably, the *only* sentence that is available to the sentencing judge is a period of imprisonment with a parole order.
476. The introduction of a more flexible community based order may divert offenders from a sentence of a term of imprisonment with a parole release date. An alternative order could avoid the issues with offenders' parole orders being suspended and serving more time in custody than they otherwise should.
477. It is outside the scope of this review's terms of reference to consider an alternative sentencing option in depth, however two proposals have emerged that deserve consideration:

1. Replace community based orders with a community corrections order, similar to the kind Victoria has introduced.
2. Introduce the ability to impose a combined suspended sentence and probation order as a sentence.

Community corrections orders

478. The community corrections order (CCO) was introduced in Victoria in 2012. It replaced community based orders, intensive correction orders and combined custody and treatment orders. The CCO was designed to provide a more flexible non-custodial sentencing option. In comparison with the orders it replaced, it could be imposed for longer durations in the higher Courts, allowed for a higher maximum of community service work and a greater range for conditions attached. This allowed the Victorian Courts to impose the order on a wider range of offenders and to address the specific circumstances of the offender and their offending behaviour.
479. In addition to the abolition of other community based orders, suspended sentences were gradually phased out in Victoria from 2011 until September 2014 and are no longer an option for future offending. CCOs were also intended to provide an alternative sentencing option for offenders who are at risk of being sent to jail and a replacement for wholly suspended sentences.
480. The purpose of a CCO is to provide a community based sentence that may be used for a wide range of offending behaviours while having regard to and addressing the circumstances of the offender.²²⁸
481. The Attorney-General explained in the Second Reading Speech:²²⁹
- The broad range of new powers under the CCO will allow Courts wide flexibility to tailor their response to address the needs of offenders and set appropriate punishments.*
- Instead of using the legal fictions of imposing a term of imprisonment that is suspended or served at home, the Courts will now openly sentence offenders to jail or, where appropriate, use the CCO to openly sentence the offender to a community-based sentence.*
482. A CCO can be imposed by itself or in addition to a period of imprisonment not exceeding two years or a fine. In the higher Courts, the maximum length of a CCO is whichever is greater of the maximum term of imprisonment for the offence or two years.
483. In the Magistrates' Court, the maximum length of a single CCO is two years and the maximum length of a CCO made in respect of two offences is four years. If CCOs are imposed on three or more offences, the maximum length increases to five years. A single CCO order can be imposed on multiple offences if the offences involve the same facts or are offences of the same or similar character.

484. If the Court is ordering a CCO for a period of six months or longer, the Court may fix a period of the order as the intensive compliance period. The Court may order that, during this intensive compliance period, the offender must complete one or more of the CCO conditions.
485. Offenders sentenced to a CCO must abide by standard terms, such as not reoffending; not leaving Victoria without permission; notifying community corrections of any change of address or employment; reporting to a community corrections centre; and complying with written directions from the Secretary of the Department of Justice.
486. The Court must also attach one additional condition listed in the *Sentencing Act 1991* (Vic) to each CCO. Additional conditions may be attached to a CCO for all or part of its duration and can require the offender to:
- undertake medical treatment or other rehabilitation
 - not enter, remain within, or consume alcohol in licensed premises
 - complete unpaid community work up to a total of 600 hours
 - be supervised, monitored, and managed by a corrections worker
 - abstain from contact or association with particular people
 - live (or not live) at a specified address
 - stay away from nominated places or areas
 - abide by a curfew, which involves remaining at a specified place for between two and 12 hours each day
 - be monitored and reviewed by the Court to ensure compliance with the order
 - pay a bond.
487. The Court can also attach any other condition it sees fit, except for a condition about making restitution or payment of compensation, costs or damages.²³⁰
488. If the Court is considering imposing a CCO, a pre-sentence report is ordered from Corrections Victoria to determine whether a CCO is suitable. The Court will usually adjourn the matter until the report can be made. In most cases, Corrections Victoria prepares the report on the same day so that sentencing can occur that afternoon. No pre-sentence report is needed if the only additional condition is that offender complete less than 300 hours of community service work.
489. The use of CCOs in sentencing offenders for serious offences was considered by the Victorian Court of Appeal in delivering its first guideline judgment, *Boulton v The Queen; Clements v The Queen; Fitzgerald v The Queen* [2014] VSCA 342. In upholding sentences of CCOs for periods of eight years, 10 years and five years respectively, the Court of Appeal unanimously held that CCOs enable punitive and rehabilitative sentencing purposes to be satisfied simultaneously, advancing CCOs as punitive non-custodial orders. The Court accepted that a CCO operate punitively for its entire duration and that a CCO and imprisonment with a non-parole period should be

treated as alternatives. The Court acknowledged that many offenders would experience difficulties with compliance with a CCO but that it would be paradoxical if such anticipated difficulties were to allow the Court to conclude a CCO was inappropriate. The Court should assume that as treatment commences, compliance difficulties are likely to decrease and if non-compliance persists there is capacity for variation or cancellation.

490. Importantly, the guideline judgment meant that the Victorian Courts are able to use the flexible CCO order instead of a term of imprisonment involving a non-parole period in circumstances where there is precedent indicating a significant term of imprisonment should be imposed.

Difference between a community correction order and probation order

491. The CCO is similar to a combined prison and probation order, however it provides greater flexibility in its ability to be imposed on an offender. The general requirements of a probation order reflect the standard conditions of a CCO, with requirements of not reoffending; not leaving Queensland without permission; notifying corrective services of any change of address or employment; reporting to a corrective services officer; and complying with every reasonable direction of a corrective services officer.
492. There is also a provision in the *Penalties and Sentences Act 1992*²³¹ that allows the Court to make an order that the offender comply, during the whole or part of the period of the order, with the conditions that the Court considers are necessary (i) to cause the offender to behave in a way that is acceptable to the community; or (ii) to stop the offender from again committing the offence for which the order was made; or (iii) to stop the offender from committing other offences. This enables flexibility for the Court to impose conditions on a probation order that it sees fit.
493. As the CCO has the requirement that the Court must impose an additional condition listed in the *Sentencing Act 1991* (Vic), it has the added benefit of turning the Court's mind to a suitable condition for the sentence of that offender. The conditions that must be considered include restricting the offender's movements, imposing a curfew, a period of community service and/or the Court monitoring and reviewing the offender's progress on the order. The ability to add a period of community service of up to 600 hours allows the Court to impose an additional punitive aspect to the order.
494. The key difference between a CCO and a probation order is the length of time for which it can be imposed, the length of the prison sentence with which it can be combined, and its adoption as an alternative to imprisonment even with serious offending. Allowing a CCO to run for 10 years has been held by the Victorian Court of Appeal to appropriately serve both the retributive and the rehabilitative aspect of a sentence for a serious offence.

A combined suspended sentence and probation order as a sentence

495. An alternative sentencing option for the Court could be a combined suspended sentence and probation order. This ensures the offender receives supervision and rehabilitation under the probation order with a term of imprisonment hanging over

- their head. Currently, some sentencing judges do impose a sentence to this effect when there happen to be multiple counts on an indictment. A wholly or partially suspended sentence of imprisonment is imposed on the more serious charge while an order for probation is made on another charge. The existence of this option is purely fortuitous.
496. Under a sentence that involves both probation and a suspended sentence, offenders who fail to comply with a probation order or who commit a further offence are returned to Court to be dealt with for the breach. This order allows the Judge to decide the most appropriate way of dealing with any breach of the order, rather than automatically returning the offender to custody for a period of time.
497. Currently, it is not possible for the Court to impose a suspended sentence and a probation order on one charge. Legislative change to allow a combined sentence of this type may assist the Court in imposing sentences that reflect the individual circumstances of an offence.
498. Ensuring that only offenders who are appropriate for parole orders receive terms of imprisonment with a parole release or eligibility date could result in a reduction in workload for parole officers and prison numbers due to suspensions. Due to the current workload pressures on parole officers, the ability of parole officers to supervise and rehabilitate offenders who do require reintegration into the community after a period of custody has been brought into question by stakeholders during the review.
499. The restrictions on community based orders is likely having adverse impacts upon the prison population and is a matter that should be considered in depth by an appropriate entity. The newly re-established Sentencing Advisory Council might be suitably placed to investigate any necessary changes to the community based order scheme.

Recommendation No. 4

A suitable entity, such as the Sentencing Advisory Council, should undertake a review into sentencing options and in particular, community based orders to advise the Government of any necessary changes to sentencing options.

Sentencing sex offenders

500. When the Court is sentencing a sex offender, it is only able to set a parole eligibility date, not a court ordered parole release date. Sex offenders are excluded from the court ordered parole regime and must apply to the Parole Board before being released on parole. Sex offenders were deliberately excluded from the court ordered parole regime because of the serious risk to the community that these types of prisoners pose.²³² This implies that there was a perception in the legislature that the Courts are not well placed to determine such risks at the date of sentencing.
501. The exclusion of sex offenders from the court ordered parole regime has resulted in some sex offenders being placed on alternative sentencing orders that still involve release on a court-determined date. Since the introduction of court ordered parole in

- 2006, probation orders for sexual offenders has grown by 80 per cent while probation orders for non-sexual offenders have grown by only 35 per cent.²³³
502. QCS data show that every month for the last five years more sex offenders, with term of imprisonment of three years or less, are discharged from prison to freedom on a partially suspended sentence (without any supervision) than they are to a period of community supervision such as parole or probation.
 503. As at 30 September 2016, of the sex offenders under supervision in the community who were sentenced to period of imprisonment or probation of three years or less, there were 237 sex offenders on probation, 40 sex offenders on a combined prison and probation order, and only eight sex offenders on a board-ordered parole order. This distribution is reflective of most months for the past five years.
 504. Proper supervision of sex offenders after release from prison has been found to decrease their risk of reoffending.²³⁴ An evaluation of QCS sexual offender treatment programs found that if sex offenders were subject to supervision after release from prison, on parole or under the *Dangerous Offenders (Sexual Offenders) Act 2003*, they were less likely to reoffend. The reduction in risk of reoffending under supervision was present regardless of whether the offender participated in a sexual offender treatment program.
 505. Probation orders are not nearly as effective in terms of supervision as parole orders. To prevent an offender on a probation order from having contact with a person or a child, living at a certain residence or attending certain areas or places, the probation order must be returned to Court for amendment. If the probation officers witness an escalation in risk behaviours of the offender, they are unable to act to prevent reoffending. When an offender breaches a probation order, the matter is returned to Court, which may take months.
 506. Under a parole order, the parole officer may immediately impose additional conditions restricting where the offender can live or who they can have contact with or impose exclusions zones. These conditions can be imposed swiftly and for up to 28 days before the Parole Board must consider whether to impose them more permanently. Moreover, if the parole officer believes the risk that the offender presents cannot be safely managed in the community, they can suspend the order and return the offender to custody.
 507. It may be that a short period of imprisonment for a sex offence for the purposes of retribution and deterrence would be considered appropriate by a Court if it could be confident as to the length of time that the offender would serve in custody. However, because the court ordered parole regime does not apply to sex offences, the Court cannot be confident as to the length of that period in custody and is, as a consequence, deprived of an option that might best serve the community. In other words, it may be that the effect of not allowing the court ordered parole regime to apply to sex offences is to make it less likely that an offender who commits a sex offence is sentenced to a

period of imprisonment with subsequent effective supervision and rehabilitation on parole.

508. As a period of supervision reduces the risk of reoffending of sex offenders, it follows that the Court should be given every opportunity to place sex offenders upon supervision following their release from custody.
509. This is an example of a very common phenomenon. In aid of an appearance of being tough on crime, laws are passed that limit or eliminate a Court's sentencing discretion with the result that, instead of the community being made safer, the community is placed at greater risk of criminal acts.

Recommendation No. 5

Court ordered parole should apply to a sentence imposed for a sexual offence.

Mandatory non-parole periods

The purpose of mandatory non-parole periods

510. In Queensland there is a mandatory non-parole period of 80 per cent for all serious violent offences. This is another instance of the removal of the Court's discretion in aid of being tough on crime. The *Penalties and Sentence Act 1992* contains a schedule of offences that can be declared a serious violent offence.²³⁵ When sentencing an offender for one of the offences contained within the schedule, the Court may declare the offence is a serious violent offence. If an offender is sentenced to a period of 10 or more years for an offence listed in the schedule, the offence is automatically declared a serious violent offence.
511. The mandatory non-parole period for serious violent offences was introduced in Queensland to ensure that sentences reflected community expectations. The Attorney-General explained that the Government's approach was based upon "a reasonable community expectation that the sentence imposed will reflect the true facts and serious nature of the violence and harm in any given case and that condign punishment is awarded to those who are genuinely meritorious of it."²³⁶

Mandatory non-parole periods in respect of the *Drugs Misuse Act*

512. In 2013, the *Drugs Misuse Act 1986* (Qld) was amended to provide that those convicted of trafficking in a Schedule 1 drug must serve a mandatory non-parole period of 80 per cent.²³⁷
513. Difficulties with these changes were soon identified by the Court of Appeal in *R v Clark* [2016] QCA 173. It was explained that among other things, the mandatory non-parole period would lead to delays and the potential for inequity in the criminal justice system.

514. In response to the adverse comments of the Court of Appeal, the Government has included, as part of the Serious and Organised Crime Legislation Amendment Bill 2016, proposed amendments that would remove the minimum 80 per cent non-parole period for those offences under the *Drugs Misuse Act* that had carried it since 2014 and restore the offence of trafficking in a dangerous drug to the serious violent offences regime.

Mandatory non-parole periods more generally

515. The Government's imposition of mandatory sentencing regimes is usually aimed at preventing crime, introducing certainty and consistency into a criminal justice system and reflecting the community's condemnation of crime.
516. However, there is no doubt at all that mandatory sentencing comes at a considerable cost to the community. A mandatory non-parole period is not necessary to prevent crime or to ensure community safety as these factors are primary considerations at two points in the criminal justice process: at the sentencing stage and at the time of consideration of parole. In determining the appropriate length of a custodial sentence for a serious violent offender, a Court will take into account the protection of the community as a *primary* sentencing consideration. Further, when considering whether a prisoner should be released from custody on a parole order, the highest priority for the Parole Board is the safety of the community.
517. Offenders who are convicted of serious violent offences or offences of trafficking drugs such as methamphetamines may be the types of offenders that *most* require an extended period of parole. These offenders could have a significant drug history that is linked to offending and the community's safety would be more assured not only by the rehabilitation and programs that can form part of a parole order but also from supervision as the parolee adjusts to life in the community after a significant period in custody.
518. Mandatory non-parole periods were introduced based on the belief of the governments of the day as to the community's expectations and those expectations must be given due weight in formulating sentencing legislation. However, only expectations based upon proper grounds should furnish a basis for laws.
519. In my view there is little doubt that mandatory non-parole periods is a flawed approach. It produces a regime without regard to important discretionary matters that may arise in a given case and which, in the interests of the safety of the community, ought be taken into account. The very essence of the exercise of judicial discretion requires a consideration of all the available sentencing options to decide upon the sentence that will achieve the purpose for which it is imposed – community safety being the paramount concern.
520. There has been judicial consideration of the need for an appropriate relationship between the head sentence and the non-parole period and that the relationship must

depend upon the individual circumstances of the matter. For example, in *Lowe v The Queen*, Gibbs CJ said:²³⁸

No doubt there should be an appropriate relationship between the sentence imposed on an offender and the minimum term after which he becomes eligible to be released on parole... What is appropriate must depend very much on the circumstances of the case, and the exact relationship between those two periods is something that has to be determined in the exercise of a wide discretion.

521. There is nothing novel in that statement. Over 200 years ago, the great conservative politician Edmund Burke wrote:

*Circumstances (which with some gentlemen pass for nothing) given in reality to every political principle its distinguishing colour, and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind.*²³⁹

522. Good laws are expressed to apply generally; the judges are entrusted to apply them to particular circumstances for the public good. Laws that restrict the consideration of relevant circumstances and require instead that relevant facts be ignored invariably create unintended and unforeseeable anomalies that tend against the public good in many surprising ways.
523. There are also practical implications of a mandatory non-parole period regime upon the Court system. In order to avoid a mandatory sentencing regime, legal practitioners and Courts might allow delays or look to an alternative order that is not as suitable to the individual circumstances of the offending.
524. In New South Wales there is a standard non-parole scheme. For a number of offences a 'standard non-parole period' applies.²⁴⁰ The legislation states that a Court is to set the standard non-parole period unless the Court determines that are reasons for setting a non-parole period that is shorter or longer than the standard non-parole period.²⁴¹
525. A framework that allows the sentencing judge to depart from the mandatory non-parole period if there are special circumstances or reasons could result in sentences that are more suitable to achieve the purpose of the sentence.
526. This regime could provide for a standard non-parole period of 80 per cent for certain types of offences but permit the Court to depart from the standard non-parole period if there are reasons to do so.

Recommendation No. 6

The minimum 80 per cent mandatory non-parole period under the *Drugs Misuse Act 1986 (Qld)* should be removed (on the assumption that the *Serious and Organised Crime Legislation Amendment Bill 2016*, which provides for that to occur, has not yet been passed).

Recommendation No. 7

Where a sentence is to be imposed for an offence that presently carries a mandatory non-parole period, the sentencing judge should have the discretion to depart from that mandatory period.

5. Assessment and management of offenders

Introduction

527. This chapter addresses two interlinked issues. First, the assessment of offenders by Queensland Corrective Services (QCS) both in custody and then on parole for the purposes of informing the supervision and rehabilitation of the offender. Secondly, the approach used by QCS to managing prisoners in custody for the purposes of readying prisoners for parole. Proper assessment and management of offenders is critical to reducing re-offending and therefore protecting the community.
528. At present, QCS undertakes many assessment processes with prisoners during their incarceration and upon their reception to probation and parole.
529. Every prisoner and parolee is assessed using a Risk of Reoffending (RoR) tool.²⁴² The RoR tool allocates a score to a prisoner, derived from an actuarial assessment of a few, mostly unchangeable, factors (such as age and criminal history). The score indicates the proportion of a cohort of offenders with similar characteristics to the prisoner that are likely to commit another offence. It does not take into account, or give any indication of, what the seriousness of those further offences might be. The purpose of the tool is only to guide the allocation of rehabilitation resources.
530. All prisoners, on entry to prison, are subject to an Immediate Risk Needs Assessment.²⁴³ This assessment is a screening process to identify any immediate risks or needs of the particular prisoner. It is not used for allocation to rehabilitation programs or specialised assessment.
531. A prisoner sentenced to less than 12 months in custody will not be directed into rehabilitation programs.²⁴⁴ Nor is any significant planning or assessment undertaken for such a prisoner.
532. A prisoner sentence to greater than twelve months in custody will receive a Rehabilitation Needs Assessment and an Offender Rehabilitation Plan.²⁴⁵ The Rehabilitation Needs Assessment is used to inform the development of the Offender Rehabilitation Plan. The Rehabilitation Needs Assessment is a semi-structured assessment that relies upon the judgement of the person performing the assessment, exercised while considering a range of factors outlined in a brief instruction manual.²⁴⁶ It is based on factors common to some validated assessments. It is not validated or demonstrated to be a reliable means of assessing the treatment needs for high-risk offenders.
533. The management of an offender in prison is disjointed. Sentence Management Services is responsible for co-ordinating the compilation of the Offender Rehabilitation Plan, convening a committee to review the plan, later compiling the parole application report, and convening the parole panel within the prison to assess the prisoner's application and to make a recommendation to the Parole Board.²⁴⁷ QCS staff with a variety of roles will provide input into the Offender Rehabilitation Plan and the parole

application report and participate in the Offender Rehabilitation Plan committee or the parole panel. There is no person, or small unit of people, with the necessary qualifications and experience in case management, who has direct contact with the prisoner and is responsible for managing the prisoner while the prisoner is in custody so as to ensure the prisoner is prepared for parole by the prisoner's parole release date or parole eligibility date.²⁴⁸

534. A prisoner released on parole will undergo further assessments. An Immediate Risks Assessment, similar to the Immediate Risk Needs Assessment conducted in custody, is conducted at an initial intake meeting.²⁴⁹ The Immediate Risks Assessment is intended to identify any immediate risks that require intervention. It is not used to determine how the prisoner should be managed on parole. Rather, a Benchmark Assessment has been developed by QCS for use by Probation and Parole for this purpose.²⁵⁰ It is not validated either. QCS has advised that it was developed following a review of empirical literature. Having benchmarked the parolee, Probation and Parole are then instructed to use the Dynamic Supervision Instrument, another instrument developed by QCS that has also not been validated.
535. Each of these assessment tools is addressed in further detail below. The situation in Queensland can be contrasted with that in New South Wales and Victoria. In each of those states, corrective services use the Level of Service Inventory – Revised (LSI-R) to guide the management of offenders. LSI-R is a validated tool.²⁵¹ It is used in other correctional jurisdictions in Australia and overseas. Following a recommendation in the Callinan Review, Victoria adopted it.²⁵²
536. The use of a many un-validated tools and the lack of a proper end-to-end case management system is unacceptable. It is likely to produce inefficiency, inadequate preparation of prisoners for parole, duplication and risk of error. It may lead to the Parole Board not being adequately informed about the risks presented by a prisoner, about how those risks have been addressed in custody and whether there are any further steps that ought to be taken in custody to reduce risk.
537. Most significantly, it increases the risk to the community by making it less likely that a prisoner will have been rehabilitated to the greatest extent possible and more likely that decisions will be made without adequate time and not on a fully-informed basis.
538. QCS should reform its approach to assessment and case management to reduce the number of assessment tools that it uses and ensure tools are validated. It should also implement an end-to-end case management system and better manage the transition from prison to parole.

Assessment

539. Assessing prisoners is an important feature of correctional treatment. However, the assessments undertaken must be valid and appropriate to measure that which is to be measured and the staff who administer the assessments must be trained and supervised in their administration.

Risk, needs and responsivity

540. The risk-need-responsivity (RNR) model, developed by Dr Don Andrews and Dr James Bonta,²⁵³ is widely regarded as the leading model for guiding offender assessment and treatment.
541. Risk, need and responsivity are the first three ‘What Works’ principles²⁵⁴ of effective intervention for reducing recidivism (the other two being professional discretion and program integrity). These principles are explained in greater detail in Chapter 6, dealing with rehabilitation. The RNR model is one of the most widely used models for determining offender treatment and underlies many risk-needs offender assessment instruments.²⁵⁵
542. In summary, the RNR approach, as it relates to rehabilitation planning, focuses on three principles:
- (a) The risk principle, which is concerned with *whom* to target. Assessments need to determine an offender’s level of risk, and higher levels of service should be provided to offenders who have been assessed as having a higher risk of recidivism. Similarly, low-risk offenders should be assigned lower levels of service.
 - (b) The need principle, which is concerned with *what* to target. Assessments need to measure criminogenic needs (or dynamic risk factors) which are associated with an offender’s risk of reoffending in order for interventions to be targeted to address these needs or those factors.
 - (c) The responsivity principle. Assessments need to identify factors that could be a barrier to treatment and factors that interfere with or facilitate learning such as motivation, literacy skills, anxiety, mental illness, age, level of maturity, poor social skills, cognitive impairment or learning difficulties. Whilst these factors may not directly influence recidivism, they can undermine correctional intervention.

The Risk of reoffending tools

543. QCS use two Risk of Reoffending (RoR) tools to screen for the risk of reoffending.²⁵⁶ These tools assist in determining whether a prisoner should have access to rehabilitation programs in custody and the level of service required for case management in the community. Both tools were developed by Griffith University and validated on a sample of prisoners and offenders in Queensland.²⁵⁷ The tools are underpinned by the RNR theory for assessment and rehabilitation planning. The RoR was developed to support the ‘What Works’ principles²⁵⁸ for effective intervention, providing a risk assessment on admission to identify higher risk offenders who will be targeted for more detailed assessments of criminogenic need. It addresses the question “whom to target”.

544. The two RoR tools are the RoR-Probation and Parole Version (RoR-PPV) and the The RoR-Prison Version (RoR-PV). QCS and the test developers informed that both RoR versions are reliable, provide consistent results on repeated measures and are valid, with the tool accurately identifying offenders who pose a higher and lower risk of re-offending compared to a population sample of offenders.²⁵⁹
545. The RoR-PV is validated for use with prisoners, to assess the risk of general re-offending, post release from prison. The RoR-PV is based on a Queensland sample of 3,976 offenders discharged from prison between July 2002 and 13 November 2003 with a follow-up period ranging between three and four years²⁶⁰. The RoR-PPV is based on a Queensland sample of 7,385 offenders who commenced a community order between July 2002 and 10 November 2003²⁶¹. The test developers are currently undertaking a re-validation of the RoR²⁶².
546. The RoR-PV for a prisoner is calculated at the commencement of each new correctional episode for all prisoners, excluding prisoners held in custody on remand or only for fine default. The RoR-PPV is administered within five working days of an offender's admission on a community order. For parolees, this can only apply to immediate release court ordered parole. For other parolees, the RoR calculated in the preceding custodial period will carry over.
547. The RoR-PV is not administered for prisoners who already have a RoR score (either RoR-PV or RoR-PPV) for the current correctional episode. The RoR may only be re-administered to determine any changes to intervention program eligibility if a sentenced prisoner with outstanding charges committed prior to the current correctional episode is subsequently convicted of the outstanding charges.
548. The RoR score is used as the basis for determining a prisoner's eligibility for QCS rehabilitation programs.²⁶³
549. Both versions of the RoR are automatically calculated using data held in the Integrated Offender Management System (IOMS).
550. The tools use statistical modelling to assess *the risk, not severity*, of reoffending. They use a small number of items that do not change, such as age, gender and past criminal history. They are screening tools for allocation for rehabilitation and not an assessment of a prisoner's rehabilitation needs or recommendations.
551. A RoR-PPV score ranges from one to 20. The tool considers six items:
- (a) age at order commencement
 - (b) highest educational qualification
 - (c) employment status
 - (d) number of current offences
 - (e) number of prior convictions (orders and prison sentences) in preceding 10 years;

- (f) whether the offender has been convicted of a Breach of Justice Order (current or previous offence).²⁶⁴
552. A RoR-PV score ranges from one to 22 and the tools consider four items:
- (a) age at admission
 - (b) number of prior convictions
 - (c) whether the offender has been convicted of an assault or related offences (current or previous offence)
 - (d) whether the offender has been convicted of a Breach of Justice Order (current or previous offence).
553. Neither RoR tool accounts for interstate or juvenile criminal convictions and I am informed by QCS that if it is suspected these two factors may impact the case management of the offender, QCS attempts to obtain verification of an offender's interstate and juvenile criminal history for further consideration of the offender's level of service.
554. The developers of the RoR tools reinforced in discussions with members of my team that the RoR is not specifically designed, nor ever intended to be used, to assist in making assessments of parole eligibility or pre-sentencing decisions; a prominent warning is present in the administration manual.²⁶⁵ Nor is the RoR designed or intended to provide assessments of dangerousness or predict the likelihood of technical breaches of parole.
555. Tools like the RoR are only valuable insofar as they identify high risk offenders.²⁶⁶ High risk offenders normally have extremely complex needs (for example, homelessness, unemployment, trauma, or previous victimisation). Once a prisoner or parolee is identified as high risk, it is important that he or she is correctly assessed and given access to resources and valid and effective rehabilitation programs to address his or her offending behaviour and thereby reduce the risk to the community.

Assessment and Rehabilitation Planning in Custody

Initial assessment

556. As explained above, upon entry to prison, all prisoners are subject to an Immediate Risk Needs Assessment. The practice directive prescribes the Immediate Risk Needs Assessment interview as a screening process conducted by a psychologist or counsellor²⁶⁷ to identify "*any risks or needs relating to a prisoner upon admission that require immediate action*"²⁶⁸. The assessment is not used to determine allocation to rehabilitation programs or specialised assessment. The assessment determines the level of risk a prisoner poses to themselves and to others, and the risk from others.
557. The practice directive prescribes the assessment and "*any subsequent immediate referrals or interventions must be conducted at the first point of contact upon admission, prior to placement in accommodation*"²⁶⁹. The assessment will also identify

placement considerations within the facility and if any immediate interventions are required for a prisoner, noting the officer conducting the assessment must ensure they identify and action any ongoing intervention requirements.²⁷⁰

558. The Hayes Ability Screening Index (HASI),²⁷¹ which is administered on the first contact at admission as part of the Immediate Risk Needs Assessment, identifies prisoners who may have intellectual difficulties.²⁷² The HASI is used throughout Australia, as well as the United States, United Kingdom, Canada, Norway and the Netherlands.²⁷³ The HASI identifies if a prisoner may be vulnerable due to possible intellectual difficulties, although further assessment is required to confirm their cognitive functioning. If the assessor determines that it is not appropriate to administer the problem-solving components of the HASI at this time due to significant distress, substance withdrawal, or other mental health issues, the HASI can be completed at a later date, but within one week of admission.
559. At the time of initial assessment, a Transition from the Community Checklist is also used to identify and address issues that may negatively impact on the prisoner's resettlement into the community after release.²⁷⁴
560. Prior to initial placement, a prisoner is to undergo a medical examination by Queensland Health staff or an accredited healthcare service practitioner. Further referral may be made to Queensland Health where a prisoner presents with immediate needs concerning addiction or withdrawal.

Rehabilitation needs assessment

561. After initial assessment, prisoners serving terms longer than 12 months receive a Rehabilitation Needs Assessment, which is used through a progression plan that provides recommendations for the prisoner to engage in rehabilitation and other services to address their offending behaviour.²⁷⁵ The Rehabilitation Needs Assessment is used to inform the development of the Offender Rehabilitation Plan.²⁷⁶ The assessor must have regard to the "individual characteristics of the prisoner" and how these characteristics affect the identification of rehabilitation needs. The instruction manual specifically identifies:²⁷⁷

Female and Aboriginal and Torres Strait Islander prisoners are recognised along with prisoners with a cognitive impairment as being disadvantaged, vulnerable and over represented in the correctional system.

While research identifies that the need areas identified in the rehabilitation needs assessment are common to most prisoners, female and Indigenous prisoners along with prisoners with a cognitive impairment can present with additional and unique characteristics, experiences or needs that require a targeted approach to their rehabilitation and management.

These characteristics can influence how a prisoner will engage in the assessment process and what information is provided by them.

562. The assessment for the Rehabilitation Needs Assessment is semi-structured and consists of five sections addressing the overview of offences, rehabilitation needs, additional considerations, case summary and prisoner goals. With respect to rehabilitation needs, the assessment instruction covers employment, education and training, substance abuse, gambling, relationships, health, accommodation, use of time, criminal attitudes and offence specific needs.²⁷⁸
563. The assessor is to consider substance abuse regardless of whether substance abuse is or is not directly related to the prisoner's offending or existed at the time of offending. The assessment manual notes "unaddressed substance abuse needs place a prisoner at risk of further offending and/or harm, particularly in the period immediately following release from custody".²⁷⁹ If substance abuse needs are identified, a specialised assessment may be requested.
564. The consideration of offence specific needs is directed at whether a prisoner has current or prior sexual or violent offences, or current or previous offending behaviour that has "sexual and/or violent overtones".²⁸⁰ Where this is the case, the assessor is directed to consider referral for a specialised assessment.
565. The Rehabilitation Needs Assessment is a semi-structured assessment that appears to rely upon the exercise of judgement by the assessor while considering a range of factors outlined by a brief instruction manual. The QCS practice directive and manual for the Rehabilitation Needs Assessment states that the factors considered in the Rehabilitation Needs Assessment are evidence-based and relate to prisoner management practices that reduce the likelihood of reoffending.²⁸¹ While it appears that the Rehabilitation Needs Assessment is based on certain factors common to other assessments, such as the LSI-R, it is not validated or demonstrated to be a reliable means of assessing the treatment needs for high-risk offenders.
566. A meta-analysis of the accuracy of risk assessments for sex offenders, completed by Hanson and Morton-Bourgon,²⁸² examined different approaches for assessing risk in sexual offenders. These include actuarial assessment (like the RoR), structured professional judgement, (like the LSI-RNR) and prediction of recidivism by the unstructured opinion of an assessor. The authors found:
- On the basis of a meta-analysis of 536 findings drawn from 118 distinct samples (45,398 sexual offenders, 16 countries), empirically derived actuarial measures were more accurate than unstructured professional judgment for all outcomes (sexual, violent, or any recidivism). The accuracy of structured professional judgment was intermediate between the accuracy found for the actuarial measures and for unstructured professional judgment.*
567. There is no suggestion the Rehabilitation Needs Assessment is or should be a risk assessment. But the assessment of dynamic treatment needs should be based on a reliable assessment of treatment need for each individual prisoner. This is a similar issue to that which was confronted by Mr Callinan in his review and the use of the VISAT.²⁸³ The expert advice to Mr Callinan from Professor James Ogloff indicated that

Victoria should abandon the use of invalid risk assessments in favour of a tool such as the LSI-R, which has been found to have acceptable levels of predictive validity when used on a population of Australian offenders.²⁸⁴

Assessment and planning in the community

Initial assessment

568. A similar immediate risk assessment is undertaken with offenders on reception to probation and parole. As explained above, this assessment is the Immediate Risks Assessment, which is similar to the Immediate Risk Needs Assessment conducted in custody. The Immediate Risks Assessment is conducted at the first contact with the offender to assess for risks that require immediate intervention including risk of harm to self, risk of harm to others, immediate mental health or substance abuse issues.²⁸⁵ The Immediate Risk Assessment must be administered to all offenders subject to a community based order or parole order (not reparation orders). The IRA is not used to determine allocation to a level of service, allocation to programs or recommendations for specialised assessment.

Level of service

569. An offender subject to community supervision will be assigned a level of service upon the offender's RoR-PPV (if the offender has come straight to supervision in the community) or RoR-PV score. There are six levels of service: compliance (reparation orders only), low risk, standard, enhanced, intensive and extreme (which is only for DPSOA offenders).²⁸⁶
570. Parolees are supervised across low risk, standard, enhanced and intensive levels of service. The level of service guides the intensity and activities undertaken with each offender during supervision. The higher the risk, the more intensive the supervision becomes.
571. Additionally, the type of assessment, planning and case management for an offender is determined by the offender's level of service. The developers of the RoR have advised that it is not a replacement for detailed assessments of need and should only be used as a tool for identifying offenders who pose an elevated risk of re-offending and thus require more sophisticated assessments and higher levels of service.²⁸⁷

Benchmark and dynamic supervision assessment

572. I am advised that before 2012, QCS had assessed risk and need for parolees using the Offender Risk Need Inventory-Revised (ORNI-R) tool. The ORNI-R was not itself validated although it is said by QCS to have been based on a tool that was validated.
573. QCS has advised that the ORNI-R was designed to assess an offender's risk of general re-offending and to identify the intervention needs related to their offending behaviour (criminogenic needs), along with an assessment of their readiness to change (called responsivity).²⁸⁸ This information was then used to make intervention

recommendations. However, conducting an ORNI-R was “labour intensive, taking between two and six hours to complete”.²⁸⁹ QCS did not consider this was an effective use of resources, and with respect to “best practice research which indicates lower risk offenders should not receive intervention,” it was determined more appropriate to develop a screening tool to identify the prisoners who required further assessment.²⁹⁰

574. More significantly, there were issues that developed with the reliability of the ORNI-R. I am advised by QCS that “while the ORNI-R was originally based upon a scientifically validated tool, the finalised tool did not consistently nor reliability reflect the original tool. Given these limitations, Probation and Parole officers were unable to use the ORNI-R to quickly and accurately assess risk”.²⁹¹

575. In 2012, QCS introduced the Benchmark Assessment. The administration manual notes,

*The Benchmark Assessment is a new tool specifically developed for use by Queensland Corrective Services, Probation and Parole. The tool is based upon a variety of validated screening and risk assessment instruments used within correctional and non correctional populations. It has been designed following a review of the literature on the effectiveness of a range of risk and need factors which have been used to assess and manage offenders by other national and international jurisdictions including Canada, the United Kingdom, the United States of America, New Zealand and Australia.*²⁹²

576. The Benchmark Assessment has not been validated.

577. The Benchmark Assessment examines risk factors that may destabilise an offender on supervision in the community and forms the basis of case management for offenders with a level of service of ‘standard’ or greater. It is not conducted for offenders supervised on short term orders (less than three months) or offenders with a low risk or compliance levels of service.²⁹³ The Benchmark Assessment is not used for prisoners in custody, but is used with offenders under supervision to determine their risk factors, rehabilitation needs and the protective factors that will support their management in the community. There are 14 risk factors assessed by the tool including, but not limited to, accommodation, relationships and support, substance misuse, health, criminal history and domestic violence.²⁹⁴

578. The scoring system in the Benchmark Assessment provides a risk level for the factors and this allows the Probation and Parole officer to apply the risk level to the Dynamic Supervision Instrument (DSI) to target the case management in response to risk, while forming a plan for goals and activities to address the needs unique to the offender.²⁹⁵

579. The DSI has also been developed by QCS for Probation and Parole and provides an interview structure for each time an offender meets with their supervising officer to identify any change in the offender’s risk. Like the Benchmark Assessment, the DSI applies a scoring system for each factor but also allows for graphing an offender’s risk

factors over time to allow probation and parole officers to target case management efforts in response to changes in risk.²⁹⁶

580. The DSI has also not been validated.
581. Despite the intention that the DSI provides a framework for interviews so that information is elicited through varying questions in conversation, I understand it is not always delivered in this manner. Instead, for some offenders it may feel like a barrage of the same questions each week.
582. Offender planning is also conducted within the Benchmark Assessment and is required for offenders in enhanced and intensive levels of service with one or more identified medium- or high-risk factors. Discretion exists for offender planning if all risks have scored low. Offenders in the standard level of service are not eligible for offender planning in the benchmark.
583. This is consistent with best practice research and the principles of risk-need-responsivity outlined above. Higher risk offenders should be identified and higher levels of service provided accordingly²⁹⁷. The research supports the conclusion that lower risk offenders should not receive intervention and, indeed, in some cases the risk of reoffending can be increased for these offenders by intervening.²⁹⁸
584. The purpose of offender planning is to translate the offender's identified needs into achievable rehabilitation goals and manageable activities and to encourage the offender to take ownership of the plan. These goals and activities are to be reviewed as part of the DSI.
585. The DSI produces a risk threshold score, which if exceeded triggers a case conference with senior staff to consider appropriate responses to the escalation in risk.²⁹⁹ This may include an increase in the level of service, or if the risk is deemed too great, the offender may have his or her order suspended and be returned to prison.
586. Comprehensive and accurate offender assessment is critical in the management of offenders under supervision.³⁰⁰ Any risk/needs assessment conducted therefore needs to be completed to the highest standards. Officers should possess sufficient communication, interviewing and analytical skills to elicit and record appropriate information in the assessment. Assessments are only as good as the assessor and a lack of appropriate experience and training is likely to impact on the effective completion of the DSI. That is a particularly important consideration in relation to training of probation and parole officers, which is addressed in Chapter 9.

The importance of using validated risk assessment

587. Professor Ogloff, one of the eminent experts in forensic risk assessment in Australia, advised Mr Callinan that Victoria should abandon the use of the Victorian Intervention Screening Assessment Tool (VISAT) and replace it with a tool that holds a suitable empirical validity.³⁰¹ Mr Callinan made this recommendation in his review of the Victorian parole system and further recommended that an expert, such as Professor

- Ogloff, should advise Victoria Corrections as to the suitable replacement. I note that Victoria subsequently adopted the use of the Level of Service Inventory – Revised: Screening Version (LSI-R:SV) and Level of Service/Risk, Need, Responsivity (LS/RNR).³⁰² This is similar to New South Wales, who use the Level of Service Inventory – Revised (LSI-R).
588. All three of these tools were developed by leading researchers Andrews and Bonta and are reliable, validated actuarial assessment tools.³⁰³ The assessments capture similar general risk/need factors including (as per the LSI-R) criminal history, education/employment, financial, family/marital, accommodation, leisure/recreation, companions, alcohol/drug problems, emotional/personal, attitudes/orientation.
589. The LSI-R is the primary risk/need assessment used in Corrective Services NSW (CSNSW)³⁰⁴. It is used to determine an offender's risk of re-offending and the criminogenic needs for each offender (risk factors associated with their offending). These factors become targets for intervention while in custody or under supervision in the community. CSNSW provides programs only for offenders with an LSI-R of 'medium' or above. However, services are available to all offenders. This is similar to the approach in Queensland where certain programs are limited to prisoners and offenders with RoR scores above a certain level.
590. The LSI-R Screening Version is considered ideal for situations where it may not be feasible to complete the full LSI-R for every offender due to time or resourcing constraints and can indicate which offenders may require a complete LSI-R assessment.³⁰⁵ It consists of eight items selected from the LSI-R. Corrections Victoria staff use the LSI-R:SV to inform sentencing for a Community Correction Order and also "assist magistrates and judges when determining which conditions are most appropriate to the individual offender".³⁰⁶ A full LS/RNR is conducted after sentencing and admission to the correctional service to inform the case management process.
591. The LS/RNR assesses the rehabilitation needs of offenders, their risk of recidivism, and the most relevant factors related to supervision and programming. It also captures specific risk/need factors including personal problems with criminogenic potential and history of perpetration, including sexual and non-sexual assault and other forms of violence and anti-social behaviour.³⁰⁷
592. The expected administration times for the three versions of the LSI-R are:
- (a) 30 to 45 minutes for the LSI-R³⁰⁸
 - (b) 10 to 15 minutes for the LSI-R:SV³⁰⁹
 - (c) 40 minutes to two hours for the LS/RNR.³¹⁰
593. As is apparent, other correctional services in Australia have chosen to use widely validated and accessible tools. QCS is using several un-validated tools that it has developed. The use of a reliable, validated tool would undoubtedly withstand greater external scrutiny than the internally developed, non-validated assessments currently being used by QCS.

594. There is currently no consistency in the assessment tools used in correctional centres and probation and parole. Nor is any actuarial risk/needs assessment information provided to a Parole Board to guide decision making. The Parole Board is provided with the RoR score for a prisoner. As will become apparent in Chapter 8, that is troubling, particularly because the developers of the RoR say that it is not intended to be used to guide decision making as to grants of parole.
595. As a matter of efficiency, it would be preferable if a single tool was used across both custodial and probation and parole. This is already the case in NSW and Victoria. By using one tool to assess risks and needs there would be greater consistency between custodial centres and probation and parole. Using the same risk/need assessments could also reduce workloads for probation and parole staff if the assessment of an offender is completed in custody prior to the offender being released on parole.
596. It is also likely that, coupled with other changes addressed below, the use of a single tool would enhance the ability of QCS to provide quality information to a parole board to assist the members of the board to understand the relevant risk factors for each individual offender.
597. In order to ensure that a new validated tool is used correctly, officers would need to undertake the appropriate training and accreditation. In developing training, a subject dealt with in Chapter 9, the administration of proper assessments using a new validated tool will need to be addressed.

Recommendation No. 8

The risk and need assessments used in Queensland Corrective Services, in the custodial and probation and parole setting, should be replaced with a validated assessment.

Recommendation No. 9

The assessment to be used by Queensland Corrective Services should be implemented after external expert advice is sought regarding the appropriate tool for this jurisdiction.

Recommendation No. 10

Any expert review of assessment tools must include consideration of the appropriate role for actuarial risk and need assessment to inform and guide parole board decision making.

Specialised risk assessment

Violence

598. QCS uses validated and effective assessments and treatments to deal with high-risk sex offenders. That is, no doubt, a consequence of funding having been provided to QCS in 2005³¹¹ to improve the timeliness of sexual offending treatment and assessment.
599. For violent offenders, with the advent of the RoR screening assessment, the use of a stand-alone assessment for violence as a triage mechanism ceased. Referral to the intensive violence program is based on the number of violent offences, RoR score and the available time in custody. QCS advise the Violence Risk Scale,³¹² which is a widely used and validated tool, is administered as a pre-program assessment. Staff administering the assessment must be appropriately qualified and accredited to administer this assessment. The VRS identifies treatment needs targeted in the Cognitive Self Change Program (CSCP).

Sexual offending

600. For the assessment of sexual offending risk and treatment need, the Static-99R,³¹³ STABLE-2007 and ACUTE-2007³¹⁴ are actuarial assessment tools with strict and simple scoring guidelines. These have replaced 'clinical judgement' assessments by psychologists or psychiatrists, on the basis that the actuarial assessments have proved to be more reliable. All three tools have been developed over the past 25 years using validated and well-known factors which are predictive of either sexual recidivism (Static-99R), treatment needs (STABLE-2007), or acute factors indicative of heightened risk of sexual offending (ACUTE-2007). The Static-99R has been used and validated on prison populations in Canada, the United Kingdom, the United States of America and European countries.³¹⁵ The Static-99R has been found to have moderate to good predictive accuracy when attempting to identify prisoners at risk of sexual recidivism across each of these jurisdictions. It is also used by all Australian correctional jurisdictions.
601. The Static-99R, STABLE-2007 provide QCS with the risk assessment information needed to allocate prisoners to either high or moderate intensity sexual offending programs. The Static-99R and STABLE-2007 assessments are routinely provided to the parole board to identify the recommended interventions and risks level posed by a particular sexual offender. In the community, the Static-99R, STABLE-2007 and ACUTE-2007 assessments are also used by Probation and Parole Service officers to manage the risk and needs in the community of offenders, including as a criteria by which to allocate some offenders to sexual offending programs.
602. While under supervision, ACUTE-2007 risk factors are monitored each time the offender is interviewed by their Probation and Parole case manager. The ACUTE-2007 risk factors require assessments of factors such as victim access, hostility, sexual preoccupation, rejection of supervision, emotional collapse, collapse of social supports

and substance abuse. These short-term risk factors can act as indicators of the immediate likelihood of reoffending by sex offenders. The ACUTE-2007 helps the Probation and Parole Service officer to analyse short-term risk factors of a possible re-offence, in order to instigate risk mitigation strategies. The ACUTE-2007 is administered to offenders who have been convicted of a current or recent (within 10 years) sexual offence. Where an offender receives a score of IN ('intervene now') for any risk factor, or receives a supervision priority classification of HIGH upon completion of an ACUTE-2007, a case conference is to be considered.

603. The assessments are not administered to prisoners unless they have been sentenced to a period of custody in excess of 12 months. This is due to the time taken for the majority of sexual offenders who are prescribed placement on a preparatory and moderate intensity sexual offending program (which is explained in Chapter 6). High-risk sexual offenders will invariably require a longer period of imprisonment to undertake their rehabilitation, though prisoners are prioritised in accordance with their parole eligibility date.
604. The practice of providing expert oversight and training for assessments is an important aspect of clinical practice. QCS advise that staff must be qualified and suitably accredited to administer the sexual offending assessment tools.
605. Unless programs and assessments are appropriately resourced, evaluated and researched, they will not remain best practice. This is particularly important for the assessment of risk and intervention for prisoners and offenders under supervision in the community. It is apparent QCS is undertaking sex offender risk assessment practices consistent with many other correctional jurisdictions in Australia and around the world.

Conclusion as to risk assessments

606. The implementation of a general validated risk and needs assessment across the custodial services and Probation and Parole Services of QCS should not detract from the use of specialised risk assessments for violence and sexual offending.
607. To promote best practice within QCS, a body should be established which is specifically resourced with the expertise to ensure that the risk assessments administered by QCS, the training provided by QCS to staff administering the assessments, and the interventions used, are regularly evaluated and supported by research.

Recommendation No. 11

A body should be established and appropriately resourced to evaluate the risk assessments, training and interventions used by Queensland Corrective Services.

Case management

608. As I observed at the outset of this chapter, the present process in QCS for managing an offender through custody and onto parole is disjointed. The existing process can be understood as having three segments. *First*, the management of an offender's rehabilitation whilst in custody. *Secondly*, the management of an offender's application and preparation for parole. *Thirdly*, the management of an offender while on parole.

Sentence management and an offender's rehabilitation plan in Queensland

609. QCS has a specific practice directive covering the assessment and planning³¹⁶ process for prisoners. The directive outlines the process by which prisoners are subject to preliminary assessments of risk and need to inform their management and progression through their sentence. Appendix 8 is a diagram of the process involved.

610. After the initial assessment has been undertaken and the Offender Rehabilitation Plan has been developed, the Offender Rehabilitation Plan must be reviewed through the sentence planning process at intervals according to a prisoner's security classification. Typically, for high security prisoners, this is every 12 months, though event-based reviews may be conducted after significant changes, such as the completion of an intensive program.³¹⁷ Appendix 9 provides a diagram of the planning process.

611. A review undertaken for each prisoner's Offender Rehabilitation Plan must consider the factors relevant to addressing the prisoner's criminal history and offending, as well as the development of short- and long-term planning objectives.³¹⁸

612. The Offender Rehabilitation Plan is reviewed by a small committee, consisting of a representative from sentence management, the prisoner's custodial case officer or another custodial representative, a representative from offender management and, if required, an Aboriginal or Torres Strait Islander cultural liaison officer.

613. The QCS practice directive Accommodation and Case Management³¹⁹ details the expectations for correctional staff to actively engage with prisoners as case managers. It is considered by QCS to be a key component of dynamic security, relying on regular interaction, case noting and observation to promote the security and good order of the prison. The procedure states that correctional officers are best placed to work on a daily basis with prisoners to encourage and motivate their participation in education, training and rehabilitation.

Application and preparation for parole in Queensland

614. For those prisoners who do not have a determinate release date set by the court at the time of sentencing, the parole application process commences by application of the prisoner.³²⁰ The prisoner must submit their application to Sentence Management Services at the facility where they are accommodated.³²¹ The prisoner may apply for parole six months, or 180 days, prior to their parole eligibility date. Once received by

QCS, the parole board must determine the application within 180 days of receipt, or if deferred for further information, within 210 days of receipt.³²² The operation of the Parole Board is considered in Chapter 8.

615. QCS submit that despite resourcing constraints, Sentence Management Services staff make efforts to support prisoners, but there is simply no ability to resource dedicated assistance for prisoners who apply for parole.³²³ QCS have advised they have oversight systems (reviewing the annual classification review and completion report and progression plans where applicable), which identify prisoners who are six months away from their parole eligibility date, one month away and those have passed their parole eligibility date.
616. There is no active case management of prisoner applications or effort directed towards assisting prisoners through the application process.³²⁴ The resources are limited to fact sheets, manuals, forms and checklists. These are of limited assistance to prisoners, particularly those from diverse cultural backgrounds, those with a significant disability or limited literacy. The QCS submission notes that the chief inspector has concerns that many prisoners, particularly some Aboriginal and Torres Strait Islander prisoners, have a general lack of understanding of the parole process.³²⁵ After Sentence Management Services verify an application for parole is valid, a home assessment is requested.³²⁶ The home assessment is completed by the probation and parole district office with geographical responsibility for the prisoner's planned release address. The operational practice guideline identifies the "purpose of the home assessment is to verify that accommodation proposed by an offender applying for a community based order, parole or resettlement leave of absence is available and suitable; and, if relevant, to confirm any employment prospects stated".³²⁷ In undertaking the home assessment, probation and parole will check the Victims Register to determine if there is a conflict with the prisoner's proposed location. The register is addressed further in Chapter 10. Probation and Parole will also examine the prisoner's criminal history and visits history for evidence of the sponsor's contact during incarceration and will assess a range of factors to determine the suitability of the address, the sponsor's consent for the prisoner to reside at the address and the sponsor's understanding of the offences committed by the prisoner. Probation and parole will also confirm other occupants of the address. Once completed, the report is submitted to Sentence Management Services for consideration by a parole panel convened by Sentence Management Services.
617. Sentence Management Services convenes the parole panel after all material for the parole application has been collated. The parole panel considers the parole application and makes a recommendation to the general manager of the facility.³²⁸ The convening of the panel and the making of a recommendation is expected to occur within five weeks of the prisoner's application for parole.³²⁹
618. The parole panel consists of a psychologist or counsellor, a manager from the correctional centre, a sentence management officer and a probation and parole officer.

A cultural liaison officer will also participate in the panel where the application for parole is made by an Aboriginal or Torres Strait Islander prisoner.³³⁰

619. The intention of QCS is that, during the parole panel, the prisoner's response to incarceration, intervention and supervision are reviewed and challenged as necessary to make a recommendation as to the prisoner's suitability for release to the community.³³¹ The probation and parole officer is responsible for ensuring that the prisoner understands the implications of possible order conditions and the prisoner's obligations while under supervision.
620. A Parole Board report is finalised after the panel has considered the prisoner's application.³³² The purpose of the report is to provide appropriate information to the Parole Board to assist its deliberations as to whether the prisoner should be released on parole and the conditions that ought to be imposed to ensure the protection of the community.
621. The parole board report covers the prisoner's past and current offending behaviour, previous response to community supervision, institutional response and reintegration plans. The information gathered through the parole panel interview and examination of the prisoner's Integrated Offender Management System record and physical file is used to complete the parole board report and formulate a recommendation regarding suitability for release. It may also be necessary for the panel to identify any specific supervision requirements to mitigate risk factors. The report is written as a supplement to other information that the members of the Parole Board ought to have before them, noting:

*The Parole Board Report provides parole board members with a comprehensive summary of the prisoner's suitability for release. The information is to be presented in a concise manner and should only contain relevant information to inform a parole board's decision making.*³³³

622. The general manager of the corrective services facility is responsible for approving the final version of the parole board report and including a summary of the factors considered and reasons for endorsing the recommendation.³³⁴
623. Within the time permitted for the review, I had an opportunity to view the parole panel process at two correctional centres. As with much work in QCS, the parole panel process is prescribed by procedure and staff have limited ability to adjust their practice. As with all of the QCS staff whom I observed, the panel members appeared to undertake their task, as prescribed by procedure, in a manner that was diligent and well-intentioned.
624. However, the process was concerning. The panel interview appeared to be generally unstructured. The panel asked some closed questions of the prisoner regarding matters such as the prisoner's release plans and how the prisoner envisaged his or her supports operating at various times in hypothetical circumstances. The interview appeared to be stressful for the prisoner. Observations and suggestions were made by

members of the panel to the prisoner as to a variety of things that the prisoner might do if granted parole to prepare for or respond to situations that might lead to re-offending. The suggestions did not appear to be made in any structured way. There did not appear to be any real likelihood that a prisoner in that situation would absorb or benefit from these well-intentioned suggestions. There was no suggestion that the prisoner had been engaged, before the panel interview, in any structured way to discuss and develop a plan for release and strategies for responding to situations that the prisoner might confront in the first 24 hours, 48 hours, seven days and first month after release. The inquisitorial nature of the process appeared to be of very limited utility.

625. The panel was convened for almost an hour for one prisoner, including the discussion after the prisoner had left the room. In its submission, QCS says that the process is very labour intensive and it can take up to 20 hours to compile the report.³³⁵ That appears to be significantly more time than that taken for any other assessment, including specialised assessments for sexual offending or violence. QCS has also advised that the process does not include a risk assessment, and therefore the same amount of effort is exerted towards every parole report.
626. The staff involved in the panel interview with whom I spoke regarded their role being about the safety of the community and identifying the risk of a prisoner who has applied for release.³³⁶ However, there is no structured assessment process to help with their determinations. The staff appeared to regard the purpose of the process as to compile information on the prisoner's progress in custody, post-release plans and completion of interventions. The staff with whom I discussed this process did not believe that they were making a firm recommendation for release to the Board. Rather, they believed that they were developing a report with a possible recommendation for consideration by the general manager of the facility, who would then make a final recommendation to the Board.
627. The QCS staff appeared to regard the parole panel process as an information-gathering exercise, to which the Parole Board members would apply their own reasoning, in the context of the other information with which those members were provided.³³⁷ However, some Parole Board members with whom I met expressed great confidence in the parole panel's report.
628. This process is flawed. That is not the fault of the staff involved. It is a problem of process.
629. There are also deficiencies and a lack of resources in the support and assistance provided to prisoners who apply for parole.³³⁸ Prisoners may seek assistance from other prisoners, tutors (who are prisoners employed in correctional centre libraries and education areas), or may be paying other parties to assist with their parole applications.
630. For Aboriginal and Torres Strait Islander prisoners, this was raised as a significant issue by submissions. It was suggested by some organisations that made submissions

that greater face-to-face case work would help to overcome challenges experienced by Aboriginal and Torres Strait Islander prisoners with the volumes of paper-based communication produced throughout the process.³³⁹ Further, it was suggested that Aboriginal and Torres Strait Islander applicants would benefit from greater transparency in the application process, receiving feedback on the substantive reasons why an application was unsuccessful.

Management of an offender while on parole in Queensland

631. The management of an offender on parole in Queensland is dealt with in detail in Chapter 9. For the purposes of this chapter, it is sufficient to note four matters.
632. *First*, offender management by probation and parole is largely focused on risk and level of service, not order type.³⁴⁰ Offenders are all subject to the same admission, induction, assessment, planning and case management processes.
633. *Secondly*, the assessment of risks, needs and treatment that is undertaken in custody does not carry over to parole.
634. *Thirdly*, there is no involvement by probation and parole with the offender prior to release. As a result, the formative period of supervision, which is identified by QCS as a period of significant risk,³⁴¹ is occupied by multiple appointments to complete intake assessments and establish the rapport with the offender through the assessment phase of supervision. This is clearly a function that could be completed, if QCS were resourced appropriately, through an in-custody parole unit.
635. *Fourthly*, case management of an offender essentially stops when he or she is returned to custody on a suspension. That this presents serious problems for managing offenders, and therefore the safety of the community, was pointed out by regional managers from the Probation and Parole Service and small groups of prisoners whom I met with at various correctional facilities. It leads to what was described by the chief inspector as the “mystery tour”³⁴² for suspended parolees who do not understand exactly why they have been suspended, for how long they will be suspended or what they need to do to end their suspension. It imposes a significant cost on the State for no benefit to public safety because no attempt is made to utilise the period of suspension for rehabilitation or management of the offender.

Comparison with New South Wales

636. The NSW Law Reform Commission (‘NSWLRC’) has recently published a report into the operation of the parole system in New South Wales.³⁴³ That report suggests that the present case management practices³⁴⁴ in New South Wales have some similarities with the practices in Queensland.
637. In New South Wales, the preparation of a case plan for prisoners begins once the prisoner is sentenced and is completed by a case management team.³⁴⁵ The plan is then periodically reviewed throughout the sentence. The case management process³⁴⁶ is conducted by a senior custodial officer and a professional officer, which may include

a welfare or programs officer, an education officer, or a drug and alcohol counsellor. The officers involved are likely to change each meeting. The case plans, like the offender rehabilitation plans in QCS, involve consideration of rehabilitation programs, services, healthcare needs, planning for pre-release assistance and considerations regarding any disabilities the prisoner may have. The case plan also includes information compiled as a result of the administration of the Level of Service Inventory – Revised (LSI-R) assessment tool. While not solely responsible for the prisoner’s progress, a custodial officer is assigned as the prisoner’s case officer to monitor his or her progress against the plan from day to day. Other welfare officers are involved with the prisoner on an as-needs basis, but ultimately the responsibility lays with the prisoner to adhere to their case management plan.

638. Community corrections officers “from the Parole Unit attached to the offender’s correctional centre” in New South Wales are drawn into the case management process towards the end of the non-parole period.³⁴⁷ For prisoners serving over three years, this work starts 12 months out from the end of the non-parole period; for prisoners serving less than three years, it starts six months out.³⁴⁸ Prisoners are assisted to identify post-release accommodation and with arrangements for pre-release home visits (a form of leave of absence program). The case management team retains the overarching responsibility for the case plan for custodial management but the community corrections officer is responsible for post-release issues.
639. The NSWLRC noted multiple stakeholder concerns³⁴⁹ with the case management practices in New South Wales. Concerns included that:
- (a) prisoners are not ready for parole at the end of the non-parole period
 - (b) the expectations of the parole authority are not clearly communicated to prisoners
 - (c) the security classification system, including Commissioner approval for changes for serious offenders, can frustrate case management
 - (d) it is inappropriate for custodial officers, as primary security and enforcement officers, to be involved in a prisoner’s case management
 - (e) case management processes are fragmented
 - (f) the system is inadequate for prisoners serving short sentences, and
 - (g) ultimately, community corrections officers were better placed to deliver the in-custody case management to prepare prisoners for release.
640. Many of these concerns, with the exception of the security classification system, have been raised during the course of this review in relation to the Queensland system. By the time of the NSWLRC’s report, Corrective Services NSW had embarked on a review of case management practices.³⁵⁰ For this reason, the NSWLRC constrained its recommendations.³⁵¹

Comparison with Victoria

641. The overarching philosophy of Corrections Victoria is to enhance community safety by ensuring the prisoners who are released on parole are well prepared and supported to succeed on parole.³⁵²
642. Corrections Victoria takes a lead role in working consistently with the prisoner throughout his or her incarceration to prepare the prisoner for parole.³⁵³ After initial assessment, a sentence plan is developed, which is reviewed periodically through the prisoner's sentence.³⁵⁴ This plan is considered by Corrections Victoria to be a flexible and realistic plan, which is developed for each individual. It is focused on the prisoner's risk of reoffending.
643. Corrections Victoria convenes multidisciplinary case management review committees (CMRCs), which operate concurrently with the sentence management processes in custody. The CMRC generally comprises an operations manager or supervisor from the custodial operations and the case worker. Additionally, other persons with knowledge or particular engagement with the prisoner will be included, such as the parole coordinator, offender management supervisor, clinical or health staff, disability services, housing, and cultural support.
644. The Victoria Corrections Sentence Management Manual³⁵⁵ provides a useful overview of the purpose of the CMRC:
- ensuring prisoners understand they are responsible for being actively involved in preparing for parole and completing their required programs
 - providing a formal process to review permit applications and make changes to security ratings
 - enabling a consistent approach to managing the prisoner
 - ensuring the goals and strategies developed are suitable and address the prisoner's identified needs
 - ensuring that expectations are clearly communicated to the prisoner
 - providing a formal process to monitor progress on goals and strategies developed in the local plan
 - reinforcing progress and achievements so that the prisoner can maintain behavioural change
 - providing an opportunity for a prisoner to raise concerns or issues
 - engaging the prisoner in, or continue with, the process of overall behavioural change
 - offering a forum to discuss how to manage a particular issue regarding the prisoner

- fulfilling a training and quality assurance role in the management of the prisoner.
645. The CMRC is described as a central part of the prison system, which ensures that Corrections Victoria is proactive in the assistance provided to prisoners to prepare them for release. The system is designed to ensure that the prisoners understand their responsibility in the process to be actively involved by preparing for parole and completing all programs as required.
646. Once a prisoner submits an application for parole, it is considered by the CMRC and then, if suitable, it is provided to the Adult Parole Board for initial confirmation that parole suitability assessment can commence. If approved, the application is allocated to an appropriate community correctional services officer to complete a detailed parole suitability assessment, incorporating the use of violence, sex or general risk assessment tools.³⁵⁶
647. In Victoria, the involvement of the prisoner's future case manager prior to release is a significant element in attempting to mitigate the critical period of risk after release.³⁵⁷ However, Victoria is not constrained by the same geographical challenges that confront QCS in managing offenders throughout Queensland. For that reason, it is unlikely to be practical to commence the parole case management of each prisoner with the parole officer who would eventually supervise the prisoner on parole in the community.

A new system of management of prisoners for parole in Queensland

648. Because the management of prisoners towards parole is fragmented, the consequences are inefficiency and inadequate processes for assessing prisoners that lead to decisions and recommendations being made on the basis of unstructured judgment rather than maintaining consistent formal assessment to aid decision-making.
649. The model in Victoria appears to be the most likely to reduce inefficiency and improve community safety by adequately preparing prisoners for parole. It requires that preparation of a prisoner for parole begins when the prisoner is first received into custody and that there be proper case management and co-ordination of the treatment of the prisoner throughout his or her period of incarceration. However, Corrections Victoria is significantly better resourced than Queensland. For it to be practically possible to implement the new system described below, it will be necessary for the Queensland Government to adequately resource QCS to develop and implement it.
650. QCS should abandon its fragmented approach to case management, including the parole panels. It should have a co-ordinated case management process that properly screens prisoners and assesses a prisoner's needs and required treatment on entry into custody, actively case manages those prisoners who require such management during the custodial period, uses a structured approach and validated assessment of risk to report to the Parole Board and manages the transition of the prisoner on to parole.

651. Parole processes should commence at the time a person is sentenced and, as in Victoria, QCS should proactively manage prisoners towards parole release so that they are more likely to be ready for parole as at the parole eligibility date and, if they are not ready, the board can be properly informed.
652. A likely model would be to establish a parole unit within each correctional centre to provide for the case management of prisoners as they move through custody. This was suggested during consultation by some QCS staff. The unit would be responsible for delivering or co-ordinating a proper validated risk assessment to the prisoner on entry into custody that can be used throughout the prisoner's incarceration and on parole.
653. The new case management system should manage prisoners from end-to-end through their sentences, with case management to support:
- (a) assessments effectively informing intervention recommendations
 - (b) program needs being met in a timely manner
 - (c) applications for parole
 - (d) pre-parole assessment and representation at the parole board
 - (e) re-entry services around the time of release
 - (f) parole supervision and management, including the management of offenders who are deteriorating on supervision
 - (g) case management of offenders who are returned to custody on suspension, through to re-application for release.
654. The case manager from probation and parole who would deal with the prisoner on parole should begin contact with the prisoner before release from custody, preferably a few months prior to release (and if necessary, by video-conference). When a prisoner's parole is suspended, the case manager should continue to be involved in the management of the prisoner, in conjunction with support provided by case management within the prison, to assess and manage the risks and needs arising from the suspension.
655. The parole panels should be replaced by a structured assessment and individual planning by a parole officer who can then make recommendations to the Parole Board and appear (likely by videoconference) before the board when it considers the application. The written material required to be produced by a prisoner without assistance for a parole application should be very limited.

Recommendation No. 12

Queensland Corrective Services should implement a dedicated case management system that begins assessing and preparing a prisoner for parole at the time of entry into custody and should consider utilising a model whereby a dedicated Assessment and Parole Unit is embedded in each correctional centre.

Recommendation No. 13

Queensland Corrective Services should alter the application process for parole to limit the written material required to be produced unassisted by a prisoner.

Recommendation No. 14

Queensland Corrective Services should abandon its current process of parole assessment and the parole panel in favour of a case management process that includes assessment by a Probation and Parole assessment officer using a formal assessment tool and structured professional judgment.

Recommendation No. 15

Queensland Corrective Services should implement a system so that the case manager from Probation and Parole who is to manage a prisoner on parole begins contact with, and involvement in the management of the prisoner, before he or she is released from custody.

Recommendation No. 16

Queensland Corrective Services should provide for continuity of case management for prisoners returned to custody on parole suspension.

6. Rehabilitation programs, mental health and substance misuse treatment

Rehabilitation programs

656. Having reviewed so many aspects of Queensland Corrective Services' (QCS) service delivery I have observed a system that is struggling to cope with increasing numbers of prisoners and offenders that are placing pressure on the facilities required to deliver services. This is particularly true of intervention and rehabilitation services.
657. The QCS service delivery model for rehabilitation programs is based on a formula that may have been suitable at a time when prisoner numbers were below 6,000 and the number of offenders in the community was significantly lower than the 19,000 now under supervision.³⁵⁸ I am advised the existing service model in prison relies on a combination of staff delivery and purchased interventions and, in the case of the Probation and Parole Service, referrals to existing community-based services via the case management processes.³⁵⁹
658. A lot of what I write here will not be new to many QCS staff and some service providers, but it is important for the purposes of this review to examine how rehabilitation is delivered and how it could be improved to deliver greater success on parole to increase community safety. To that end, I have found a detailed review conducted by EY (formerly Ernst & Young) in 2015 particularly instructive.
659. In 2015, EY were commissioned by QCS to examine QCS's service delivery for intervention and report as to how QCS could strengthen its relationships and improve contracted services from non-governmental service providers.³⁶⁰ The EY review also included a detailed examination of the delivery of low to moderate substance use programs.

How is rehabilitation delivered currently?

660. In 2015-16, QCS budgeted \$5.8 million for the delivery of rehabilitation programs, \$7.5 million for psychological and counselling services and \$3.9 million for the delivery of education and vocational training.³⁶¹
661. QCS submitted that like other areas of the correctional system, prisoner and offender number increases have placed significant strain on the delivery of rehabilitation services.
662. The higher intensity programs, such as sexual offending, violence, and some substance abuse programs, are provided primarily by QCS program delivery officers in correctional centres, targeted to address the needs of prisoners serving over 12 months in custody.³⁶² QCS advised that program delivery officers are located at eight high security correctional centres across Queensland (45.97 full time equivalent positions). The number of positions varies from centre to centre, with less than two full time equivalent positions allocated at the Brisbane Correctional Centre (which is not a

primary facility for rehabilitation) and 13 full time equivalent positions allocated at Wolston Correctional Centre, where a large proportion of sexual offending programs are delivered.³⁶³

663. Of the \$5.8 million allocated for rehabilitation programs, QCS advised this is largely expended on staffing costs and some purchased offender programs.³⁶⁴ The majority of intervention work delivered by QCS is in correctional centres rather than in probation and parole.
664. Many submissions received by the review recommended that the government increase the funding directed to rehabilitation programs. This is an uncontroversial proposition. Data³⁶⁵ provided by QCS identifies that in 2015-16 a total of 12,624 prisoners were released from custody, of these:
- a. 7,987 prisoners were released to supervision; of which
 - b. 1,068 were in custody over 12 months and were eligible for an assessment and rehabilitation plan; and of those
 - c. 422 had met their program requirements prior to discharge to supervision; and
 - d. 291 did not meet all program recommendations prior to release;
 - e. 50 of the 291 declined an offer of a place on a program.
665. QCS advised that it is important to note that not all prisoners serving over 12 months are recommended to undertake a rehabilitation program because of the allocation of resources on the basis of an assessment of risk. Further, QCS advised that some prisoners may undertake more intensive rehabilitation, which would negate a recommendation for lower intensity programs.³⁶⁶
666. QCS also advised that in 2014-15, less than 10 per cent of prisoners released had served 12 months or more in custody.³⁶⁷ This is particularly important, given that prisoners serving less than 12 months do not receive a rehabilitation needs assessment, nor do they access the vast majority of rehabilitation programs delivered by QCS.³⁶⁸ A system redesign is required to increase the emphasis on delivering rehabilitation or brief interventions to a large number of prisoners in custody. This need is especially acute where prisoners are discharged to liberty and not to further supervision by Probation and Parole.
667. Corrective Services New South Wales has received a significant funding injection of \$237 million over four years to target reductions in reoffending.³⁶⁹ The Acting Commissioner of Corrective Services New South Wales advised this review of a number of new services and innovations including:
- a. a new service offering voluntary involvement by offenders at imminent risk of re-offence to undertake assessment and treatment between criminal proceedings and prior to sentencing, or following discharge to the community if they do not receive parole

- b. a local coordinated multi-agency offender management service aimed at assisting persistent re-offenders using the collective resources and expertise of partner agencies to provide targeted rehabilitation and law enforcement
 - c. prioritising evidence based interventions for high risk offenders
 - d. 'comprehensive management, treatment and services' in partnership with other agencies
 - e. implementing 10 high intensity program units to deliver rehabilitation to prisoners serving sentences six months or less
 - f. establishing "dedicated teams of highly skilled case management specialists state-wide"
 - g. increasing participation in a range of accredited programs for substance use, aggression and domestic violence;
 - h. increased participation in programs for sexual and violent offenders
 - i. increasing the availability of education and training
 - j. improving the preparation of prisoners for release through an enhanced pre-release program
 - k. improving and expanding support for high risk parolees exiting custody
 - l. exploring opportunities to increase delivery through community partnerships.
668. QCS advised that approximately 70 per cent of prisoners released in 2014-15 were released to further probation and parole supervision.³⁷⁰ This provides an opportunity, with the support of a system of end-to-end case management, for QCS to source and deliver flexible rehabilitation across the correctional episode.
669. In custody, a mix of short, low intensity and higher intensity programs are delivered to offenders. The available staffing resources and funding allocations dictate the level they are provided at.³⁷¹ Appendix 10 provides an overview process map of participation in rehabilitation for a typical prisoner.
670. QCS advised that prisoners are typically waitlisted and prioritised for rehabilitation programs in accordance with their parole eligibility. Programs are not delivered in Queensland for prisoners who continue to deny guilt or responsibility for their offences or for those prisoners who are on remand and have not been convicted for the offences for which they have been charged.
671. Appendix 11 provides a snapshot of program delivery sites across QCS. Higher intensity programs for higher risk offenders are delivered in correctional centres. Moderate and lower intensity programs are delivered in both correctional centres and in the community through Probation and Parole. Probation and Parole program locations include Cairns, Townsville, Mount Isa, Rockhampton, and a range of offices in South East Queensland.

672. In the community, QCS program staff deliver sexual offending programs, and lower intensity substance abuse and Aboriginal and Torres Strait Islander programs to offenders on probation or parole. Programs are also purchased for delivery to offenders supervised by Probation and Parole.
673. Program delivery by QCS is limited in the community, making external service providers an integral part of delivering rehabilitation and reintegration services to offenders.³⁷²
674. Probation and Parole staff work with a significant number of community-based organisations in their local areas, making offender referrals to services that will address their needs.³⁷³ The services available to refer offenders to varies widely from location to location and can include providers in areas such as alcohol and drugs, housing, relationships, domestic violence, anger management, financial, gambling, driving, cognitive skills, life skills, parenting, numeracy and literacy, mental health and Indigenous specific services. QCS advise the specialist arm of Queensland Health which provides drug and alcohol treatment, Alcohol and Other Drug Services (AODS) is one service utilised by Probation and Parole in the community.³⁷⁴
675. When referring an offender to a community-based service the parole officer provides a summary of the relevant factors related to the referral such as substance abuse history and previous interventions.
676. In describing the relationship between Probation and Parole and the community-based services the parole system so heavily relies upon, QCS wrote in its submission:³⁷⁵

Where possible, QCS has brokered supportive relationships with non-government organisations and external stakeholders to ensure a range of treatment and support options are available to offenders. Despite generally positive engagement, relationships with intervention services can become fractured at times due to the quantity of referrals from Probation and Parole, with some services becoming inundated if they are the only available service in the local area. These relationships can be further strained by resourcing constraints as many non-government agencies rely on periodic grants.

As Probation and Parole numbers continue to increase, the reliance and demands placed on external service providers also continues to grow. On average, Probation and Parole make in excess of 17,000 referrals to external services per year. This large number of referrals can result in lengthy waitlists for many external services, impacting on the ability to have an offender's immediate needs and risks addressed in a timely manner.

It is noted there is often a number of agencies and NGOs working with offenders and their families and it is generally difficult to get a coordinated approach across these agencies. A non-coordinated approach leads to inefficiency and ineffectiveness. There is also a lack of available external service providers in the community, particularly in rural and remote areas.

'What Works' principles in rehabilitation

677. Like many other correctional jurisdictions QCS delivers a range of rehabilitation programs based upon the 'What Works'³⁷⁶ principles in offender rehabilitation.³⁷⁷ The programs provide higher intensity intervention to higher risk offenders, consider responsivity factors such as motivation and ability, use methods such as cognitive behavioural therapy and include skill development and relapse planning methods.
678. With respect to the 'What Works' literature, the principles underlying effective rehabilitation, as incorporated into the QCS practice directives³⁷⁸ prescribe:
- a. the rehabilitation programs should target prisoners or offenders who are assessed as higher risk of reoffending: *risk*
 - b. the program should address the underlying causes of the offending behaviour and it should be of sufficient intensity to effect change in behaviour: *need*
 - c. effort should be directed to ensure prisoners or offenders are ready and able to engage effectively in treatment and they should be responsive to change: *responsivity*
 - d. the programs delivered should be manualised to ensure consistency in delivery and the expectation that the program facilitators adhere to the guidelines: *program integrity*
 - e. despite the need for manualised practices, there should be scope for the program facilitators to use their professional discretion when delivering the assessment and content for each program: *professional discretion*.
679. While programs are based on the 'What Works' principles, they must be regularly evaluated to ensure they are adhering to those principles. This is a point I revisit later in this chapter.

QCS Programs (excluding substance Misuse and mental health)

680. This section should be read in conjunction with Appendix 12, which provides an overview of the delivery of each program listed.

Motivation and preparation

681. Program delivery staff within QCS are required to identify barriers to each prisoner engaging successfully in their recommended programs prior to program referral. QCS refers to barriers such as motivation, literacy and cognitive ability as "responsivity issues" that should be addressed prior to the prisoner being waitlisted for a rehabilitation program, unless those issues can be addressed during the program or pre-program interview.³⁷⁹

682. I am advised two specific programs are delivered by QCS to target responsivity, the Turning Point Preparatory Program (general offending) and the Getting Started: Preparatory Program (sexual offending).

Sexual Offending

683. I am advised the sexual offending programs implemented in 2005-06 in Queensland were developed after funding was provided to expand the delivery of programs, especially programs for child sex offenders.³⁸⁰ I am advised the programs were developed by QCS in consultation with international experts and incorporate theoretical principles from the Good Lives Model.³⁸¹ QCS advise the Static-99R and STABLE-2007 assessments, which I have outlined in the previous chapter, are used for pre-program specialised assessment and were instituted in Queensland at that time after consultation and training from the test developer.
684. In the 2016-17 State Budget, the government has committed “\$10.3 million over four years and funding of \$2.6 million per annum ongoing to continue, expand and specialise the statewide delivery ”of sexual offending programs.³⁸² QCS advised that in 2015–16, there were 409 completions of sexual offending programs across correctional centres and probation and parole offices.³⁸³
685. The suite of evidence-based sexual offending programs (outlined in Appendix 12) delivered in custody, aimed to reduce sexual offending include:³⁸⁴
- a. a nine month high intensity sexual offender treatment program
 - b. a three to five month moderate intensity sexual offender treatment program
 - c. a five month adapted inclusion sexual offender treatment program for prisoners with cognitive impairment
 - d. a culturally adapted Indigenous sexual offender treatment program
 - e. a preparatory program
 - f. a maintenance program.
686. Sexual offenders under community supervision can be referred to preparatory programs, moderate intensity intervention programs, and sexual offender maintenance programs.³⁸⁵
687. In accordance with the funding arrangements by government, QCS advise the organisation has been required to conduct periodic evaluations of their custodial based sexual offending programs. The 2010 and 2013 sexual offending evaluation reports found that the offenders who completed a sexual offending program reoffended at a lower rate than those who did not complete a program.³⁸⁶ The evaluation reports were, overall, seen as positive.³⁸⁷
688. A further evaluation conducted in 2015³⁸⁸ extended the follow-up of the original 2010 sample, using the same methodology as the 2013 evaluation. This review found sexual recidivism rates remain lower than international estimates.

689. QCS advised that all eligible sexual offenders in prison are offered a place on their recommended sexual offending program. All incarcerated sexual offenders who have sufficient time remaining in custody to complete a program are referred to programs aimed at addressing their sexual offending behaviour. QCS advised that all efforts are made to equitably prioritise offenders into programs based on parole eligibility dates to ensure those who are closest to release are provided available program places in the first instance.
690. At present, the decision to release sexual offenders on parole is made by parole boards as persons convicted for a sexual offence are ineligible for court ordered parole. In instances where a prisoner has refused to participate in rehabilitation programs, and has subsequently served their full sentence in custody, the offender will be discharged at the expiry of the sentence in accordance with the original court order. Those prisoners who are considered to remain a serious danger to the community may be referred for consideration of an application pursuant to the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld).
691. I recommended in Chapter 4 that court ordered parole should be extended to apply to offenders convicted of sexual offences. Some issues in relation to serious sexual offenders are addressed in Chapter 8.

Violence

692. QCS has provided an outline of three specific rehabilitation programs delivered for high-risk violent prisoners.
693. The Cognitive Self Change Program (CSCP) is a high intensity cognitive-behavioural intervention that aims to reduce violent and general offending in high-risk adult offenders.³⁸⁹ The program focuses on the thoughts and feelings of the offender, their beliefs and attitudes and how these are connected with their offending behaviour and how they can make changes to respond differently to real-life situations in the future.³⁹⁰ I note it has been evaluated as an effective intervention for the treatment of violent behaviour.³⁹¹
694. I note a small number of prisoners participate each year in the Cognitive Self Change Program, which is a high intensity violence rehabilitation program (refer to Appendix 13). A smaller number of prisoners completed the maintenance program that follows from completion of the CSCP.³⁹²
695. The QCS Practice Directive on Rehabilitation and Education prescribes:
- “where possible, prisoners with domestic and family violence related offences are to be prioritised for programs which can assist in targeting these types of offences...[including] Positive Futures, Pathways, Cognitive Self Change Program, Sexual offending programs and substance abuse interventions.”*³⁹³
696. For offenders under supervision in South East Queensland, the Men’s Domestic Violence Education and Intervention Program, delivered by the Gold Coast Domestic

Violence Prevention Centre is available.³⁹⁴ I am advised by QCS that this is an intervention based on the Duluth model,³⁹⁵ aimed at working with men to assist them to end their violence and increase the safety of women and their children. The Duluth model was developed from the *Duluth Domestic Abuse Intervention Project* in Minnesota, which Babock et al.³⁹⁶ state focuses on “the primary cause of domestic violence [as being a] patriarchal ideology and the implicit or explicit societal sanctioning of men’s use of power and control over women”.

697. For Aboriginal and Torres Strait Islander prisoners and offenders, the Positive Futures Program is provided. QCS advised that the program is a culturally sensitive 'strength based' intervention which is designed to target family violence and anger, alcohol and drug abuse, power and control, jealousy, trust and fear, family and community and parenting. Positive Futures replaced two separate interventions previously delivered, Ending Offending (substance use) and Ending Family Violence.

Education, training and other support services

698. There is a significant volume of research that supports the proposition that education and vocational training play a key role in offender rehabilitation, particularly where it increases employability. Offenders upon release who find steady employment have been shown to reoffend at lower rates than those that are not employed.³⁹⁷ Employment, or employment like activities such as volunteering, or studying full time, can also provide a sense of achievement and mastery, as well as income, which can contribute to desistance from offending.
699. I am advised by QCS that in Queensland, educational services provided to prisoners include literacy and numeracy programs, vocational education and training (VET), basic education (primary and secondary courses) and tertiary education (for example, distance education courses).³⁹⁸ QCS has advised education and vocational training is provided through a range of internal, external, funded and non-funded arrangements.
700. I am also advised by QCS that training is primarily accessed through direct purchasing of vocational training and literacy/numeracy modules by QCS, or through State Government funding models such as the Certificate3Guarantee program. Prisoners can also access funding for training through VET Fee Help and HECS-HELP Study Assist.
701. QCS has advised that to extend the reach of rehabilitation, a range of services to provide support to prisoners and their families on a contracted, partnership and/or voluntary basis, are delivered, including:
- a. chaplaincy services in all correctional centres to provide pastoral care and address the spiritual needs of prisoners, including the First Peoples Chaplaincy Service for Aboriginal and Torres Strait Islander people
 - b. a visitor transport service providing a free bus service for family visitors to all correctional centres

- c. playgroups operating in Townsville and Brisbane Women's Correctional Centres and the Helana Jones Centre to support the engagement of prisoners who are mothers with their children in a safe, supported environment
 - d. youthful offender programs at Woodford and Brisbane Correctional Centres
 - e. parenting programs.
702. QCS uses evidence-based offender program and service accreditation processes to select appropriate activities for delivery to offenders.
703. I support the findings made by EY and their recommendation for increased service delivery. I am advised that QCS intends to commence a co-design process for low to moderate intensity substance use rehabilitation with the NGO sector in 2017.

Recommendation No. 17

Queensland Corrective Services should increase the number and diversity of rehabilitation programs, and training and education opportunities, available to prisoners in custody, including short term programs.

Recommendation No. 18

Queensland Corrective Services should deliver a greater variety of rehabilitation programs to address the specific and complex needs of women and Aboriginal and Torres Strait Islander prisoners and offenders and increase the availability of those programs.

Recommendation No. 19

To provide equitable access to rehabilitation for prisoners and offenders, including short term prisoners, Queensland Corrective Services should develop and increase rehabilitation program delivery in partnership with non-governmental service providers.

Recommendation No. 20

As a significant component of end-to-end case management, Queensland Corrective Services should increase the delivery of accredited programs to offenders supervised by the Probation and Parole Service, particularly in light of the issues associated with delivering programs in custody.

Program Evaluation

704. QCS submitted that all facilitators of QCS programs are trained and supervised and program delivery is required to adhere to the *Intervention Programs Evaluation Framework*.³⁹⁹
705. The QCS evaluation framework, noted in the procedure, is endorsed by the Cabinet Budget Review Committee, providing a three stage process examining:

- a. program integrity in accordance with the 'What Works' principles noted earlier
 - b. short term impact evaluation, which occurs as a result of any change in the assessed risk of a prisoner or offender after program completion
 - c. long term evaluation of the effectiveness of a program, which examines if a given program has a statistically significant effect on the actual recidivism of a sample of prisoners or offenders who complete the program.
706. QCS submitted that "all programs are accredited under National Offender Program Accreditation standards, which are based on international research about the types of interventions that have been shown to be most effective in reducing recidivism".⁴⁰⁰ In order to accredit programs, in accordance with the procedure, an Offender Programs and Services Accreditation Panel examines each program prior to approval to ensure the programs are effective and meet a number of nationally accredited standards known to support desistance from offending. This process meets the first requirement under the framework to ensure program integrity.
707. Similarly, as I have mentioned earlier with respect to specialised assessment, such assessments are completed for certain high intensity programs, for example CSCP. QCS advised that specialised pre- and post-program assessment is used to determine any measurable changes in the short-term impact of program participation.
708. However, the review team has examined the evaluations of QCS's rehabilitation programs that have occurred.⁴⁰¹ Most, with the exception of the evaluation of the effectiveness of the QCS sexual offending programs, were for programs that QCS has now discontinued. Additionally, no evaluations of the effectiveness of QCS programs, with the exception of the 2010 evaluation of sexual offending programs and a 2010 review of Indigenous treatment, have been published.⁴⁰²
709. This is a similar issue identified by the NSW Law Reform Commission (NSWLRC) in their examination of the parole system in that State.⁴⁰³ In NSW, it was identified the only program evaluation that had been published was for that State's sex offender program. The NSWLRC expressed that many submissions to their review identified that as such importance is placed on program completion by the parole board, then it follows the programs must be evaluated and effective.⁴⁰⁴
710. Rehabilitation programs are the dominant means through which the correctional system seeks to reduce the risk of re-offence. I too consider that rehabilitation program completion should be one of the significant considerations made by a parole board when assessing suitability for parole.
711. The correctional system must be delivering interventions that are effective and fit for purpose, if the parole board is to have confidence in each prisoner's completion of their recommended rehabilitation programs. Similarly, it is of great importance that government funding is directed to support interventions that are effective at reducing risk of re-offence.

712. Having examined the evaluation and statistical modelling completed by Griffith University on the effectiveness of QCS's sexual offending programs, I have reached the same conclusion held by the NSWLRC, that such a methodology would be difficult, if not impractical, to deliver within the confines of the public service and certainly within the current budget constraints experienced by QCS.⁴⁰⁵
713. There are two possible solutions:
- a. the research is undertaken by a funded research unit within QCS; and, or alternatively
 - b. QCS is funded to seek research by an external researcher, university or other body.
714. Prior to 2009, QCS operated a research unit, at its height, staffed by eight suitably qualified officers with higher degrees and experience in statistical modelling and research. The last publication, as I understand it, from this unit was an evaluation of the effectiveness of court ordered parole. The re-establishment of an internal research unit could deliver the regular evaluations and published research necessary to inform the public of the effectiveness of QCS rehabilitation as well as other services delivered by QCS and broader analysis arising from the management of prisoners and offenders.
715. The NSWLRC recommended the evaluations be undertaken by an independent researcher or body external to the corrections department.⁴⁰⁶ Further, it was recommended that evaluations be funded, as well as planned as part of any new program instituted and that the outcomes of all evaluations be published. I agree with these recommendations and have adopted them as the appropriate course for Queensland, save that in my view they should be in addition to, and not in replacement of, the re-establishment of a dedicated research unit within QCS.

Recommendation No. 21

Queensland Corrective Services should have all rehabilitation programs that it offers evaluated to ensure that they are effective in reducing reoffending as intended.

Recommendation No. 22

Queensland Corrective Services should ensure that an independent researcher or body undertakes or is involved in undertaking that evaluation, and undertakes regular re-evaluations of the programs, with the results of each evaluation to be publicly available.

Recommendation No. 23

Queensland Corrective Services should re-establish a dedicated research unit.

Mental Health

716. The availability and effectiveness of programs, services and interventions for Queensland's prisoners is an important component of the criminal justice system. Research has shown that prisoners with a mental illness have been found to be more likely to engage in crime up to six months post-release from prison when compared to those without a mental illness.⁴⁰⁷ Research also suggests that up to 10 per cent of men and 20 per cent of women who commit homicide suffer from a psychotic illness.⁴⁰⁸
717. Prisoners in Queensland have access to QCS psychologists, counsellors and cultural liaison officers.⁴⁰⁹ More individualised and specialised referrals can also be made to external psychological services to help manage and support prisoners with complex mental health concerns (for example, significant self-harming behaviours).⁴¹⁰ In addition to the QCS provided services, referrals can be made to the Queensland Health, Prison Mental Health Service (PMHS). PMHS is responsible for assessing and treating prisoners with classical mental illness, such as schizophrenia and depression.⁴¹¹

The structure of Queensland Health

718. The provision of health care services, including mental health and substance misuse interventions were previously managed by QCS. On 1 July 2008, health care services were transferred to Queensland Health, following a review of prisoner health service delivery.⁴¹²
719. Queensland's public health system is made up of the department and 16 independently run Hospital and Health Services (HHSs).⁴¹³ HHSs are governed by Hospital Health Boards (HHBs). Table 6.1 sets out the HHS regions in which each of Queensland's correctional facilities are located:

Table 6.1

Hospital and Health Service (HHS) alignment with QCS correctional centres	
West Moreton HHS	<ul style="list-style-type: none"> • Wolston Correctional Centre (CC) • Brisbane Women's CC • Brisbane CC • Borallon Training and CC • Helena Jones Centre
Metro North HHS	<ul style="list-style-type: none"> • Woodford CC
Metro South HHS	<ul style="list-style-type: none"> • Palen Creek CC • Princess Alexandra Hospital High Secure Unit
Gold Coast HHS	<ul style="list-style-type: none"> • Numinbah CC
Cairns and Hinterland HHS	<ul style="list-style-type: none"> • Lotus Glen CC
Central Queensland HHS	<ul style="list-style-type: none"> • Capricornia CC
Wide Bay HHS	<ul style="list-style-type: none"> • Maryborough CC
Townsville HHS	<ul style="list-style-type: none"> • Townsville CC
Privately run health services	<ul style="list-style-type: none"> • Arthur Gorrie CC • Southern Queensland CC

720. There is no uniform level of service provided across correctional centres.⁴¹⁴ The provision of community-based services when an offender is released will vary depending upon the HHS region in which that offender seeks support.

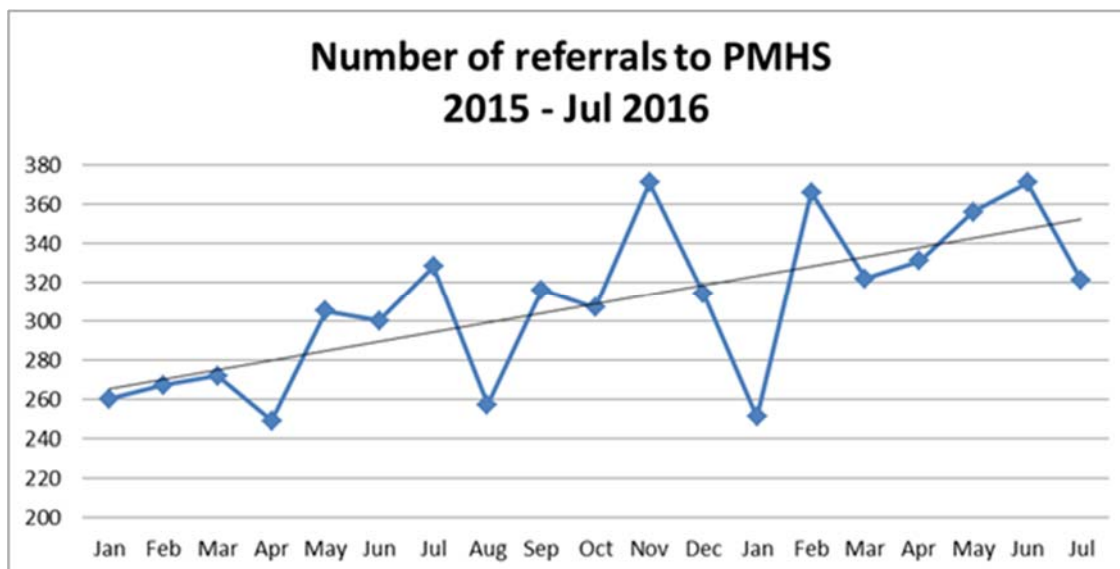
Prison Mental Health Services ⁴¹⁵

721. PMHS plays a significant role in assisting prisoners with mental health needs.⁴¹⁶ PMHS assess, treat and manage prisoners with severe mental illness, or those at risk of developing a severe mental illness. PMHS help to connect patients with community-based mental health services and reintegrate them back into the community leading up to and upon their release. However, only 15 per cent of PMHS clients receive the services of the PMHS Transition Coordination Program.⁴¹⁷ Subject to funding, PMHS also offers an Indigenous Mental Health Worker Program and other therapeutic interventions. PMHS seeks to provide services via a multidisciplinary team that includes psychiatrists, psychologists, nurses, occupational therapists and social workers.

722. Eligibility for PMHS is assessed through the screening of offenders by Offender Health Services (OHS) and QCS upon entry to prison. Prisoners are also referred to PMHS by the Mental Health Court Liaison Service. Some other avenues for referral include community mental health teams, self-referral, family members or by QCS or OHS at any point during a prisoner's time in custody. A thorough mental health assessment detailing a person's mental health needs is not undertaken when a prisoner enters the prison system.

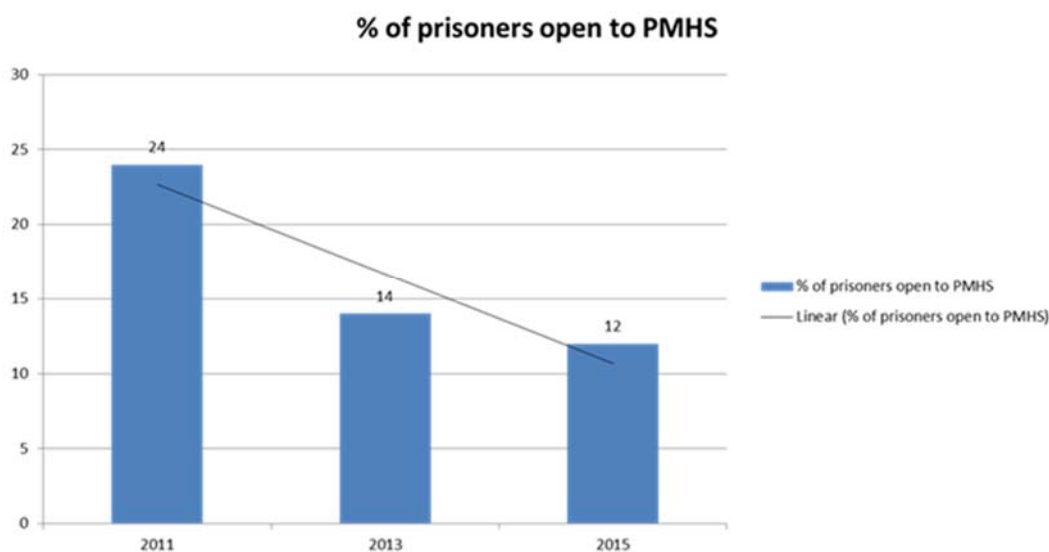
723. If an offender is referred to PMHS, a triage process is then undertaken to prioritise referrals for an intake assessment by PMHS staff. This assessment is more detailed than the initial assessment undertaken upon entering prison and determines where a prisoner is placed on the PMHS waiting list to see a psychiatrist.
724. Queensland Health informed me that where possible, PMHS will also incorporate drug and alcohol assessments into the initial assessment process and deliver psychoeducation and brief interventions. However, with the exception of two dual diagnosis positions located in South East Queensland, PMHS is not funded to deliver targeted drug and alcohol medical interventions. A discussion on substance misuse and the provision of related treatment services will be discussed later in this report.
725. The increase in prisoner numbers has also resulted in an increase in the number of prisoner referrals to PMHS. Figure 6.1 demonstrates this trend, with 3,744 new referrals received between January and December 2015, and an additional 2,318 referrals between January and July 2016.⁴¹⁸

Figure 6.1



726. Many stakeholders have informed me that prisoners are experiencing long waiting lists for mental health services, limited access to services in low security centres, limited access to transitional services and limited services specific to the needs of Aboriginal and Torres Strait Islander prisoners.
727. The proportion of prisoners referred to PMHS who are open clients is decreasing (see Figure 6.2). In the most recent statewide PMHS audit (October 2015), 11.8 per cent of the prison population were deemed to be active clients of the PMHS, with an additional 399 referred patients on the waiting list for intake across the State (see Figure 6.2).⁴¹⁹

Figure 6.2



728. Waiting lists to become an open client of PMHS vary considerably across the State, as demonstrated in Table 6.2.⁴²⁰

Table 6.2: Number and proportion of PMHS consumers by correctional centre (as at October 2015)

Correctional Centre	Waiting list for PMHS	Number of open PMHS consumers	Percentage of open QLD PMHS consumers (%)	Proportion of Correctional Centre population open to PMHS (%)
Arthur Gorrie	51	154	19.6	14.8
Brisbane	57	51	6.5	8.5
Brisbane Women's	48	73	9.3	20.5
Capricornia	13	41	5.2	9.1
Lotus Glen	18	81	10.3	11.7
Maryborough	73	97	12.3	16.5
Southern Queensland	13	42	5.3	11.1
Townsville Men's	17	40	5.1	6.7
Townsville Women's		19	2.4	12.8
Wolston	11	102	13.0	14.3
Woodford	38	87	11.0	7.9
Total	339	787	100	11.8

729. In addition, I was informed by PMHS that due to long waiting lists, some prisoners are released from custody before even being assessed for mental health treatment by

PMHS. The data received by the review team to confirm this was collected by West Moreton PMHS in 2013-2014 for a 7-month period.⁴²¹ It indicated that:

- *Approximately 16 per cent of referred prisoners were released prior to intake by a clinician*
- *Approximately 11 per cent of prisoners were released prior to assessment by a psychiatrist.*

PMHS staffing

730. It appears there is a major deficit in staffing of PMHS.
731. The Sainsbury Centre for Mental Health estimates that 11 full time equivalent staff are required to provide adequate prison mental health services to a standard male prison population of 550 people.⁴²² The recommended staffing ratio should be higher when catering for a prison population of women and/or Aboriginal and Torres Strait Islander people. This is based on both Australian and international research, which suggests that both cohorts are recognised as having significantly high rates of complex needs.⁴²³
732. Based on data provided by Queensland Health, staffing of PMHS across the state is significantly lower than the ratios recommended by the Sainsbury Centre for Mental Health. The current full time equivalent staff per 1,000 prisoners across Queensland is 9.7.⁴²⁴
733. Queensland Health provided a proposed funding model that outlined the need for an increase in PMHS staff across the state to 20 full time equivalent staff per 1,000 prisoners. Because this includes administrative staff, it would still be below the level recommended by the Sainsbury Centre for Mental Health.

Recommendation No. 24

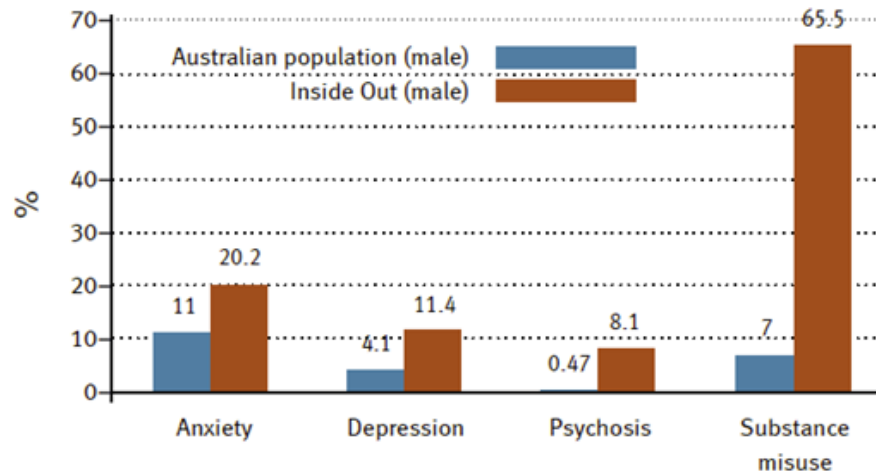
In response to the increased demand for mental health services, in line with the significant increases in prisoner and offender numbers across the State, the Queensland Government should review the resourcing of prison and community forensic mental health services.

Aboriginal and Torres Strait Islander prisoners and mental health

1. In 2012, a report was released by Queensland Health examining the mental health of Aboriginal and Torres Strait Islander people in prison.⁴²⁵ The report found the prevalence of mental health disorders was significantly higher in the Aboriginal and Torres Strait Islander population (referred to as *Inside Out* in the graphs below) when compared to a non-Indigenous population.

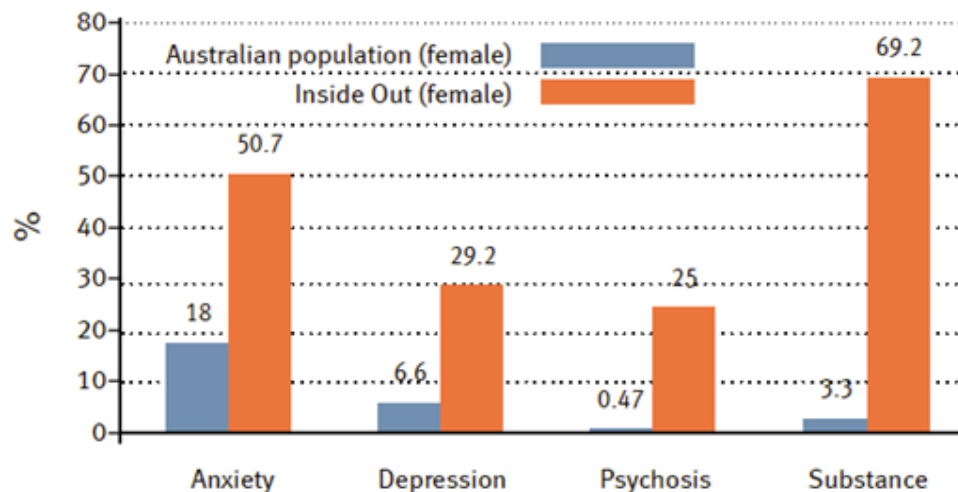
2. As of 2015, Queensland Health advised that 27 per cent of PMHS clients identified as Aboriginal or Torres Strait Islander.⁴²⁶
3. As illustrated in Figure 6.3, the prevalence of anxiety disorders in an Aboriginal and Torres Strait Islander population was two times higher than in the non-Indigenous population, approximately three times higher for depressive disorders, 17 times higher for psychosis and nine times higher for substance misuse.⁴²⁷

Figure 6.3



734. Rates of mental health disorders were also higher in female Aboriginal and Torres Strait Islander people when compared to non-Indigenous females. As per Figure 6.4 below, the prevalence of anxiety disorders was approximately three times higher, four times higher for depressive disorders, 50 times higher for psychotic disorders and 20 times higher for substance use disorders.⁴²⁸

Figure 6.4



Female prisoners and mental health

735. In the course of this review, I attended the Brisbane Women’s Correctional Centre and met with staff and prisoners at the centre, including the General Manager. I also met and discussed the needs of female prisoners with Debbie Kilroy and members of

Sisters Inside, the most prominent advocacy group for female offenders in the correctional system. Significant concerns were raised during my consultations about the problems of mental health and substance misuse for female prisoners.

736. The Queensland Women’s Prisoner Health Survey identified that 60.8 per cent of female prisoners had received treatment or, due to resource constraints, been assessed (but not treated) for a mental illness. The most common mental illnesses experienced by female prisoners are “depression, anxiety and substance dependence”.⁴²⁹
737. Research suggests that there is a strong association between mental illness or substance misuse and a history of physical or sexual abuse.⁴³⁰ The Queensland Women’s Prisoner Health Survey identified 42.5 per cent of female prisoners have been the victim of non-consensual sexual activity before the age of 16. In addition, 37.7 per cent reported being physically or emotionally abused before the age of 16. Furthermore, 61.8 per cent of female prisoners reported having been in at least one violent relationship at some point in their lives.⁴³¹
738. The mental health issues of Aboriginal and Torres Strait Islander people and women in the correctional system are significant and beyond the scope of what I could hope to achieve in the course of this review. Accordingly, while I am unable to make specific recommendations in this area, these are issues that ought to be further reviewed by Government.

Recommendation No. 25

The resourcing and provision of mental health services for Aboriginal and Torres Strait Islander people and women in the correctional system should be reviewed by Government.

Substance Misuse

739. In 2015, a PMHS audit found that 74 per cent of patients were identified as requiring substance use intervention.⁴³²
740. QCS has stated in its submission:

Substance misuse is an important risk factor for recidivism and return to custody, as alcohol and illicit drug use are significant independent predictors of self-reported criminal activity and re-incarceration of parolees. Supporting offenders to abstain and/or reduce use of addictive substances is therefore a significant component of desistance from offending.

There is also significant empirical evidence that suggests high rates of co-occurring substance use disorder and mental disorder increase the risk of contact with the criminal justice system through poor psychosocial functioning. This is consistent with suggestions that offenders with mental disorders are poorly integrated into the community leading to an over-

*representation in the criminal justice system. Furthermore problematic substance use has been associated with earlier onset of psychosis.*⁴³³

741. I understand that Queensland Health undertakes some form of paper-based screening process and provides symptomatic relief as required, however there is no integration with the referral process for substance misuse treatment by QCS. QCS has submitted that, ideally, a screening assessment would be administered on admission to every prisoner to prioritise intervention, even short term intervention, and that this would ensure referrals are undertaken as soon as practicable.⁴³⁴ I agree with this submission.
742. Notwithstanding the need for more intensive rehabilitation, as I have outlined earlier in this report, prisoners serving less than 12 months in custody are not assessed for their treatment needs, nor is a rehabilitation plan completed. QCS advised that, in general, prisoners serving short sentences in custody are assessed only for withdrawal issues and they are not prioritised for any rehabilitation to address substance misuse.⁴³⁵
743. Given the prevalence of substance misuse in the incarcerated population, and in those under the supervision of the Probation and Parole Service, it is imperative that government dedicate the resources to increase the delivery of rehabilitation programs to all prisoners and offenders under supervision, including those on short sentences.

Recommendation No. 26

Queensland Corrective Services and Queensland Health should jointly develop a plan for the administration of a screening assessment for all prisoners on admission to prioritise substance misuse rehabilitation, especially for those prisoners with short sentences.

Aboriginal and Torres Strait Islanders and substance misuse

744. The *Inside Out* study found that for 70.9 per cent of Aboriginal and Torres Strait Islander offenders, drugs were a contributing factor to their offence.⁴³⁶ Furthermore, 42.9 per cent of offences were to support drug use, with 60 percent of participants admitting to offending in the past to support their drug use.⁴³⁷ This coincides with data from the Australian Institute of Health and Welfare (AIHW), which suggests that 54 per cent of Indigenous prisoners report risky drinking compared to 33 per cent of non-Indigenous offenders.⁴³⁸
745. For Aboriginal and Torres Strait Islander prisoners and offenders, I am advised that QCS has three specific programs:
- a. the Positive Futures Program, of six to eight weeks duration that focuses on substance misuse and family violence
 - b. the Sex Offender Program for Indigenous Males

- c. the Indigenous Leadership Program (delivered by the Bindal Sharks in Townsville).
746. Given the significant overrepresentation of Aboriginal and Torres Strait Islander people in custody, it is surprising to note the relatively small number of completions of these programs. In 2015-16, there were 401 completions of Positive Futures, 128 completions of the Indigenous Leadership Program and 27 completions of the Sex Offender Program for Indigenous Males. I am advised though, Aboriginal and Torres Strait Islander prisoners and offenders may also participate in all other programs delivered by QCS. However, considering Aboriginal and Torres Strait Islanders comprise over 30 per cent of the 8,000 or more prisoners in custody, the resourcing and availability to deliver these culturally sensitive programs must be improved.⁴³⁹
747. I also encourage the development of new interventions for Aboriginal and Torres Strait Islander offenders, but caution that such interventions must be carefully developed and evaluated, as must those already in use. To do this, QCS requires the resources and expertise to improve the rehabilitation available for Aboriginal and Torres Strait Islander people.
748. Programs must be developed with the expertise of Aboriginal and Torres Strait Islander people and every effort must be made to increase the delivery of rehabilitation by Aboriginal and Torres Strait Islander people, both in custody and in the community with Probation and Parole, in consultation with the communities and the non-governmental sector.

Recommendation No. 27

Queensland Corrective Services should increase delivery and should develop new rehabilitation programs specifically designed for Aboriginal and Torres Strait Islander people, by Aboriginal and Torres Strait Islander people.

Substance misuse programs and resourcing

749. There are a range of cognitive behavioural rehabilitation programs available to prisoners and offenders to address substance misuse in QCS.⁴⁴⁰ The programs are provided through multiple entry points in recognition that relapse is common and may occur at various points through a sentence or order. QCS advised that the rehabilitation offered to prisoners and offenders is a starting point. Many prisoners and offenders may require ongoing treatment in the community.
750. As noted earlier, QCS has submitted that it provides “a mix of short, low intensity and higher intensity programs are delivered to offenders, at a level dictated by available staffing and funding allocations”.⁴⁴¹
751. As prisoner numbers have continued to increase, the staffing and budget allocations for the delivery of rehabilitation programs, including substance misuse, have come

under increasing strain.⁴⁴² QCS advised that “there has been no growth in offender program staff since 2012 despite an increase in prisoner numbers of over 38 per cent and 30 per cent growth in offender numbers in the community”. For example, QCS advised that the funding made available for the delivery of low intensity substance misuse interventions by non-governmental providers in 2012-13 was \$300,000.⁴⁴³

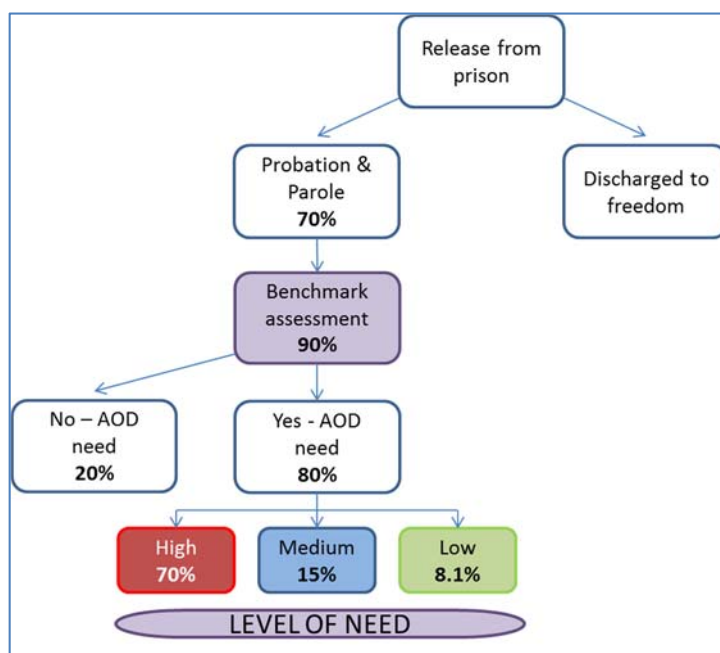
752. In contrast, New South Wales has recently dedicated a significant funding package of \$237 million over four years for improvements to case management, rehabilitation and re-entry services.

Recommendation No. 28

Queensland Corrective Services should provide substance misuse rehabilitation to all prisoners and offenders as required in accordance with their assessed risk and need.

Substance misuse program delivery

753. The substance misuse programs delivered are outlined in Appendix 12, but include:
- a. Pathways High Intensity Substance Abuse Program (six months, delivered in custody only)
 - b. Pathways Challenge to Change Program (10 to 11 weeks, delivered in custody only)
 - c. Positive Futures Program (six to eight weeks, delivered in custody and in the community)
 - d. Low Intensity Substance Intervention (16 to 24 hours, delivered in custody and in the community)
 - e. Short Substance Intervention (eight hours, delivered in custody and in the community).
754. QCS submitted that there were 1,709 completions of substance misuse programs in the correctional system in 2015-16.⁴⁴⁴
755. QCS has estimated, based on the results of the Benchmark Assessment in the Probation and Parole Service,⁴⁴⁵ that approximately 5,000 prisoners were released from custody in 2015-16 with a high rehabilitation need for substance misuse. Figure 6.5, below, shows how this need was determined.

Figure 6.5 – Benchmark assessed substance misuse needs⁴⁴⁶

756. QCS submitted that there is a notable disparity between the level of rehabilitation for substance misuse that is needed and what is delivered, both in custody and in the community.⁴⁴⁷ Generally speaking, the majority of services delivered in Queensland are low intensity, while the majority of the released prisoners were identified as having a high need, which would require more intensive intervention (Appendix 14).
757. A jurisdictional scan of rehabilitation types and treatment episodes with prisoners and offenders, which was compiled by the AIHW is provided at Appendix 15.⁴⁴⁸ This shows that when compared to other jurisdictions, especially New South Wales and Victoria, Queensland’s substance misuse intervention is disproportionately skewed towards lower intensity interventions.⁴⁴⁹

Recommendation No. 29

Queensland Corrective Services should increase the number of high intensity substance misuse programs available to prisoners.

758. Whilst the high needs of the incarcerated population could be addressed by increasing the resources for high intensity programs like Pathways, there is no equivalent means readily available to address those offenders under community supervision with a high need.⁴⁵⁰
759. QCS, in consultation with the Queensland Network of Alcohol and other Drug Agencies (QNADA), identified that there is very limited availability of places at rehabilitation centres in Queensland and that these centres “consistently run at capacity and there are frequently waiting periods of one month or more, depending on location”.⁴⁵¹

760. QCS submitted that I should consider a recommendation that Queensland implement a brokerage model for the delivery of substance misuse intervention in the community.⁴⁵²
761. The Community Offender Advice and Treatment Services (COATS) is delivered in Victoria,⁴⁵³ dually funded by corrections and the health department (50 per cent each). The COATS model commenced in 1997 to provide for a statewide service for the assessment, referral, treatment planning and brokerage of substance misuse and other forensic treatment services.⁴⁵⁴ The dual funding arrangement also mandates that 25 per cent of the available drug and alcohol services must be allocated for intervention with offenders under the supervision of Corrections Victoria. QCS advised that:

*All prisoners approaching release, and any new probation and parole orders (in Victoria this equates to approximately 16,000 referrals per year) have access to this service. COATS includes a referral pathway for offenders who, in addition to substance abuse issues, have identified mental health concerns. This pathway includes conducting forensic dual diagnosis screening and assessments to ensure referral to an appropriate treatment service.*⁴⁵⁵

762. The EY report I referred to earlier, noted that significant investment is required in Queensland to grow the non-governmental sector that would be responsible for the delivery of interventions in the community.⁴⁵⁶ I am advised that in response to this recommendation, QCS has commenced planning to develop a co-designed service for the delivery of low and moderate intensity substance misuse programs with the non-governmental sector in 2017. The co-design process is outlined in the following chapter concerning re-entry programs. This is an important first step in growing the services needed in the community to support rehabilitation and improve community safety.

Recommendation No. 30

The Government should consider whether it would be appropriate to implement a brokerage model like COATS, to address the significant treatment service gaps for offenders in the community.

Opioid substitution treatment

763. QCS submitted that medicines like buprenorphine are an effective means of reducing heroin use.⁴⁵⁷ As a principle, if a medication is an effective means of addressing an illness, then it should be made available to those who require it. Unfortunately, for prisoners in Queensland who misuse opiates like heroin, many are unable to access this treatment. This is of particular concern and I am unsure why it is yet to be implemented in Queensland.
764. In 2007, a Coronial Inquiry into the death of a prisoner from an opioid overdose recommended “that as a matter of urgency, the Department of Correctional Services establish opioid dependence pharmacotherapy programs utilising methadone and

buprenorphine.”⁴⁵⁸ That recommendation was made nine years ago. Opioid substitution treatment is still only available to a limited number of prisoners in Queensland and there are no opioid substitution treatment programs in the majority of Queensland’s men’s prisons.

765. Where it is available in a men’s prison, it is only offered on an ad-hoc basis.⁴⁵⁹ QCS advised that as of May 2016, there were only 20 female prisoners accessing opioid substitution treatment in Queensland.
766. In contrast to Queensland, opioid substitution treatment is widely available across Australia as summarised in Appendix 16.
767. QCS has advised that to be eligible for opioid substitution treatment in Queensland, prisoners must be:
- serving a sentence of less than 12 months; and
 - have been on a community opioid treatment program at the time of incarceration and/or
 - prisoners who are pregnant and opioid dependent.⁴⁶⁰
768. Many stakeholders have submitted that opioid substitution treatment needs to be introduced to all Queensland prisons for all prisoners who need it.⁴⁶¹ I understand that whilst there is general agreement as to the benefits of implementing opioid substitution treatment in all prisons, a decision as to implementation has not yet been made by government.
769. I support the implementation of an opioid substitution treatment program in all Queensland prisons.

Recommendation No. 31

Insofar as it is necessary for a further recommendation to be made about this matter, Queensland Corrective Services and Queensland Health should together introduce an opioid substitution treatment program into all Queensland prisons.

Conclusion

770. I have made many recommendations in this chapter concerned with improving and increasing the delivery of rehabilitation programs and services by QCS both in custody and on parole. The purpose of those recommendations is to endeavour to enhance community safety by increasing offenders’ successful completion of parole and reintegration into the community. For QCS to be able to implement these recommendations, it will need to be appropriately funded. However, the long-term aim is to reduce the cost to the community of the correctional system by reducing re-offending.

7. Re-entry services

Introduction

771. Through the process of this review I have had the opportunity to speak with many stakeholders involved with prisoners on release from custody. A common thread in such conversations has been the real difficulty prisoners have when they seek to reintegrate into the community.
772. Re-entry services are aimed at assisting prisoners “to desist from re-offending, to succeed on parole and thus remain out of custody for as long as possible”.⁴⁶² To achieve this, reintegration programs must be responsive to the multiple factors that can influence behaviour change. Generally, these services focus on practical ways to reduce re-offending by assisting prisoners to secure stable accommodation, address substance abuse needs, develop social supports, improve their education and gain employment.⁴⁶³
773. For correctional services, success on re-entry to the community is about lowering the risk of a return to crime.⁴⁶⁴ As explored in a later part of this report, the first six months after release is a crucial period for offenders under supervision.⁴⁶⁵ This is when offenders are most likely to fail, either by committing new crimes, or deteriorating under supervision to the extent that their order is suspended and they are returned to prison. Understandably, prisoner reintegration has become a serious question of policy for correctional services.⁴⁶⁶
774. When a prisoner returns to the community they may have nothing but the clothes they come to prison in, a small amount of money they earned in custody and the emergency payment they receive from Centrelink. I am informed this is a common picture. There are certainly exceptions, with support from family and friends, some offenders are able to navigate this difficult period with success.⁴⁶⁷ But arguably, without appropriate support, it is not a picture that ends with success.
775. Since 2008, QCS has offered dedicated re-entry services to prisoners throughout the State.⁴⁶⁸ However, I am advised that informal arrangements to support reintegration commenced much earlier. An overview is provided at Appendix 17. Funding for the dedicated service was a shared arrangement, with QCS receiving federal funding under the National Partnership Agreement for Homelessness (NPAH). The former service model comprised three separate contracted services: Offender Reintegration Support Service, Pathways2Employment and Supported Parole Program (OzCare). QCS staff located in correctional centres provided transitional support. In 2015-16, 4,038 prisoners received support under this service model.⁴⁶⁹
776. In August 2015, QCS commenced a project to review, design and implement new prisoner re-entry services to improve support for prisoners transitioning from prison to the community.⁴⁷⁰ QCS has advised that the review of the service delivery model found high degrees of duplication across the various programs, with the growth in prisoner numbers leaving staff and services heavily over-subscribed.

777. With new funding approved by government, QCS has designed and delivered a new suite of re-entry services.⁴⁷¹ The new services were procured on a regional basis and became available across the State in the 2016-17 financial year. They include:
- (a) a regionally based re-entry service, CREST;
 - (b) centre-based services for Borallon Training and Correctional Centre, designed in collaboration between government and non-government organisation (NGO) service agencies; and
 - (c) a specific service for female prisoners in South East Queensland, MARA, also designed in collaboration between government and NGO service agencies.
778. Comparisons between the current and former re-entry services are provided at Appendix 18 and 19 and an overview at Appendix 20.

Co-designed services

779. A new process, 'co-design', was used for the development of the services at Borallon and the MARA services for female prisoners in South East Queensland.⁴⁷² Co-design differs from the approach previously used by QCS for the contracting of offender services.⁴⁷³ Typically the contract process involves government seeking expressions of interest and tenders for the delivery of services that are pre-determined by government, for a set contract amount. The review of QCS Intervention and Rehabilitation Services completed by EY⁴⁷⁴ identified that this approach did not deliver quality services, was not value for money and did not get the best outcomes.⁴⁷⁵
780. With co-design, the users of services (female prisoners and offenders) and community organisations working with female offenders were engaged through a joint design process with government agencies prior to the tendering process. Co-design approaches implemented in Queensland are similar to service development that has been undertaken in the United Kingdom recently.⁴⁷⁶ EY observed,⁴⁷⁷

Service integration cannot happen without funding reform, and the research shows that programs with the most potential for supporting clients with very complex needs have both pooled funding locally and created incentives for providers and services to work together towards a shared outcome. Allowing providers to take a 'black box' approach enables a high degree of flexibility to tailor services to the client's particular needs. The Transforming Rehabilitation Program in the UK emphasises this.

781. As the services have only been in place since July 2016 it is too early to assess their effectiveness.

CREST – Regionally based re-entry service

782. The regionally based re-entry service, CREST, operates in Far Northern Region, Northern region (separate services for men and women), Central, North Coast regions and South-East Queensland (Appendix 21).⁴⁷⁸ The service includes three streams of

service, namely in-prison information and referral services, pre- and post-release case management for high-risk offenders and a new crisis support service for up to six months post release for high risk offenders. All prisoners are eligible to access the in-prison information and referral service from service providers who are co-located within the correctional centres. This stream does not provide case management and is designed to empower prisoners to complete tasks for themselves.

Borallon Training and Correctional Centre

783. At the Borallon Training and Correctional Centre, a specialty service delivery model was developed in alignment with the unique operation of the facility.⁴⁷⁹ The service places a strong focus on education and employment pathways, and includes housing, psychological support and culturally appropriate services. A summary of the services at Borallon is provided at Appendix 21.

MARA – South East Queensland female prisoner re-entry service

784. To address the significant increases in prisoner numbers in South East Queensland female correctional facilities, additional funding of \$1 million per annum was approved from 2016-17 to implement a new purpose built, gender specific female re-entry service, MARA (Appendix 21).⁴⁸⁰ QCS submit that female offenders require tailored programs and services that address gender-specific needs in a range of areas such as health, children and family, and housing. Research also identifies a higher level of trauma and victimisation in the histories of female offenders which has links to both mental health needs and substance abuse.⁴⁸¹
785. For the MARA service, the new service design is expected to assist female prisoners to be successful on parole by prioritising “reconnection with children, stability of accommodation, support for victims of domestic violence, mental health support and gender focused substance abuse intervention”.⁴⁸² In response to the research indicating the prevalence of trauma for female offenders, trauma informed practices and coaching in navigating complex social service systems are key features of the MARA service. The service is being delivered at the Brisbane Women’s Correctional Centre, Numinbah Correctional Centre, Helana Jones Centre, and probation and parole offices in South East Queensland.

Non-QCS re-entry services

Queensland Health

786. Re-entry services are also provided through Queensland Health’s Prison Mental Health Service (PMHS) for prisoners receiving support from that service.⁴⁸³ There are five PMHS across the state currently and each service is affiliated with a different NGO for transition support services. However, only 15 per cent of PMHS clients are being offered this service.⁴⁸⁴ This is discussed in more detail Chapter 6. Refer to Appendix 22 for a table that details the service delivery sites.

787. Female Aboriginal and Torres Strait Islander prisoners at Brisbane Women's Correctional Centre can also access the Indigenous Mental Health Intervention Program (IMIHP) while in custody, with a related transitional support program that continues into the community.⁴⁸⁵

Aboriginal and Torres Strait Islander Legal Service

788. The Aboriginal and Torres Strait Islander Legal Service (ATSILS) offers a specialised service for a small number of clients per annum.⁴⁸⁶ The service is separate from the re-entry services delivered by QCS. The service is targeted towards prisoners identified to be high risk of reoffending, with case workers providing pre and post release support for approximately six months. While ATSILS is a good and important service, it only services 20 parolees per year (six to eight at any one time).⁴⁸⁷ This is a significant issue and more needs to be done to increase the number of services available for Aboriginal and Torres Strait Island people.

Interstate comparison

789. As part of the consultation phase of my review, I have had the opportunity to examine the practices in Victoria, where the government has invested significantly into the operations in corrections following the review of the parole system by the Hon Ian Callinan AC.⁴⁸⁸
790. Corrections Victoria offers a reintegration pathway that targets seven key domains, namely housing, employment, education and training, independent living skills, mental health, alcohol and drugs and family connectedness.⁴⁸⁹ Unlike Queensland, in Victoria there are referrals to relevant agencies and services to assist prisoners according to their needs in each domain.
791. The key points⁴⁹⁰ are:
- (a) prisoners are triaged on reception to identify any immediate needs, such as housing arrangements that need to be ceased upon incarceration;
 - (b) remandees and prisoners with sentences longer than 18 months have a case planning assessment to structure their support requirements;
 - (c) a pre-release program called ReGroup is offered to all prisoners, either immediately for short sentences, or 18 months prior to release for longer sentences;
 - (d) a separate but complementary program, ReLink, is provided by an NGO service provider for priority groups, including women, Aboriginal and Torres Strait Islander people, and longer sentenced prisoners;
 - (e) ReConnect⁴⁹¹ provides targeted post-release support for up to four weeks, or up to 12 months, post release for high needs prisoners including sexual and violent offenders, women, and Aboriginal and Torres Strait Islander people;

- (f) a special program for remandees, Remand Release Assistance Program, is administered for prisoners discharged from court, providing important referral information at that critical time.⁴⁹²

792. I have mentioned earlier in this report that Corrective Services New South Wales has received a significant funding injection of \$237 million over four years to target reductions in reoffending.⁴⁹³ The Acting Commissioner has advised that New South Wales has included new initiatives to improve re-entry services and funding has been directed to:

- (a) increasing participation for prisoners in their NEXUS enhanced pre-release program;
- (b) using social impact investment to work with the non-governmental sector to provide greater support for prisoners with complex needs; and
- (c) expanding mentoring and increasing intensive support for high risk parolees exiting custody.

Summary observations

793. The new re-entry services in Queensland represent a significant improvement on the previous service, which was heavily over-prescribed and underfunded.
794. The co-design approach appears to have yielded significant improvement in the service design, which has also improved the process of contracting for these services. I consider this feature particularly important when examining other service improvements in QCS; for example, rehabilitation programs.
795. Having engaged directly with some service providers, I understand this is a new service and improvements may be required in the future. I have previously foreshadowed that there is no lack of will among QCS or its dedicated service providers. The staff believe in what they are doing, but as with most government services, the benefits may not be fully realised because of a lack of resources. For this reason, it may be beneficial to undertake a short-term evaluation of the program after its first year of operation to ensure appropriate resources are dedicated to such an important activity.
796. While there are similarities between the Victorian model and the new re-entry services proposed in Queensland, the service to assist remandees who are discharged at short notice is an important feature lacking in Queensland. As I have outlined in Chapter 3, the remand prisoner population in Queensland is significant, yet they do not receive intervention or dedicated re-entry services and the other services provided are limited. I consider this is an important aspect that must be examined further by government.

Recommendation No. 32

The Government should undertake a short-term evaluation of Queensland Corrective Services' redesigned re-entry service after 12 months of implementation, with a further review prior to the contract renewal period.

Recommendation No. 33

Queensland Corrective Services should expand its re-entry services to ensure that all prisoners have access to the services, including specialty services to assist remandees and short sentenced prisoners.

Housing

797. Notwithstanding the efforts made to improve re-entry services, it is impossible not to reach the conclusion that housing availability for prisoners reintegrating to the community is a significant issue.⁴⁹⁴ NGO service providers, stakeholders, prisoner advocacy groups and QCS submitted that housing availability is a critical issue for prisoners leaving custody.
798. I grew very concerned when discussing this matter with the General Manager of the Brisbane Women's Correctional Centre, who identified a number of female prisoners at that centre who are held on remand, or refused parole, for want of accommodation⁴⁹⁵. This is an issue that must be examined by government.
799. In 2015, QCS commissioned EY⁴⁹⁶ to examine current processes, issues and opportunities to improve the way QCS contracted for intervention and rehabilitation services. The report acknowledged that first and foremost, people need stable, permanent housing. This coincides with international research which suggests that stable housing is a precondition to the success of other positive life outcomes relating to health, relationships, education, employment and finally, desistance from crime.
800. In another Australian report, a strong association was found between being homeless and returning to prison. A transitory lifestyle was also associated with problematic substance misuse, which was found to be strongly correlated to reoffending.⁴⁹⁷ Not surprisingly, the report found a strong association between stable, long-term housing and staying out of prison.⁴⁹⁸
801. While I note the valuable contribution that Brisbane's crisis accommodation makes to the lives of people who would otherwise be homeless, short-term accommodation must only be seen as a temporary measure. In the various meetings I had with stakeholders, it has become clear to me that more needs to be done to ensure parolees have greater access to long-term housing options.
802. While it is beyond the scope of this review to consider how this could be achieved, some issues were raised with me during consultation that I wish to note in this report. I am doing this in the hope that it will pre-empt further discussion on the importance of ensuring suitable, long-term accommodation for parolees.

803. Due to the high demand for social housing, the Department of Housing and Public Works (DHPW) submitted that they are not able to 'hold' a house for an individual who requires accommodation upon release.⁴⁹⁹ In addition to this, eligibility for social housing is determined based on the current need of an applicant. It would therefore be pointless for a prisoner in custody to apply for social housing (refer to Appendix 23 for reasons prisoners seek assistance).
804. It seems then, if a prisoner wishes to apply for social housing, he or she will have to wait until release from custody. This is problematic for two reasons. The first is that there are offenders who are being denied parole because they cannot find suitable accommodation. The second problem is that even when a prisoner is released from custody, there is an average waiting list for social housing of 7.8 months.⁵⁰⁰
805. In addition to the above challenges, I am advised that any past housing debts an individual has owing to the Queensland Government must be repaid before an individual is eligible for further assistance from DHPW. While it is beyond the scope of this review to consider this any further, I note findings from the *Ex-prisoners and accommodation* report, which found that of those participants with a debt, 30 per cent had a debt with Department of Housing, and 63 per cent of these people returned to prison, compared with 45 per cent of those with other forms of debt.⁵⁰¹ I wonder if the debts to the government are less than the cost of imprisoning the debtors. This is a revival of the debtors' prison.
806. As has been the case throughout this report, I also wish to note the specific needs of some of Queensland's most marginalised populations. Research has found that upon leaving prison, Aboriginal and Torres Strait Islander people, followed by single parents (in both instances, particularly women) have the most difficulty in finding suitable accommodation. This makes both groups particularly vulnerable to homelessness and reimprisonment.⁵⁰²

Recommendation No. 34

An intergovernmental taskforce, with representation from the Department of Housing and Public Works, Queensland Corrective Services and the Department of Premier and Cabinet, should be established to examine the issue of the availability of suitable long-term accommodation for prisoners and parolees.

8. Parole board

Introduction

807. At present, three parole boards operate in Queensland. The Queensland Parole Board⁵⁰³ (the Queensland board) decides applications for parole orders from prisoners who have been sentenced to a period of imprisonment of 8 years or more or have been declared to be Serious Violent Offenders.⁵⁰⁴ Two regional parole boards, the Central and Northern Queensland Regional Parole Board (the Central board) and the Southern Queensland Regional Parole Board (the Southern board),⁵⁰⁵ decide applications for parole orders from all other prisoners.⁵⁰⁶ Each regional board hears the applications from the prisons in that board's geographic region.
808. Each board also considers subsequent issues that arise with respect to the parole orders that it has made, such as whether the conditions of the parole order should be varied or whether the parole order should be cancelled or revoked. In addition, the regional boards consider such issues when they arise with respect to a court ordered parole order, including the grant of parole where a court ordered parole order is cancelled.⁵⁰⁷
809. The *Corrective Services Act 2006* provided for the two regional boards to come into existence at the time of commencement. Although the *Corrective Services Act 2006* allows for regional boards to be abolished and established by regulation,⁵⁰⁸ no changes have been made to the division of the State into the two regions that were created at the inception of the *Corrective Services Act 2006*.
810. Together with members of the team that have assisted me in this review, I attended several meetings of the boards in Queensland. We have reviewed many recent parole board files. We have considered a number of judgments of the Supreme Court of Queensland on applications for judicial review of decisions made by the boards. We have interviewed current and former members of the parole boards in Queensland and spoken to researchers and clinicians with experience in actuarial risk assessment and the treatment and management of offenders. I have received many submissions as to the operation of the parole boards in Queensland from groups and people with a diverse range of experiences with the parole system. I have also compared the Queensland system with the systems in other Australian jurisdictions. That comparison included attending sittings of the Victorian Adult Parole Board and the New South Wales State Parole Authority and speaking to members of each of those authorities.
811. Consideration of all of this information has led me to the conclusion that the present system in Queensland can be substantially improved.
812. The members of the boards in Queensland that I observed were diligent, conscientious and well-intentioned. What I say in this chapter is not a criticism of any of them. Rather, it is apparent that there are systemic deficiencies in the operation of the parole boards in Queensland.

813. The material provided to a member of a board in Queensland in advance of each meeting is typically voluminous, unstructured, unindexed, unsearchable and compiled without careful consideration as to what information is necessary for the board in making its decision. The workload for each board meeting is so heavy that it presents a serious impediment both to proper preparation by each member in advance of the meeting and also to there being adequate time for consideration of matters during the meeting. The boards cannot make decisions in a timely way. The process of decision-making appeared to be unstructured and not always approached by the whole board on an informed basis. The present requirements as to composition of the boards, remuneration of the members and the quality and form of information provided have led to this.
814. The most important priority for the parole board in making its decisions is the safety of the community. The task of a modern parole board is not simple. It involves complex decision-making and requires an understanding of actuarial tools and case management of offenders for the benefit and protection of the community. An adequately funded Probation and Parole service would be able to utilise the best evidence-based approaches and tools available to modern corrections to provide useful and sophisticated information to a parole board about a prisoner, and the risks to the community that the prisoner represents. The parole board, in turn, must have the technical understanding and sophistication necessary to properly consider and evaluate that information. This requires professionalism.
815. To ensure the safety of the community in Queensland, and the proper and efficient operation of the parole system in Queensland, the parole board should be modernised and professionalised.
816. The recommendations that I set out in this chapter are intended to achieve that end and thereby ensure the protection of the community in the future.

The current operation of the parole boards in Queensland

Members of the boards

817. The *Corrective Services Act 2006* provides for a single president common to all of the boards.⁵⁰⁹ There has been only one President since the commencement of the *Corrective Services Act 2006* ten years ago.
818. Each board has its own deputy president⁵¹⁰ and a public service officer employed by QCS who is nominated to the relevant board by the chief executive⁵¹¹. The *Corrective Services Act 2006* requires that an additional five members be appointed to the Queensland board.⁵¹² There is no fixed number of members that must be appointed to the regional boards.⁵¹³
819. As at September 2016, an additional 29 members had been appointed as members available to both the Central board and the Southern board. No member had been

- appointed only to one regional board but not the other. Two of the members appointed to the regional boards had also been appointed to the Queensland board.
820. The *Corrective Services Act 2006* requires that the membership of each board must be comprised of least one member who is an Aboriginal or Torres Strait Islander person, at least one member who is a doctor or psychologist and at least two members who are women.⁵¹⁴
821. Members are appointed for terms of up to three years⁵¹⁵ but can be removed by the Governor in Council.⁵¹⁶ The legislation presently provides that certain people are disqualified from being members of the boards, including a person who is a public service officer (other than a doctor or the QCS nominee), a sitting judge or magistrate, and a person appointed or employed under the *Crime and Corruption Act 2001*, the *Director of Public Prosecutions Act 1984* or the *Police Service Administration Act 1990*.⁵¹⁷
822. The quorum for a meeting of each board is four members.⁵¹⁸ However, in practice, each meeting of each board is typically constituted by seven or eight members, including the QCS nominee and the President or a deputy president.
823. The President's position is full-time. Except for the President and the QCS nominee, all other members of the boards, including the deputy presidents, are sessional members. The sessional members are paid an amount per session that they attend.
824. The President is an appointed Senior Executive (Level 2.5) and is paid an annual salary (as at 26 August 2016) of \$212,795 per annum including superannuation and leave loading.
825. The sessional members are paid in accordance with the Department of the Premier and Cabinet's revised remuneration procedures approved on 24 February 2014.⁵¹⁹ Under the revised procedure, until such time as determined by the relevant Minister, members of boards continue to be remunerated at rates set out in the *Remuneration for Part-Time Chairs and Members of Government Boards, Committees and Statutory Authorities* approved by the Governor-in-Council on 4 October 2007. No determination has been made for members of the parole boards to be paid other than in accordance with the 2007 policy.
826. An ordinary member of the Queensland board is paid \$759 per meeting and an ordinary member of the regional boards is paid \$543 per meeting, assuming the meeting lasts for longer than four hours. If a meeting lasts for any less than four hours, the amount paid to the member is halved. A chair of the Queensland board (assuming the chair is not the President) is paid \$978 per meeting and the chair of one of the regional boards is paid \$759 per meeting (assuming the meeting lasts for longer than four hours).
827. In 2015-16, \$138,923 was spent on members' sitting fees for meetings of the Queensland board. This amount excludes the President's salary but includes chair fees paid whenever the President was absent, and another member chaired the meeting.

\$406,447 was paid for meeting fees over the same period across the two regional parole boards.

828. There is no separate reading fee paid to members of the boards. Estimates given by current board members as to the amount of time required for reading before a meeting varied between 5 hours and at least a day. A meeting of the Queensland board would typically consider more than 50 matters of varying complexity. The workload for each regional board is higher and typically at least 80 matters are considered at each meeting.⁵²⁰ Having regard to the volume of material and the issues involved, I would expect that proper preparation by a member for each meeting is likely to require at least a day of reading and consideration.

Parole board premises, staff and technology

829. The parole boards are supported by a secretariat of 32 public service officers. The secretariat includes a Director and public service officers who represent the Chief Executive, Department of Justice and Attorney-General. The *Corrective Services Act 2006* provides for each board to have a secretary appointed by the Chief Executive.⁵²¹ The Chief Executive has delegated that power of appointment to a few people that include the Commissioner of QCS and the Director of the Parole Board Secretariat.⁵²²
830. The parole boards have offices in Brisbane and in Townsville. The office in Brisbane is co-located with the Secretariat. There is only one meeting room available at each office. Each board holds at least one meeting in person, or by videoconference, each week in one of the meeting rooms. The Queensland board and the Southern board meet at the Brisbane office. The Central board meets at the Townsville office. Where the need to consider urgent matters arise, the board will hold 'Board Out of Session Teleconferences'.
831. The current Deputy President of the Central board is based in Townsville and she primarily chairs the meetings of that board although, occasionally, the President travels to Townsville to chair the meeting. All of the sessional members of the Queensland board are based in Brisbane. Only five of the sessional members of the regional boards are based outside of Brisbane. The boards make extensive use of videoconferencing so as to have members attend from around the State.
832. Until a few years ago, hard copies of the files for a meeting would be delivered to each board member scheduled to sit in advance of the meeting. In more recent years, board members have received the files on iPads. However, each file is delivered as a single pdf document that is not searchable or bookmarked and has no electronic table of contents. The contents of a file does not appear to be uniform. It appears that the Secretariat produces each pdf document by printing certain documents and information stored in IOMS, hand numbering the pages of the printouts (for some reason, commencing from the last page in the file) and then scanning those pages into a single pdf document. A single file is maintained for each correctional episode.⁵²³ The consequence is that as each new document is received, it is simply added to the front of the file and the hand numbering continues.

833. There is no re-ordering or reconsideration of the documents in the file when a new document is received. The parole board receives the entire file on each occasion that it considers a matter in relation to the prisoner. The file may contain multiple copies of the same document. On some occasions, it may not contain any copies of a relevant document. Documents do not appear in the file in a fixed order. In some files, the last document in the file (and therefore the first document that will be seen by a board member) will be the Parole Board Report. In other files, further documents have been added after the Parole Board Report and the Report will be somewhere in the middle of the file. Some documents, such as submissions from victims, are not as a matter of practice included in the hand-numbered file.⁵²⁴ They are saved as separate pdf files.

Process for parole application

834. Applications for parole can be made once the offender has reached the “parole eligibility date”. For the great majority of offenders, parole eligibility is governed by section 184 of the *Corrective Services Act 2006*, which provides that eligibility commences on the day after the offender has served 50 per cent of a custodial sentence or on the day fixed as the parole eligibility date by the sentencing court. Otherwise, sections 181 to 183 of the *Corrective Services Act 2006* define parole eligibility dates for certain serious offences such as murder.
835. The parole application process begins when an offender submits an application to Sentence Management Services at the correctional facility.⁵²⁵
836. An offender may lodge an application six months or 180 days prior to the parole eligibility date. Once received, the Parole Board has 180 days within which to determine the application; or 210 days, if the Parole Board defers the decision further information.⁵²⁶ The statutory deadlines are not always met. Queensland Treasury in collaboration with Queensland Corrective Services, in an Options Paper dated 7 September 2015, observed that “[d]eadline non-compliance is highest for the Queensland Parole Board, followed by the Central and Northern Boards and then the Southern Boards, reflecting the complexity of matters dealt with by the Queensland Parole Board.”⁵²⁷
837. In Tasmania⁵²⁸, New Zealand⁵²⁹, and in the case of some offences in South Australia if the head sentence is between 12 months and five years⁵³⁰ parole is considered automatically. That is not the case in the other Australian jurisdictions. It had been the practice in Victoria before the review by Mr Callinan. Mr Callinan recommended that prisoners be required to apply for parole rather than having their eligibility for parole considered automatically at the time when they become eligible for parole.⁵³¹ In my view, the current system in Queensland which requires offenders to apply for parole should be retained. The requirement to apply for parole attaches an element of significance to that step and underscores in the mind of the offender that parole must be earned and justified. It serves to emphasise to the applicant that parole is a matter that will require preparation and forethought.

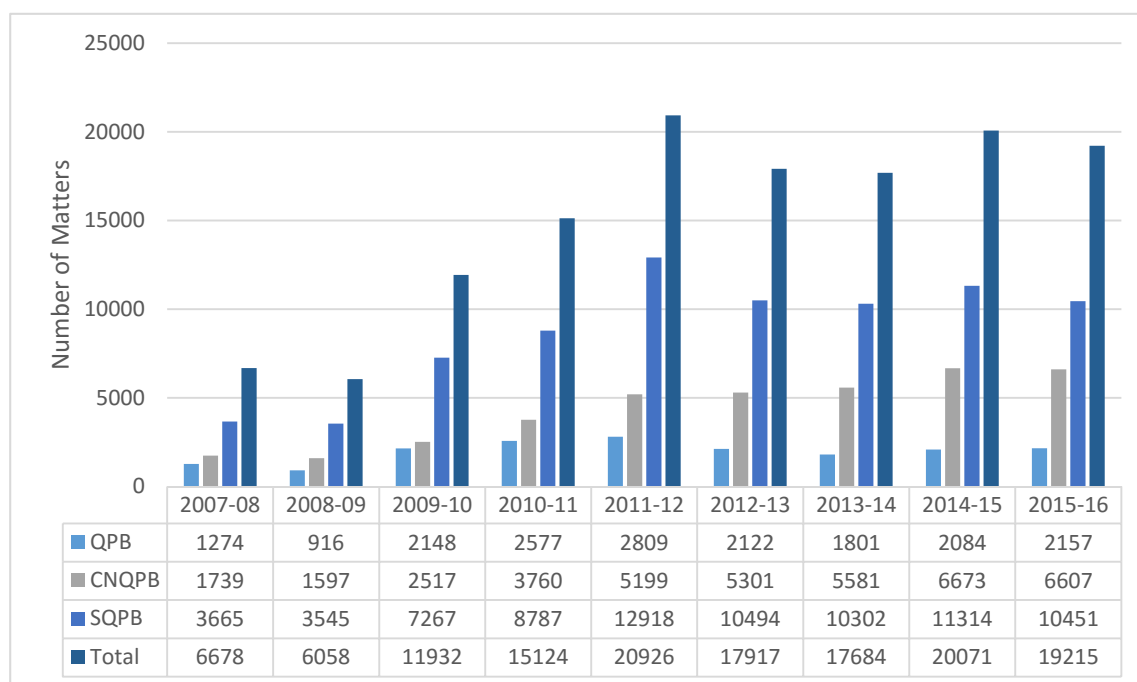
838. However, the process of preparing a prisoner for parole requires proper case management and sentence planning that begins at the commencement of the custodial period. Chapter 5 has addressed the improvements that must be made to the case management process to better ready a prisoner for parole and to ensure that a parole board is better informed as to the risks to the community presented by a prisoner and the appropriate methods to manage those risks.

Workload of the boards

839. The workload of each of the boards has been increasing for several years. A significant cause of this increase, in the case of the regional boards, is the number of suspensions of court ordered parole orders that those boards need to consider.

840. Figure 8.1 sets out the number of matters considered by each of the boards since 2007-08.

Figure 8.1:⁵³² Matters considered by the Parole Board



841. Table 8.1 shows the breakdown of matters considered by the boards in 2015-16.

Table 8.1:⁵³³ Breakdown of Parole related matters considered by Boards 2015-16

Matter		Queensland Board	Southern Queensland	Central & Northern
Parole application	Full applications	320	1156	860
	Exceptional circumstances	14	34	25
	Total	334	1190	885
Board Ordered Parole	Suspension	94	409	231
	Cancellation	57	169	151
	Total	151	578	382
Court Ordered Parole	Suspension	-	1755	1127
	Cancellation	-	540	314
	Total	-	2295	1441

842. Queensland Treasury noted that this increase in workload had led to “an increase in the time taken for decisions on parole suspensions and cancellations”.⁵³⁴

Decision making

843. As I noted at the outset, all of the board members that I observed were diligent, conscientious and well-intentioned. Having regard to the workload, including the unpaid and lengthy preparation required, they must be regarded as Queenslanders who are substantially working *pro bono publico*.
844. The Queensland board is subject to Ministerial Guidelines when considering applications by prisoners for release on parole. The current Ministerial Guidelines state that the highest priority for the board should always be the safety of the community.
845. The Queensland board makes guidelines for the policy to be followed by the regional boards.⁵³⁵ Those guidelines also state that the highest priority should always be the safety of the community.
846. Each set of guidelines provides that, in considering community safety, the boards should consider whether there is an unacceptable risk to the community if the prisoner is released to parole and conversely whether the risk to the community would be greater if the prisoner does *not* spend a period of time on parole before release into the community.

847. The consideration of matters by the boards appeared to largely involve unstructured judgment and the members of the board did not appear to always have available to them adequate information or recommendations to form a judgment properly as to whether it was appropriate to grant parole or what conditions should be imposed. From my observations of the boards, the observations made by other members of my team, a review of the minutes of decisions of some board meetings and interviews with board members, there was inconsistency in approach to deciding applications. That is unsurprising given the state of the information presented to the boards, the lack of design and informed consideration underlying the selection and presentation of that information and, with respect to the regional boards, the rotation of members.
848. Most of the members that we observed paid careful attention to the need for the risk to the community to be the most important consideration in deliberations. However, unstructured decision-making by reference to a general standard is unlikely to produce uniformly good results. The members of the boards did not appear to have a consistent view as to the acceptable level of risk for a grant of parole. A member of the board observed in an interview that in the past the Secretariat had organised professional development sessions once a month but that this no longer occurred.
849. The members also appeared to have different views as to relevance of the Risk of Reoffending (RoR) score to the decision to grant parole and different understandings as to how that RoR score is calculated. The method of calculation of a RoR score was explained in Chapter 5. As I noted in that chapter, the developers of the RoR score expressly say that it should *not* be used as a basis for decision-making in relation to the grant of parole.⁵³⁶
850. The New South Wales Law Reform Commission observed in its 2015 report on Parole in New South Wales that:
- Risk assessment in the parole context is a very difficult and complex task. As a general rule, we prefer an approach to risk assessment that is structured and evidence based. UK research has found that parole decision makers' unstructured instinctive risk assessment tends to overestimate offenders' risk of reoffending greatly compared to the risk rating produced by a validated risk assessment tool.*⁵³⁷
851. Of course, that requires a validated risk assessment tool suitable for use by a parole decision maker and, at present, one has not been developed in Queensland. There is no reason why such a tool cannot be prepared.
852. Part of the problem confronting each of the boards arises from the lack of proper case management of a prisoner towards his or her parole eligibility date. The members of a board would be in a better position to make an informed judgment as to the suitability of a prisoner for parole if a prisoner's rehabilitation throughout the custodial period was planned and a responsible person or unit from Probation and Parole reported to the board on the performance of the prisoner against that plan. As it is, we observed some of the boards deferring matters to require a prisoner to

undertake further programs or provide other information that had not been recommended by any person directly responsible for the case management of a prisoner. Where that occurred, the utility of that further program or information was unclear and seemed to be largely the result of an unstructured instinctive risk assessment by board members. In one case, at least one member of a board wanted to require a prisoner to undertake a program that had not been delivered or recommended by QCS for at least 10 years.

Reforming the parole board

853. The current separation of responsibilities into three boards should cease. There is no practical benefit in that division, given that the sessional members other than the Deputy Presidents are common to both regional boards and the majority of sessional members are based in Brisbane. There should be only one Parole Board in Queensland, although, for reasons explained below, the Board should sit as a Board of *five* members for determining parole applications by offenders convicted of offences involving serious violent or serious sexual offences and a Board of *three* members for applications by other offenders.

Recommendation No. 35

There should be only one Parole Board in Queensland that hears all applications for board ordered parole.

Membership of the board

854. To professionalise the parole board, there needs to be an increase in the number of full-time members. All Australian jurisdictions, other than Tasmania and Western Australia, provide for a judge, or retired judge, or person who is eligible to be appointed a judge to be the presiding member of the Parole Board.⁵³⁸ Eligibility to be appointed a judge is an inadequate qualification; any lawyer of five years standing is technically so qualified. The President in each of New South Wales and Victoria is a retired judge. In the past in Queensland the President used to be a serving Supreme Court judge.
855. Judicial officers, or former judicial officers, would bring particular skills and experience to the work that would improve the consistency and quality of the parole decisional process as well as bringing an intellectual rigour to the reasoning process. The President of the Parole Board should be a retired judge of a State or Federal Court. It would not be appropriate to appoint a sitting Supreme Court judge to the Parole Board because any judicial review application would be made to the Supreme Court and it would not be appropriate for the decision of presidential member of the Board who is a Supreme Court judge to be reviewed by a single one of his or her colleagues.
856. The position of President of the Parole Board should also continue to be full-time.

857. The Deputy President of the Parole Board should also be a retired judge of a State or Federal Court and it should also be a full-time position.

Recommendation No. 36

The positions of President and Deputy President of the Parole Board should each be full-time positions filled by a retired judge of a State or Federal Court.

858. At present, there is no full-time member of the parole boards in Queensland other than the President. That is consistent with most other Australian states. In contrast, in Victoria, the relevant legislation requires that there be at least two full-time members. At present, there are four full-time members in Victoria, in addition to the President. Those full-time members have relevant clinical or legal backgrounds.
859. In both Victoria and New South Wales, magistrates or retired judges are appointed as sessional members and always act as the presiding member of the Board when they sit. The requirements of fairness, while understandable by anyone, carry legal technicalities when executive decisions are made. These technical requirements are not mere formalities. They exist to ensure that a decision is right and that it has been lawfully and fairly made. Ignorance of the rules leads to the delay, expense and embarrassment of judicial review. A suitably qualified lawyer, such as a retired judge with experience in the field, is an essential feature of a parole system for this reason.
860. The quality of parole deliberations can be improved by appointment of members who are full-time or part-time and have relevant legal or clinical qualifications. This will bring greater consistency to decisions and increase the ability of the Parole Board to decide matters in a timely manner.
861. The appropriate number of full-time or part-time members is a matter to be determined from time to time by the Government on the advice of the President. The legislative requirement should be that there are at least two full-time equivalent professional member positions on the Parole Board. Having regard to current workload of the boards and the structure I suggest below, I expect that it would initially be necessary to appoint at least four full time professional members, or the full-time equivalent.
862. The legislative requirement for at least one member to be an Aboriginal or Torres Strait Islander person should be carried over to these professional member positions. Aboriginal and Torres Strait Islander people represent 3.2 per cent of Queensland's adult population, and 7.5 per cent of the population of those aged between 10 and 16 years. Yet one-third of Queensland's incarcerated adult offenders and more than half of those in youth detention are Aboriginal or Torres Strait Islander persons. In the Townsville Correctional Centre, alone, some 60 per cent of the Centre's population is an Aboriginal or Torres Strait Islander person. There is an obvious need for an Aboriginal or Torres Strait Islander to be a full time member of the Board.

Recommendation No. 37

There should be a legislative requirement for at least two full-time equivalent professional member positions on the Parole Board.

Recommendation No. 38

The number of full-time equivalent professional member positions should be reviewed from time to time on advice from the President of the Parole Board.

Recommendation No. 39

The legislation should require that at least one professional member of the Board be an Aboriginal or Torres Strait Islander person.

863. At present, as explained above, QCS has a representative on all of the parole boards. When the Parole Board determines an application from a prisoner convicted of a serious violent or serious sexual offence, a representative of Probation and Parole should be required to sit as a member of the Board. That will not be necessary for every other kind of parole application if the improvements in informing and reporting to the Board that will flow from the recommendations I have made in Chapter 5 are implemented and the relevant case manager is available by videolink when the Parole Board is determining a matter.
864. Representation from the community on the Parole Boards is important. It ensures that the wider community has a voice in the parole decisional process. Every time the Board sits it should include one community member. The number of community members should be determined by the Government from time to time in consultation with the President. Although it is desirable that the community members appointed reflect the composition of Queensland's varied population, it would be impractical for the legislation to provide for proportions of community members to be from certain backgrounds. The Government will no doubt recruit from diverse backgrounds. In appointing community members, consideration ought to be given, amongst other things, to ensuring representation of both men and women on the board, representation of Aboriginal and Torres Strait Islander people, the value of the perspective of a representative from a victim's support group and ensuring representation of community members from throughout Queensland. It is essential that the large proportion of Aboriginal and Torres Strait Islander prisoners is also reflected in the proportion of Aboriginal and Torres Strait Islander community members. Frankly, I cannot see how the system can be run properly without the deep involvement of Aboriginal and Torres Strait Islander members of our community.
865. Proper preparation for a parole board meeting requires a substantial commitment of time in advance of the meeting to reading and considering the matters. Community members ought to be remunerated for that time in addition to the time for the meeting itself.

Recommendation No. 40

The legislation should provide for community members of the Parole Board in such number as the Governor appoints from time to time.

Recommendation No. 41

In nominating community members for appointment, the Minister should consult with the President of the Parole Board and give consideration to, amongst other things, ensuring representation of women on the board, representation of Aboriginal and Torres Strait Islander people and ensuring representation of community members from throughout Queensland.

Recommendation No. 42

A large proportion of community members should be Aboriginal and Torres Strait Islander people.

Recommendation No. 43

Community members of the Parole Board should be remunerated for time spent reading and preparing in advance of a meeting.

The question of whether a second tier of review is warranted

866. I have given consideration to the question whether Queensland ought to implement a second tier of parole decision-making that reviews or confirms the decision of a first tier decision maker.
867. At present, the only opportunity for merits review in the Queensland system is review by the Queensland Parole Board of the work of the regional boards (other than by the President sitting on regional boards) in circumstances where an offender has been refused parole by a regional board on three prior occasions. If that occurs, the offender may seek a review by the Queensland Parole Board.⁵³⁹
868. Most Australian jurisdictions do not have a second stage of merits view. The two exceptions are Victoria and New South Wales.
869. The second tier of the Victorian system was introduced following the review by Mr Callinan. The first tier of decision-making in Victoria was left unchanged following the review. At the first tier, a panel of three members⁵⁴⁰ of the Adult Parole Board will make a recommendation for parole. Where a decision is made concerning an application for parole by a serious violent or sexual offender, the Serious Violent or Sexual Offender ('SVOSO') Division⁵⁴¹ will undertake a further review before making a final determination about release. These review hearings - usually comprising by the Chairperson and one other full-time member - are conducted 'on the papers' in private. The SVOSO Division may over-rule any proposal for parole by the Adult Parole Board or it may amend conditions of parole.

870. The benefit of that Victorian system is that it ensures that any grant of parole to a prisoner imprisoned for a serious violent or sexual offence has been carefully considered by the Chairperson and a full-time member who are able to devote sufficient time and have sufficient experience to increase the likelihood that any grant of parole is appropriate. I observed the SVOSO Division in Victoria in operation and the careful consideration of the Chairperson and the other member comprising that division, and the benefit of the time they had devoted to preparing and their experience, were all apparent.
871. However, that system does not involve a true review of an earlier decision. The SVOSO Division is limited to granting parole in circumstances where the first tier division has recommended a grant. The Chairperson said that his practice was, in effect, to approach the question of the grant of parole and its conditions afresh. That seems like the best and most practical way to undertake the task. However, it would seem that the benefits of that careful review by the most experienced members of the Board in Victoria could be achieved in Queensland by requiring that all applications for parole by prisoners imprisoned for serious violent or serious sexual offences be considered by a Board that includes the President or Deputy President and a full-time member.
872. The process in the New South Wales system is quite different and very elaborate. Unlike other Australian jurisdictions, it involves public hearings as a second stage of review.
873. I will summarise some relevant parts of the process.
874. In the case of non-serious offenders, a five member panel⁵⁴² of the NSW State Parole Authority (SPA) meets in private. The offender is not able to provide any material, nor make any submissions beyond the application for parole. If parole is refused, reasons for the refusal (and the material relied upon in reaching that decision) must be provided to the offender who can seek a review. The review is conducted at a public hearing and the offender may make oral or written submissions⁵⁴³ and has a right to appear including by legal representation.
875. In the case of serious violent or sexual offences, a private five member panel will formulate an initial intention regarding parole. If the panel forms an intention to grant parole, notice of that proposal is given to any registered victims, and the State, who are then able to request a public review hearing. In the case of an intention to refuse parole, notice (together with reasons, etc.), is given to the offender who may then seek a public review of the decision to refuse parole.
876. In addition, in New South Wales the proposal to grant parole for any serious violent or sexual offender is also required to be considered by a Serious Offenders Review Council (SORC)⁵⁴⁴ which will provide advice and recommendations regarding the parole proposal prior to the public review hearing. Subsequently, in the public hearing, if the SPA ultimately rejects the recommendations of the SORC it must give reasons⁵⁴⁵ and the SPA must not grant parole (other than exceptional circumstances parole) unless the SORC has advised that parole is appropriate.⁵⁴⁶

877. During the public hearings in New South Wales, the prisoner can be legally represented. "Legal Aid NSW and the Aboriginal Legal Service between them represent most offenders at public review hearings."⁵⁴⁷
878. I attended a public hearing of the SPA. The hearing was conducted in a courtroom that was open to the media and the public. The members of the SPA sat on the bench. Barristers appeared for each of the prisoner and the State of New South Wales. The hearing ran like a court proceeding. When parole was granted, lengthy *ex tempore* reasons were delivered by the retired judge that was presiding.
879. The main advantages of the system appeared to be that the use of the adversarial system focussed attention on the critical issues and the conducting of public hearings followed by delivery of reasons ought to provide transparency in relation to the decision-making process.
880. The potential disadvantages are that the system is expensive, the similarities to a court process in the public hearings may tend to blur the distinction between the judicial function being carried out by the sentencing Court and the administrative function being carried out by the Parole Board, and there is no evidence that the system *in fact* results in better outcomes in terms of reoffending by parolees.
881. Mr Callinan considered the New South Wales system as part of his review and also formed the view that it ought not be replicated in Victoria although for slightly different reasons.⁵⁴⁸
882. It would be a significant and expensive change to the parole system in Queensland to introduce judicial-style public hearings. No submission that I received supported the introduction of public hearings. Having carefully considered the matter, I do not think that such a change is necessary or appropriate.
883. One aspect of the New South Wales system that was particularly beneficial was the appointment of a police officer as a member of the Board. Although that does not seem to be necessary for all parole applications, the background and experience of a police officer would be beneficial in deciding applications from prisoners imprisoned for a serious violent or sexual offence. The Commissioner of Police has expressed his in-principle support for such an appointment. The *Corrective Services Act 2006* should permit the appointment of a serving police officer to the Board as a full time member seconded for that purpose for a period of years.

Recommendation No. 44

The legislation should permit and provide for a police officer nominated by the Commissioner of Police to sit as a member of the Parole Board.

The composition of the Parole Board for different types of matters

884. The new system ought to ensure that applications for a grant of parole by a prisoner imprisoned for a serious violent or sexual offence are carefully scrutinised by experienced professionals from a variety of backgrounds with the time to consider the matter properly. To that end, I recommend that the Parole Board be constituted by five members for applications by those types of prisoners (and for any subsequent decisions required in relation to such a grant of parole, including suspension or cancellation). The five members should be: the President or Deputy President, a Professional Member, a public service officer employed in the Probation and Parole Service and nominated by the chief executive, a serving police officer nominated by the Commissioner of Police and a Community Member.

Recommendation No. 45

The legislation should provide that, when hearing and deciding an application for parole from a prisoner who has been sentenced for serious violent or serious sexual offence, and for any subsequent decision in relation to a grant of parole to such a prisoner, the Parole Board shall be constituted by five members comprising:

- (a) the President or Deputy President;**
- (b) a Professional Member;**
- (c) a public service officer employed in the Probation and Parole Service and nominated by the chief executive;**
- (d) a serving police officer nominated by the Commissioner of Police;**
- (e) a Community Member.**

885. For all other matters, the Parole Board should be constituted by three members. One of those members should be a Community Member. The other two members should be drawn from the President, Deputy President and the Professional Members, provided always that the Chair of such a sitting of the Board must be a lawyer who has engaged in legal practice for at least five years.

Recommendation No. 46

The legislation should provide that for all other applications heard by the Parole Board, the Board shall be constituted by three members comprising:

- (a) a Chair, who is either the President, Deputy President or a Professional Member who has engaged in legal practice for at least five years;**
- (b) a Professional Member;**
- (c) a Community Member.**

Professional development and risk assessment

886. Members of the Parole Board, including Community Members, ought to receive proper initial training and regular ongoing training. In particular, in light of my recommendation in Chapter 5 that QCS should replace its existing risk and needs assessments with a validated assessment, members of the Parole Board ought to receive appropriate training in relation to the utility of that assessment for them in making a decision as to the conditions of parole. A similar recommendation was made by the New South Wales Law Reform Commission in its Report on Parole in New South Wales,⁵⁴⁹ which I will adopt.

Recommendation No. 47

Queensland Corrective Services should design an initial training program for new Parole Board members and the Secretariat of the Parole Board should deliver ongoing training to Parole Board members.

Recommendation No. 48

The training for Parole Board members should include training in the value, uses and limitations of risk assessment tools.

Information provided to the Board and appearances before the Board

887. The form of information provided to the Board needs to be given careful consideration. If the recommendations that I have made in Chapter 5 are implemented, a case manager or parole unit should be in a position to provide a report to the Board that is coherent, structured and addresses all of the matters necessary for the Board to be able to make its decision. The Board, through its President, Deputy President and Professional Members, will need to work with the Probation and Parole service to develop and refine the information and reports that will be of assistance to the Board. My observations of the Victorian system were that careful consideration had been given to the formulation and presentation of relevant information and the members of

the Board may find it useful to consider that system which was based upon a study of formal decision making theory.

Recommendation No. 49

The President, Deputy President and professional members of the Parole Board should work with those with relevant responsibilities in Queensland Corrective Services to develop and refine the information and reports presented to the Board and continue to review that material.

888. The number of deferrals by the Board ought to be reduced if a prisoner's rehabilitation while in custody has been properly planned and a report is provided to the Board that explains whether rehabilitation has occurred in accordance with that plan. The Board, in those circumstances, ought not need to seek further information about programs or require a prisoner to undertake further programs not recommended or planned by those responsible for the prisoner's case management.
889. This will not address the issue of deferrals due to a home assessment being unacceptable. However, the fact that a Probation and Parole officer has determined that a home is unacceptable is not necessarily determinative. In most cases that I observed, the boards (correctly in my view) deferred a grant of parole for a prisoner to nominate a different residence where a home had been determined to be unacceptable by Probation and Parole. However, there was at least one occasion where a board (again, correctly in my view) did not accept the assessment of Probation and Parole.
890. If a prisoner wishes to have the Board consider his or her application in spite of a recommendation from Probation and Parole that the home assessment is unacceptable, that ought to be a matter for the prisoner. However, it would be preferable if the prisoner were informed in advance that Probation and Parole had determined that the home assessment was unacceptable even if, as is sometimes the case, the prisoner cannot be informed of the reason that the home is unacceptable. The prisoner could then make the decision as to whether to nominate a different address or ask the Board to consider the application in spite of the recommendation by Probation and Parole. The adoption of the case management approach that I recommended in Chapter 5 is likely to facilitate this approach.
891. The Board should also be able to hear from the prisoner, and the relevant Probation and Parole officer or case manager, when considering matters (including possible suspensions and cancellations). The prisoner and parole officer or case manager ought to be available, by videolink, at the time that the Board considers the relevant matter. In some submissions and consultations, it was suggested that the prisoner ought to have the right to appear to address the Board. I think it preferable if the present system is maintained whereby a prisoner, or the prisoner's agent, can only appear with the leave of the Board.

Recommendation No. 50

The prisoner and relevant Probation and Parole officer or case manager should be available by videolink to appear before the Board at the time that the Board is considering a matter.

Timeframes

892. The statutory timeframes allowed for the making of a decision as to a grant of parole are too long (and in fact are not always being complied with by the existing boards). The co-ordinated approach to the management of prisoners and preparation for parole recommended in Chapter 5, together with the professionalization of the Parole Board recommended in this chapter, ought to allow the times for deciding applications to be substantially reduced.
893. A prisoner should still be permitted to apply for parole up to 180 days before his or her earliest eligibility date. However, the Parole Board should decide the application within 120 days of receipt of the application. Having regard to the better case management and organisation of QCS' approach to prisoners that I recommended in Chapter 5, that ought to allow adequate time for Probation and Parole to prepare a proper report for the Board and for the Board to consider the report. If the Board decides to grant parole, the parole order will still take effect on the earliest eligibility date but the prisoner and the Probation and Parole service will, in those circumstances, know up to two months in advance what the date for parole will be and can take appropriate steps to prepare the prisoner for release on parole on that date and manage the transition of the prisoner onto parole. This ought to assist QCS with better management and organisation of parolees.

Recommendation No. 51

The Parole Board should be required to decide applications for parole within 120 days of the application being made by a prisoner.

Tenure of the President, Deputy President and Professional Members

894. The President and members are presently appointed to the boards for a period of not more than three years. I do not think that it is necessary to extend the possible length of an appointment beyond three years. However, to ensure the independence of the President, Deputy President and Professional Members, they should have certainty of the period of their appointment and not be able to be removed except for misconduct.

Recommendation No. 52

Once appointed, the President, Deputy President and professional members should not be able to be removed except for misconduct so as to give certainty to those positions and ensure the independence of the Board.

The Parole Board Secretariat

895. To support the significant changes required for a new Parole Board in Queensland, I consider it will be necessary for the Queensland Government to establish the Parole Board and its Secretariat as separate from Queensland Corrective Services and the Department of Justice and Attorney-General.
896. It is also imperative that the changes necessary for the establishment of the professional Parole Board be properly resourced by the Queensland Government.
897. There are many aspects necessary for the significant overhaul of the parole system in Queensland that I have recommended that are beyond the limited timeframe and resources available for my review. Not the least among these will be the improvements required to the information and technology system currently available to the parole boards and the greater load the increased use of videoconferencing will have upon the Queensland Corrective Services information technology systems.

Recommendation No. 53

The Parole Board and Queensland Corrective Services should review their information technology systems and be adequately funded to implement the required new systems and the increased use of videoconferencing.

898. The Parole Board will require a close day-to-day working relationship with the various Queensland correctional centres, as well as with the Probation and Parole Service, who deal with the management of offenders in the community. The model for the professionalization of the Parole Board that I have recommended also entails a wholesale improvement to the current processes for parole decision-making, and this approach will necessarily mean a need for new systems for staff and member recruitment, management, development, and training.
899. In total, the current Secretariat is comprised of 32 staff, including a Director. While a Secretariat exists presently, it is a branch within QCS that is co-located with the Queensland Parole Board. It is subject to the resourcing and financial administration of QCS, but the ultimate responsibility for the operation of the parole boards rests with the President.
900. There is a need for administrative support, training and research to support the professional Parole Board and President. It would be more appropriate for the Parole Board and its Secretariat to operate as an entirely separate statutory authority, located

in Brisbane, with an administrative structure designed to support the efficient and effective operations and decision-making for that Parole Board.

901. I expect such a body would consist of staff responsible for efficient administration, liaison and engagement with QCS and the Queensland Police Service, with an administrative structure to properly support the President and the operations of the parole board.

Recommendation No. 54

As an independent statutory authority, the Parole Board should be supported by a Secretariat separate from Queensland Corrective Services, subject to the direction and management of the President.

902. The current Secretariat premises are unable to support concurrent parole board meetings.
903. The reformed Parole Board will likely need to conduct concurrent meetings each week, sometimes daily. To meet that need, and with new appointments of full-time members, or full-time equivalent, to the Parole Board, the Parole Board and Secretariat will require new physical premises.

Recommendation No. 55

The Parole Board should be provided with new premises to support multiple, concurrent meetings with appropriate facilities to provide for offender appearances and the use of videoconferencing for each board meeting.

Order conditions

904. Order conditions have been a key area of concern during consultation. There are three issues that have been raised.
905. *First*, the number of conditions imposed sometimes appears to be excessive and thereby set parolees up to fail on supervision. Complaints were made about board ordered parolees being subjected to large numbers of conditions of up to 50 in some cases. It appears that many board ordered parolees receive a blanket list of conditions that may or may not be tailored to their personal circumstances or offending behaviour.
906. *Secondly*, order conditions are sometimes imposed that are not specific to the risks associated with the individual offender. Sometimes, the conditions may be contrary to re-engaging an offender with his or her support systems and so are likely to significantly increase the offender's risk of contravention rather than increasing their risk to the community.
907. *Thirdly*, specific issues were raised in relation to a failure to understand the circumstances of some Aboriginal and Torres Strait Islander offenders in setting

conditions. For example, a condition that prohibited an Aboriginal parolee from associating with people with criminal histories may effectively prevent that parolee from accessing and having the benefit of familial support if many members of the parolees family have criminal histories - as is the case for many Aboriginal and Torres Strait Islander people in the criminal justice system.

908. I expect that many of these issues will be addressed by the adoption of two of the recommendations that I have made. *First*, by the parole board having the benefit of a report from a probation and parole assessment officer that has utilised a formal assessment tool and structured professional judgment to recommend conditions of parole. *Secondly*, by the introduction of a professional board that can consider those recommendations and determine the appropriate conditions for the particular prisoner under consideration.
909. However, there is a further matter that requires consideration by Government. A prisoner serving a fixed term of imprisonment for a serious sexual offence can be subject to the regime provided for under the *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSOA)⁵⁵⁰. The DPSOA regime allows for strict monitoring, control and management of those types of offenders. However, the DPSOA regime can only apply at the end of the period of imprisonment. This may create a potential issue because a prisoner released on parole cannot be subject to the DPSOA regime at the end of his or her sentence because he or she is not “detained in custody”.⁵⁵¹

Recommendation No. 56

The Attorney-General should review the interaction between the *Dangerous Prisoners (Sexual Offenders) Act 2003* and the grant of parole.

910. The consideration of a grant of parole to a serious violent sex offender ought to be made with the assistance of specialist clinical assessment. The DPSOA regime provides for a Court to order examination of a prisoner by 2 psychiatrists to prepare independent reports.⁵⁵² One submission that I received suggested that there be “a specialised Parole Board for matters relating to sex offenders” and that in such cases there should be “consideration of reports from at least two specialised psychologist/psychiatrist who have each had substantial time with the prisoner (a minimum of five sessions).”
911. I have recommended that when an application for parole is made by a prisoner sentenced for a serious violence or sexual offence, the Parole Board should be constituted in a special way by five members. The new Parole Board should consider precisely what information it would require in order to decide applications for parole by sex offenders and particularly serious offenders. It is difficult to see why there should be a difference in the quality and extent of material used to justify parole of such an offender and that which is used on an application under the DPSOA regime. The questions are the same in each case. The new Board should develop a practice note or guideline in consultation with QCS that sets out precisely what information, reports

and recommendations the Board would require for offenders convicted of those types of offences. I expect that careful clinical assessment and expert consideration of the appropriate conditions to manage risk would be a necessity. It appears at present that the parole boards will seek reports from psychiatrists or psychologists but this is done on an *ad hoc* basis. It would be preferable if the Board developed a practice note or guideline that gave certainty to QCS (and also the prisoner) as to the information that it would require for its deliberations and confidence to the community that it was appropriately dealing with such applications.

Recommendation No. 57

The Parole Board, through its President, and in consultation with Queensland Corrective Services, should produce a practice note or guideline identifying the information and reports that it will require for its deliberations in respect of applications for parole by prisoners convicted of serious sexual offences, and such other types of prisoners as the Board considers helpful and necessary.

Improving and monitoring reintegration and the role of the Parole Board

912. The case management of offenders released after serving long periods in custody often requires a different approach compared to prisoners who have served shorter sentences, particularly in the initial period after release. For offenders released after a lengthy custodial period, the world may have changed considerably since they were last in the community and significant adjustment is required to navigate reintegration successfully.
913. In meetings with some key stakeholders, the suggestion has been made that these issues might be addressed by the reintroduction of various options for the graduated release of prisoners from custody, such as release to work, leave of absence for reintegration and home detention. The Queensland Parole Board members were unanimous in their support for the reintroduction of graduated release options⁵⁵³. The history of the legislative changes to graduated release in Queensland, and the reasons that it was removed, have been addressed in Chapter 2.
914. Release to work and home detention were abolished because the Community Corrections Boards had a tendency to ascribe great importance to a prisoner having been through such a graduated process before parole was granted. In addition, prisoners located outside of south-east Queensland were disadvantaged as they were unable to access the programs. There may have been a temptation for decision-makers to adopt a general approach of restrictive programs of reintegration. That was certainly the concern when graduated release was abolished. However, a professional parole board ought to approach the task in a different manner. Its members should craft the conditions for a grant of parole that are appropriate and necessary to protect

the safety of the community. The general application of graduated release programs is likely to lead to worse, rather than better, decision-making by parole boards.

915. However, there are three ways in which the reintegration of long-term prisoners into the community on parole might be improved.
916. *First*, the government should reverse its policy decision to exclude sexual offenders, life sentenced prisoners, those convicted of murder or manslaughter, or those with a serious violent offence declaration from placement in low security.⁵⁵⁴ As I have outlined earlier, there is no legislative change required to address this matter as it is a question of policy.
917. Prisoners may be sentenced for very serious crimes but pose very little risk to prison security and some also pose very little risk of reoffending. I understand that murderers and those convicted of manslaughter often fall into both categories. I am advised such prisoners are usually well behaved and at a very low risk of reoffending. Sex offenders often fall into the first category.
918. No process of resettlement and reintegration can be truly effective unless those prisoners who need such support are able to participate in a form of graduated release. I am informed that current leave of absence programs for community service are administered from low security,⁵⁵⁵ which is a common sense approach that is indicative of a prisoner's movement through their sentence.⁵⁵⁶
919. Because of the seriousness of the offences, the public concern about placement in low security is justifiable. However, if a prisoner has demonstrated suitable behaviour and progress through his or her sentence, at an appropriate time and despite the nature of the offence, they should be assessed for placement in low security. This is an important point, as nearly all prisoners will be discharged to the community at some point. It is important that prisoners are managed through a careful program of reintegration.
920. High security prisons, which are seriously overcrowded, must be reserved for the placement of prisoners who are dangerous or unsuitable due to the risk they may pose to the security of the correctional system and the community.

Recommendation No. 58

The government should review the *policy* restricting placement of sexual offenders and those prisoners convicted for murder or those with a serious violent offence declaration should be reviewed with a view to reintroducing appropriate candidates to low security facilities.

921. *Secondly*, resettlement leave should be reintroduced as a discretionary power available to the Chief Executive of QCS. In practical terms, this type of leave is likely to be seldom granted. However, there may be cases, such as when a grant of parole for a long-term prisoner is likely, in which the Chief Executive considers it would be beneficial to grant resettlement leave in advance of release on parole.

Recommendation No. 59

The *Corrective Services Act 2006* should be amended to reintroduce the discretion of the Chief Executive to grant resettlement leave.

922. *Thirdly*, QCS' capabilities for electronic monitoring should be developed so that the new parole board can, exercising its professional judgment, require electronic monitoring in appropriate circumstances for an appropriate period of time.
923. The use of electronic monitoring for offenders supervised in the community has grown significantly over time around the world. Many jurisdictions both in Australia and overseas now take advantage of the advances in monitoring technology to support case management of offenders in the community. To date, Queensland has made only very limited use of electronic monitoring but it has been very successful.
924. In Australia and New Zealand, the use of electronic monitoring varies amongst jurisdictions but includes people on supervised bail, release to work programs, home detention, violent offenders, high risk sexual offenders and parolees.⁵⁵⁷ It appears New Zealand has the largest number of offenders on electronic monitoring with approximately 4,000 offenders⁵⁵⁸ across a range of orders.
925. In 2011, QCS introduced a GPS electronic monitoring system for high risk sexual offenders, subject to continuing supervision orders under the DPSOA⁵⁵⁹. These offenders were previously subject to radio frequency monitoring which only monitored curfew conditions at their residential address and did not track movements elsewhere.
926. The Operational Practice Guidelines state the "electronic monitoring device is permanently attached to the offender/residence and enables their movements to be monitored at all times, in particular during curfew periods"⁵⁶⁰.
927. There are three main rationales for the use of electronic monitoring:
- (a) Detention - used to ensure that a person remains in a designated place such as under curfew or home detention conditions. This was the first purpose of such monitoring and remains the most frequent reason for its use.
 - (b) Restriction - used to ensure that an individual does not enter particular areas or approach particular people.
 - (c) Surveillance - used so relevant authorities can continuously track a person, without actually restricting their movements.⁵⁶¹
928. Approximately 100 DPSOA offenders at any given time are subject to GPS in Queensland⁵⁶². QCS has developed detailed practices for the use of GPS tracking with dangerous sex offenders.⁵⁶³ GPS allows for the imposition of curfews and monitoring directions to restrict offenders from visiting certain locations and leaving their residence for certain periods of the day. For example, typically a DPSOA offender who has been released under a supervision order will be subject to a 24 hour curfew for a

- period determined by their case management and risk profile. They may only leave their accommodation with approval and may be escorted to certain appointments. This is an extreme approach, but it is considered necessary for the management of some of the State's most dangerous offenders.
929. Similarly, GPS may be applied to restrict a DPSOA offender from visiting certain locations or suburbs or facilities, for example addresses of known associates, licensed bars or hotels or schools or playgrounds.
930. The movements are transmitted back to the Central Monitoring System, allowing the offender's position to be displayed against a street map backdrop. Monitoring staff and case managers review the offender's movements and identify the locations that the offender has been frequenting. In order to generate more meaningful location based information, staff manually migrate the information into a satellite map. If an offender attempts to access, or passes through, an exclusion zone, an immediate alert is raised by the system. Critical alerts are escalated to the Queensland Police Service for response, in conjunction with QCS.
931. The GPS devices are tamper-resistant. Breaking or cutting the GPS straps generates an immediate critical alert to the QCS Central Monitoring Station. It is a criminal offence for an offender to remove a GPS tracking device while they are subject to a DPSOA order⁵⁶⁴.
932. The use of GPS has been effective in reducing reoffending by these offenders.
933. QCS and the parole boards do have the ability to apply GPS tracking to parolees⁵⁶⁵, but it is a power that is rarely used. This is partly because the existing system uses superseded technology with restricted software capability, is expensive to administer and was not able to support the expansion to such a large number of offenders.
934. Following the allocation of funding in the 2016-17 State Budget⁵⁶⁶, in December 2016, QCS will implement a new GPS tracking system incorporating a new geographical information system (GIS) to provide improved mapping capability to enhance the management of offenders under GPS monitoring. The new system specifications will enable QCS GPS tracking to be used to monitor a large volume of offenders if required in the future. While there are other considerations with expanding GPS monitoring including appropriate resourcing both in terms of hardware and monitoring staff, and determining who would be responsible for fitting and removing GPS trackers for offenders, the new system will at least provide capability not currently available in Queensland.
935. The application of GPS for parolees, as ordered by the Parole Board, could give QCS the additional resources to better manage the period of critical release after custody, by imposing certain curfew and monitoring directions. If necessary, this might extend to effectively imposing a form of home detention. A curfew condition is not, and ought not, be standard on parole orders but can be added if necessary⁵⁶⁷. However, a professional Parole Board would be best placed to determine if such a condition was

necessary or appropriate on the advice of the case managers responsible for the offender.

936. There are some logistical issues surrounding the monitoring of curfews by Probation and Parole, partly due to advances in telecommunications technology (including call forwarding) and the shift by many people away from landline telephones to mobile phones as their only means of phone contact. Phone calls to a parolee's landline number have long been the predominant method of confirming that offenders are at their residence during the curfew period⁵⁶⁸.
937. Additionally, due to most curfew conditions being active outside of standard business hours the responsibility for monitoring curfew compliance often falls to staff on duty within QCS correctional centres who make the phone calls to the offenders in their region⁵⁶⁹. This increases the workload of correctional centre staff who must record the details of each call made.
938. Probation and Parole officers also liaise with police in their area when an offender commences or ceases a curfew condition so that police are aware of the parolee's curfew status⁵⁷⁰ and in certain areas, such as remote communities, Probation and Parole often request the assistance of local police to conduct curfew checks on offenders.
939. The use of GPS would ensure curfew conditions are strictly adhered to by parolees, address the logistical concerns associated with current curfew management practices and reduce the workload associated with monitoring compliance as it would remove the need for telephone calls or physical checks at an offender's residence. However, the current electronic monitoring operations would require additional resources including staffing, GPS hardware and information technology enhancements if additional offenders were subject to GPS monitoring.
940. As a parolee progresses under supervision, as is the case with a DPSOA offender, the restrictions under curfew and monitoring could be gradually reduced and then eventually, GPS tracking could be removed.
941. Using GPS as a means to provide graduated management after release is likely to be an option that a professional Parole Board would embrace to support parole in appropriate cases. However, it should be clear that GPS should not be applied to all parolees or applied to a parolee for the entirety of his or her supervision. That would not be a wise use of this technology.
942. The potential benefits of providing this form of monitoring in the early stages of parole release where it is appropriate is demonstrated by the frequency with which suspensions of parole occur within the first three months of supervision. In 2015-16, 63 per cent of court ordered parole suspensions and 54.5 per cent of board ordered parole suspensions occurred within the first three months of supervision⁵⁷¹. See Appendix 24 for further information.

943. Probation and parole officers need to be supported with the resources to manage risk. If QCS is resourced appropriately to implement the broader use of GPS tracking technology, GPS could be applied in a specific way to achieve increased support to manage the period of critical risk experienced by parolees at the start of their orders.

Recommendation No. 60

Queensland Corrective Services' GPS tracking capabilities should be developed so that it is possible for the parole board to require GPS tracking and monitoring in appropriate circumstances based on the assessed risk of each parolee.

Judicial Review

944. All decisions of the parole boards are subject to judicial review.
945. Judicial review originates in the inherent common law jurisdiction of superior courts to grant prerogative writs, to examine whether a public sector body was complying with the limits of the law. It is an institution tailored to the identification and protection of individual rights, in the sense of rights against abuse of the power of the State.⁵⁷²
946. Queensland has established a statutory framework for judicial review. This framework does not replace but operates alongside the inherent common law jurisdiction to grant prerogative writs and equitable remedies.
947. The *Judicial Review Act 1991* (Qld) ("the *JR Act*") provides that any person who is 'aggrieved' by a decision to which the *JR Act* applies is entitled to make an application for judicial review.⁵⁷³ A 'person aggrieved' is defined in the *JR Act* to include a person whose interests are adversely affected by the decision, conduct or failure.⁵⁷⁴ The courts interpret the test for whether a person has sufficient 'standing' (ie: entitlement) to bring an application for judicial review under the *JR Act* broadly.⁵⁷⁵
948. Bravehearts made a submission to me that victims and the Attorney-General should be able to bring judicial review applications. Although I can appreciate the intention of the submission as seeking a means to provide greater oversight to decisions of the Parole Board, if the Attorney-General were to apply for a review of a decision, it would be an application by the State to review a decision of the State. Also, there are less expensive options for the Government to influence the Parole Board decision making, for example amending Ministerial Guidelines or legislation.
949. Arguably, a victim may have standing to bring an application for judicial review as a person adversely affected by the decision. However, for the reasons that follow, the judicial review of a decision to release an offender is likely to be an expensive and ultimately unfulfilling exercise for a victim.
950. It is important to bear in mind that judicial review is not a merits review of the Parole Board's decision. The purpose is not to determine whether the best decision has been made but is instead to ensure that the decision has been made lawfully.

- 951. The powers conferred on the court by the *JR Act* are “strictly constrained”, and it is “no part of the court’s role to second-guess decisions of the Board made regularly under its charter”.⁵⁷⁶
- 952. Decisions by Queensland Parole Boards are not infrequently subjected to judicial review before the Supreme Court. In those circumstances where the Supreme Court does find the decision making by the parole board to have been deficient, the matter is remitted back to the parole board for reconsideration.
- 953. There is nothing to prevent the board making exactly the same decision again in accordance with the legislation by remedying whatever error had been identified. However, there is research that shows the great majority of government losses in judicial review cases are followed with substantive decisions in the challenger’s favour.⁵⁷⁷
- 954. Crown Law provided me with a list of all of the judicial review matters involving the Parole Board over the past five years. Crown Law’s records show that for the calendar years 2011 to 2015 inclusive, 141 judicial review files were opened by Crown Law regarding a decision made by a Parole Board. Of these matters, 63 per cent related to a decision to refuse parole and 12 per cent related to a decision to suspend parole. These figures are demonstrated at Figure 8.2 and Figure 8.3.

Figure 8.2: Amount of Judicial Review files opened by Crown Law

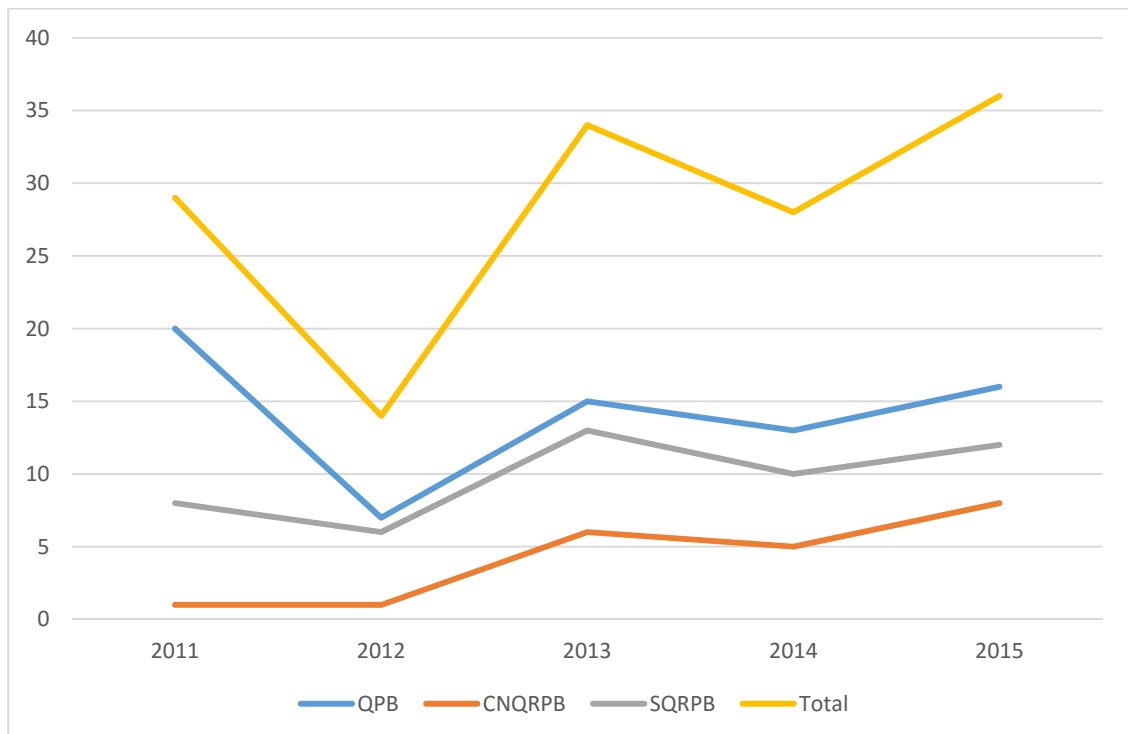
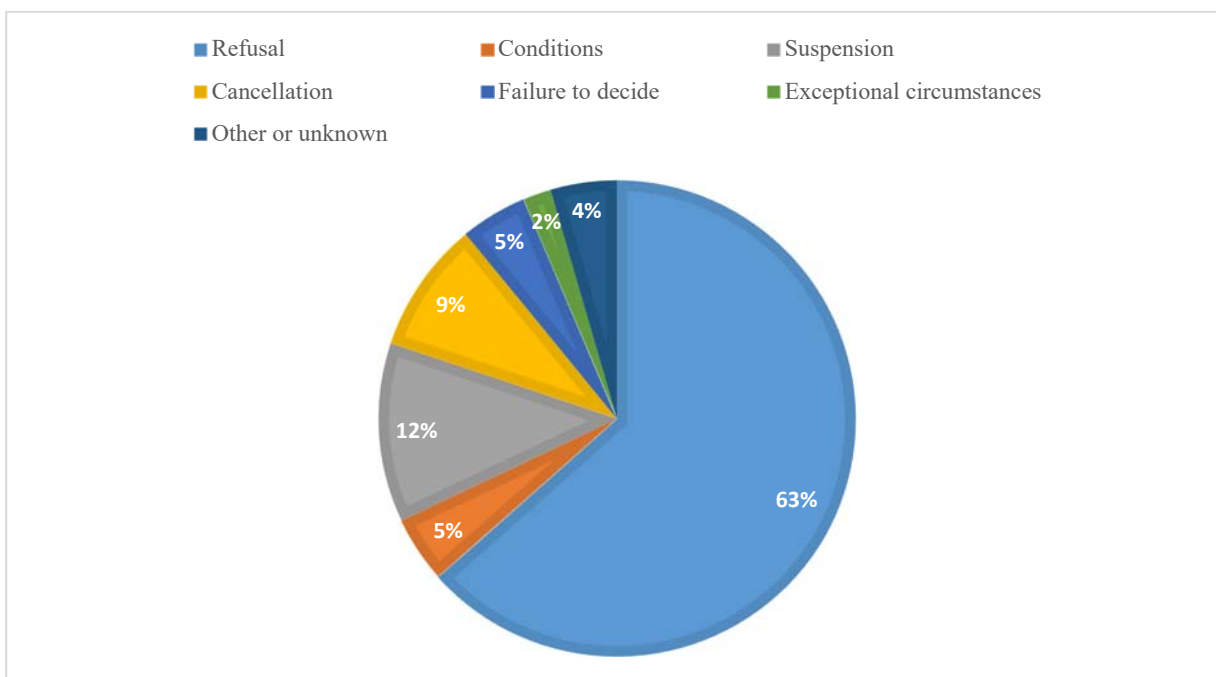


Figure 8.3: Type of Decision the Judicial Review application relates to



955. Information obtained from Crown Law indicates that of the files opened between 2011 and 2015 inclusive, at least 58 judicial review applications went to hearing while in 2015, 18 judicial review applications went to hearing. Of the files opened by Crown Law in the five year period from 2011 until the end of 2015, 17 applicants had their application granted, 26 applications were dismissed and 9 had their application refused.
956. When an application for judicial review is lodged, Crown Law conducts a preliminary assessment of the decision for the purpose of advising the Parole Board of the prospects of the application. A lawyer reviews all of the material available to the Parole Board in making the decision and the Statement of Reasons. Crown Law provides advice to the Parole Board. The Review has been informed that it is not uncommon for Crown Law to advise the Parole Board to rescind the decision following an application for judicial review because of error.
957. The Review has heard from prisoners and advocates on all sides of judicial review matters that the primary problems with the decisions of the Parole Board are:
- (a) The Statement of Reasons is insufficient;
 - (b) There is no evidence to support the decision;
 - (c) The Board relied on something without providing it to the prisoner; and
 - (d) The decision appears to be unreasonable.
958. The information provided by Crown Law shows that before reaching a hearing, many applications were dismissed by consent or discontinued after the Parole Board reconsidered the decision. Of the 141 files opened by Crown Law from 2011 until 2015, the Parole Board rescinded approximately 50 decisions. This data accords with what

has been reported by all parties that upon the Prisoners' Legal Service raising issues, that decision is often rescinded and remade with different reasons or a different outcome. The role of Prisoners' Legal Service in assisting prisoners to identify and raise errors in decision making by the Parole Board should not be underestimated. This is a crucial function in holding the Parole Board accountable and assisting a marginalised and disadvantaged cohort in a complex legal environment that they would not be otherwise equipped to enter. It also is a significant agent in reducing overall cost. Prisoners' Legal Service should be appropriately supported by funding.

Criticisms of Judicial Review

959. There was broad support for the retention of judicial review. The only persons who called for its abolition were some individual members of the Parole Board. There were three main arguments put forward to support this:
1. Applications are commenced by prisoners too frequently;
 2. Judicial Review is expensive; and
 3. There is no Judicial Review in Victoria.
960. In 2015-2016 financial year, there were 29 applications for judicial review of decisions of the Parole Boards lodged. Bearing in mind the number of matters the three Parole Boards consider in one year (19,215 matters in 2015-2016), this is an insignificant number.
961. Crown Law records indicate that over the past five years only about 58 matters have gone to a hearing. There are no accurate records of when costs were ordered to the prisoner, but it is not unusual for the applicant prisoner to be awarded costs against the state. This shows that there are often times when there was a good reason to bring an application for judicial review.
962. In financial year 2014-15, QCS was billed \$534,543.49 by Crown Law for legal fees in response to applications for judicial review of decisions made by the parole boards. In that year there were 37 applications for judicial review. Considering the resource intensive nature of reviewing a sizeable Parole Board file and providing advice, this does not seem an exorbitant fee.
963. Sir Anthony Mason, former Chief Justice of the High Court, performed something of a cost-benefit analysis of administrative review in 1989 which holds true today:⁵⁷⁸

[I]ndependent determination of the citizen's rights against the Executive as the hallmark of modern democracy a feature of Chapter III of the Constitution... Critics say that, as a result of the new system, the administrative process is more time-consuming and more costly than it was before. But it can scarcely be a legitimate point of criticism that more attention is now given to the authority of the law, to the need to give the citizen an opportunity to put his side of the case and to the statement of reasons for a decision. If these innovations have a price in time and additional cost then, within the proper limits, it is a price well

worth paying, so long as we obtain a greater measure of administrative justice... [T]he new system has contributed to a greater measure of administrative justice in its insistence on compliance with the rules of natural justice, its careful scrutiny of the reasons for decision, its emphasis on the justice of the case and its success in making the principles and procedures of review more uniform... No other system has been suggested that could provide these benefits in the same measure.

964. Submissions were made to me that the Victorian system which excludes judicial review from Parole Board decisions is preferable.
965. Complete exclusion of judicial review is constitutionally impossible. The High Court has held that: “the Parliament cannot confer on a non-judicial body the power to conclusively determine the limits of its own jurisdiction.”⁵⁷⁹ In *Kirk v Industrial Relations Commission of New South Wales* [2010] HCA 1, the High Court held that the jurisdiction of the State Supreme Courts to review the acts and omissions of state bodies for jurisdictional error is constitutionally entrenched and equivalent to that of the High Court itself.
966. The abolition of judicial review of Parole Board decisions is not something that should be considered by the Government.

Benefits of Judicial Review

967. From a philosophical perspective, it is a fundamental element of our democratic society that the legislative and executive always be subject to legal reason. Judicial review provides the indispensable check imposed upon those entrusted with public power and in turn ensures the accountability of the Parole Board. This is all the more important when you consider that decisions of a Parole Board affect the safety of the community and have the potential to deprive a person of liberty.
968. From a practical perspective, the system of judicial review has become invaluable to the Parole System in safeguarding proper decision making. This is achieved a number of ways.
969. *Firstly*, judicial review ensures natural justice is appropriately afforded to the prisoner which promotes high quality decisions by requiring decisions to be made on accurate and relevant information with logical reasoning and maintains confidence in the integrity of the system.
970. *Secondly*, judicial review promotes fairness and transparency in providing a course of action when a prisoner feels aggrieved by a decision. An application of judicial review results in the decision being sent to Crown Law for consideration with the potential for many decisions to be reconsidered and remade properly on the advice of Crown Law without proceeding to hearing. This system not only provides oversight of the Parole Board but also would assist in providing feedback and potential for development of the performance of the Board’s functions.

971. *Thirdly*, the judicial review process allows the Supreme Court to consider matters of importance to the parole system and interpret the legislation and ministerial guidelines to provide guidance and direction to the Parole Board in making decisions.
972. Prisoners' Legal Service runs test cases each year to influence and improve the future decision making of the Parole Board.
973. An example of the Court providing guidance to the Parole Board in the exercise of its decision making powers was in *Queensland Parole Board v Moore* [2012] 2 Qd R 294. In that matter, the Parole Board's decision to refuse parole was set aside partly because the Board was found to have erred in failing to consider the risks to the community if parole was never granted or only granted for a short period. Counsel for the Parole Board submitted that it was only the present risk to the community from an immediate release of the prisoner which was to be considered and future prospects were irrelevant. In rejecting this submission, Holmes JA (as the Chief Justice then was), with whom the other members of the Court agreed, reasoned:⁵⁸⁰

[I]t cannot be accepted that the Board is not obliged, in considering risk, to look beyond the time at which it is dealing with a parole application. If community safety is to be achieved by supervision and rehabilitation, it is necessary to consider an applicant's likely progress over the potential parole period, rather than confining considerations to the present or the immediate future. Dr Kar had advised that it would be preferable for the respondent to be gradually re-integrated back into the community; the Parole Board Assessment Report had made the point that the benefits of supervision would diminish as the length of the prospective parole period was reduced. It was, accordingly, both relevant and necessary for the Board to take into account and weigh the relative risks of discharging the respondent at or towards the end of his sentence and of giving him earlier supervised release on parole. It was perfectly open to the Board to decide that the time was not yet right to undertake the latter exercise, but the respondent had squarely raised the issue in his submissions; it was relevant; and the mere allusion to Dr Kar's report did not amount to taking it into account.

974. Many of the matters that go to hearing involve issues of treatment and rehabilitation, its availability in custody and whether the Parole Board has appropriately considered if prisoner would be better served to rehabilitate in the community. *Barrett v Queensland Parole Board*⁵⁸¹ was a case where an applicant had been waitlisted for drug treatment programs in custody with no indication of when he was going to be available to undertake those courses. The applicant was denied parole on the grounds that the applicant had outstanding treatment requirements. There was no evidence that the applicant's outstanding treatment requirements could be met in custody and it was found that the Board failed to consider the important matter of whether community safety would be advanced by the applicant remaining in custody possibly

- until his full-time release date with outstanding treatment requirements not able to be met.
975. In setting aside the decision, Applegarth J found the decision was flawed in not giving the applicant the opportunity to address what the Board apprehended his outstanding treatment requirements were and to address whether those treatment requirements could be met by any program that was reasonably available to the prisoner in custody.
976. In *Pangilinan v Qld Parole Board* [2014] QSC 133 the Court provided guidance on the procedural and substantive legal restraints placed on the decision making powers of the Parole Board. The prisoner had lodged an application for judicial review of a decision to refuse parole. Prior to a hearing of the application, the Parole Board rescinded its decision. The Parole Board then made another decision to refuse parole. This decision became the subject of an amended judicial review application. After the prisoner had filed the amended application, the Parole Board considered the applicant's matter again and "determined to affirm their decision made" to decline the applicant's application for parole. The Parole Board had made three decision to decline the application for parole.
977. In setting aside both the second and third decision, Jackson J concluded the second decision was an improper exercise of power and the third decision was a decision the Parole Board was not authorised to make. The Court held that the second decision was reviewable as the Parole Board did not take into account whether appropriate conditions of a parole order might reduce the risk of the applicant's reoffending and thereby influence the question whether he posed an unacceptable risk to the community if released on parole. In reaching the conclusion that the third decision was not valid, Jackson J found that as the Parole Board did not rescind the second decision, it did not have the power to recall and reconsider a decision already made.
978. Judicial review applications have been successful when the applicant prisoner can establish there has been a denial of natural justice by the Parole Board. Justice Henry in *Finn v Central Northern Queensland Regional Parole Board*⁵⁸² found that the Parole Board had failed to provide the applicant with the information required to give him any reasonable opportunity to make submissions and failed to comply with natural justice requirements that are entrenched in the *Corrective Services Act*.
979. In *Finn*, the judicial review related to two decisions of the Central and Northern Queensland Regional Parole Board. In August 2015, the Parole Board issued an information notice under s 205 of the *Corrective Services Act* advising the prisoner of a preliminary decision to amend the Board-ordered parole and invited the prisoner to show cause within 21 days as to why the decision should be changed. Later that year on 17 November 2015, the same Board issued another information notice under s 208 of the *Corrective Services Act* advising of the preliminary decision to indefinitely suspend the prisoner's Board-ordered parole. The suspension was in relation to a police sighting of evidence in his car which led to the drug test being requested and

then an allegation that the prisoner had used a hidden device to provide a false urine sample.

980. Henry J found that the purported reasons given in the Board's notice on both occasions did not give the applicant sufficient information to be able to make any meaningful attempt to show cause and set both decisions aside. In setting aside the decision to indefinitely suspend parole, Henry J said:

There is, moreover, the consideration that on an issue as fundamental as liberty, the applicant surely has a right to be afforded the due process afforded him, not only by the rules of natural justice but by the legislature. He was entitled to be told the Board's reasons and in turn, attempt to provide a properly made submission within the meaning of s 208 within the timeframe stipulated. It would, I think, be trivialising those rights to take the view that they have been met by a quite different and less properly informed ad hoc process in the aftermath of the respondent's failure to afford him natural justice and failure to comply with s 208.

981. These examples of successful judicial review applications demonstrate the value of a cause of action for when decisions are made outside of the procedural and substantive legal limits placed on the exercise of executive decision making. The processes before a matter reaches a hearing, in obtaining Crown Law advice, ensure there is external feedback provided to the Parole Boards on their decisions. The benefits for future decision making of examination by the Court of a complex matter or a Parole Board practice to determine its lawfulness should not be underestimated. There can be no good justification for allowing errors to be perpetuated in ignorance.

Recommendation No. 61

Decisions of the Parole Board should continue to be subject to judicial review.

9. Management of offenders in the community

Introduction

982. This chapter examines the management of offenders in the community with specific consideration of:
- (a) Probation and Parole workloads
 - (b) Probation and Parole staffing and training
 - (c) offender management practices
 - (d) contravention management.
983. Queensland Corrective Services' (QCS) Probation and Parole Service supervises offenders subject to a range of orders in the community including probation, intensive correction order, court ordered parole, board ordered parole and reparation orders (such as community service, graffiti removal, fine option, and SPER orders). With the exception of offenders on reparation orders, the processes and management of offenders on community based orders are very similar.
984. Offender management is largely focused on risk and level of service, not order type. Offenders are all subject to the same admission, induction, assessment, planning and case management processes. An offender must report regularly to a probation and parole officer, who monitors the offender's progress on the order and assists with rehabilitation.
985. The primary difference between management of a probationer and management of a parolee is the process for dealing with order contraventions. A parole order can be administratively suspended with the consequence that a parolee is returned to custody. However, a breach of a probation order is returned to the sentencing court. As explained in Chapter 5, parolees are often returned to custody on suspension, interrupting their case management and reducing their likely success on parole when re-released.

Probation and Parole workloads

986. During consultation with a variety of stakeholders, the workload of Probation and Parole staff was repeatedly raised as an issue. At present, a parole officer has such a high caseload and administrative burden that it severely limits the capacity of the officer to usefully manage the re-integration of the parolee rather than merely monitor the compliance of the parolee with the parole order. For any meaningful change in the management of parolees to occur, a reduction in the present caseloads and administrative tasks imposed upon parole officers is required. That will benefit community safety by better management of parolees. It ought also to be more cost-effective and efficient by reducing returns to custody and ensuring that trained and qualified parole officers spend as much time as possible using their professional skills rather than undertaking administrative tasks.

987. In recent years, there has been limited growth in Probation and Parole staff numbers despite the increase in offender numbers. QCS have advised that there was a substantial staff increase following an injection of funding in 2006 when over 100 new positions were created, representing a 25 per cent increase in staffing. Additionally, another 130 positions were upgraded⁵⁸³. However, the growth in offender numbers over the last decade has far exceeded growth in staffing.
988. The 2016 Report on Government Services (RoGS) reported that Queensland was the second cheapest community corrections service in the country in 2014-15 (slightly behind Tasmania), with a cost of \$14.01 per offender per day (see Table 9.1). This cost is substantially below the national average of \$22.64.

Table 9.1: Real net operating expenditure, per offender per day (2014-15 dollars)⁵⁸⁴

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
2010-11	25.99	22.53	12.75	43.69	15.77	11.09	14.43	38.35	21.59
2011-12	27.41	27.13	14.40	44.46	17.60	12.27	15.72	45.32	23.55
2012-13	26.82	27.76	14.06	46.60	17.97	11.06	18.80	44.34	23.68
2013-14	23.01	27.43	13.44	43.61	17.42	11.98	18.40	40.14	21.97
2014-15	23.83	25.68	14.01	46.94	17.81	13.42	31.78	43.50	22.64
2015-16	-	-	12.69*	-	-	-	-	-	-

*2015-16 figures will be published in the 2017 Report on Government Services⁵⁸⁵

989. The low cost of Queensland's probation and parole system when compared with other jurisdictions is due to the high caseloads managed in Queensland relative to other jurisdictions. In 2014-15, Queensland had the highest offender-to-operational staff ratio (35.1 compared to a national average of 21.2) and the second highest offender to all-staff ratio (23.9 compared to a national average of 16.4) (see Table 9.2). Operational staff are those staff responsible for directly case managing offenders.

Table 9.2: Community corrections offender-to-staff ratios, 2014-15⁵⁸⁶

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Offender-to-all-staff	16.7	13.5	23.9	9.5	17.5	24.8	12.5	9.2	16.4
Offender-to-operational staff	20.8	16.3	35.1	12.6	23.6	29.6	16.1	11.7	21.2
Offender to other staff	86.2	78.5	74.8	38.1	66.9	152.5	56.1	43.8	72.2

990. QCS has recently advised that it has discovered that the figures reported in RoGS are incorrect due to the inclusion of head office staff in the operational staff count. These staff should not have been included and are not included by any other jurisdiction. This means the caseload situation is actually *far worse* than reflected in the statistics presently reported in RoGS. QCS has advised that the accurate offender-to-operational staff ratio for 2014-15 was 43.9 and for 2015-16 is 48.0. The position in Queensland is,

therefore, the worst in Australia. However, the 2017 RoGS will not reflect these corrected figures as the data deadline had passed by the time QCS discovered the error. The change in Queensland's ratio will necessarily affect the national average. Queensland has had continually higher ratios than the national average over the last decade (see Appendix 25).

991. In my view, and the view of many others with whom I spoke or from whom I received submissions, the current ratio of offenders to officers in Queensland is too high to allow officers sufficient time for effective case management. The Auditor-General of Queensland in his 2013 follow-up review of Probation and Parole services in Queensland, referred to the low cost of Probation and Parole as potentially being a "false economy" if offenders continue to return to corrective services supervision or imprisonment⁵⁸⁷.
992. Mr Callinan, in his review of the parole system in Victoria, noted issues with the level of parole officer staffing at that time. His view was that Corrections Victoria did not have enough parole officers to case manage offenders effectively and that the caseload ratio needed to be reduced⁵⁸⁸. Victoria's 2014-15 offender-to-operational staff ratio is less than half that of Queensland.⁵⁸⁹
993. In addition to the high caseloads, QCS says in its submission that increased offender numbers also increase staff workloads due to the additional service demands placed on Probation and Parole including:
- (a) increased advisory services to the courts, including specialist courts
 - (b) increased travel time to supervise offenders across the State, particularly in regional and remote areas
 - (c) report requests from courts, the Director of Public Prosecutions and other stakeholders
 - (d) increased stakeholder and community liaison and inter-agency coordination.⁵⁹⁰
994. The ability of staff to undertake these additional tasks reduces when caseloads are high.
995. The size of the Probation and Parole workforce needs to be increased so as to significantly reduce the caseload for each parole officer and bring it down towards the national average. That will take time and dedicated recruitment activities will need to be undertaken. The Government will need to appropriately and *specifically* fund that recruitment and those new positions.
996. As explained below, at present there are issues with the stability of the Probation and Parole workforce. Yet a stable workforce is critical to the success of many recommendations within this report, particularly in relation to continuity in case management. Reducing caseloads so as to encourage proper case management is likely to assist in increasing stability of the workforce and the attractiveness for those with

the necessary skills and experience of working for Probation and Parole. The workforce issues need to be addressed as a priority during implementation.

Recommendation No. 62

The Government should provide the funding and associated resources necessary to allow Queensland Corrective Services progressively to bring Queensland in line with the Australian average offender-to-staff ratios within three years to make workloads more manageable and increase the efficacy of case management.

Probation and Parole staffing

997. Probation and Parole staff are broadly divided into the following groups: managerial staff, professional staff, intelligence positions, programs staff, surveillance and support staff. A basic staffing structure in a region and explanation of different positions is included in Appendix 26.
998. The number of staff in each position category varies between regions due to the size and location of the region, the number of offenders supervised within the region, the risk profile of offenders supervised, the level of rural and remote reporting required, and other factors specific to the location.
999. Offenders are predominantly supervised by Senior Case Managers and Case Managers. A pre-requisite for appointment to these positions is that the person holds a degree relevant to the human services or criminology fields^{591 592}. Reparation orders such as community service orders are managed by Probation Services Officers. There are no mandatory qualifications for this role⁵⁹³.
1000. Most of the staff employed by Probation and Parole to supervise offenders are female and often come into the roles straight from university. For the case manager and senior case manager positions, the staff responsible for supervising the majority of offenders, 82.4 per cent are female with 57.5 per cent aged between 20 and 35 years (42.2 per cent are under the age of 30)⁵⁹⁴. Males aged 20-35 years account for 10.5 per cent of case manager or senior case manager staff. Male staff account for a total of 17.5 per cent of supervising officers.⁵⁹⁵
1001. QCS has advised that in some district offices there are no male staff. The majority of offenders supervised by Probation and Parole are male. Male officers are necessary for logistical purposes such as supervising urinalysis testing, which must be undertaken by a staff member of the same gender as the offender.
1002. Additionally, less than 2 per cent of the Probation and Parole professional workforce identify as Aboriginal and Torres Strait Islander⁵⁹⁶. Yet 24 per cent of offenders under supervision in Queensland are Aboriginal or Torres Strait Islander people (see Chapter 3).

1003. The current recruitment requirements, specifically the requirement for a human services based degree qualification, are likely to continue to limit the diversity of people pursuing a career in Probation and Parole.
1004. Queensland is the only Australian jurisdiction with a mandatory degree qualification for case managers. In some other jurisdictions, human services or criminology degree qualifications are listed as desirable for entry level community corrections officers (the equivalent of case managers) (for example, New South Wales⁵⁹⁷, ACT⁵⁹⁸, Tasmania⁵⁹⁹, New Zealand⁶⁰⁰). Other jurisdictions make no reference to qualifications for entry level community corrections officers but require qualifications for more senior roles (for example, South Australia⁶⁰¹) or require successful applicants to complete a training program on commencement before supervising offenders (for example, Northern Territory⁶⁰²).
1005. In Queensland, suitably qualified probation and parole officers (at the time called community corrections officers) were moved to the professional stream of the public service in 1999 following a review of corrective services in Queensland when it was determined many community corrections officers had qualifications⁶⁰³. This was recommended to recognise the differences between community corrections officers and custodial officers, as previously all officers working within corrections were considered generic officers on the corrections officer salary scale.
1006. There are significant differences between custodial officers and probation and parole officers and this must be recognised. For that reason, I do not recommend moving probation and parole officers back to the corrections officer scale.
1007. However, I understand that the issue might be addressed by moving probation and parole officers to the administrative stream of the public service which includes other probation and parole positions including Probation Services Officers, Supervisors and District Managers. A shift away from mandatory degree qualifications would require the Case Manager and Senior Case Manager positions to be redesignated from PO2 and PO3 to AO4 and AO5 respectively. There are likely to be funding implications associated with this shift. Ultimately, the mechanics of implementing the removal of the mandatory requirement for a degree qualification is a matter for the Government.
1008. A change to the mandatory degree qualification must be accompanied by changes to the design and delivery of training for probation and parole officers. There are existing problems with the training of probation and parole officers. The consequences of those problems would be substantially magnified if they were left unaddressed but the degree qualification was removed.

Recommendation No. 63

Queensland Corrective Services should remove the mandatory requirement for a degree qualification in human services or criminology for Probation and Parole case managers but with the following two qualifications:

- (a) such qualifications would remain desirable**
- (b) the implementation of this recommendation should only occur in concert with the implementation of the recommended changes to the training programs for probation and parole officers.**

1009. The small number of Aboriginal and Torres Strait Islander staff in case manager roles is disturbing given the significant proportion of Aboriginal or Torres Strait Islander offenders supervised by Probation and Parole. While there are staff who identify as Aboriginal or Torres Strait Islander in other roles across Probation and Parole, these staff still only account for five per cent of non-professional staff⁶⁰⁴.
1010. I am informed by QCS that there can be some difficulties for Aboriginal and Torres Strait Islanders working within QCS, both from a recruitment perspective and an operational perspective. Staff employed by QCS are subject to a criminal history check prior to being offered employment. Given the nature of the work performed by QCS staff it is not surprising that a recent and/or serious period of offending behaviour would affect a person's suitability for employment. People with a criminal history, including Aboriginal and Torres Strait Islander people who we have already established are overrepresented in the justice system, may be discouraged from applying for positions or they may not be offered employment if they do apply.
1011. There can also be conflicts for Aboriginal and Torres Strait Islander people in supervising offenders managed by Probation and Parole. This can be due to cultural expectations around family, kinship groups and respect for elders that are at odds with having to manage, and potentially breach, offenders from a staff member's community. A potential staffing option to mitigate to some extent, but not eliminate, these issues could be to employ Aboriginal and Torres Strait Islander people as Cultural Liaison Officers.
1012. As part of the review process, I visited Woorabinda to discuss issues in that community that arise from the current parole system in Queensland. Stuart Smith, the Deputy Mayor of Woorabinda, pointed out that a CLO with knowledge of a community would likely be of great assistance to the Probation and Parole officers managing offenders in a community.
1013. I understand there is currently only a single CLO employed within Probation and Parole, located in the Far Northern region.⁶⁰⁵ The CLO is responsible for providing significant contribution to the case management of Aboriginal and Torres Strait Islander offenders within the community, and ensuring offenders' individual, cultural

and social needs are met through liaison with offenders' families, QCS staff, government and non-government welfare agencies and service providers⁶⁰⁶.

Recommendation No. 64

Queensland Corrective Services should substantially and immediately increase the number of Cultural Liaison Officer positions within the Probation and Parole workforce, particularly in offices supervising high numbers of Aboriginal and Torres Strait Islander offenders.

1014. The staffing breakdown with Probation and Parole has changed significantly in recent years. This appears to be largely due to the increasing risk profile of offenders. QCS advised that there were previously more Case Manager (PO2) staff than Senior Case Manager (PO3) staff, however this has reversed with twice as many PO3 staff now employed in Probation and Parole district offices compared to PO2 staff.
1015. The previous staffing breakdown provided a dedicated progression path for the more experienced and demonstrably capable PO2 staff to move into more senior roles. However, the shift in risk profile has resulted in a need for large numbers of PO3 staff. A number of people working within QCS with whom I consulted observed that it appeared that, in order to fill temporarily vacant PO3 positions, staff are often promoted quickly and without adequate experience or the training necessary.
1016. There are a significant numbers of temporary staff working within Probation and Parole.⁶⁰⁷ Most officers are initially recruited to temporary vacancies and it appears some roles are only created on a temporary basis due to non-recurrent funding arrangements. However, although there may be a number of temporarily vacant positions, there are often few permanent vacancies due to the "owner" of the position being on leave or acting in a more senior role (which is also generally a temporary vacancy), creating a domino effect of temporary appointments. Some QCS staff observed that some staff have not worked in their permanent position for a couple of years but are not willing to relinquish the permanent position due to fears about job security.
1017. I understand many of the PO3s that own permanent positions are acting in higher roles within Probation and Parole covering maternity leave, other secondments or are seconded to head office. Staff movements appear most prevalent in South East Queensland, possibly due to the high concentration of Probation and Parole district offices in the area and the location of QCS's head office.
1018. The high level of staff movements can be demonstrated by the number of staff assigned to a particular position number in a given period. During the period September 2014 to September 2016, and considering all positions across Probation and Parole offices from regional managers down to administration officers, there was an average of 3.67 staff moved in and out of each position⁶⁰⁸. The median number of movements per position was three with the highest number for a single position being 11 over that two-year period⁶⁰⁹.

1019. When staff movements are narrowed to consider only Senior Case Manager and Case Manager roles, this increases to 4.5 movements for each position with a median number of four movements (highest number of movements during the period was 10)⁶¹⁰.
1020. During the two-year period from September 2014 to September 2016, an average of 20 staff members per month were on maternity/parental leave, with a peak of 30 staff members on maternity/parental leave in April 2016 and June 2016⁶¹¹.
1021. The significant amount of movement in the Probation and Parole workforce (which is commonly referred to by QCS staff as “the churn”) is affecting the ability of staff to manage offenders effectively and has a negative impact on offenders who do not receive consistent case management but rather have a number of different supervising officers during the course of their orders. QCS advised that it was not uncommon for an offender to have three to six supervising officers during his or her period of supervision.
1022. A similar issue with high staff turnover was identified by Mr Callinan in his review of the Victorian system. He found that there was high turnover in Victoria with many employees commencing with Corrections Victoria but not remaining there, often moving on to other government or non-government agencies⁶¹².
1023. Corrections Victoria confirmed that they had previously experienced difficulties with the staffing of their community corrections arm but had made a number of changes since the Callinan Review. This included reducing caseloads by employing more staff and introducing a higher pay level to attract more experienced staff. This has led to improved job satisfaction, higher rates of staff retention, less churn, and attraction of quality staff⁶¹³.
1024. I understand from QCS that the high workload of probation and parole officers in Queensland is also having a real effect on the health and wellbeing of staff with many struggling to cope. Undoubtedly, this will eventually cost the State money for one reason or another.
1025. All of these issues (high levels of staff churn, staff health and wellbeing, consistency for offenders) will be reduced by increasing the number of staff to better align with the national average.
1026. However, an obstacle to increasing the number of probation and parole officers in Queensland is the lack of space available in district offices to accommodate additional staff. QCS advised that many district offices are unable to accommodate the additional temporary staff resulting from funding received in 2016-17. Some staff are working from different office locations or in program/training rooms within district offices.

Recommendation No. 65

Queensland Corrective Services should consider options for expanding or relocating probation and parole offices as needed to accommodate the growing offender numbers and necessary increases in staffing.

Probation and Parole staff training

1027. Since 1986, the Queensland Corrective Services Academy located at Wacol (previously known as the Training and Development Centre) has provided education, training and professional development services to corrective services staff across Queensland. The Academy is a registered training organisation governed by the Australian Quality Training Framework (AQTF)⁶¹⁴.
1028. QCS advised that the training programs for probation and parole officers have been modified over time since the pilot Entry Level Program commenced in 2006. Most recently, in 2013, the QCS Academy transitioned from the Reporting Officer Development Program to the Practitioner Development Program (PDP).
1029. The PDP is an entry level program for Probation and Parole staff responsible for the supervision of offenders, primarily aimed towards new case managers. QCS advised that there is currently no formalised training delivered by the QCS Academy or coordinated at a local level tailored to Probation Services Officers though a few (often from regional areas) may attend the PDP if deemed appropriate by their District Manager.
1030. The training structure for Probation and Parole officers includes:
- (a) a five day program in the District Office commencing on the first day of employment including online training packages, work based activities and discussions. *Officers are actually allocated a caseload by the end of the five days*
 - (b) four weeks of face-to-face training comprising two week training blocks, separated by two to three weeks in a District Office
 - (c) a five day face-to-face Progression Training program for officers progressing from the Case Manager to Senior Case Manager role⁶¹⁵.
1031. In 2015, 94 staff completed the initial five day program, 81 staff completed the face-to-face training and 45 staff completed progression training⁶¹⁶.
1032. Face-to-face training is facilitated through the QCS Academy and QCS advised that staff generally commence this training at some time within the first 6-12 months of employment. Training blocks are delivered by the Academy's Probation and Parole Senior Training Officers, other content experts within QCS and relevant external stakeholders. A list of topics delivered in this initial training is provided at Appendix 27. I understand from QCS staff that these topics focus largely on the tools and processes used in probation and parole rather than broader case management skills.

1033. The progression training package, delivered by internal and external content experts, covers prosocial modelling, motivational interviewing, management of sex offenders and advanced risk assessment, management and mitigation⁶¹⁷.
1034. A major issue with the current training programs is a lack of timely delivery. Many officers have been supervising offenders for lengthy periods *before* receiving the face-to-face training at the Academy. Given the unstable workforce and high caseloads it is important to have as many staff on the ground as possible to manage offenders. However, that ought not come at the expense of those staff being adequately trained to perform their duties before they commence managing offenders. Between 1 January 2016 and 5 June 2016, five of the 22 staff who commenced the initial face-to-face training were already working in Senior Case Manager positions⁶¹⁸. The majority of the 36 staff who completed Progression Training from January to July 2016 had already been acting as Senior Case Managers for a period of 12 months or more which is not in line with the intent of the training⁶¹⁹.
1035. QCS acknowledged that such delays in training means that there is an increase in the number of inexperienced staff managing high risk offenders, that it can lead to inconsistencies in skills and knowledge within an office and can embed poor practices.
1036. In contrast to the delays in training of probation and parole officers, Queensland custodial correctional officers must successfully complete a *10 week* training course, which includes a two week practical experience placement in a correctional centre, prior to officially commencing work in a centre⁶²⁰. This is similar in some respects to the requirements of Queensland police officers who complete a 25-week recruit training course at the Queensland Police Service Academy prior to induction as a Constable⁶²¹.
1037. In other jurisdictions, probation and parole officers are required to complete upfront training prior to receiving a caseload of offenders to supervise. In New South Wales, staff receive 12 weeks of primary training broken into stages (the first four weeks at the Academy in Sydney, four weeks at the office at which the officer will be working and then four weeks back at the Academy)⁶²². In the Northern Territory, officers receive a nine week block of training in Darwin with the first half consisting of face-to-face training and the second half consisting of an office placement, shadowing other staff and completing structured activities⁶²³. In both jurisdictions, officers are not allocated a caseload of offenders until they complete the training and commence at their office location.
1038. In New Zealand, entry level training is completed over a six-month period and known as the Probation Officer Curriculum⁶²⁴. A mixture of face-to-face training and local workplace shadowing and activities occurs over this period with staff gradually allocated offenders from week nine and receiving a full caseload by the end of their initial six months⁶²⁵.
1039. In Western Australia, there is a mixture of face-to-face training blocks (three blocks of three weeks) and periods of time in the District Office between those blocks⁶²⁶. This is

somewhat similar to Queensland's model. However, for entry level staff in Western Australia, training is prioritised and is completed over the first 19 weeks of employment⁶²⁷.

1040. In March 2016, QCS commenced a review of the Probation and Parole training programs with a number of potential improvements identified. The suggestions from that review do not appear to make any significant changes to the content of the training or ensure training is provided to staff prior to the staff being allocated a caseload of offenders. It appears the improvements are predominantly focused on the structure of training and accessibility of information (see Appendix 28 for the proposed new training pathway).
1041. QCS has advised that these are modifications that can be achieved within their existing training budget. The major changes in training that ought to be made will require additional funding. The first major change must be to address the problem that training is not being delivered at the appropriate time and is often too late for officers to receive maximum benefit from the training.

Recommendation No. 66

Queensland Corrective Services should reformulate its training program so as to ensure that new probation and parole officers undertake all necessary and appropriate training prior to being allocated a caseload of offenders to supervise.

1042. QCS acknowledged in its submission that the current entry level training program focuses on the current tools and processes used within Probation and Parole rather than "the core elements of risk principles, use of discretion, decision making and broader case management skills."⁶²⁸
1043. Additionally, QCS advised that staff do not currently receive specialised training in managing violent offenders or those with substance abuse addictions. This is despite 67 per cent of offenders being under supervision for a current violence offence and 77 per cent having a violent offence in his or her history (as at August 2016).⁶²⁹ This is very, very disturbing given that these factors require experienced management to ensure community safety.
1044. A thorough review of QCS's current training content needs to be conducted to ensure that the training of probation and parole staff is congruent with best practice research regarding the skills and knowledge required to be an effective parole officer.
1045. One option may be for QCS to partner with a university to develop the training material. Academics, particularly those within a relevant discipline such as criminology or psychology, who are already delivering courses to students seeking employment in the criminal justice system, will likely have the experience and knowledge necessary to develop or assist in developing satisfactory training modules.

1046. Obtaining assistance from a university is likely to be particularly important if my recommendation that there no longer be a mandatory degree qualification for case managers is put into effect because trainee case managers will not necessarily come to QCS having the skills that are developed in an undergraduate degree. That recommendation should not be put into effect unless QCS has developed additional training modules appropriate for trainee case managers without an academic qualification.
1047. The content of a new training program should be externally evaluated to ensure that it is satisfactory. It should be subject to periodic re-evaluations to ensure that it continues to appropriately meet the needs of the Probation and Parole Service.

Recommendation No. 67

Queensland Corrective Services should review and revise the content of the current training program for probation and parole officers, and consider doing so in partnership with a university, so as to develop a training program that is fit for purpose and appropriately instructs trainee officers in managing offenders.

Recommendation No. 68

Before removing the mandatory degree qualification for probation and parole officers, Queensland Corrective Services should develop additional training modules appropriate for trainee officers without an academic qualification.

Recommendation No. 69

The revised training program for probation and parole officers should be externally evaluated before it is implemented and be subject to programmed periodic re-evaluations.

1048. One of the requirements for Queensland probation and parole officers is the attainment of a Certificate IV in Correctional Practice⁶³⁰. QCS advised that the requirements of this qualification are explained during the face-to-face training at the Academy, however all the assessments are completed within the District Office environment. The attainment of the Certificate IV is consistent with other jurisdictions though in some jurisdictions a Certificate IV is optional (South Australia⁶³¹) and others require a Certificate III instead (Western Australia⁶³²).
1049. The Certificate IV qualification is a registered course with the Australian Government⁶³³. The qualification allows for the attainment of general competencies in relation to the supervision and management of offenders and detainees in the criminal justice system and also specialisation in certain streams. For probation and parole officers, this is the community specialisation stream. In Queensland, the certificate is awarded to probation and parole officers by the QCS Academy.

1050. For probation and parole officers interested in the managerial stream as a means of career progression, there is no dedicated training relevant to managerial roles. A Supervisor within Probation and Parole requires a different skill set, including staff management and oversight, to that required of a Senior Case Manager. No training is currently provided for staff progressing to Supervisor roles. Not surprisingly, the day-to-day requirements of a role that focuses on managing staff, as opposed to managing offenders, can come as a shock to new supervisors, especially considering the rapid progression of staff through positions that is occurring within some offices.

Recommendation No. 70

Queensland Corrective Services should develop training courses for more senior positions, such as the role of Supervisor, and require those courses to be completed before an employee takes up the role.

1051. In addition to the Probation and Parole Service being under resourced and staff not being adequately trained, concerns have been raised during the course of this review about a lack of professional development and clinical supervision of probation and parole officers and an inability to retain experienced professional staff as the only career progression path available is in the management stream.
1052. A recommendation of the training review undertaken by QCS earlier this year was that practice leader positions be established in each region⁶³⁴. Practice leaders, or equivalent, exist in a number of jurisdictions including Victoria, New Zealand and the United Kingdom. Broadly, practice leaders are responsible for building capability within the Probation and Parole workforce and further embedding the learnings derived from training. The specifics of the role vary across jurisdictions.
1053. In New Zealand, practice leaders are experienced officers who encourage practice capability development, reflective practice, enable practice learning and deliver practice development and support to staff and managers to enable them to work effectively. They are not responsible for the management processes or the provision of management supervision.⁶³⁵
1054. In Victoria, Mr Callinan stated in his review that “managers need to be enabled, if necessary by the appointment of office assistants and Principal Practitioners, to oversee, train and mentor staff working in the field. Changes should be made to ensure that there are career paths for Corrections Victoria staff supervising offenders outside prison.”⁶³⁶
1055. In Victoria, Senior Practice Advisers are “experienced case management staff who provide highly developed case practice advice, supporting and development case management staff in the integration of theory and practice”.⁶³⁷ Additionally, Principal Practitioners are employed in each region to provide “oversight of case management practices and effective staff supervision, training and mentoring”.⁶³⁸ Corrections Victoria advised that the Principal Practitioners also present a professional development day to staff in their region each month⁶³⁹.

1056. Currently, in Queensland, the provision of training outside of the Academy is limited as there is no specific skill development provided to probation and parole supervisors to enable them to train staff within their offices on any topics⁶⁴⁰. Additionally, there is limited support for staff to embed their training and continually strive for improvement in their role.
1057. Practice leaders would not only help to develop staff capabilities and, in turn, improve the management of offenders, but this specialised role would provide an alternative progression path for experienced officers who do not wish to pursue the managerial path to Supervisor and District Manager. Probation and Parole often loses such highly skilled officers to other opportunities within corrections, such as head office positions, or employment outside of corrections which aligns better with their career aspirations.

Recommendation No. 71

Queensland Corrective Services should create practice leader positions within Probation and Parole to provide practice development sessions, professional supervision and clinical support of staff to embed their training and continually improve their case management skills.

Recommendation No. 72

Queensland Corrective Services should have ongoing professional and practice development training of probation and parole officers.

Offender management

Improving the efficiency of offender management

1058. Given the high proportion of short-stay prisoners churning through the prison system, and the limited ability for QCS to engage these prisoners in effective rehabilitation while in custody, effective case management by probation and parole officers becomes paramount.
1059. Probation and Parole staff manage offenders in the community in accordance with a range of detailed practice guidelines from admission all the way through to completion of an offender's order.
1060. The admission and induction phase of supervision occurs at an offender's first appointment with Probation and Parole. It is designed to capture information that will enable the effective supervision of the offender throughout the period of their order. This process facilitates collection of the offender's personal and order details; provides comprehensive information to offenders about their rights, entitlements and obligations; and ensures the offender is aware of their order conditions, the expectations of the Court and Probation and Parole, and consequences of failing to comply with their order conditions.⁶⁴¹

1061. The admission and induction process appears to be merely administrative, involving the completion of a number of forms and providing an offender with a significant amount of information to digest in one meeting when he or she is likely already feeling overwhelmed by the release from custody. Additionally, it appears that this initial admission is conducted by a 'duty officer' (rostered among probation and parole officers) so that the offender is likely to have a different officer allocated for his or her next appointment.
1062. For offenders reporting to Probation and Parole from custody, it would appear some of these tasks could be completed in custody prior to release, particularly the order induction which would enable parolees to be fully aware of the conditions of their parole order before entering the community. The importance of co-ordinated end-to-end case management has been addressed in Chapter 5. One of the recommendations that I made was that QCS should implement a system so that the case manager from probation and parole who is to manage a prisoner on parole begins contact with, and involvement in the management of the prisoner, before the prisoner is released from custody. Induction into the order, together with other tasks that can be completed pre-release, should form part of that pre-release contact. This will reduce the risk to the community and increase the efficiency of the system.

Recommendation No. 73

As part of designing and implementing the system recommended in Recommendation No 12, Queensland Corrective Services should identify tasks that can be completed pre-release, such as induction into the parole order, and provide for those tasks to be undertaken by the parole officer before the commencement of the prisoner's order.

Reducing the administrative burden

1063. The assessment phase follows the admission and induction phase and focuses on gathering information to appropriately determine an offender's supervision level, identify an offender's individual risk factors for the prevention of re-offending and translate these rehabilitation needs into intervention activities.⁶⁴² Risk identification and management is a fundamental component of QCS's supervision model. The assessments conducted by Probation and Parole have been addressed in Chapter 5.
1064. However, accurate risk assessment is not the only element required for good case management. A number of stakeholders and some prisoners have submitted that Probation and Parole officers are too compliance focused in the management of offenders. Effective case management needs to find an appropriate balance between assessing and addressing offender needs and compliance.
1065. Probation and parole officers supervise a range of offenders in the community, from non-violent property and drug offenders to violent offenders (including domestically

violent offenders) and sexual offenders subject to *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) orders (DPSOA).

1066. The supervision of offenders is tailored to match resources to risk, and attempts to balance the requirements of managing the offender in the community with the offender's requirements for intervention and treatment. For sex and violent offenders, particularly moderate- to high-risk offenders, greater resources and interventions are provided.
1067. In Queensland, higher risk offenders are supervised by more experienced officers. These officers have a reduced caseload to reflect the additional workload that these higher risk offenders represent. However, Queensland caseloads are still significantly higher than all other jurisdictions (except Tasmania)⁶⁴³. QCS submitted that, in January 2012, approximately 31 per cent of the offender population was deemed high risk and supervised by senior case managers. By June 2016, this number had increased to 42 per cent⁶⁴⁴. For parolees, currently 55 per cent of offenders subject to parole orders are deemed high risk⁶⁴⁵.
1068. Research used to develop the Risk of Re-offending (RoR) assessment, which QCS uses to determine an offender's risk level, indicates those offenders deemed high risk (with a RoR score between 12-20) will typically re-offend at a rate between 58 per cent and 78 per cent⁶⁴⁶.
1069. Officers who supervise lower risk offenders generally have higher caseloads. In August 2011, QCS commenced a trial of biometric reporting kiosks for use by lower risk offenders to assist in avoiding over-management of low-risk offenders and to increase the availability of resources for the management of higher risk offenders. Biometric reporting is now available in all probation and parole offices. Offenders on court ordered parole who are assessed as low risk are eligible for biometric reporting. Board ordered parolees are ineligible.⁶⁴⁷
1070. The Biometric Identification System (BORIS) scans the offender's fingerprint, which is stored on a computer database together with the offender's photograph, name, and offender identification number. Biometric reporting involves the offender scanning his or her fingerprint and answering a number of questions on a computer screen at the probation and parole office. Offenders can report at any time on their scheduled day and are provided with a receipt by the kiosk to confirm reporting.⁶⁴⁸
1071. A short-term evaluation of the biometric reporting system was conducted in 2012, six months after the system's introduction in Queensland. The evaluation compared BORIS trial offices with non-BORIS enabled offices⁶⁴⁹. The evaluation found:
- (a) low-risk offenders were re-arrested at lower rates if they were reporting to BORIS than if they were not, though this may have been due to discretion by officers not to put a small number of offenders on BORIS due to concerns about the offenders. There was no difference between the groups regarding the offence severity of re-arrests

- (b) offenders not reporting to BORIS were 11.5 times more likely to fail to report for their appointments
 - (c) officers experienced an estimated 50 to 75 per cent reduction in face to face reporting for BORIS offenders.⁶⁵⁰
1072. Offenders subject to a Low Risk level of service are generally only interviewed for the purpose of monitoring compliance, undertaking requests for travel, issuing directions and managing contraventions (as required)⁶⁵¹.
1073. Like Queensland, a number of jurisdictions have a two-tiered case management stream with more senior officers supervising higher risk offenders. In Victoria, following a recommendation made in the Callinan review report⁶⁵², there is a separate parole officer stream where staff only supervise parolees. Other community corrections officers supervise offenders subject to community corrections orders. Corrections Victoria reported that they have found this workforce streaming to work well and that it recognises the different authorising environments under legislation and different risk management required⁶⁵³. However, caseloads in Victoria are significantly different to those in Queensland. In 2014-15, the offender-to-operational staff ratio in Victoria was 16.3 compared to 35.1 in Queensland⁶⁵⁴ (or 43.9 based on the corrected figures from QCS).
1074. The case management of offenders on parole is an area of concern and closely linked with the staffing and workload issues outlined previously. One cannot be considered without the other. Improvements in case management practices are impossible if the workforce is unstable and officers do not have the time to engage with offenders. I believe that most probation and parole staff joined QCS with the best of intentions, hoping to make a difference in the lives of the offenders they supervise and contribute to a safer community. However, the high caseloads and current environment make this increasingly difficult.
1075. Research emphasises the importance of engaging parolees in effective case management practices to reduce reoffending, informed by the 'What Works' principles that form the basis of offender rehabilitation⁶⁵⁵. Throughout supervision, officers collect information from a range of sources in order to effectively identify, assess and manage risk. Interviews with offenders are key points for gathering important information about an offender and are an opportunity to engage the offender in the process of change.
1076. Case management needs to have a pro-social focus to encourage offenders to adopt a more law-abiding lifestyle, offer them the opportunity to practice new strategies and provide motivation and reinforcement. The influence that staff can have on offender recidivism has been confirmed through research. A relationship between an officer and offender characterised as caring, warm, and enthusiastic, combined with respect, fairness, and trust, can reduce the likelihood of recidivism⁶⁵⁶.
1077. This reinforces the importance of ensuring that QCS staff are prepared appropriately for supervising offenders including being able to develop rapport, engage in

motivational interviewing and recognise their role in facilitating change. This is imperative even for new officers commencing in Probation and Parole particularly given that research suggests offenders are at their highest risk of reoffending during the first months of community supervision⁶⁵⁷ and case management efforts should be more concentrated during this high- risk period. “Frontloading” case management during the initial period of supervision is likely to have the greatest impact in reducing the number of offenders contravening their orders and being returned to custody⁶⁵⁸. Despite the best intentions of QCS, a newly released parolee being allocated to an inexperienced officer who is inadequately trained could be destined to fail before they even start.

1078. A significant issue facing probation and parole officers is the amount of time they have available to engage in case management with offenders due to the current workloads. Probation and Parole acknowledges adequate time should be set aside to prepare for and conduct interviews with offenders⁶⁵⁹. However, given the current high caseloads, preparation and interviews are unable to be given the time that they deserve. Instead the focus becomes on just ‘getting things done’.⁶⁶⁰
1079. If parole officers do not even have adequate time to sit across the table from an offender on their caseload and talk with the offender, then it would seem unlikely to be possible to do anything other than focus on compliance and send the offender to other services to try and help the offender address his or her needs. That is concerning because of its potential ramifications for the safety of the community.
1080. QCS advised that when the Probation and Parole model was changed in 2006, the AO4 Probation Services Officer was upgraded from the previous AO3 role, with an expectation that this role would take on more work to ease case manager burden (for example, urine testing and preparing breach documents)⁶⁶¹. In reality, this has not routinely occurred due to the high workloads for this role managing all community service related orders and the associated administrative and data entry tasks. QCS advised that the workload of the AO2/AO3 administrative staff (of which there is usually only one or two per office) is also too high to undertake data entry or other administrative work to assist the AO4.
1081. QCS submitted that there are no dedicated support staff to assist case managers with administrative work including data entry, information requests or report preparation⁶⁶². Subsequently, case managers are spending a large proportion of their time on administrative tasks rather than focusing on preparing for interviews, actual face-to-face time with offenders and engaging in quality case management.
1082. QCS advised that in a correctional centre, much of the administration and data entry work, such as sentence management tasks, are completed by administrative (AO3) level staff.
1083. The North Coast Regional Manager recently trialled the use of an existing Senior Case Manager in an administrative role focused solely on administrative support for the other case managers to determine what difference dedicated support would have on

- case management. This came about because there was insufficient funding to upgrade an existing AO4 position to a PO3 so the Regional Manager sought to find another way to address the PO3 workload⁶⁶³. The Senior Case Manager who took on the role was committed to the trial and even took a pay cut to perform the role.
1084. This trial came about because the Regional Manager had estimated, based on examination of monthly workload reports, that the case managers in the North Coast region were spending approximately *30 per cent of their time face-to-face with offenders and 70 per cent of their time doing other work* that was largely administrative or involved data entry tasks.⁶⁶⁴ The support role was focused on the administrative tasks associated with the Senior Case Manager role including gathering information, completing forms and data entry.
1085. The Regional Manager advised that the trial had run for approximately five months (which was not completely continuous) and her observations as to the qualitative benefits were that they included:
- (a) parole officers reported that they had more time to prepare for interviews and felt they were able to use interview time more effectively
 - (b) there was an increase in job satisfaction reported by the Senior Case Managers
 - (c) there was an increased willingness of Senior Case Managers to take additional offenders on their caseload as they had more time available for offenders with the removal of much of the administrative work.⁶⁶⁵
1086. I understand that there was no notable difference in the number of order suspensions or order completions during the period of the trial.
1087. New Zealand Corrections has dedicated support staff to assist case managers⁶⁶⁶. These staff complete a significant proportion of the associated administration work and give case managers more face-to-face time with offenders. Case manager support roles also exist in the United Kingdom, as Probation Support Officers. I am not aware of any Australian jurisdiction that currently provides case manager support to the extent provided in New Zealand or the United Kingdom.
1088. I have already recommended that probation and parole staffing be increased to better align with the national average and noted that it will take time to secure more suitable staff responsible for supervising offenders in the community. It would seem that providing dedicated support staff in probation and parole offices could achieve some of the same workload reduction and improved case management goals in the short term while the case manager workforce is being developed. This will require appropriate funding.
1089. Some of these dedicated support staff may also be identified to undertake training to shift across to the case manager stream after building experience within Probation and Parole.

Recommendation No. 74

QCS should introduce dedicated support positions to provide administrative support to supervising officers, eliminating the administrative burden and increasing the efficacy of face-to-face case management, and should be appropriately funded to do so.

Environmental Corrections

1090. An alternative approach to QCS's current case management approach is the Environmental Corrections model. QCS is currently trialling this approach at the Inala Probation and Parole office under the guidance of Dr Lacey Schaefer, with whom I met.
1091. Environmental corrections is a new approach to supervising offenders in the community in which probation and parole officers aim to reduce offenders' opportunities to commit crime based on environmental criminology theory⁶⁶⁷. The main premise is that effective interventions must be based on a reduction of the elements of crime: opportunity and propensity. The approach seeks to disrupt the routine activities that increase an offender's opportunities for offending and substitute these with prosocial, structured activities.
1092. The premise of the approach is that two elements must be present for a crime act to occur – a motivated offender and a crime opportunity. Environmental corrections aims to address the latter element. Those who have developed the approach argue that community supervision to date has focused mainly on addressing offender motivation.
1093. The practical application of the environmental corrections approach⁶⁶⁸ involves identifying crime prevention options, highlighting the factors proximate and essential to offending, and ultimately identifying how those elements which can be manipulated. Crime opportunities can include antisocial associates, problematic times or days, high crime places and risky situations (for example, substance misuse at social events). The focus is on minimising an offender's exposure to crime conducive factors and identifying protective facts that prevent offenders from getting into trouble.
1094. Following approval of a research proposal by Dr Schaefer, a formalised trial of environmental corrections commenced at the Inala Probation and Parole office in 2016. Staff received training in how to perform environmental corrections with a workshop covering three components – managing opportunity, managing propensity and managing offenders⁶⁶⁹.
1095. The trial proposes a model of opportunity-reduction supervision, implemented through tailored individualised risk management and planning during each contact with offenders. During the trial, officers have temporarily stopped using the Dynamic Supervision Instrument (DSI) during their interviews with offenders in order to

conduct supervision in line with the theory's case management methods. All other supervision practices remain the same⁶⁷⁰.

1096. Preliminary qualitative results of the trial focused on staff reports before their training in environmental corrections and three months post-intervention indicate both positive and less positive results on different elements of the model, including:
- (a) an ideological shift in how staff conceptualise their work, moving away from an a theoretical approach to offender supervision to a more organised framework of opportunity- and propensity-reduction
 - (b) overall, staff preferred the environmental corrections model
 - (c) staff indicated that, on the whole, offenders seemed to prefer the new model, although some probationers and parolees were resistant to the more interventionist approach
 - (d) staff saw a shift from a 'check in', 'tick and flick' process during offender contacts to more goal orientated contacts
 - (e) staff were reluctant to implement specific supervision conditions regarding restricting offenders behaviour to avoid crime conducive places
 - (f) staff found it challenging to try and encourage offenders to engage in prosocial activities particularly given the socially disadvantaged, high crime area where the pilot was conducted
 - (g) staff felt the ancillary job duties associated with the other parts of their role, largely administrative tasks, affected their ability to focus their efforts on offenders⁶⁷¹.
1097. Dr Schaefer acknowledged that significant information is required about an offender's crime opportunities in order to develop case plans and this is not always easily obtained⁶⁷². Further, environmental corrections may be more or less effective with certain categories of offenders (for example low risk versus high risk, property offenders versus violent offenders, community integrated versus socially isolated offenders)⁶⁷³.
1098. To date there is little existing research evidence that environmental corrections is an effective framework for managing offenders in the community, however it appears to have some merits based on the Inala trial. Dr Schaefer acknowledges that pilot studies and research evaluations are necessary going forward. Quantitative results from the Inala trial including new offences, technical breaches, general and specific recidivism have not yet been produced.
1099. QCS submitted that the trial has identified certain system level factors that affect the potential success of environmental corrections including issues with assessment tools, staff turnover, offender-officer consistency, ICT issues and reporting capability⁶⁷⁴. Many of these issues have been identified in this report as broader areas of concern.

1100. The trial at Inala has not been completed and evaluated. For that reason, I am not in a position to make any recommendation as to the use of environmental corrections in Queensland other than that QCS should carefully consider the results of evaluations of the trial, including external evaluation, and how, if at all, the environmental corrections approach might inform and benefit case management of parolees in Queensland.

Recommendation No. 75

Queensland Corrective Services should carefully consider the results of evaluations of the trial of environmental corrections at Inala, including external evaluation, and how, if at all, the environmental corrections approach might inform and benefit case management of parolees in Queensland.

Conclusion on offender management

1101. Proper case management model provides for purposeful contact with an offender, combined with appropriate resourcing and tools to enhance responsive action where required.
1102. Probation and Parole interviews with offenders are supplemented with case management tools including urinalysis testing, breath testing, collateral checks and, in some cases, curfews⁶⁷⁵. Urinalysis and breath testing are only conducted for offenders subject to order conditions that stipulate urinalysis and if the offender has been assessed as requiring testing for case management purposes⁶⁷⁶. Parole orders have a standard condition “to give a test sample if required to do so by the chief executive”⁶⁷⁷ suggesting all parolees can be subject to testing if the officer deems it necessary.
1103. Given the high proportion of offenders under the supervision of Probation and Parole with problematic substance misuse histories and ongoing substance use needs, urinalysis testing, and possibly to a lesser extent, breath testing are necessary tools to assist in the case management of offenders on parole. The issues seem to lie in the action taken in response to positive results rather than the testing itself. I will discuss this further in relation to parole contraventions.
1104. Urinalysis and breath testing together with collateral checks are tasks that reduce the time supervising officers can spend in face-to-face case management activities. Collateral checks are used to ensure compliance with order conditions, referrals and directions and to confirm information provided by offenders.⁶⁷⁸
1105. Although there are surveillance staff for some district offices, QCS advised that Probation and Parole does not have statewide dedicated surveillance staff⁶⁷⁹. Home visits, physical curfew checks and substance testing all require two staff to be involved⁶⁸⁰, taking time away from offender face-to-face time. Such tasks are important for monitoring offender compliance and identifying risk, but it would appear that

these tasks could also be performed by dedicated support officers (in the absence of or in conjunction with surveillance staff) if such positions were introduced.

1106. Reducing staff workloads to allow supervising officers to spend more time engaging directly with offenders will only be beneficial if the face-to-face time is used effectively and focused on enhancing offender outcomes. Improvements in the training programs and the introduction of practice leader positions into the Probation and Parole workforce, as recommended in this report, to provide professional supervision and training will help ensure case managers have the oversight and support to develop their case management skills.
1107. As I have outlined in earlier parts of this report, following the Callinan Review, Corrections Victoria received a significant allocation of funding to improve the functioning of community corrections and the case management of offenders. Corrective Services New South Wales has recently received a substantial injection of funding (\$237 million over four years) for initiatives designed to target reoffending.⁶⁸¹ The Acting Commissioner has advised that this includes an enhanced offender management supervision model to improve the effectiveness of the community corrections service delivery. Specific activities include:
- (a) establishing practical, evidence-based tools that will assist Community Corrections officers to keep supervision structured and focused, and improve day-to-day adherence to the Risk-Needs-Responsivity principles already established in current policy
 - (b) establishing a structure to provide ongoing professional supervision and skill development of Community Corrections staff, and establish adequate governance to ensure the skills are being applied as required
 - (c) increasing the resource capacity of Community Corrections to enable quality implementation of the strategy by ensuring that individual staff and managers have the time and capacity to do what is required of them to achieve the necessary results.⁶⁸²
1108. It is apparent that both New South Wales and Victoria have dedicated significant resources to address the problems of correctional system overcrowding and recognise the importance of effective case management of offenders. Queensland ought to follow those examples.

Contravention management

1109. One of the more complex areas of managing offenders in the community seems to be dealing with contraventions. In the submissions I received, meetings with relevant parties, and discussions with prisoners and parolees, the administrative suspension of parole, and the approach of QCS and the parole boards to suspensions, was a recurring theme.

1110. The matter of particular concern was that the Probation and Parole Service has the power to suspend parole for 28 days and frequently did so, particularly on the ground of “unacceptable risk”. The ability to administratively suspend parole extends even to court ordered parole orders.
1111. Unlike a community based order, such as a probation order, breaches of a court ordered parole order are not returned to the sentencing court. Instead, any breaches of a court ordered parole order are ultimately considered by the regional parole boards. It is not practical or necessary for breaches of court ordered parole orders to be returned to the courts. It is unlikely that contraventions of parole orders could be effectively dealt with in a timely manner through the court system.
1112. However, the current system is not working.

Existing suspension process in Queensland

1113. Suspension of an offender’s parole order is the most serious consequence for a breach as it results in the offender being removed from the community and returned to prison.
1114. Many stakeholders with whom I consulted expressed the opinion that QCS is too quick to suspend offenders on parole and is returning offenders to custody for minor infringements. The issues are more complex than this.
1115. Some offenders must, in certain cases, be returned to custody on suspension for serious breaches of their orders. However, suspending offenders and returning them to custody should be used as a last resort when the risk to the community becomes intolerable.
1116. Both the Chief Executive and the Parole Board have the power to suspend a parole order if it is believed that an offender has failed to comply with the terms of the parole order.⁶⁸³
1117. The Chief Executive or delegate (Regional Manager) may suspend a parole order for up to 28 days if he or she reasonably believe the parolee:
- (a) has failed to comply with the parole order
 - (b) poses a serious and immediate risk of harm to someone else
 - (c) poses an unacceptable risk of committing an offence, or
 - (d) is preparing to leave Queensland, other than under a written order granting the prisoner leave to travel interstate or overseas⁶⁸⁴.
1118. For breaches of parole conditions, a parole officer who believes that the offender has contravened the parole order is guided by the Probation and Parole Operational Practice Guidelines. These guidelines set out the different processes that a parole officer must follow. To act on a contravention of a parole order, the officer identifies the relevant risks relating to an offender and makes recommendations to a supervisor or district manager through a case conference⁶⁸⁵.

1119. Case conferencing within the Probation and Parole Service provides a useful oversight and official decision making mechanism to address increases in an offender's risk under supervision which may or may not lead to formal contravention action.
1120. Case conferencing involves consultation between a probation and parole officer and the Supervisor, District Manager or Regional Manager to examine an offender's risk and develop strategies to manage changes in an offender's risk level. Formal endorsement of an officer's recommended course of action forms part of a case conference⁶⁸⁶. This is different from general discussion between staff members about an offender.
1121. Parole contraventions vary in severity and can range from relatively minor (missed appointments for supervision or treatment), to positive substance testing results and, in the most severe cases, new offences. Formal contravention actions for parolees may include a written censure notice, a referral to the parole board, or ultimately suspension. Contravention of a board ordered parole order may include QCS correspondence with the Parole Board recommending written warnings be issued to the offender or requests to show cause⁶⁸⁷.
1122. If suspension is recommended from the case conference then the Regional Manager then decides whether to suspend the order and issue a warrant for the parolee's arrest⁶⁸⁸.
1123. The details of the suspension must be recorded in the Integrated Offender Management System (IOMS)⁶⁸⁹. The Parole Board must be notified⁶⁹⁰ by a report prepared by Probation and Parole and requested to take action in response to the suspension. The suspension process is shown in more detail in Appendix 29.
1124. An order suspending parole can have effect for up to 28 days⁶⁹¹. Routinely, the maximum period of 28 days is applied. The offender (once apprehended on a warrant) is returned to custody during the period of suspension. During this period, the Parole Board must consider whether to amend, suspend or cancel the parole order, or otherwise cancel the Chief Executive's order of suspension, such that the original order of parole in the community may be re-established.⁶⁹²
1125. Where the Parole Board requires further information to inform their decision, it will enlarge the Chief Executive's original 28-day suspension in order to obtain that information. This may include an accommodation suitability assessment to be prepared by Probation and Parole.
1126. The consequence is that offenders who have breached a court ordered parole order, or who have been assessed as posing "an unacceptable risk", can spend several months in custody on suspension. As noted in Chapter 3, the average time in custody on suspension is 3.5 months. Of course, some parolees stay much longer than the average.
1127. Since 2007 there has been an increase of approximately 450 per cent in suspensions of parolees⁶⁹³. In 2015-16, there were 3,887 suspensions of court ordered parole orders

and 639 suspensions of board ordered parole or interstate parole orders – a total of 4,526 suspensions⁶⁹⁴.

1128. The majority of these suspensions (2,783 or 61 per cent) were because Probation and Parole assessed that there was an “unacceptable risk of committing further offence”. This is the most common reason for suspending both court ordered parole and board ordered parole orders⁶⁹⁵. The assessment of an “unacceptable risk” could have been made because the offender had in fact been charged with a further offence on parole or because the parole officer assessed that there had been an increase in risk factors associated with the offender.
1129. QCS and the Parole Board ought to specifically record whether a suspension has occurred because a further offence has been committed. This will improve the accuracy of reporting and analysis in the future.

Recommendation No. 76

Queensland Corrective Services and the Parole Board should specifically record whether a suspension has occurred because a further offence has been committed and distinguish between a suspension involving actual reoffending and suspensions due to an unacceptable risk where no further offence has occurred.

1130. Other reasons for suspension include contravention of conditions of an order or a lawful instruction (which is second most common for board ordered parole orders), failure to report (which is the second most common for court ordered parole orders), poses serious risk of harm to others, positive breath test, positive drug test and preparing to leave, or having actually left, Queensland without permission⁶⁹⁶.
1131. In 2015-16, 2,444 suspensions were male non-Indigenous parolees, 1,654 were male Indigenous parolees, 227 were female non-Indigenous parolees and 201 were female Indigenous parolees⁶⁹⁷. The average monthly parole suspension rate for non-Indigenous offenders was 5.17 while for Indigenous offenders it was 10.23⁶⁹⁸. This means the rate of suspension for Aboriginal and Torres Strait Islander parolees was twice that of non-Indigenous parolees, further contributing to the over-representation of Aboriginal and Torres Strait Islander people in the Queensland prison system.
1132. It was also suggested to me that there can be logistical issues for Aboriginal and Torres Strait Islander prisoners in remote areas in relation to police in executing the warrant following a suspension in a timely manner.
1133. The number of annual suspensions has been consistently above 4,400 during the last five years, peaking at 5,578 in 2014-15⁶⁹⁹. The number of suspensions and the reasons for the suspensions from 2006-07 to 2015-16 are shown in Appendix 30. “Unacceptable risk of committing further offence” has been the primary reason for suspensions for a number of years.

1134. There was a significant decrease in suspensions being directly attributed to positive drug tests in 2015-16 compared with previous years (8 per cent in 2015-16 vs 21 per cent in 2013-14).⁷⁰⁰ QCS advised that it had for many years operated under a policy, which appears to have been introduced in 2006, that parole orders were to be automatically suspended if an offender provided a confirmed positive test for amphetamines, methamphetamines, opiates or cocaine. That policy changed following the delivery of the decision of Justice Dalton in *Morgan v Chief Executive of Parole* on 17 October 2014.⁷⁰¹ Her Honour determined that the policy was an unlawful fetter on the legislative discretion vested in the Chief Executive.⁷⁰²

Managing contraventions without suspension

1135. I recognise that managing offenders in the community can be more workload intensive than suspending but believe it is important that efforts be made if the risk can be managed in the community. The high number of parole suspensions is having a significant impact on Queensland's prisoner population and it destabilises the lives of many offenders. That increases, rather than reduces, the risk to the community presented by those offenders.
1136. A period of imprisonment on suspension can be expected to cause serious disruption to any progress that an offender makes in the community on parole, isolating the offender from family and friends, destroying employment and housing arrangements, and separating the offender from rehabilitation service providers. When the offender is released back into the community it is likely that he or she will be in a worse position than before the suspension and the risks of the offender lapsing back into further offending behaviour, (particularly because of unaddressed drug addictions and/or mental health issues) may be intensified. In addition, for prisoners on suspension, like prisoners on remand and prisoners sentenced to short prison sentences, there is almost no access to intervention programs in custody.
1137. In Chapter 3, the significant system pressures which have arisen, in part, as a result of a very high number of parolees who have been returned to custody on suspension have been outlined. The financial cost of suspensions is significant. The indicative financial cost to QCS of a temporary parole suspension is estimated to be around \$9,600 (based on an average length of stay in custody on parole suspension of 97.3 days)⁷⁰³. This equates to over \$43 million in 2015-16.
1138. QCS advised that although removing the mandatory suspension requirement for positive drug tests had allowed officers to manage offenders who had lapsed in the community and take positive steps to address their substance use needs it can also increase workload due to added case conferences and risk mitigation efforts. There is also the possibility that the offender will ultimately be suspended if the risk continues to escalate. These issues can be amplified by difficulties in linking offenders with appropriate substance use treatment providers and the right intensity of treatment.
1139. Greater use of electronic monitoring, such as GPS, for parolees is an option to allow probation and parole officers more responsively to manage an offender's deterioration

in supervision response and as a means to apply strict curfews to offenders as an alternative, where suitable, to returning them to custody on suspension.

1140. In Queensland, electronic monitoring can be used for parolees if considered reasonably necessary⁷⁰⁴. Decisions about whether to impose electronic monitoring can be made at any time during an offender's supervision period in order to respond to certain risks⁷⁰⁵. In practice, this is very rarely applied with no parolees subject to GPS monitoring at the time of writing.
1141. I have addressed increased use of GPS in Chapter 8. Once QCS has implemented a GPS system capable of being scaled for parole, probation and parole officers should be instructed to consider, as part of the management of parolees, whether it is appropriate to seek to have the Parole Board add a condition requiring GPS monitoring for an appropriate period of time.

Recommendation No. 77

Queensland Corrective Services should instruct probation and parole officers to consider, as part of the case management of parolees, whether it is appropriate to seek to have the parole board add a condition requiring GPS monitoring for an appropriate period of time.

Suspension process in other jurisdictions

1142. Queensland appears to be the only jurisdiction in Australia where the correctional service can suspend an offender's parole order and issue a warrant for arrest. The standard process in most Australian states and territories is for the corrections service to report breaches of conditions by parolees to the relevant Parole Authority or Parole Board. The Authority or Board is then responsible for the action to be taken.
1143. In New South Wales, upon application by Corrective Services, a member of the State Parole Authority may make an order suspending an offender's parole order and issue a warrant for arrest. This action can only be taken if the offender has failed to comply with conditions or there is a serious and immediate risk the offender will leave NSW, harm another person or commit an offence and because of the urgency there is insufficient time for a Parole Authority meeting⁷⁰⁶. The suspension order ceases to have effect after 28 days⁷⁰⁷.
1144. In Victoria, a parole officer is required to address a failure to comply with the parolee and, if deemed necessary, report the parolee to the Parole Board. In some cases, such as when the parolee is deemed to pose an imminent risk to the community, the parole officer must notify both Victoria Police and the Parole Board. Victoria Police are empowered to arrest and detain a parolee on a suspected breach⁷⁰⁸. The police must detain the parolee and notify the Board within 12 hours. A member of the Board who is rostered to be on call must decide whether the detention should cease or continue pending consideration of the breach by the Board⁷⁰⁹. The Board operates 24 hours a day, seven days a week, to manage breach notifications. If the decision is that detention

- should continue, Corrections Victoria is required to prepare a report about the parolee and the alleged breach for the Board's consideration. All breach notifications are considered or determined *on the day of notification or the next working day*⁷¹⁰.
1145. In Western Australia, reports of breaches can come to the attention of the Board from many sources including police, community corrections officers, victims or members of the public and are considered by the Board at its regular meetings⁷¹¹. When the Board is advised of a breach by WA Department of Corrective Services it has three choices: issue a warning letter; suspend parole (returning the offender to prison for a *fixed period* before being re-released on parole), or cancel parole⁷¹².
1146. In South Australia, breaches of parole are also managed by the Board. If the Board suspects that a condition has been breached the Board may either summons the offender to appear before the Board or issue a warrant for the offender's arrest⁷¹³. The Board must conduct a hearing to determine if a condition has been breached⁷¹⁴ and penalties include cancellation of the parole order⁷¹⁵, an order of up to 200 hours community service⁷¹⁶, or a reprimand and warning.
1147. In the Australian Capital Territory, Corrective Services must report breaches to the board in writing⁷¹⁷. If the Board finds an offender has breached parole it may take no further action, issue a warning, give the Director-General directions about the offender's supervision, change the offender's parole obligations or cancel the parole order⁷¹⁸.
1148. In the Northern Territory, when a Parole Board receives a report from Probation and Parole outlining a parolee's non-compliance, it may note the contents of the report and continue to monitor the parolee, issue a warning letter, amend the order conditions or add new conditions, or revoke the parole order⁷¹⁹.
1149. In Tasmania, parole officers report breaches of order conditions or allegations of misbehaviour to the Board which can issue a warning, issue a notice requiring the offender's attendance at a Board meeting or issue a warrant for an offender's arrest⁷²⁰. Following the offender's return to custody, and after giving the offender an opportunity to be heard⁷²¹, the Board can revoke, vary, amend or confirm the parole order or suspend the order on such terms as it sees fit⁷²².
1150. In addition to Victoria, police also have powers to arrest and detain a parolee on a suspected breach without a warrant in the ACT⁷²³ and Northern Territory⁷²⁴. The Police must then bring the parolee before a Board or Court.
1151. In all jurisdictions, correctional officers are responsible for preparing reports for the Parole Boards in relation to breaches as needed.
1152. In Queensland, only about 20 percent of suspension incidents result in cancellation of the order by the Parole Board.⁷²⁵ The remainder of offenders who are suspended are re-released to the community after the suspension is lifted.
1153. I am not persuaded that there is insufficient utility in suspensions so as to justify removing the power altogether. Judge Couzens, the President of the Victorian Adult

Parole Board, said that it would be useful for there to be a power of suspension in Victoria. The problem is the process by which parole orders are suspended.

1154. In addition, it would appear that using a probation and parole officer as both the case manager, focused on the supervision and rehabilitation of an offender, and the decision maker for suspending a parolee and returning him or her to custody is problematic. This dual role creates a conflict of roles and services to damage rapport and trust between an offender and the supervising officer thus reducing the effectiveness of future case management efforts following an offender's release back into the community following the suspension period.
1155. The system of suspensions in Queensland should be recast with the power of suspension vested only in the Board. The new system of suspension will need to include mechanisms to allow for urgent suspension where that is required for the protection of the community.

Recommendation No. 78

The power to suspend parole should be vested solely in the Queensland Parole Board.

Recommendation No. 79

The legislation should provide for urgent suspensions of parole to occur on the following basis:

- (a) the Chief Executive (or delegate) can apply to the Parole Board for the urgent issuing of a warrant**
- (b) the decision to urgently issue a warrant can be made on behalf of the Parole Board by one professional member of the Board or the President or Deputy President of the Board**
- (c) the full Board must consider whether to rescind the warrant or, if the warrant has been executed, order the release of the parolee, within two business days of the warrant having been issued;**
- (d) for the purposes of the consideration by the full Board, the parole officer responsible for the management of the prisoner must provide a written report to the Board as to the reasons justifying the suspension.**

Recommendation No. 80

For the purposes of implementing the legislative system set out in the preceding recommendation, at least one professional member of the Parole Board should be rostered 24 hours a day, seven days a week, for the purpose of considering an urgent application for a warrant.

10. Victims and other matters of importance to parole

1156. During the review I met with and received submissions from victims. They raised a number of matters, predominantly the desire to protect the community from the horrific crimes they have experienced. Many submissions and comments by victims were focused on preventing system failures by improving the processes and practices of the parole system.
1157. In this part I will look at a victim's involvement in the justice system and the following matters of importance to the parole system:
- the Victims Register;
 - a victim's involvement in the parole decision making process;
 - the communication between the Parole Board and the victim; and
 - whether the cooperation of an offender in an investigation should be taken into account in the parole decision making process.

Victim involvement in the justice system

1158. Although initiatives have been developed in Queensland encouraging victim participation in the criminal justice process, victims counselling agencies, restitution, restorative justice and victim impact statements, it appears that many victims feel unsatisfied or disempowered by the criminal justice system. The system seeks to represent the community but in reality, it can place victims of crime on the periphery.
1159. Queensland has established fundamental principles of justice for victims.⁷²⁶ These principles are:
- The right to receive fair, compassionate and dignified treatment, including consideration of needs relating to gender, age, race, cultural diversity, impairment, sexuality and religious belief.
 - The right to the protection of privacy, including personal contact details.
 - The right to be provided with information about relevant services available to victims of crime where it is reasonable and practicable for the agency to give the information
 - The right to information, so far as is reasonably practicable, about the investigation of the offender and the prosecution of the offender.
 - The right to give the prosecutor details of the harm caused to the victim by the offence, for the purpose of the prosecutor informing the relevant sentencing court. The prosecutor then decides what, if any, details are appropriate to be given to the court and whether or not those details should be given in the form of a victim impact statement.
 - If the offender is convicted of the offence and sentenced to a term of imprisonment or detention, the victim is to be given notice of:

- the convicted person's start date and length of period of imprisonment or detention;
- any escape from custody;
- any cumulative period of imprisonment imposed;
- any transfer interstate; and
- the day on which the offender is eligible for or due for release on parole or due for discharge.

Victims Register

1160. Currently, victims of violent or sexual offences are entitled to register to receive information about the offender who committed the offence.⁷²⁷ The service operates post-sentence and is restricted to offenders who are serving a custodial sentence. The type of information that can be given includes information about an offender's sentence, the correctional centre where he or she is held, the prisoner's security classification, release and eligibility dates, dates of transfer, discharge or release on parole, the Probation and Parole office they will be reporting to and other events.
1161. Victims are informed when an offender has made an application for parole and given the relevant forms to make a submission to the Parole Board. Under the *Corrective Services Act 2006*⁷²⁸, after receiving a prisoner's application for a parole order (other than an exceptional circumstances parole order), the Parole Board must give Queensland Corrective Services (QCS) written notice of the application. Within seven days of receiving the notice, QCS must give registered victims written notice that the prisoner has applied for parole, the Parole Board is about to consider the matter and that the person may, within 21 days after the date of the notice, make written submissions to the Parole Board about anything that is relevant to the decision about making the parole order and was not before the court at the time of sentencing.
1162. The Victims Register operates on notifications in the QCS software system, IOMS. When a notification is received the Victims Register team act to inform the victim, by letter or by telephone if the matter is urgent. This system relies on other employees of QCS to enter information with enough time to act. A failure to raise a notification in IOMS that the offender will be released from custody may result in the victim not being informed of the release.
1163. Strong systems and accountability measures must be implemented within QCS to ensure that information is available to victims at the earliest opportunity. I am of the view that if a victim goes to the trouble of registering on the Victims Register for information regarding the offender, QCS should make all reasonable efforts to ensure the victim is notified at the appropriate times.
1164. To be eligible for the register,⁷²⁹ a person must be the actual victim of an offence of violence or a sexual offence.⁷³⁰ However, if the victim is deceased, an immediate family

member is eligible to register or if the victim is under 18 or has a legal incapacity, the victim's parent or guardian may register.⁷³¹

1165. The *Corrective Services Act 2006* also provides that another person may be eligible if:⁷³²
- (a) he or she can provide documentary evidence of the prisoner's history of violence against them, or
 - (b) his or her life or physical safety could reasonably be expected to be endangered because of a connection between them and the offence (for example, a person who gave evidence against an offender).
1166. The Victims Register appears to be sufficiently broad to provide victims, their families, previous victims of violence and other persons who may be in danger with relevant information about offenders serving terms of imprisonment for violent or sexual offences.
1167. I received a submission from the Women's Legal Service recommending that victims of domestic violence also be provided the right to join the Victims Register, even when they are not the related victim to specific offending behaviour for which parole is being considered. They provided the following explanation:⁷³³

For example, we advise women whose former partner is in prison on an offence unrelated to the domestic violence and are concerned about their safety upon his release. They are unable to obtain details about his release date as they are not the victims of the specific offence he was imprisoned about. We are specifically concerned about situations where previous Protection Orders are reaching expiry. We believe consideration must be given to the safety of the victim and information about his release date be provided to the domestic violence victims, so that they may be afforded time to make any necessary arrangements for their own security and also to extend any such orders if necessary.

1168. A domestic violence order (DVO) is a civil protection order made under the *Domestic and Family Violence Protection Act 2012* (Qld) that is imposed on an offender for a set period of time (usually two years).⁷³⁴ If an offender is sentenced to a term of imprisonment during the duration of a DVO, the order continues to run and may expire while the offender is in custody. It would be difficult to make an application to extend the order while an offender is in custody because by the very incarceration the offender is not a danger to the applicant. This results in a DVO lapsing while the perpetrator is in custody and being released without an appropriate order in place to protect any previous or potential victim of domestic violence.
1169. QCS has advised it does not have accurate data on prisoners in custody with a current DVO. This is because the current offender management system, IOMS, does not provide for a DVO flag. Information regarding a DVO may not be readily available to QCS as a DVO is a civil order rather than a criminal offence and is not strictly related to the administration of an offender's sentence. Domestic violence flags will be

introduced with the new IOMS version, which is due for release late 2016. However, for the system to work effectively for DVOs there would have to be a data-sharing arrangement between the courts and QCS.

1170. QCS advises that as at the end of September 2016, 2,361 prisoners self-report as having a current restraining or domestic violence order, while 5,996 of offenders under supervision self-report with a DVO.⁷³⁵ Further, 1,451 prisoners are in custody with a domestic violence breach offence. This is a significant group of offenders who are perpetrators of domestic violence.⁷³⁶ The release of perpetrators of domestic violence from custody without notifying the police or the victim is concerning.
1171. While many victims of domestic violence will be covered by the eligibility requirement of the Victims Register as it currently stands and will be entitled to receive information, it appears there are a group that are excluded from eligibility on the register.
1172. This may be because of two reasons:
1. A victim of domestic violence does not fall within the definition of 'a history of violence' under the legislation, or
 2. The offender is in prison for an offence that is not a violent or sexual offence.
1173. In view of the considerable work undertaken by the current government to tackle domestic violence, the deficiency in the provision of information to victims of domestic violence should be resolved. Victims of domestic violence must be kept informed in order to protect themselves and their families.
1174. It may be appropriate to ensure the phrase 'a history of violence' in the *Corrective Services Act 2006* is defined or interpreted to encompass the broad definition of domestic violence as outlined in the *Domestic and Family Violence Protection Act 2012*.⁷³⁷ However, this would not resolve the issue for victims of domestic violence whose perpetrators are in prison for offences that are not offences of violence or sexual offences.
1175. The method of how the Government chooses to rectify this issue may not be in the form of an amendment to the Victims Register eligibility. In my view it is necessary to restrict the Victims Register to offences of violence or sexual offences to ensure the register is able to manage workload effectively to provide information to victims in a timely manner. Further, expecting a victim of domestic violence to undertake the process of registering as a victim is not a failsafe way of protecting the community from domestic violence.
1176. The solution may be better information-sharing between QCS, the Parole Board and the Queensland Police Service to ensure that as offenders approach a parole eligibility or release date, the Queensland Police Service and a victim of domestic violence are made aware. This will enable the victim or the police to make an application for a DVO that will be in force when the offender is released from custody.

1177. An additional approach to this issue is to 'pause' a DVO while an offender is in custody. The DVO could simply resume automatically upon the offenders release. This requires an amendment to legislation.
1178. The expiration of DVOs while an offender is in custody would also affect prisoners who are victims of domestic violence. The aggrieved of a DVO may enter prison under its protection and be released on parole without an appropriate protection order in place to ensure his or her safety. Repeated studies and literature has found that women in prison have extensive victimisation histories.⁷³⁸ Sisters Inside completed a survey which found that 98 per cent of women prisoners in Queensland reported being a past victim of violence.⁷³⁹ These women must be protected from further domestic and family violence upon their release from custody.
1179. QCS must work with Queensland Police Service to ensure any necessary DVO must be put in place before any victims of domestic and family violence are released from custody to ensure the victim is protected when they re-enter the community.
1180. I recommend that the Government consider a potential solution as a matter of priority.

Recommendation No. 81

Queensland Corrective Services and the Parole Board should implement strong systems and accountability measures to ensure that information is available to the Victims Register to provide to victims at the earliest opportunity.

Recommendation No. 82

The phrase 'history of violence' should be defined in section 320(2)(d)(i) of the *Corrective Services Act 2006* to include the broad definition of domestic violence as outlined in the *Domestic and Family Violence Protection Act 2012*.

Recommendation No. 83

The relevant legislation should be amended so that DVOs automatically pause while the subject of the order is in prison.

Recommendation No. 84

The assessment and parole unit should liaise with Queensland Police Service and investigate whether an offender had a DVO at the time of, or around the time of, entering custody. If an offender has been the subject of a DVO as a respondent or a perpetrator, the Parole Unit must:

- (a) ensure that victims of domestic violence and the Queensland Police Service are informed if an offender is approaching a parole release date or is preparing to apply for parole;
- (b) any current or previous DVO should be considered in conducting any home assessment;
- (c) the existence of a DVO should be communicated to the Parole Board to allow appropriate measures (conditions and submissions) to be put in place to ensure the safety of those with a history of being the victim of domestic violence; and
- (d) The Parole Board must notify the Queensland Police Service if they intend to release an offender who was the subject of a DVO at the time of sentence.

Victims involvement in Parole Board decision making

1181. I received a complaint regarding the lack of time between the notification to the victim and the date the offender was to be considered for parole by the Parole Board. This time limit restricts the victim's ability to prepare a considered submission.
1182. The importance of timely notification is not only extremely important to the wellbeing of a victim and the safety of the community but also to the efficiency of the Parole Board in considering applications. The victim should be able to request an extension of the 21 day period from the Parole Board if required. The Parole Board would be best placed to determine a reasonable length of any extension so not to unfairly disadvantage the prisoner and delay an offender's potential release from custody.

Recommendation No. 85

A person registered on the Victims Register should be able to apply to the Parole Board for an extension of the 21-day period allowed under section 188 of the *Corrective Services Act 2006* to provide submissions.

Communication between the Parole Board and the victim

1183. It has been submitted to me that victims should receive reasons for an offender's release on parole.

1184. Registered victims are not given reasons why a prisoner is released to parole. They are merely notified if a Parole Board has made an order to release a prisoner onto parole.
1185. It is understandable that victims' families believe themselves to be entitled to an explanation as to why an offender is released from parole.
1186. Any decision of the Parole Board to release an offender is primarily based upon factors that formulate an assessment of risk by the Board. It is unemotional by its very nature. Because of this, the provision of reasons to victims might not give any comfort regarding the release of the offender.
1187. Nevertheless, it is only fair that a person who has gone to the trouble to enrol on the register should know why the offender has been set free.
1188. In all dealings between the Parole Board, the Victims Register and the victim there should be maximum efficiency and minimal hoops for the victim to jump through so to reduce the stress to the victim that will inevitably be caused by the parole process. This may be achieved by nominating and publishing a point of contact at the Parole Board for victims.

Should there be a victim representative on the Board?

1189. I received submissions⁷⁴⁰ calling for the inclusion of a victims group representative on the Parole Board to ensure that the experiences, voices and rights of victims and the community are considered in the decisions made by the Board.
1190. During this review, I have found representatives of victims groups to be intelligent, thoughtful and perceptive in their opinions and I am of the view they would provide a valuable perspective for Parole Board decision making. A victims group representative, as a representative of the community, is desirable and should be considered in any recruitment of members of the community to the Parole Board.

Recommendation No. 86

A criterion for appointment of community members of the Parole Board should include a victims representative.

No body, No parole

1191. During the course of the review, I received submissions requesting that I consider the 'no body, no parole' proposal. This is a proposal by which a murderer who has not revealed where the victim's body is located will be ineligible for parole.
1192. I met with Fiona Splitt, the principal petitioner, in Cairns to discuss the 'no body, no parole' legislation. We discussed the hardship that she has faced because she is unable to put her husband to rest. Ms Splitt told me that she wanted legislation similar to that enacted in South Australia introduced in Queensland.
1193. The South Australian legislation compels the Parole Board to give consideration to the degree to which an offender who is serving a life sentence for an offence of murder

has cooperated in the investigations of the offence. The legislation provides that the Parole Board must obtain and consider a report from the Commissioner of Police which provides an evaluation of the prisoner's cooperation in investigations.⁷⁴¹ The Board must not release the prisoner on parole unless the Board is satisfied that the prisoner has satisfactorily cooperated in the investigation of the offence.⁷⁴²

1194. The legislation that passed South Australian parliament achieved a broader focus than the original intention of the proposed 'no body no parole' scheme and was described in parliament during the Second Reading debate as being better known as a 'no cooperation, no parole' system.⁷⁴³ Any non-disclosure of the location of a victim's remains is only one element of cooperation. The Parole Board is required to be satisfied that the prisoner has satisfactorily cooperated in the investigation of the offence, whether that cooperation occurs before or after the prisoner was sentenced, bearing in mind that a person has a right to plead not guilty to an offence.
1195. In practice, the Board requires a report from the South Australian Police in respect of all life sentenced prisoners to advise whether or not the prisoner has cooperated. The South Australian Department for Correctional Services advised that at this early stage there was only one prisoner coming under scrutiny as a result of police information regarding cooperation.
1196. The legislation enacted in the Northern Territory is narrower in its application. The Board must not make a parole order in relation to the prisoner convicted of murder unless the Board considers that the prisoner has cooperated satisfactorily in the investigation of the offence to identify the location, or the last known location, of the remains of the victim of the offence.⁷⁴⁴ This cooperation may occur before or after the prisoner was sentenced to imprisonment.
1197. Similar to the system in South Australia, the Northern Territory Parole Board must take into account a report by the Commissioner of Police evaluating the prisoner's cooperation in the investigation of the offence. The report will take into account the nature and extent of the prisoner's cooperation; the timeliness of the cooperation; the truthfulness, completeness and reliability of any information or evidence provided by the prisoner; and the significance and usefulness of the prisoner's cooperation.
1198. The 'no body, no parole' legislation is designed to help victims' families and to provide a strong incentive for offenders to cooperate with authorities. A system similar to South Australia's, which focuses more broadly on cooperation with the investigation, has the potential to provide more benefit to the community in incentivising cooperation of all kinds, including the location of the body.
1199. Withholding the location of a body extends the suffering of victim's families and all efforts should be made to attempt to minimise this sorrow.
1200. As a matter of theory, 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. The killer's satisfaction at being released on

parole is grotesquely inconsistent with the killer's knowing perpetuation of the grief and desolation of the victim's loved ones.

Recommendation No. 87

The Queensland Government should introduce legislation, similar to that in South Australia, which requires the Parole Board to consider the cooperation of an offender convicted of murder or manslaughter and not release the prisoner on parole unless the Board is satisfied that the prisoner has satisfactorily cooperated in the investigation of the offence, including, when relevant, by assisting in locating the remains of the victim of the offence.

11. Independent prison and parole inspectorates

Introduction

1201. In Queensland, there are multiple layers of accountability and investigation that concern the operations of Queensland Corrective Services (QCS). QCS has a Chief Inspector,⁷⁴⁵ in conjunction with an official visitor program⁷⁴⁶ and conducts inspections of prisons or the Probation and Parole Service.⁷⁴⁷ In addition, the operations of QCS may be investigated by the Queensland Ombudsman and the Crime and Corruption Commission. Only the latter two are independent^{748,749}, reporting direct to the Parliament of Queensland.

Office of the Chief Inspector

1202. The Office of the Chief Inspector performs statutory functions pursuant to the *Corrective Services Act 2006* (Qld); it was established in July 2005. The legislation does not prescribe any particular qualifications for the Chief Inspector.

1203. I note the Office of the Chief Inspector provides scrutiny regarding the fair and humane treatment of offenders, and the application of standards and operational practices within the State's correctional centres and probation and parole offices. The Chief Inspector is also responsible for coordinating the Official Visitor Scheme, and for conducting investigations into significant incidents.

1204. Unlike New South Wales, Western Australia and the United Kingdom, the Queensland Chief Inspector is not independent; instead, the Chief Inspector reports directly to the Queensland Corrective Services Commissioner.

1205. Two inspectors are appointed by the Chief Inspector to undertake each incident investigation. One inspector must be an external appointee (that is, not an employee or service provider of QCS). The Chief Inspector has stated that external inspectors may be barristers or inspectors from other jurisdictions. I also note an Aboriginal or Torres Strait Islander inspector is appointed if the incident involves an Aboriginal and Torres Strait Islander prisoner.

1206. A written report of the investigation findings and recommendations are provided by the Inspectors to QCS's Chief Executive. The investigation findings are analysed to identify local and system factors contributing to the incident. Investigation reports concerning all deaths in custody are provided to the coroner.

1207. A follow-up inspection is conducted 12 months after the release of each full inspection report, ensuring any required remedial steps have been implemented. The inspection standards are based on those used by Her Majesty's Inspectorate of Prisons in the United Kingdom.

1208. The Chief Inspector has advised investigation reports and routine inspection reports are not routinely published, although some Healthy Prisons Inspections reports have been published previously.

1209. I am of the opinion this does not provide for transparency that would be reasonably expected by the public. Consultation I have undertaken with certain stakeholders during the review indicated Queensland should adopt an independent inspectorate, similar to the model in Western Australia.
1210. QCS, and the Chief Inspector⁷⁵⁰, submitted that there is an operational need to retain an internal investigatory function to examine aspects of QCS operations at the discretion of the Commissioner. I understand this requirement, but note that any retention of this function by government must not be in derogation of a fully independent inspectorate.
1211. QCS submitted that prior to the announcement of this review by the Premier on 9 August 2016, the inspectorial oversight of probation and parole had been limited to prison operations, with the following exceptions:
- (a) consideration of the relationship between individual probation and parole offices and correctional centres as a part of the *Full Announced Healthy Prison Inspection Framework*;⁷⁵¹
 - (b) participation in the Individual Management Review committee;
 - (c) investigation of significant incidents in the community involving offenders managed in accordance with the Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld);
 - (d) consideration of the relationship between individual probation and parole offices and correctional centres as part of any investigation of an Aboriginal or Torres Strait Islander death in custody, escapes or attempted escapes from custody; and
 - (e) individual issues, or prisoner reviews, arising from a concern regarding a probation and parole office.
1212. I have been advised that following the announcement, QCS has temporarily expanded the resources available to the Office of the Chief Inspector to enable the investigation of critical incidents involving offenders on probation and parole, and the supervision and management of parolees generally. The Chief Inspector has advised⁷⁵² that a range of new measures have been introduced, including:
- (a) Probation and Parole Inspection Standards.
 - i. These standards are modelled on the United Kingdom inspectorate model, but underpinned by best practice evidence based research.
 - ii. The standards are the first such independent standards in Australia and will be reviewed by an external academic to identify possible areas of improvement.
 - (b) Tripartite inspection framework.

- i. The framework firstly involves reviewing data to develop a scored list of district offices that are subject to high levels of risk.
 - ii. The framework requires an examination of relevant district office files (including site visits involving interview and observation of staff) against probation and parole inspection standards.
 - iii. Individual reviews will be conducted of key issues arising from the first two stages. The eventual deliverable of the framework will be a report containing findings and recommendations on key local or whole of system issues.
 - iv. Relevantly, the cycle for each inspection is eight weeks.
- (c) Daily incident reviews to identify significant incidents requiring either investigation, escalation to senior management or an individual case review.
- (d) Investigation of significant incidents.
- (e) Reviews of individual offender or system issues, namely Individual Case Reviews.

Healthy Prisons inspections

1213. The concept of a healthy prison was first developed by the World Health Organisation (WHO).⁷⁵³ The standards outlined by WHO have been adapted by the Office of the Chief Inspector in Queensland⁷⁵⁴ as an accepted benchmark to measure the correctional environment:⁷⁵⁵
1214. It rests upon four key tests:
- (a) Safety: Prisoners, even the most vulnerable, are held safely.
 - (b) Respect: Prisoners are treated with respect for their human dignity.
 - (c) Purposeful activity: Prisoners are able, and expected, to engage in activity that is likely to benefit them.
 - (d) Resettlement: Prisoners are prepared for release into the community, and helped to reduce the likelihood of re-offending.
1215. Correctional centres are measured against these outcomes:
- 1. Appropriate steps are taken to ensure that individual prisoners are protected from harm by themselves and others.
 - 2. Prisoners are treated with respect for their dignity while being escorted to and from prison, in prison and while under escort in any location.
 - 3. Prisoners are held in conditions that provide the basic necessities of life and health, including adequate air, light, water, exercise in the fresh air, food, bedding and clothing.
 - 4. Prisoners are treated with respect by centre staff.

5. Good contact with family and friends is maintained.
6. Prisoners' entitlements are accorded them in all circumstances without their facing difficulty.
7. Prisoners take part in activities that educate, develop skills and personal qualities and prepare them for life outside prison.
8. Health care is provided to the same standard as in the community.
9. Appropriate steps are taken to ensure that prisoners are reintegrated safely into the community and where possible into a situation less likely to lead to their further involvement in crime.

Office of the Queensland Ombudsman

1216. The Queensland Ombudsman may investigate complaints about services or decisions made by government departments such as QCS and may also initiate investigations.⁷⁵⁶ Notwithstanding the functions of the Crime and Corruption Commission concerning the conduct of public officers, I note that at present, the Ombudsman is the only entity providing truly independent oversight of the operations of QCS. I consider this unacceptable.
1217. The Ombudsman will make recommendations to government agencies to rectify decisions or practices that may be determined to be unfair, unreasonable, discriminatory or unlawful. The Ombudsman may also make general consideration of the practices and procedures of government agencies and provide advice or make recommendations about service improvement.
1218. The Ombudsman readily fields and investigates complaints made by prisoners and offenders concerning decision making, progression, access to programs and other features of their management. It is accepted practice in accordance with complaints management that each prisoner or offender complaint is to be managed locally, but may be escalated by the complainant if they are not satisfied with the response received. Complaints not dealt with in the correct manner are returned to the QCS facility or probation and parole office for initial response.
1219. In the circumstances where the Ombudsman initiates an investigation, the report may be tabled in Parliament if the Ombudsman considers it is in the public interest to do so. In recent years, three significant reports have been released by the Ombudsman, into prison breach processes,⁷⁵⁷ the strip searching of female prisoners,⁷⁵⁸ and the overcrowding of women in Brisbane Women's Correctional Centre in September 2016.⁷⁵⁹

Crime and Corruption Commission

1220. The Crime and Corruption Commission (CCC) is a statutory body established for the purposes of investigating major crime and corruption in Queensland.⁷⁶⁰ The CCC powers are prescribed by the *Crime and Corruption Act 2001* (Qld).

1221. The CCC is responsible for the investigation of serious or systemic corrupt conduct⁷⁶¹ in public sector agencies in Queensland⁷⁶² including Queensland Corrective Services.
1222. Complaints that do not amount to corrupt conduct may be referred back to the Department of Justice and Attorney-General, Ethical Standards Unit for investigation; for example, inappropriate relationships between QCS staff and prisoners or offenders.

Jurisdictional comparisons

1223. I have previously identified that Queensland is one of a few jurisdictions in Australasia that does not operate an independent inspectorate to oversee and critically examine the operations of the correctional system.
1224. I consider the establishment of an independent body to scrutinise the operations of Queensland Corrective Services is necessary to reassure the Queensland public that the system is operating effectively, efficiently and appropriately, within its powers, where the detention, management and treatment of persons is concerned.

Western Australia

1225. Interviews with key stakeholders, including the Chief Inspector in Queensland⁷⁶³, identified the West Australian Inspector of Custodial Services as a model of oversight and inspection, independent of government that should be considered through my examination of the parole system in Queensland.
1226. The West Australian Inspector of Custodial Services is appointed by the Governor⁷⁶⁴ and is independent,⁷⁶⁵ inspecting prisons, youth detention centres, court custody and prescribed lock-ups once every three years.
1227. I note the legislation is silent on particular qualifications of the Inspector, other than that the person must be “suitably qualified,” however I am not convinced there must be a particular qualification for this position. The Minister may direct that the Inspector conduct an inspection or review.⁷⁶⁶ The Inspector of Custodial Services does not investigate or inspect the operations of parole in Western Australia.
1228. The following summary is provided on the inspection practices in Western Australia:⁷⁶⁷

Full Inspection is a routine inspection conducted according to the legislative requirement for each custodial facility or service to be inspected at least once every three years. These inspections are scheduled according to the required three year cycle. Such inspections follow the standard planning and procedures developed by the Office and contained in its Inspection Manual for Inspection and Research Officers.

Unannounced and short follow-up inspections occur outside of the routine three year cycle required by our legislation. They are typically reserved for custodial places where there may have been a critical event that requires the

Inspector to exercise his powers and functions in the public interest. These inspections may also occur when the inspector receives information over a period of time that suggests that the performance of a prison has deteriorated to such an extent that the treatment and conditions for prisoners are being compromised. This information may come from a variety of sources, such as liaison visit notes and Independent Visitor reports.

Each custodial facility or services that falls within the jurisdiction of the Office is allocated an Inspection and Research Officer to act as a liaison officer between the office and the facility or provider. This designated liaison officer is responsible for developing an ongoing relationship with the facility and a knowledge of its operations and progress against previous inspection reports. A key aspect of undertaking this task is to conduct a minimum number of on-site liaison visits to their designated facilities each financial year. The number of visits required is determined by the assessed level of risk that the facility poses and encompasses such factors as size, security level, and previous inspection findings and assessments. At a minimum each facility is subject to at least four liaison visits per year.

1229. I commend the Chief Inspector in Queensland for the efforts made to date to integrate the learning of the West Australian Inspectorate by cross training and seconding officers from Western Australia to the Queensland inspectorate. I also note the Chief Inspector also regularly engages with the New South Wales inspectorate, noted below, to increase the expertise of operations in Queensland.
1230. Notwithstanding the efforts of the Chief Inspector to use external inspectors from other jurisdictions, I view the features of independence in the West Australian model as most important for consideration in Queensland. I also expect that a vigorous and independent inspectorate should have regard to all aspects of the correctional system, not just prisons.

New South Wales

1231. In New South Wales, like Western Australia, the Inspector of Custodial Services is appointed by the Governor.⁷⁶⁸ The eligibility requirements⁷⁶⁹ for appointment of an Inspector do not prescribe any particular skills or qualification, but legislation excludes a member of a legislature or someone who has been employed as a custodial staff member in the last three years. The Inspector examines the operations of juvenile detention⁷⁷⁰ and adult custodial corrections.⁷⁷¹ The Inspector does not investigate individual complaints. These are referred to the Ombudsman in that State for investigation.⁷⁷² This is a similar process as used in other states and in Queensland.
1232. The functions and powers of the Inspector of Custodial Services are outlined in the *Inspector of Custodial Services Act 2012 (NSW)*:⁷⁷³
- (a) to inspect each custodial centre (other than juvenile justice centres and juvenile correctional centres) at least once every five years;

- (b) to inspect each juvenile justice centre and juvenile correctional centre at least once every three years;
- (c) to examine and review any custodial service at any time;
- (d) to report to Parliament on each such inspection, examination or review;
- (e) to report to Parliament on any particular issue or general matter relating to the functions of the Inspector if, in the Inspector's opinion, it is in the interest of any person or in the public interest to do so;
- (f) to report to Parliament on any particular issue or general matter relating to the functions of the Inspector if requested to do so by the Minister;
- (g) to include in any report such advice or recommendations as the Inspector thinks appropriate (including advice or recommendations relating to the efficiency, economy and proper administration of custodial centres and custodial services);
- (h) to oversee Official Visitor programs conducted under the *Crimes (Administration of Sentences) Act 1999* and the *Children (Detention Centres) Act 1987*;
- (i) to advise, train and assist Official Visitors in the exercise of the functions conferred or imposed on them under those Acts; and
- (j) such other functions as may be conferred or imposed on the Inspector under this or any other Act.

1233. Like all other jurisdictions in Australasia, the Inspector of Custodial Services does not investigate matters concerning the management of offenders subject to community-based supervision, such as parole or probation.

Victoria

1234. The Victorian Office of Correctional Services Review⁷⁷⁴ is also not independent of Government. While it is separate from Corrections Victoria, it remains within the Department of Justice and Regulation, reporting to the Secretary on matters concerning monitoring and review of prison performance and community correctional services. Similar to Queensland, an Independent Prison Visitor Scheme⁷⁷⁵ is operated by the Office.
1235. An independently chaired advisory committee, comprising external and independent members and senior officers of the department, oversees the operation of the Office of Correctional Services Review.
1236. In 2014, the Victorian Ombudsman reported concerns regarding the independence of the Office of Correctional Services Review.⁷⁷⁶ The Ombudsman noted in 2003 the former Department of Justice created the Corrections Inspectorate, an internal unit with responsibility to monitor and report on the compliance of public and private prisons, prisoner transport and the Official Prison Visitors Scheme. In 2006 the

Ombudsman conducted a review of the Inspectorate due to concerns stemming from a lack of independence. In response, the Victorian Government created the Office of Correctional Services Review.

1237. The Ombudsman was of the opinion that unlike other similar jurisdictions, noting New South Wales, Western Australia, and the United Kingdom, the Office was not independent of Government, placing significant strain on the resources of the Ombudsman.⁷⁷⁷ The Ombudsman's concerns were supported by the Human Rights Law Resource Centre in Victoria, echoing concerns in the media⁷⁷⁸ regarding rapidly increasing prisoner numbers and the need for an independent inspector of custodial services. The Centre urged the Government to "establish an independent, effective, publicly accountable and adequately resourced prison inspectorate to monitor and report on prison operations and conditions".⁷⁷⁹ In 2015-16, the Victorian Ombudsman reported 4,443 or over 30 per cent, of the complaints received concerned Corrections and Justice Regulation.⁷⁸⁰
1238. In Queensland, a similar situation is present. In 2015-16, the Queensland Ombudsman received 4,112 complaints regarding State Government departments, of which 26 per cent concerned the operations of the Department of Justice and Attorney-General, including QCS and the Queensland Parole Boards.⁷⁸¹ Of the 1,053 complaints received regarding the Department of Justice and Attorney-General in 2015-16, 842 concerned QCS and 36 concerned the parole boards.⁷⁸² QCS had the highest number of complaints for all government departments in Queensland; approximately double the amount most other departments received. I am of the opinion that this data only provides greater support for the need for an inspectorate independent of government.

New Zealand

1239. The *Corrections Act 2004* (NZ) provides that the chief executive must appoint "suitable employees" to operate as inspectors.⁷⁸³ It is noted that such inspectors are expected to be independent from individual prisons, but they report to the Chief Executive responsible for corrections.⁷⁸⁴
1240. Unlike other jurisdictions, the Inspectors of Corrections examine individual complaints from prisoners or members of the public, undertake inspections of all prison facilities in New Zealand and may also undertake investigations into complaints or incidents involving offenders subject to community based sentences.

Her Majesty's Inspectorate of Prisons in England and Wales

1241. I have observed that no Australian jurisdiction has an independent inspectorate for the operations of correctional services as a whole. All jurisdictions have an inspectorate of some form, whether internal or external, that focuses on the functions of imprisonment and detention. The practices in England and Wales provide a compelling comparator of a jurisdiction with an independent inspectorate for prisons and probation and/or parole services.

1242. In England and Wales, there are external inspectorates for prisons, probation, the Crown Prosecution Service, the Constabulary, and Criminal Justice Joint Inspection. This structure of independent administrative oversight is designed to provide proactive and preventative projection against abuses for those in detention or under supervision by the State.⁷⁸⁵

1243. Her Majesty's Inspectorate of Prisons for England and Wales (HMI Prisons) has a very broad remit, when compared to existing inspection practices used in Australia:

Her Majesty's Inspectorate of Prisons for England and Wales (HM Inspectorate of Prisons) is an independent inspectorate which reports on conditions for and treatment of those in prison, young offender institutions, secure training centres, immigration detention facilities, police and court custody suites, customs custody facilities and military detention. The role of HM Inspectorate of Prisons is to provide independent scrutiny of the conditions for and treatment of prisoners and other detainees, promoting the concept of 'healthy establishments' in which staff work effectively to support prisoners and detainees to reduce reoffending and achieve positive outcomes for those detained and for the public.⁷⁸⁶

1244. The HM Chief Inspector of Prisons is appointed by Her Majesty.⁷⁸⁷

1245. The Chief Inspector does not report directly to the Parliament. Rather, reports are made directly to the Secretary of State, who tables an annual report on HMI Prisons before the Parliament.⁷⁸⁸ I consider this presents as an alternative option to a strictly independent body reporting directly to Parliament. Each option has its merits, but I am of the opinion the body that I recommend for Queensland must be entirely independent of the executive.

1246. The terms of reference⁷⁸⁹ outline the HM Chief Inspector of Prisons may determine what to inspect, how inspections are carried out, whether the inspections are announced or unannounced, what recommendations or findings should be considered by government and will necessarily include thematic reviews across individual justice system establishments. HM Chief Inspector of Prisons will examine all prisons and establishments detaining persons in England and Wales, but may, by invitation, inspect other facilities in the United Kingdom. Inspection reports are published on the HMI Prisons website.⁷⁹⁰ As I have noted previously, I am of the opinion that limiting the publication of inspection reports, as is currently occurring in Queensland, is an imposition on the transparency of the functions expected by the office.

1247. The HM Chief Inspector of Prisons is expected to ensure inspection standards are regularly reviewed and updated and the methodology for inspections is published. There is an expectation that working arrangements are established with HM Inspector of Probation to ensure inspection programmes are routinely examined and reflect the separate responsibilities of the services, but recognise the integration of the two services, such as prisoner resettlement and risk assessment throughout their management.

1248. HMI Prisons fulfils part of the United Kingdom's obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), discussed below.

Her Majesty's Inspectorate of the National Probation Service for England and Wales

1249. Like HMI Prisons, Her Majesty's Inspectorate of the National Probation Service for England and Wales (HMI Probation) is an independent inspectorate, which reports to the Secretary of State.⁷⁹¹ The Chief Inspector is appointed by the Secretary of State; there are no particular qualifications for appointment.⁷⁹² The Secretary of State must table a report annually before the Parliament on the operations of the HMI Probation.⁷⁹³
1250. The stated purpose of HMI Probation is to report on the effectiveness of probation work with adults and children, with respect to reducing reoffending, protection of the public and improving the wellbeing of children managed under supervision.⁷⁹⁴ In fulfilling its purpose, the HMI Probation will:
- (a) seek to contribute to the development of effective practice of the organisations whose work we inspect;
 - (b) identify and disseminate best practice based on inspection findings;
 - (c) challenge poor and ineffective practice based on inspection findings;
 - (d) contribute to the development of sound policy that enables and facilitates effective practice and avoids unnecessary duplication and bureaucracy;
 - (e) contribute to the overall effectiveness of the criminal justice system, particularly through joint work with other inspectorates; and
 - (f) actively promote diversity, both within our own organisation, but also in the organisations whose work we inspect.
1251. HMI Probation has a framework document outlining the relationship with the Ministry of Justice.⁷⁹⁵ The framework, similar to the terms of reference for HMI Prisons, notes the Chief Inspector decides upon the methodology to be used in conducting inspections, the inspection schedule and the means by which evidence, findings and recommendations are formulated and communicated.⁷⁹⁶ Inspection reports cover adult offending work and joint inspections with HMI Prisons, joint inspections on youth-offending work, thematic inspections for youth- and adult-offending and special inquiries into particular cases, such as serious offending while under supervision. Reports on each inspection are published on the HMI Probation website.⁷⁹⁷

OPCAT and establishment of a national preventive mechanism

1252. Australia is a signatory to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).⁷⁹⁸ OPCAT is an international agreement adopted by governments who reaffirm torture, cruel, inhuman and other degrading treatment or punishment are prohibited and are against human rights. The convention directly deals with the need to provide and strengthen the protection for persons deprived of their liberty, like those who are in prison. Australia became a signatory in 2009, though it has not yet been ratified by the Commonwealth Parliament.
1253. If ratified, Australia will be required to agree to a national system of independent prison inspection. This requires State parties to implement a National Preventative Mechanism (NPM), which is, in effect, a national body responsible for coordinating the independent inspections of all places of detention by independent inspectorates in each state or territory.⁷⁹⁹ The United Nations Subcommittee on the Prevention of Torture would also conduct inspections of prisons and other places of detention.
1254. I understand that on 28 February 2012, a National Interest Analysis for OPCAT ratification was tabled in the Commonwealth Parliament. Subsequently, the Joint Standing Committee on Treaties unanimously recommended on 21 June 2012 that OPCAT be ratified by the Commonwealth and the Australian Government work with the states and territories to implement an NPM.⁸⁰⁰ In response, the Federal Government agreed with the need to develop a rigorous NPM across the Commonwealth and indicated commitment for broad consultation in the development of the NPM.⁸⁰¹ If the Queensland Government is minded to consider and adopt my recommended approach regarding the independence of prison inspections, then it is important that any changes made accord to the requirements of the NPM framework in OPCAT.
1255. In the United Kingdom, HM Inspectorate of Prisons is the coordinator of the functions for the NPM.⁸⁰² In New Zealand, which ratified OPCAT in 2007, designated NPMs include the Office of the Ombudsmen and the Inspector of Service Penal Establishments, while Western Australia, which has an established independent inspectorate, is considered a good example of a jurisdiction that could be adapted to integrate into a national NPM framework.⁸⁰³
1256. The Office of the Chief Inspector does not meet the requirements of an NPM, which will be necessary if the Commonwealth Government ratifies OPCAT.
1257. In Queensland, under the current arrangements, the Chief Inspector would not be suitable as it is not an independent authority.⁸⁰⁴ In particular, it was observed that there is no OPCAT-compliant inspectorate operating in Queensland across the applicable categories, namely prisons, juvenile detention centres and closed psychiatric wards. Alternatively, the Queensland Ombudsman, while independent, is not currently

established, or I suspect adequately resourced, to conduct routine inspections of prisons and other places of detention.

Summary observations

1258. I am of the opinion that while every effort has been made by the Chief Inspector in Queensland to draw upon the standards used in other jurisdictions, the functions of the office do not operate independently of government.
1259. I understand and accept the need for QCS to retain some internal investigatory function to examine certain operations at the discretion of the Commissioner.
1260. Existing practices, through the use of an independent inspectorate, in Western Australia, New South Wales and the United Kingdom do meet the NPM requirements of OPCAT and I consider they represent good models, or features therein, that could be adopted in Queensland to rectify this situation.
1261. I have also observed that no Australian jurisdiction operates an independent inspectorate of probation or parole services. I consider it imperative that if changes are made to establish an independent inspectorate, then it follows the inspectorate should provide oversight to the entire correctional system, not just the prisons.
1262. As I have noted, the implementation of an independent Inspector of Correctional Services in Queensland, should draw upon a range of key features in Western Australia, New South Wales and the United Kingdom.
1263. I am also of the opinion that there is an opportunity to harmonise the functions of an Inspector of Correctional Services across adult corrections, youth detention and supervision and police detention in watch-houses in Queensland to provide the horizontal integration of independent oversight expected of an NPM under OPCAT. This aspect may be secondary to the immediate need of creating an independent inspectorate in Queensland, and may be adopted later.
1264. As was suggested in the Ombudsman's review in Victoria, the establishment of an independent inspectorate would also relieve the oversight pressure on the Ombudsman.

Recommendation No. 88

The Queensland Government should establish an Inspectorate of Correctional Services with the following conditions:

- a. the Governor of Queensland is to appoint an appropriately qualified person to the office of Chief Inspector;**
- b. the Chief Inspector is not subject to the direction by a Minister or Member of Parliament in the performance of the functions of the office;**
- c. the Chief Inspector examine all operations of the correctional system in Queensland, including all prisons, probation and parole and other operations;**
- d. the Chief Inspector report to Parliament on findings of each review or examination;**
- e. the Chief Inspector oversee the Official Visitor programs; and**
- f. the Chief Inspector work collaboratively with the Office of the Queensland Ombudsman.**

Recommendation No. 89

Queensland Corrective Services should retain a function internal to the department to undertake internal review and investigations as required by the Commissioner, but this must be in addition to and not in derogation of a fully independent inspectorate.

Recommendation No. 90

The Queensland Government should consider expanding the Inspectorate of Correctional Services to examine the operations of adult corrections, youth detention and supervision and police detention in watch-houses.

12. Technology infrastructure and limitations

Introduction

1265. Queensland Corrective Services (QCS) submit, and I have had the opportunity to observe, the significant limitations faced with the delivery of services in overcrowded facilities and within the constraints of the current staffing resources of the correctional system.
1266. The effects of the chronic system pressures have been summarised earlier by QCS and presented in my examination of the current state of the correctional system.
1267. The number of prisoners held in Queensland prisons increased beyond 8,000 while the review was underway.⁸⁰⁵
1268. Like all other areas of QCS, the information technology systems used have come under critical strain with the increasing volume of work and a lack of significant investment.

The Parole Boards

1269. After the implementation of the Callinan Review, significant investment was made by the State of Victoria to improve the information management and technology used by the Parole Boards.⁸⁰⁶ An investment like this is long overdue in Queensland.
1270. QCS submitted that, despite the challenges of managing increasing numbers of prisoners and offenders, a number of improvements have been identified to support the needs of the Parole Boards. These include:
- (a) automated decision notifications
 - (b) streamlining the documentation and management of information provided to the Parole Board
 - (c) the need to increase the integration with systems used in QCS, most importantly those used by Sentence Management Services.⁸⁰⁷
1271. QCS have identified that the greatest concern is the need to undertake a significant upgrade to the Integrated Offender Management System (IOMS) which, in its current state, would create a significant challenge if system reconfiguration was required as a result of the recommendations of this review.⁸⁰⁸

The Integrated Offender Management System

1272. IOMS is the case management system for QCS and is accessed by 80 per cent of its staff.⁸⁰⁹ Many of the recommendations flowing from this report will require significant changes to the existing information technology systems, including IOMS, as well as changes in infrastructure requirements.
1273. QCS submitted that the software solutions used for offender management, either the IOMS or other systems, are boutique and were developed in house and are supported within internal budget allocations.

1274. QCS submitted that IOMS was implemented in 2005 and is nearing the end of its useful life.⁸¹⁰ The system requires significant effort to implement changes, and there is a limited capacity to respond in a timely manner to adjust the system to suit business changes. Furthermore, I am advised by QCS that “major changes to parole and/or offender management practices and workflow would take significant time to deliver if built within the current IOMS solution”.⁸¹¹
1275. QCS advised that a new *Digital Services Future Needs Project* commenced in 2015-16 to develop a business case to replace the existing IOMS.⁸¹² QCS have identified a preferred option as being to update the current version of IOMS to provide a system that is more flexible to adapt to changes in practice in QCS, but that this is as yet unfunded.⁸¹³
1276. Given the recommendations that I have made, careful consideration will need to be given as to how parole board operations, case management, rehabilitation, assessment and management of offenders on parole will affect existing QCS information technology systems.

Recommendation No. 91

The information technology systems required for the implementation of other recommendations should be reviewed and the necessary software systems developed or upgraded with appropriate funding.

Glossary of terms

Glossary of Terms	
Term	Meaning
ACUTE-2007	An actuarial tool used to identify heightened risk of sexual re-offending.
Actuarial tools	Usually used in reference to a data-based or statistical instrument used in an effort to gauge an offender's risk of re-offending or level of required therapeutic intervention. Used instead of old-fashioned "clinical judgement", on the basis that actuarial predictions have been consistently shown to be far more accurate than are clinical judgements.
Automatic parole	Parole is granted automatically upon a prisoner attaining a defined eligibility point, without the need to apply for parole. Contradistinction to 'discretionary parole'. Automatic parole is common in many Australian jurisdictions.
Benchmark assessment	Forms the basis for case management of offenders on parole. Identifies risks and needs. Introduced in 2012 to replace the ORNI-R. Not a validated instrument.
Biometric reporting	Method used for supervising low risk parolees/probationers in the community. Rather than reporting in person to a probation and parole officer the offender attends a self-service kiosk and 'reports' by means of fingerprint scan to a computer and then completion of an on-line questionnaire.
Board ordered parole	Parole conferred on a prisoner by a parole board. Board ordered parole requires the prisoner to make an application for parole. Whether parole is granted is then at the discretion of the parole board.
Breach of suspended sentence	Applies if an offender commits another offence during the operational period of a suspended sentence.

Glossary of Terms	
Term	Meaning
Built capacity	Refers to the intended holding capacity, in terms of prisoners able to be accommodated securely, of any given correctional centre when designed and constructed
Case management.	Process for (1) the management of an offender's rehabilitation whilst in custody; (2) the management of an offender's application and preparation for parole; and (3) the management of an offender whilst on parole
CCC	Crime and Corruption Commission
Chief Inspector	The Chief Inspector has an ombudsman/auditor like role within Queensland Corrective Services
Churn	A colloquial term, used to refer to prisoners being released from prison to parole, only to have their parole suspended for breaches of parole and for them to then return to prison, awaiting reconsideration of their matter by the Parole Board, who oftentimes then re-release the offender back to parole.
Community-based orders	Sanctions or penalties imposed by the courts that are non-custodial. Include community service orders, graffiti removal orders, intensive corrections orders and probation.
Community Corrections/ Community-based corrections	Community Corrections was the former name of the Probation and Parole Service.
Community Corrections Order ('CCO')	A form of sentencing order now used in Victoria, that allows a court to specify the date on which a prisoner will be released from custody onto a community-based order.
Conditional release order	An order for release from prison, on conditions

Glossary of Terms	
Term	Meaning
Court ordered parole	Parole ordered at the time of sentencing by the sentencing court. Currently available as an option for sentences of up to three years that are not serious violent, or sexual offences.
Community service order	A form of community based order. Entails between 40 and 240 hours of unpaid community service work to be completed within one year.
Criminogenic effect	Something that increases the likelihood of further criminal offending. Prisons are often said to have a 'criminogenic effect', in the sense that offenders may emerge from prison far worse criminals than when they went in.
Custody	Synonym for 'imprisonment', 'detention', 'incarceration'. Contextually may also refer to being taken into 'police custody', etc.
Determinate sentencing	See 'Truth in Sentencing' and 'Court ordered parole'.
Differentiated offender management	Purposely managing offenders differently (in terms of levels of supervision and therapeutic intervention) after actuarial assessments of risk and need. Designed as a means to allocate finite resources more effectively and efficiently.
Discretionary parole	See 'Board ordered parole'
'Double-up'	Colloquial term: refers to housing two prisoners in a cell designed for one. See 'built capacity'.
DPSOA Offender	A prisoner declared under the Dangerous Prisoners (Sexual) Offenders Act 2003. These offenders can continue to be detained beyond the term of their original sentence, as well as be subject to surveillance and monitoring (usually by GPS) post-release.

Glossary of Terms	
Term	Meaning
DVO	Domestic Violence Order. A civil protection order made by the Magistrates' Court under the Domestic Violence and Civil Protection Act 2012.
Dynamic Supervision Instrument	A structured interviewing tool developed within QCS for Probation and Parole Staff to help them identify change in any particular offender's risk profile. Designed to enhance case management.
Electronic monitoring	Use of GPS, radio monitoring and other technologies to provide surveillance and tracking capabilities over offenders released to the community. Used to: enforce curfews, restrict entry to defined areas; and continuously track risky offenders.
Exceptional circumstances parole	The power of a parole board to release a prisoner from prison, even prior to their parole eligibility date in exceptional circumstances. Usually only used in cases where a prisoner is terminally ill.
Fine option orders	A mechanism by which an offender with little or no money can convert their court imposed fine to some other community based order, so as to "pay it off in kind".
General manager	Person in charge of a Queensland Correctional Facility.
GIS	Geographical information system. See 'electronic monitoring'
GPS	Global Positioning System: see 'electronic monitoring'
Graduated release	Progressive release from prison with gradually reducing levels of supervision and rules. Designed to allow offenders to progressively adjust to life beyond prison and to reduce the risk of re-offending. Entails such modalities as release to work, leave of absence from prison, and home detention.

Glossary of Terms	
Term	Meaning
HASI	Hayes Ability Screening Index. An actuarial tool used to identify offenders who may have intellectual impairments.
Head sentence	A colloquial term: refers to the maximum period that could be served in prison.
Healthy Prison	An international benchmark developed by the World Health Organisation (WHO) to measure the suitability of prison environments against accepted norms. Used by the Office of Chief Inspector.
Home detention	Offenders supervised in the community by means of an order requiring them to remain at a specified address during specified time frames. Usually conducted in conjunction with GPS or other forms of electronic monitoring.
IRA	A type of actuarial tool. Applied upon first entry to probation and parole supervision to identify immediate needs and risks.
Immediate Risk Needs Assessment ('IRNA')	A type of actuarial tool. Applied upon first entry to prison to identify immediate needs and risks.
Indefinite sentences	Circumstances where an offender is not released from prison at the end of their term of imprisonment. Used only sparingly in the case of prisoners declared to be dangerous. The sentence continues until lifted by the court during periodic reviews.
Indeterminate sentence	Sentences of imprisonment where the release date is at the discretion of the Parole Board.
Intensive correction orders	A prison sentence of one year or less, served in the community under intensive supervision.
IOMS	Integrated Offender Management System. Offender management software used to manage prisoners and offenders within QCS.

Glossary of Terms	
Term	Meaning
Judicial Review ('JR')	An application pursuant to the Judicial Review Act 1991 to the Supreme Court for a review of an administrative decision. Applies to decisions by the Parole Boards. Not the same as merits review. Only examines the procedural aspects of the decision.
Juvenile detention	The equivalent of prison for persons (currently under 17 years of age). Not operated by QCS.
Level of Service Inventory (Revised) ('LSI-R')	An actuarial tool widely used in other jurisdictions that has been validated. Not used in Queensland.
Mandatory Non-Parole Period	Some legislation requires that convictions for certain offences require the offender to spend not less than 80 per cent of the term in actual prison. See 'Truth in sentencing'
Next Generation Case Management Model (NGCM)	Next Generation Case Management was implemented in 2012 to deliver enhancements to supervision and management of offenders in the community.
'No body no parole'	Legislation in some Australian States (not yet in Queensland) that compels the Parole Board to give consideration to the degree to which an offender serving imprisonment for murder has given cooperation to the police, prior to granting parole.
Non-custodial orders	See: 'community corrections orders'
Non-parole period	The period within which a prisoner is ineligible to apply for parole and must remain in prison. Either the sentencing court has specified a non-parole period, or legislation has imposed one.
'Northern Board'	Report shorthand for Central and Northern Queensland Regional Parole Board

Glossary of Terms	
Term	Meaning
Offender	Collective noun: used within QCS to refer to those subject to community supervision orders and on parole
Offender Rehabilitation Plan	Plan developed for an individual prisoner after undertaking a 'Rehabilitation Needs Assessment'.
ORNI-R	Offender Risk Need Inventory-Revised. An actuarial tool previously used within QCS to identify the intervention needs for offenders.
Office of the Chief Inspector	See 'Chief Inspector'
Official Visitor	A statutory role performed by a person who attends prisons as an observer/person to whom prisoners can raise complaints
Ombudsman	Independent Statutory Officer with power to investigate complaints relating to the public sector
Operational Period	Applies to suspended sentences. Those in the community on suspended sentence remain at risk of being re-sentenced for the same offence for the duration of the operational period. See also 'breach of suspended sentence'.
Parole	Discretionary early release of a prisoner from prison to serve the remainder of their term of imprisonment in the community, subject to conditions and supervision. Designed to promote the prospects for 'pro-social' community reintegration, as the best means to reduce risk to the community of re-offending.
Parolee	A prisoner who is on parole. See also 'offender'. Parolee does not include offenders who are on probation or other community based orders.
Parole eligibility date	The earliest date on which a prisoner may be released on parole.

Glossary of Terms	
Term	Meaning
Parole Board	Deliberative body that receives and considers applications by prisoners for early release from prison, on parole.
Parole Board Report	Report prepared for the Parole Board by QCS about a prisoner's parole application.
Parole breaches	Breach of conditions that apply to parole orders. These can be minor breaches or more significant ones
Parole cancellation	After parole suspension, a breach of parole by any given parolee is reconsidered by the Parole Board. One of the options is to cancel parole, whereupon the prisoner returns to prison under subject to the original sentence.
Probation and Parole Operational Practice Guidelines	Procedures to be followed by Probation and Parole Officers
Parole Panel	Panel convened within a prison, comprised of correctional centre staff, who prepare a Parole Board Report.
Parole suspension	Parole is suspended (usually because of some breach of parole conditions) and the parolee is temporarily returned to prison for up to 28 days.
Post-prison orders	Any order that applies to a prisoner after release from prison. Includes parole and DPSOA orders
Post-release supervision	Refers to supervision in the community after release from prison. See 'Parole' and 'DPSOA Offender'
Pre-release options	Pre-release options
Prisoner	Collective noun: used to refer to offenders who are actually in prison'. Contrast with "offender" or "parolee"
Prison population	Total number of incarcerated offenders in Queensland.

Glossary of Terms	
Term	Meaning
Probation	A non-custodial sentence whereby the offender is subject to supervision in the community, on conditions. Differs from parole in the sense that parole conventionally entails release from a sentence of imprisonment to supervision in the community. May be combined with imprisonment as a combined imprisonment/probation order. Breaches of probation orders are dealt with by a court, and not by a parole board. More detailed and specific conditions can be applied to parole than can be applied to probation orders.
Probationer	Offender who is on probation. Little-used term in Queensland.
Probation and Parole ('P&P')	That branch of QCS that supervises offenders in the community – being those release from prison to parole and those subject to non-custodial community based orders
Pro-social	Behaviour that is socially acceptable and non-criminogenic. The aim of all rehabilitative efforts in the criminal justice system.
'Queensland Board'	Report shorthand for Queensland Parole Board. Determines parole applications for offenders serving more than 8 years imprisonment and in the case of serious violent offenders.
QCS	Queensland Corrective Services
QCS Commissioner	Person in charge of Queensland Corrective Services
Recidivism	Repeated or habitual lapse back into crime. Often used in the context of "risk of recidivism".
Regional Parole Boards	Southern Queensland Regional Parole Board and the Central and Northern Queensland Regional Parole Board. Hear parole applications for prisoners serving between 3 and 8 years imprisonment

Glossary of Terms	
Term	Meaning
Rehabilitation/Rehabilitation programs	An 'umbrella' term. Courses and programs provided to offenders in an effort to increase the likelihood of pro-social behaviour and to reduce the risk of recidivism
Rehabilitation Needs Assessment	Used to develop an individual offender rehabilitation plan. Only applied to offenders spending more than 12 months in prison.
Reintegration	The process of re-establishing a prisoner back into the community after time in prison. The longer an offender has been imprisoned the more difficult and complex reintegration becomes.
Release to work	Allowing prisoners 'day release' from prison to attend employment, or to search for employment. Part of 'graduated release'
Remand	Being held in custody before being sentenced by the courts. These detainees are still subject to the presumption of innocence
Remission	Reduction in length of prison term, usually for good behaviour and usually by administrative process. Once a feature in Queensland. Commonly used in many overseas jurisdictions, oftentimes as a pragmatic mechanism in response to prison overcrowding
Re-offending	See 'recidivism'
Re-offending rates	The extent to which people who have had prior contact with the criminal justice system are re-arrested, re-convicted, or return to corrective services (either prison or community corrections).
Risk Needs Responsivity ('RNR') Model	Widely used international model for determining offender treatment needs

Glossary of Terms	
Term	Meaning
Risk of Re-offending ('RoR') Tool	A particular actuarial tool. Allocates a risk score to a prisoner based on static factors, such as age at first offending. A tool for allocation of rehabilitation resources. Does not purport to predict how serious future offending might be. Has two versions a probation and parole version and a prison version. Each are slightly different.
Sanction	Penalty, as in 'court imposed sanction'
Screening tools	See: actuarial tools
Sentence Management Services	Section within QCS responsible for certain administrative functions, that include compilation of the Offender Rehabilitation Plan and Parole Board Report
Serious violent offence ('SVO')	Under the Penalties and Sentences Act 1992, certain offences are declared to be serious violent offences ('SVO'). Prisoners serving imprisonment for an SVO cannot obtain parole before serving 80 per cent of the sentence term as actual imprisonment.
Southern Board	Report shorthand for Southern Queensland Regional Parole Board
STABLE-2007	Actuarial tool used to identify sexual offending risk and treatment needs
Standard conditions	Minimum conditions that must apply to any parole order. Found in s.200 of the Corrective Services Act.
STATIC-99R	Actuarial tool used to identify sexual offending risk and treatment needs
Statutory Release	Sentencing option with release at a defined point in the sentence, yet still subject to standard conditions. Statutory analogue to remissions, yet with added conditions. Lacks any formalised regime for post-release supervision.

Glossary of Terms	
Term	Meaning
Suspended sentences	A term of imprisonment that is suspended, either wholly or in part. Applies in Queensland in the case of sentences of 5 years or less. Offenders on a suspended sentence are under no supervision in the community, yet if apprehended for further offending will be dealt with for that offence, as well as for breaching the suspended sentence. See also 'operational period'.
Supervised release	Release from prison with some regime for supervision. Parole is the most obvious example but there are other models, including CCOs.
Term of imprisonment	An order by a court that a person found guilty of an offence spend time in prison. Imprisonment may be actual, or wholly or partly suspended.
Therapeutic interventions	Umbrella term for treatment programs for offenders designed to address aspects of their offending behaviour.
Truth in sentencing	A political catch-phrase. Signifies certainty in sentencing and a shift towards knowing that the time ordered by a court is the time that will actually be served, in prison.
Validated instrument	Actuarial tool that has been statistically tested ('validated') to ensure general predictive accuracy.
Victims Register	Victims of violent or sex crimes may have their details added to a register, in order that they be given advance notice of any application for parole by the perpetrator of the offence that has caused for them to become a victim. Registered victims are entitled to make a submission to the Parole Board.
Unvalidated tools/instruments	See: 'actuarial tools'; 'validated instrument'

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The Parole System in Australian Jurisdictions

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
Are any sentences ineligible for parole?	Parole applies to all sentences of imprisonment ¹ (except suspended sentences) but the PED may be fixed on last day.	All sentences six months or less are fixed terms and the whole sentence must be served. ² Court can also impose a longer fixed term.	Parole is not available for short sentences of less than 12 months ³ , Court can also impose a fixed term.	Parole is not available for sentences of less than 12 months ⁴ . Between one and two years, a non-parole period may be set. If Court considers a non-parole period is not appropriate because of the nature of the offence or the past history of the offender, the Court can choose not to set a non-parole period. ⁵	No. But the Court can impose a fixed term. ⁶	Parole is not available for sentences of less than 12 months ⁷ . Court can also impose a fixed term.	Parole is not available for sentences of less than 12 months ⁸ Court may decide not to make a parole eligibility order if court considers the offender should not be eligible for parole. ⁹	Parole is not available for sentences of less than 12 months ¹⁰ Court can also impose a fixed term.
Discretionary or statutory/automatic release?	Court ordered parole on sentences three years or less (not sexual or serious violent) ¹¹ . Otherwise discretionary parole.	Court ordered parole for sentences of three years or less (not fixed term). ¹² All sentences over three years release is at the SPA's discretion	Entirely discretionary system of parole	entirely discretionary system of parole	Entirely discretionary system of parole	Automatic parole for sentences more than 12 months but less than five years (not certain serious offences). ¹³ Otherwise discretionary. ¹⁴	entirely discretionary system of parole	entirely discretionary system of parole
Who sets parole conditions?	Standard ¹⁵ for COP plus Board for BOP	Standard ¹⁶ plus Court for COP ¹⁷ and Court and Parole Authority for BOP. ¹⁸ The conditions must include conditions giving effect to a post-release plan, prepared by the Probation and Parole Service and adopted by	'Core conditions' ²⁰ plus Board	Board	Standard plus Board ²¹	Board	Board	Board

¹ *Penalties and Sentences Act 1992* (Qld) ss 160B, 160C, 160D.

² *Crimes (Sentencing Procedure) Act 1999* (NSW) s46.

³ *Crimes (Sentencing) Act 2005* (ACT) s 65.

⁴ *Sentencing Act 1991* (Vic) s 11.

⁵ *Sentencing Act 1991* (Vic) s 11(1).

⁶ *Sentencing Act 1997* (Tas) s 17.

⁷ *Criminal Law (Sentencing) Act 1988* (SA) s 32(5)(a)

⁸ *Sentencing Act 1995* (WA) s 89(2).

⁹ Must be a combination of a serious offence, offender with a significant criminal history, has previously not complied with the order or any other reason the court considers relevant. *Sentencing Act 1995* (WA) s 89(4).

¹⁰ *Sentencing Act* (NT) s 53.

¹¹ *Penalties and Sentences Act 1992* (Qld) s 160B(3).

¹² *Crimes (Sentencing Procedure) Act 1999* (NSW) s 50.

¹³ The automatic release is not court ordered parole, it is board ordered parole, in that the board must order the prisoner be released not later than 30 days after the day on which the non-parole period expires (or was fixed if non-parole period was back dated). The Parole Board sets conditions for all parole orders. *Correctional Services Act 1982* (SA) s 66.

¹⁴ *Correctional Services Act 1982* (SA) s 67.

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¹⁶ *Crimes (Administration of Sentences) Act 1999* (NSW) ss 128, 128A, 128B.

¹⁷ *Crimes (Sentencing Procedure) Act 1999* (NSW) s 51.

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²⁰ *Crimes (Sentence Administration) Act 2005* (ACT) s 137.

²¹ *Corrections Act 1997* (Tas) s 72(5).

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
		the SPA, in relation to the offender. ¹⁹						
Safeguard on automatic release?	No safeguard available.	The SPA can revoke a parole order before the offender's release on court ordered parole. ²²	N/A	N/A	N/A	No safeguard or check on automatic parole.	N/A	N/A
Non-parole period (NPP) – guidance/legislation	Serious Violent Offenders and offenders sentenced to life imprisonment have minimum NPPs. ²³ None for other sentences.	The Act contains a table of standard NPP for certain offences. ²⁴ Court must take the NPP into account and record reasons for setting a NPP that differs from the standard NPP. ²⁵	None	NPP must be at least 6 months less than the term of the sentence. ²⁶	Prisoners will not be eligible for parole before completion of NPP or a continuous period of imprisonment of 6 months, whichever is greater. ²⁷ There is a statutory NPP. The NPP in respect of a sentence of imprisonment is a period equal to one-half of the period of the operative sentence, unless serving a life sentence. ²⁸	None	In the case of sentences of four years or less, a prisoner is required to serve at least half that period in custody before being eligible to be released on parole. For sentences in excess of four years, a prisoner is eligible to be released on parole when they get to within two years of their end date. They are not allowed to be released any time before this date. Offenders of a serious offence or with a recent serious offence the eligibility is whatever is greater out of half and the mandatory minimum sentence. ²⁹	The minimum NPP for sentence of 12 months or longer is not less than 50% of the term of imprisonment. ³⁰ The NPP must be longer than 8 months. ³¹ For certain sexual offences and drug offences the NPP must be not less than 70% of the term of imprisonment. ³² Standard NPP for murder is 20 years. ³³
Parole Board	Queensland Parole Board, Central and Northern Queensland Regional Parole Board, Southern Queensland Regional Parole Board.	State Parole Authority (SPA)	Sentence Administration Board	Adult Parole Board	The Parole Board of Tasmania	Parole Board of South Australia	Prisoners Review Board of Western Australia	Parole Board of the Northern Territory

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²⁵ *Crimes (Sentencing Procedure) Act 1999* (NSW) s 54B.

²⁶ *Sentencing Act 1991* (Vic) s 11(3).

²⁷ *Corrections Act 1997* (Tas) s 70.

²⁸ *Corrections Act 1997* (Tas) s 68.

²⁹ *Sentence Administration Act 2003* (WA) s 23.

³⁰ *Sentencing Act* (NT) s 54(1).

³¹ *Sentencing Act* (NT) s 54(2).

³² *Sentencing Act* (NT) s 55.

³³ *Sentencing Act* (NT) s 53A.

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
Ambit of Parole Board	All sentences more than 3 years or sentences 3 years or less but are a serious violent offence or sexual offence. ³⁴	Sentences more than 3 years where a NPP has been fixed.	Sentences more than 1 year where a NPP has been fixed. ³⁵	Sentences more than 1 year where a NPP has been fixed.	All sentences. Unless fixed terms.	Sentences 5 years or more and sentences 1 year or more but less than 5 years that are precluded from automatic parole.	Sentences 1 year or more where court has made a parole eligibility order.	Sentences more than 1 year where a NPP has been fixed. ³⁶
Parole Board composition	President who is a retired judge or lawyer of 5 years. (current Judges and Magistrates are disqualified ³⁷) Five other members – at least one Aboriginal or Torres Strait Islander, one doctor or psychologist, at least two women. A public service officer. ³⁸	Legislation requires four judicial members, one police officer, one probation and parole officer, 10 community members. ³⁹ Currently there are five judicial officers, one community representative, one police representative, and 14 community members. There is one indigenous member and six females on the board. ⁴⁰	A chair and at least 1 deputy chair and not more than 2 deputy chairs who are judicially qualified (Judicial officer or legal practitioner for not less than five years). Not more than 8 other members. ⁴¹	One or more Supreme Court Judges (Chairperson), one or more County Court Judges, one or more Magistrates, one or more full-time members, one or more retired judges or magistrates, any amount of part time members and the secretary. ⁴² The Board currently has 39 members with 17 judicial members, 4 full time members, 17 community members and 1 secretary. ⁴³	Board consist of three persons. One must be a legal practitioner for at least 7 years; one must be an expert in sociology, criminology, penology or medicine or other knowledge considered appropriate; one is to be a person who has knowledge and experience of victim of crime matters and matters associated with sociology, criminology, penology or medicine. ⁴⁴ There are currently two members and a chairman, as well as two deputy members and a deputy chairman.	Nine members. Presiding member must be a judge or a person with extensive knowledge of and experience in the science of criminology, penology and any related science. Two deputy presiding members. One medical practitioner with experience in psychiatry. One social worker or sociologist. One victim's representative. One aboriginal person. One former police officer. Two deputy members. ⁴⁵ An employee of the Department of Corrective Services is not eligible to be appointed as a member of the board. ⁴⁶	Chairperson, two Deputy Chairpersons, community members, Department of Corrective Services Officers and Police Officers. There is a legislative requirement for a minimum of three members - a chair (or deputy), a community member and a departmental member	Legislation requires 18 members who are to be a Judge of the Supreme Court (Chairperson), Commissioner of Correctional Services, two police officers, two medical practitioners of psychologists, two victims of crime representatives, ten persons who reflect the community. ⁴⁷
Full time members job	One full time member who is the president.	N/A	N/A	Four full time members that provide high-level executive support to operations of boards, oversee ongoing education and		N/A	There is one full time deputy. The Board sits every day.	No full time members. Paid sitting fees except the chairperson who is not remunerated.

³⁴ *Penalties and Sentences Act 1992* (Qld) s160B.

³⁵ *Crimes (Sentencing) Act 2005* (ACT) s 65.

³⁶ *Sentencing Act* (NT) s 53.

³⁷ *Corrective Services Act 2006* (Qld) s 219.

³⁸ *Corrective Services Act 2006* (Qld) s 218.

³⁹ *Crimes (Administration of Sentences) Act 1999* (NSW) s 183.

⁴⁰ NSW State Parole Authority, Department of Justice, *Annual Report 2014*, <<http://www.paroleauthority.nsw.gov.au/Documents/SPA%20Annual%20Report%202014.pdf>>.

⁴¹ *Crimes (Sentence Administration) Act 2005* (ACT) s 174.

⁴² *Corrections Act 1986* (Vic) s 61.

⁴³ Adult Parole Board of Victoria, Department of Justice and Regulation, *Annual Report 2014-15* <http://assets.justice.vic.gov.au/corrections/resources/1172071a-e2df-4ae3-8ecf-cdd264d62d4d/apb2014-15_annualreport.pdf>, 23.

⁴⁴ *Corrections Act 1997* (Tas) s 62.

⁴⁵ *Correctional Services Act 1982* (SA) s 55(3).

⁴⁶ *Correctional Services Act 1982* (SA) s 55(4).

⁴⁷ *Parole Act* (NT) s 3B.

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
				development of the other members, presentations on behalf of the board, improving practice and attending to breach of parole matters after hours. ⁴⁸				
Considered automatically or by application?	By application after the prisoner has reached the parole eligibility date. ⁴⁹	SPA must consider parole at least 60 days before the offender's parole eligibility date. The decision can be deferred until not less than 21 days prior to PED. ⁵⁰	By application from six months before parole eligibility date. ⁵¹	By application. ⁵²	Automatically before the date of parole eligibility. ⁵³	By application.	Parole Board must consider whether the prisoner be released on parole before the parole eligibility date. ⁵⁴	By application.
Application process	Board has 180 days to decide or defer and 210 days to decide if deferred. ⁵⁵ Board sits in private to consider applications.	NSW has a different process from serious and non-serious offenders. Both systems are two tiered, except where non-serious offenders are granted parole. For non-serious offenders, the SPA holds an initial private meeting. The offender is not able to make submissions or provide material. If parole is granted the offender is released.	The board must conduct an inquiry, ⁵⁶ unless the application is rejected for being frivolous, vexatious or misconceived or previously considered within 12 months with no new information. ⁵⁷ The inquiry can be held as informally and quickly as necessary, and are not open to the public unless otherwise decided. ⁵⁸ After the inquiry, if the Board considers the offender should not be released on parole, a hearing must be set. ⁵⁹	Upon receipt of a parole application and a report from the Case Management Review Committee about the prisoner, the Board will consider whether the application should proceed to parole assessment. This means that Community Correctional Services will prepare a detailed Parole Suitability Assessment report for the Board. The Parole Suitability Assessment will contain all necessary information that the Board requires in order to make an informed decision. ⁶⁰	When approaching their eligibility date, prisoners make an application for parole or chose not to decide for parole. The Board personally interviews all prisoners who make an application. ⁶¹	Board interviews majority of applicants. Board will not refuse release without a hearing ⁶² .	Prisoner completes Parole Plan. Decision usually made on the papers.	A Probation and Parole Officer from Community Corrections will begin working with the prisoner eight months before their non-parole period is due to end so a report can be written for the Parole Board. The Parole Board will consider the application two months before the prisoner is eligible for release on parole and may decide to release the prisoner on a particular date, deny parole, or defer consideration for a

⁴⁸ Adult Parole Board of Victoria, Department of Justice and Regulation, *Annual Report 2014-15* <http://assets.justice.vic.gov.au/corrections/resources/1172071a-e2df-4ae3-8ecf-cdd264d62d4d/apb2014-15_annualreport.pdf>.

⁴⁹ *Corrective Services Act 2006* (Qld) s 180.

⁵⁰ *Crimes (Administration of Sentence) Act 1999* (NSW) s 137.

⁵¹ *Crimes (Sentence Administration) Act 2005* (ACT) s 121(1).

⁵² This was changed from automatic consideration as part of the reforms arising out of the Callinan Report. The Victorian Auditor General found that this was a positive step but the Department of Justice needs to further review its data to ensure prisoners are not missing out because they are unable to navigate the application process. Peter Frost, Victorian Auditor-General's Office, *Administration of Parole* (2016) <<http://www.audit.vic.gov.au/publications/20160210-Parole/20160210-Parole.pdf>>.

⁵³ *Corrections Act 1997* (Tas) s 72(1).

⁵⁴ *Sentence Administration Act 2003* (WA) s 20.

⁵⁵ *Corrective Services Act 2006* (Qld) s 193(3).

⁵⁶ *Crimes (Sentence Administration) Act 2005* (ACT) s 125.

⁵⁷ *Crimes (Sentence Administration) Act 2005* (ACT) s 122.

⁵⁸ *Crimes (Sentence Administration) Act 2005* (ACT) s 196.

⁵⁹ *Crimes (Sentence Administration) Act 2005* (ACT) s 126(2)(b).

⁶⁰ Adult Parole Board of Victoria, Department of Justice and Regulation, *Parole Manual Adult Parole Board of Victoria* <http://assets.justice.vic.gov.au/corrections/resources/e55ff13c-c723-42e6-8e18-c6171a5c96c3/apb_parole_manual1june15.pdf>, 16.

⁶¹ Parole Board of Tasmania, Department of Justice, *Annual Report 2014-15*, <http://www.justice.tas.gov.au/_data/assets/pdf_file/0020/331229/Parole_Board_of_Tasmania_Annual_Report_2014-15.pdf>.

⁶² Interviews are recorded and transcribed.

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
								period of time to gather more information. ⁶³
Criteria/Duty of Board	The highest priority is the safety of the community. ⁶⁴	The Parole Authority must not make a parole order for an offender unless it is satisfied, on the balance of probabilities, that the release of the offender is appropriate in the public interest. ⁶⁵	The Board may only make a parole order if it considers that parole is appropriate for the offender, having regard to the principle that the public interest is of primary importance. ⁶⁶	The Board must give paramount consideration to the safety and protection of the community in determining whether to make or vary a parole order, cancel a prisoner's parole or revoke the cancellation of parole. ⁶⁷ Further, the Board expects prisoners to make use of the range of programs that are available to them in Victoria. ⁶⁸	Statutory criteria. Including, likelihood of reoffending, protection of the public, rehabilitation of the prisoner, remarks made by sentencing Court, likelihood of complying with conditions, circumstances and gravity of offence, behaviour of prisoner in prison and while subject to any other order, any reports tendered to the Board, victim submissions and the probable circumstances of the prisoner. ⁶⁹	The paramount consideration of the Board when determining an application for the release of a prisoner on parole must be the safety of the community. ⁷⁰	The Board and any person performing functions under the Act must regard the safety of the community as the paramount consideration. ⁷¹	A prisoner will be granted parole only if the Parole Board is satisfied that the prisoner is appropriately reformed and is not a danger to the community if the prisoner is managed appropriately on suitable conditions of parole. ⁷² Primary consideration should be given to the risk or likelihood of the prisoner re-offending while on parole and to the level of danger created by the prisoner being granted parole. ⁷³
serious/violent/sexual offences	Serious violent offenders are eligible for parole at 80%. ⁷⁴ Applications heard by QPB.	There is a Serious Offenders Review Council (SORC) that consists of between 8 and 14 members. ⁷⁵ The SPA formulates an initial intention at a private meeting and gives notice to victims (intention to grant) ⁷⁶ and offender (intention to refuse) ⁷⁷ .	No separate process.	Two-tiered system. First the Board considers the matter. If the Board makes a recommendation to release an offender, then the Serious Violent Offender or Sexual Offender (SVOSO) Division ⁸³ of the Board can make the final decision to release a	No separate process.	No separate process	No separate process except for a prisoner serving a short term sentences (12 months or less) for a serious offence ⁸⁴ or where the offender was released from a term of imprisonment for a serious offence in the 5 years preceding the commencement of the	No separate process

⁶³ Department of Attorney-General and Justice (Correctional Services) 'FAQs', *Parole Board of the Northern Territory* [website], <<http://www.paroleboard.nt.gov.au/FAQs/Pages/default.aspx#FAQ-3>>.

⁶⁴ Minister for Corrective Services, *Ministerial Guidelines to the Parole Board*, 8 September 2015, 2.

⁶⁵ *Crimes (Administration of Sentences) Act* s 135(2). There are a number of matters listed that the Parole Authority must have regard to.

⁶⁶ *Crimes (Sentence Administration) Act 2005* (ACT) s 120(1).

⁶⁷ *Corrections Act 1986* (Vic) 73A.

⁶⁸ Adult Parole Board of Victoria, Department of Justice and Regulation, *Parole Manual Adult Parole Board of Victoria* <http://assets.justice.vic.gov.au/corrections/resources/e55ff13c-c723-42e6-8e18-c6171a5c96c3/apb_parole_manual1june15.pdf>, 11.

⁶⁹ *Corrections Act 1997* (Tas) s 72(4).

⁷⁰ *Correctional Services Act 1982* (SA) s 67(3a).

⁷¹ *Sentences Administration Act 2003* (WA) s 5B.

⁷² Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 4.

⁷³ Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 14.

⁷⁴ *Corrective Services Act 2006* (Qld) s 182(2).

⁷⁵ Of these members, 3 are to be judicially qualified, 2 are to be corrective services officers and the remainder are community members. *Crimes (Administration of Sentence) Act 1999* (NSW) s 195.

⁷⁶ *Crimes (Administration of Sentencing) Act 1999* (NSW) s 145.

⁷⁷ *Crimes (Administration of Sentencing) Act 1999* (NSW) s 146.

⁸³ *Corrections Act 1986* (Vic) s 74AAB.

⁸⁴ *Sentence Administration Act 2003* (WA) sch 2.

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
		<p>The SORC provides advice and recommendations regarding the security classification, placement of and programs provided to serious offenders. The SORC also provides reports and advice to the SPA concerning the release serious offenders, among other advisory functions.⁷⁸</p> <p>At a hearing the SPA will confirm or reconsider its initial intention.⁷⁹ If SPA rejects advice of SORC, it must give reasons.⁸⁰</p> <p>Must not make a parole order for a serious offender unless the SORC advises that it is appropriate for the offender to be considered for release on parole (except in exceptional circumstances).⁸¹</p> <p>An extended supervision order can be made for high risk sexual or violent offenders for a period of not more than 5 years.⁸²</p>		<p>serious violent offender. The members of the SVOSO division cannot have sat on the ordinary division that made the recommendation for release.</p>			<p>term they are serving, must serve the greater period out of the mandatory minimum sentence applicable or one half of the term before being eligible for parole.⁸⁵</p>	
Life imprisonment	Applications heard by QPB.	Same process as serious offenders above.	<p>Court does not set a non-parole period for life imprisonment. Offenders on life imprisonment can be released on a licence after serving 10 years and on application to</p>	Same as SVOSO.		<p>Release of offenders on life imprisonment has a review process.⁸⁷ Reasons for granting parole must be provided in writing to prisoner, DCS, Commissioner of Victims' Rights, the</p>	<p>For offenders serving life imprisonment or indefinite imprisonment, the Governor makes the parole order on advice from the Board in the form of a report to the minister.⁹¹ Reports are</p>	<p>Decisions about parole for life imprisonment require a unanimous vote.⁹³ When Board is considered prisoner who is serving a life imprisonment, the</p>

⁷⁸ *Crimes (Administration of Sentence) Act 1999* (NSW) s 197.

⁷⁹ *Crimes (Administration of Sentencing) Act 1999* (NSW) s 148.

⁸⁰ *Crimes (Administration of Sentencing) Act 1999* (NSW) s 152.

⁸¹ *Crimes (Administration of Sentencing) Act 1999* (NSW) s 135(3).

⁸² *Crimes (High Risk Offenders) Act 2006* (NSW) pt 2.

⁸⁵ *Sentence Administration Act 2003* (WA) s 23(2).

⁸⁷ *Correctional Services Act 1982* (SA) s 77E.

⁹¹ *Sentence Administration Act 2003* (WA) s 25.

⁹³ *Parole Act* (NT) ss 3F(5)-(6).

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
			the Board by the Attorney-General. The board inquiry process for a licence is similar, however they make a recommendation to the Executive, who makes the decision to release. ⁸⁶			Commissioner of Police and the Attorney General. Objections can be made within 60 days and will be reviewed, in private, ⁸⁸ by the Parole Administrative Review Commissioner (PARC) who is a retired Supreme Court Judge. ⁸⁹ Prior to a review the parties must undergo compulsory conference in an attempt to resolve the matter. ⁹⁰	due at specified times under the Act. ⁹²	Board sits with a larger amount of members. ⁹⁴ Board may invite submissions from the victim's family and if the prisoner identifies with a particular Aboriginal or Torres Strait Islander community, representatives of the community. The Board must give substantial weight the likely effect of the prisoners release on these groups. The protection of the community is the paramount consideration. ⁹⁵ Four meetings per calendar year will consider matters concerning prisoners serving a life sentence for the crime of murder. These meetings are usually held in March, June, September and December and are convened prior to an ordinary meeting of the Parole Board. ⁹⁶
Sentence continue to run when on parole?	Yes. ⁹⁷	Yes. ⁹⁸	Yes.	Not really. Persons on parole are deemed still to be under the sentence, ⁹⁹ however if parole is cancelled and the prisoner is returned to	Yes ¹⁰²	Yes.	Yes.	No. ¹⁰³

⁸⁶ *Crimes (Sentence Administration) Act 2005* (ACT) s 295.

⁸⁸ *Correctional Services Act 1982* (SA) s 77G.

⁸⁹ *Correctional Services Act 1982* (SA) s 77B.

⁹⁰ *Correctional Services Act 1982* (SA) s 77J.

⁹² *Sentence Administration Act 2003* (WA) s 12A.

⁹⁴ The Board must be constituted by the chairperson, the commissioner of correctional services and eight other members of the Board, including a police officer, a medical practitioner, a victim's representative and five community members. *Parole Act* (NT) s 3EB(1).

⁹⁵ *Parole Act* (NT) s 4B.

⁹⁶ Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 12.

⁹⁷ *Corrective Services Act 2006* (Qld) s 211.

⁹⁸ *Crimes (Administration of Sentence) Act 1999* (NSW) s 132.

⁹⁹ *Corrections Act 1986* (Vic) s 76.

¹⁰² *Corrections Act 1997* (Tas) s 78.

¹⁰³ *Parole Act* (NT) s 14.

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				prison, any period during which the parole order was in force is not to be regarded as time served in respect of the prison sentence ¹⁰⁰ unless the Board directs otherwise. ¹⁰¹				
Personal appearance?	May seek leave to appear by video link or personal attendance if required by special needs. ¹⁰⁴	Yes. Right to give evidence and make submissions orally or in writing. ¹⁰⁵	Yes. At hearings applicants can make give or produce evidence, make submissions and appear. ¹⁰⁶	Not usually, however the Board may choose to interview the prisoner. ¹⁰⁷	Board interviews all applicants. ¹⁰⁸	The Board does not refuse release without first granting the prisoner a hearing before the Board. ¹⁰⁹	The Board can require the prisoner to appear. ¹¹⁰ The Board would only require a prisoner to appear before it in exceptional circumstances ¹¹¹	Usually decided on the papers. However, a prisoner or their legal representative may write to the Secretary of the Parole Board requesting that the prisoner attend their parole hearing. Applications are determined by the Chairperson after consultation with members of the Parole Board. ¹¹²
Legal representation	No. Allowed an agent but not a lawyer. ¹¹³	Yes. Prisoner and Crown able to be represented. ¹¹⁴	Yes. ¹¹⁵	No.	Unknown.	Yes ¹¹⁶	No statutory right. No formal policy.	Yes. ¹¹⁷ But personal appearance only if previously granted.
Breach system	The Parole Board and the Chief Executive (CE) has power to amend or suspend a parole order if it believes the prisoner	If the Parole Authority suspects a breach of obligations, the Parole Authority may conduct an inquiry. ¹²⁵ Inquiry not necessary for revocation	Corrections to report breaches to the board in writing. ¹²⁹ Police officer can arrest without a warrant if they believe the	A breach is a further offence. ¹³⁴ A parole officer is required to address a failure to comply with the parolee, and if	Probation Officers report any concerns about parolees to the Board when necessary. In the event of an allegation of	A breach of parole is managed by the Board. ¹⁴² If the Board suspects that a condition has been breached, they	When the Board is told of a breach, it has three choices: (1) issue a warning letter; (2) suspend parole (this means being arrested	Parole of serious offenders is monitored on a strict compliance model. Parole of less serious offenders is monitored on a

¹⁰⁰ *Corrections Act 1986* (Vic) s 77B(2)(b).

¹⁰¹ *Corrections Act 1986* (Vic) s 77C.

¹⁰⁴ *Corrective Services Act 2006* (Qld) ss 189-190.

¹⁰⁵ *Crimes (Administration of Sentence) Act 1999* (NSW) s 190.

¹⁰⁶ *Crimes (Sentence Administration) Act 2005* (ACT) s 209.

¹⁰⁷ Adult Parole Board of Victoria, Department of Justice and Regulation, *Parole Manual Adult Parole Board of Victoria* <http://assets.justice.vic.gov.au/corrections/resources/e55ff13c-c723-42e6-8e18-c6171a5c96c3/apb_parole_manual1june15.pdf>, 16.

¹⁰⁸ Parole Board of Tasmania, Department of Justice, *Annual Report 2014-15*, <http://www.justice.tas.gov.au/__data/assets/pdf_file/0020/331229/Parole_Board_of_Tasmania_Annual_Report_2014-15.pdf>.

¹⁰⁹ Parole Board of South Australia, *Unpublished Summary Document* (2016).

¹¹⁰ *Sentence Administration Act 2003* (WA) s 109.

¹¹¹ Prisoners Review Board Western Australia, Department of Corrective Services, *Policy Manual*, <http://www.prisonersreviewboard.wa.gov.au/_files/Policy_Manual.pdf>.

¹¹² Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 17.

¹¹³ *Corrective Services Act 2006* (Qld) s 189. Under the Dictionary in sch 4 of the *Corrective Services Act 2006* (Qld) a prisoner's agent is defined to not include a lawyer.

¹¹⁴ *Crimes (Administration of Sentences) Act 1999* (NSW) s 190(1)(a).

¹¹⁵ *Crimes (Sentence Administration) Act 2005* (ACT) s 209(a).

¹¹⁶ *Correctional Services Act 1982* (SA) s 77(3).

¹¹⁷ Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 16.

¹²⁵ *Crimes (Administration of Sentences) Act 1999* (NSW) s 169.

¹²⁹ *Crimes (Sentence Administration) Act 2005* (ACT) s 143.

¹³⁴ *Corrections Act 1986* (Vic) s 78A.

¹⁴² Chief Executive of Corrective Services or a Police Officer can apply to the Board for the issue of a warrant for the arrest if they suspect a person may have breached a condition of parole. (*Correctional Services Act 1982* (SA) s 76A(1)). A Police Officer may arrest without a warrant where they suspect the person has breached a parole condition in a way that is not trivial and is continuing. In this case, they must notify members of the Board or a Magistrate (*Correctional Services Act 1982* (SA) s 76B).

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	has failed to comply, poses a serious or immediate risk of harm to someone else or an unacceptable risk of committing an offence or is preparing to leave Qld. CE order amending or suspending has effect for 28 days. ¹¹⁸ The CE must notify the secretary of the parole board on making the order ¹¹⁹ and issue a warrant for the prisoner's arrest. When arrested, the prisoner must be taken to a prison to be kept there for the suspension period. ¹²⁰ The Board should then consider whether to amend, suspend or cancel the parole order or cancel the CE's order. ¹²¹ If the Board considers the prisoner suitable for release to parole, the	order. ¹²⁶ Upon application by the commissioner of Corrective services, a judicial member of the Parole Authority may make an order suspending an offender's parole order and issue a warrant for arrest. This action can only be taken if the offender has failed to comply with conditions, or there is a serious and immediate risk the offender will leave NSW/harm another person/commit an offence and because of urgency, there is insufficient time for a Parole Authority meeting. ¹²⁷ The suspension order ceases to have effect after 28 days. ¹²⁸	offender has breached conditions and must bring the offender before the Board or a Magistrate. ¹³⁰ If offender arrested the board must conduct an inquiry as soon as practicable. The board can also conduct an inquiry on its own initiative or upon application by the director-general. ¹³¹ The board must give notice of any inquiry and seek submissions from the offender and the DG. ¹³² If board finds offender has breached parole it may: (a) take no further action, (b) give the offender a warning; (c) give the DG directions about the offender's supervision; (d) change the offender's parole obligations; (e) cancel	deemed necessary, report the parolee to the APB. In some cases the parole officer must notify both Victoria Police and the APB (e.g. where the parolee is deemed to pose an imminent risk to the community). Victoria Police empowered to arrest and detain a parolee on a suspected breach. ¹³⁵ The police must detain the parolee and notify the board within 12 hours. A member of the Board who is rostered to be on call must decide whether the detention should cease or should continue pending consideration of the breach by the Board. ¹³⁶ Board operates 24/7 to manage breach notifications. If the decision is that the detention should continue, the Board requests Community	misbehaviour or breach of the conditions the Board will either issues a warning, issue a notice requiring their attendance at a Board meeting or issue a warrant for arrest. ¹³⁹ If an offender is returned to prison after the execution of a warrant, the Board must give the offender an opportunity to be heard within 14 days. ¹⁴⁰ The Board can revoke, vary, amend or confirm a parole order or suspend the order or such terms as it seems fit. ¹⁴¹	may either summons an offender to appear before the Board or a warrant is issued for their arrest. ¹⁴³ The Board must conduct a hearing to determine if a condition of parole has been breached. ¹⁴⁴ The person accused of the breach of parole is entitled to legal representation at the hearing. ¹⁴⁵ Penalties include (1) cancellation of the remaining period of parole ¹⁴⁶ , (2) an order requiring up to 200 hours community service work ¹⁴⁷ or (3) a reprimand and a warning. When a parole order has been cancelled the prisoner must either serve their full sentence or return to the court for a new parole eligibility date.	and going back to prison for a fixed period and then released to the community on parole); or (3) cancel parole. Reports of breaches can come to the attention of the Board from many sources, including police, Community Corrections Officers, victims or members of the public and are considered by the Board at its regular meetings. ¹⁴⁸	therapeutic compliance model. ¹⁴⁹ When the Parole Board receives a revocation report from Probation and Parole outlining the non-compliance, it may: note the contents of the report and continue to monitor the parolee; issue a warning letter to the parolee; vary the parole order by amending existing conditions or by imposing new conditions; or issue an instrument revoking the parole order. ¹⁵⁰ Upon receiving the revocation instrument, or on reasonable grounds for suspecting a breach, a Police officer can arrest without warrant. ¹⁵¹ The person is taken before a court. The court may, if it is satisfied the person has failed without

¹¹⁸ *Corrective Services Act 2006* (Qld) s 201.

¹¹⁹ *Corrective Services Act 2006* (Qld) s 203(1).

¹²⁰ *Corrective Services Act 2006* (Qld) s 202.

¹²¹ Minister for Corrective Services, *Ministerial Guidelines to the Parole Board*, 8 September 2015, 7.

¹²⁶ *Crimes (Administration of Sentences) Act 1999* (NSW) s 170.

¹²⁷ *Crimes (Administration of Sentences) Act 1999* (NSW) s 172A.

¹²⁸ *Crimes (Administration of Sentences) Act 1999* (NSW) s 172A(7).

¹³⁰ *Crimes (Sentence Administration) Act 2005* (ACT) s 144.

¹³¹ *Crimes (Sentence Administration) Act 2005* (ACT) s 146.

¹³² *Crimes (Sentence Administration) Act 2005* (ACT) s 147.

¹³⁵ *Corrections Act 1986* (Vic) s 78B.

¹³⁶ *Corrections Act 1986* (Vic) s 78C; Adult Parole Board of Victoria, Department of Justice and Regulation, *Parole Manual Adult Parole Board of Victoria* <http://assets.justice.vic.gov.au/corrections/resources/e55ff13c-c723-42e6-8e18-c6171a5c96c3/apb_parole_manual1june15.pdf>, 23.

¹³⁹ Parole Board of Tasmania, Department of Justice, *Annual Report 2014-15*, <http://www.justice.tas.gov.au/__data/assets/pdf_file/0020/331229/Parole_Board_of_Tasmania_Annual_Report_2014-15.pdf>.

¹⁴⁰ *Corrections Act 1997* (Tas) s 80(5).

¹⁴¹ *Corrections Act 1997* (Tas) s 79.

¹⁴³ *Correctional Services Act 1982* (SA) s 76.

¹⁴⁴ The Board must notify the Prisoner, the Chief Executive of Corrective Services, the Commissioner of Police and the registered victim (*Correctional Services Act 1982* (SA) s 77(1)). They are all able to make submissions on the breach hearing (*Correctional Services Act 1982*, s 77(2)).

¹⁴⁵ *Correctional Services Act 1982* (SA) s 77(3).

¹⁴⁶ *Correctional Services Act 1982* (SA) s 74.

¹⁴⁷ *Correctional Services Act 1982* (SA) s74AA.

¹⁴⁸ Department of Corrective Services, 'Consequences of Breaching Parole', *Prisoners Review Board of Western Australia* [website], <http://www.prisonersreviewboard.wa.gov.au/C/consequences_of_breaching_parole.aspx?uid=1451-2554-1273-3738>.

¹⁴⁹ Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 54.

¹⁵⁰ Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 55.

¹⁵¹ *Parole Act* (NT) s 5(9)(c)-(d).

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
	<p>Board should cancel the suspension of the order.¹²²</p> <p>If the Board suspends or cancels a parole order, the Board is not required to give the prisoner a reasonable opportunity to be heard.¹²³ Upon the prisoner's return to prison the parole board must give the prisoner an information notice and must consider all properly made submissions.¹²⁴</p>		the offender's parole order. ¹³³	<p>Correctional Services to prepare a report about the parolee and the alleged breach for the Board's consideration</p> <p>100% of breach notifications are considered or determined on the day of notification or the next working day.¹³⁷</p> <p>If a parolee is convicted on an offence punishable by imprisonment, committed while on parole, and subsequently has their parole cancelled, they normally cannot be re-paroled until they have served at least half the parole period remaining at the time of cancellation.¹³⁸</p>				<p>reasonable excuse to comply with a condition, cancel the parole order.¹⁵²</p> <p>If a person commits a further offence while on parole and the parole order is cancelled or revoked, the court must order that the offender serve the remainder of the term.¹⁵³</p>
Reasons?	<p>Reasons are given for refusal only. The response should also indicate improvements or activities that would be of benefit in reducing risk.¹⁵⁴</p>	<p>If parole refused, Reasons and the material relied upon are provided to the Offender.</p> <p>Some decisions in matters which have attracted particular public interest are made available to the public and the media and some appear on the SPA's website.</p>	Reasons must be given for rejection of application.	Reasons must be given for revoking or cancelling a parole order. ¹⁵⁵	Unknown.	<p>Within 30 days the Board must provide the reasons for its refusal and of any matters that might assist the prisoner in making any further application for parole.¹⁵⁶</p>	<p>When the Board makes a decision to deny parole, it sets out the reasons for the decision in a letter sent to the prisoner. In most cases the letter is faxed the same day the decision is made.¹⁵⁷ Reasons are also provided to the prisoner if parole is granted.</p> <p>The Board may make public any decision with reasons that it considers is in the</p>	<p>No requirement for reasons under Act, except for when considering murderers. In practice, reasons are usually provided for refusals of parole.¹⁶⁰</p>

¹²² Minister for Corrective Services, *Ministerial Guidelines to the Parole Board*, 8 September 2015, 8.

¹²³ *Corrective Services Act 2006* (Qld) s 205(4).

¹²⁴ *Corrective Services Act 2006* (Qld) s 208.

¹³³ *Crimes (Sentence Administration) Act 2005* (ACT) s 148.

¹³⁷ Adult Parole Board of Victoria, Department of Justice and Regulation, *Annual Report 2014-15* <http://assets.justice.vic.gov.au/corrections/resources/1172071a-e2df-4ae3-8ecf-cdd264d62d4d/apb2014-15_annualreport.pdf>.

¹³⁸ *Corrections Act 1986* (Vic) s 78(3).

¹⁵² *Parole Act* (NT) s 6.

¹⁵³ *Sentencing Act* (NT) s 64.

¹⁵⁴ Minister for Corrective Services, *Ministerial Guidelines to the Parole Board*, 8 September 2015, 6.

¹⁵⁵ *Corrections Act 1986* (Vic) s 74(8).

¹⁵⁶ *Correctional Services Act 1982* (SA) s 67(9).

¹⁵⁷ Department of Corrective Services, 'How the Board Decides', *Prisoners Review Board of Western Australia* [website], <http://www.prisonersreviewboard.wa.gov.au/H/how_the_board_decides.aspx?uid=3785-9504-2734-8026>

¹⁶⁰ Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 45.

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
							public interest. ¹⁵⁸ The Board regularly publishes decisions on their website. ¹⁵⁹	
Review system	If a prisoner has applied to a regional board and been refused 3 times in relation to the same period of imprisonment, the prisoner may apply to have the QPB review the decision. ¹⁶¹ Judicial Review available. ¹⁶²	Public review hearings at the request of offenders or if the Parole Authority decides one should be held. ¹⁶³ The offender can make oral or written submissions. ¹⁶⁴ Non-serious offenders can appear and make submissions. Serious offenders and Victims are able to request a public review hearing. The board can hear submissions from the offender, victims and the State. Review of revocation available. ¹⁶⁵ Offender and State can apply to Supreme Court for directions if a party alleges the order has been made on false, misleading or irrelevant information. ¹⁶⁶	Unknown.	Decisions are exempt from the rules of natural justice ¹⁶⁷ and are therefore not subject to judicial review under the <i>Administrative Law Act 1978</i> (Vic). The Board does not conduct reviews of decisions. However, where the Board has denied parole, it may re-consider the matter if new circumstances emerge. ¹⁶⁸	Unknown	No reference of review process in statute.	Rules of natural Justice do not apply. ¹⁶⁹ If parole is refused, the prisoner can ask in writing for the Chairperson to review the decision if the Board did not comply with the act of regulations, made an error of law or used incorrect or irrelevant information. ¹⁷⁰	Rules of natural justice do not apply to Parole board decisions. ¹⁷¹ Cancellation of parole order by local court can be appealed to supreme court. ¹⁷²
Re-apply timeframes		Prisoner may reapply every 12 months. At any time within 90 days before an offender's annual review date, the	No legislative restriction. However, if reapply in under a year without any new	Only if new circumstances emerge. ¹⁷⁶	Unknown.	No restriction.	A prisoner may reapply to be considered for parole as many times as they like.	Any time. ¹⁷⁸

¹⁵⁸ *Sentence Administration Act 2003* (WA) s 107C.

¹⁵⁹ Department of Corrective Services, 'Prisoners Review Board Decisions', *Prisoners Review Board of Western Australia* [website], <<http://www.prisonersreviewboard.wa.gov.au/D/decisions.aspx?uid=4250-2542-6323-4438>>.

¹⁶¹ *Corrective Services Act 2006* (Qld) ss 195, 196.

¹⁶² *Judicial Review Act 1991* (Qld) ss 20, 21 and 22.

¹⁶³ *Crimes (Administration of Sentence) Act 1999* (NSW) s 139.

¹⁶⁴ *Crimes (Administration of Sentence) Act 1999* (NSW) s 140.

¹⁶⁵ *Crimes (Administration of Sentence) Act 1999* (NSW) s 174.

¹⁶⁶ *Crimes (Administration of Sentence) Act 1999* (NSW) ss 176, 177.

¹⁶⁷ *Corrections Act 1986* (Vic) s 69(2).

¹⁶⁸ Adult Parole Board of Victoria, Department of Justice and Regulation, *Fact Sheet 1: General Guide to Parole*, <http://assets.justice.vic.gov.au/corrections/resources/4d3e0827-59d0-4789-a8c1-ad2d1a7f79ef/factsheet_1_general_guide_to_parole.pdf>.

¹⁶⁹ *Sentence Administration Act 2003* (WA) s 115.

¹⁷⁰ *Sentence Administration Act 2003* (WA) s 115A.

¹⁷¹ *Parole Act* (NT) s 3HA.

¹⁷² *Parole Act* (NT) s 10.

¹⁷⁶ Adult Parole Board of Victoria, Department of Justice and Regulation, *Fact Sheet 1: General Guide to Parole*, <http://assets.justice.vic.gov.au/corrections/resources/4d3e0827-59d0-4789-a8c1-ad2d1a7f79ef/factsheet_1_general_guide_to_parole.pdf>.

¹⁷⁸ Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 45.

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
		offender, if still eligible for release on parole, may apply to be released on parole. ¹⁷³ However, if it will manifest injustice, can consider earlier. ¹⁷⁴	information, can refuse without inquiry. ¹⁷⁵				Once the Board has discharged their statutory responsibility to consider prior to their earliest eligibility date, it is not required to do so again. Therefore, the Board will only reconsider the prisoner when they provide significant new information which addresses the reasons for denying parole in the first place. ¹⁷⁷	
Structure of Board	The QPB hears applications for sentences of 8 years or more or prisoners accommodated in an area where there is no regional board. Regional Boards hear all other applications. ¹⁷⁹	The Chairperson of the Parole Authority has the power to constitute divisions. ¹⁸⁰	Divisions of the board must be established with 3 members each and at least one judicial member. ¹⁸¹ Note: judicial members are not necessarily judicial officers and can be legal practitioners. ¹⁸²	The Board may sit in divisions of a least three members, including a judicial member. ¹⁸³ There is a Serious Violent Offender or Sexual Offender Division and a Detention and Supervision Order Division (DSOD). The DSOD monitors offenders who pose an unacceptable risk of committing a sexual offence and are subject to a continued court order for detention or supervision. ¹⁸⁴	One board of three people. With three deputy members.	Board may split into three divisions, with the presiding member/deputy members and two other members on each division. ¹⁸⁵ Divisions can sit concurrently.	The Board makes it decisions at regular meetings, usually held six or seven times a week. At each meeting nine or ten parole cases are considered. ¹⁸⁶	The Board must meet as often as the Chairperson thinks necessary. Chairperson must preside at all meetings of the Board. Chairperson is to determine all questions of law. Quorum for matters relating to prisoners is the Chairperson and 3 other members. ¹⁸⁷ The Board sits in two divisions with two ordinary meetings of the Parole Board held each month, one for each division of the Board. ¹⁸⁸

¹⁷³ *Crimes (Administration of Sentence) Act 1999* (NSW) s 137A.

¹⁷⁴ *Crimes (Administration of Sentence) Act 1999* (NSW) s 137B.

¹⁷⁵ *Crimes (Sentence Administration) Act 2005* (ACT) s 122.

¹⁷⁷ Prisoners Review Board Western Australia, Department of Corrective Services, Policy Manual, <http://www.prisonersreviewboard.wa.gov.au/_files/Policy_Manual.pdf>.

¹⁷⁹ *Corrective Services Act 2006* (Qld) s 187.

¹⁸⁰ *Crimes (Administration of Sentence) Act 1999* (NSW) s 184.

¹⁸¹ *Crimes (Sentence Administration) Act 2005* (ACT) s 182.

¹⁸² Currently the Chair and Deputy Chair of the Sentence Administration Board are not judicial officers.

¹⁸³ *Corrections Act 1986* (Vic) s 64.

¹⁸⁴ Adult Parole Board of Victoria, Department of Justice and Regulation, *Annual Report 2014-15* <http://assets.justice.vic.gov.au/corrections/resources/1172071a-e2df-4ae3-8ecf-cdd264d62d4d/apb2014-15_annualreport.pdf>.

¹⁸⁵ *Correctional Services Act 1982*, s 60(3)

¹⁸⁶ Department of Corrective Services, 'How the Board Decides', *Prisoners Review Board of Western Australia* [website], http://www.prisonersreviewboard.wa.gov.au/H/how_the_board_decides.aspx?uid=3785-9504-2734-8026.

¹⁸⁷ *Parole Act* (NT) s 3F.

¹⁸⁸ Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 13.

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
Voting	Quorum of four. ¹⁸⁹ Chairperson has casting vote. ¹⁹⁰		Quorum of 3 (with Judicial member). By majority. Presiding member has casting vote.	Majority with presiding member having casting vote if equal. ¹⁹¹	Quorum of 3.	Decisions by full board are determined by majority. ¹⁹² Decisions by divisions must be unanimous. ¹⁹³ If unable to agree unanimously as a division, the matter must be heard afresh by the full board. ¹⁹⁴	Most decisions are agreed by all Board members; otherwise they are supported by a majority of members. ¹⁹⁵	Decisions about parole for life imprisonment require a unanimous vote. All other sentences require a majority vote. ¹⁹⁶ Chairperson has casting vote.
Types of matters considered by the parole board	Whether to grant or deny parole applications, and whether to amend, suspend or cancel parole orders.	(a) to determine matters with respect to the granting of parole and the conditions on which parole is granted, (b) to determine matters with respect to the revocation of intensive correction orders, home detention orders and parole orders, (c) such other functions as are conferred or imposed on it by or under this or any other Act or law. ¹⁹⁷	Whether to grant or deny parole applications, and whether to amend or cancel parole orders.	The main decisions made by the Board are: to grant parole; to deny parole; to revoke parole; if parole is granted, to impose conditions on parole; to vary parole conditions; to cancel parole if there has been a breach (or suspected breach) of a parole condition, or if the risk of harm to the safety and protection of the community has escalated. ¹⁹⁸ The management of any serious sexual offender upon whom a court has imposed a supervision or detention order through the Board's Detention and Supervision Order Division (DSOD).	Decisions regarding which prisoners are released on parole, conditions for release, amendments or variation of conditions, and breaches of parole. ¹⁹⁹	Applications for parole of offenders, sets terms and conditions for release, reviews ongoing progress of parolees, determines the appropriate penalty for a breach of parole.	Deciding whether to release or recommend to the Attorney General the release of a prisoner; ²⁰⁰ reporting to the Attorney General about a prisoner when requested to do so; ²⁰¹ reporting on a life sentenced or indefinite sentenced prisoner; ²⁰² recommending a re-socialisation programme for such a prisoner; ²⁰³ determining the parole conditions for prisoners; or making a Re-Entry Release Order. ²⁰⁴	The responsibilities of the Parole Board are to make independent and appropriate decisions about the release of prisoners on parole; (c) set appropriate parole conditions for each prisoner released on parole; (d) ensure prisoners are properly prepared to reintegrate into the community; (e) monitor the behaviour of parolees while on parole; and make appropriate decisions about revoking a parolee's grant of parole for breaches of parole conditions or for further offending. ²⁰⁵
Material considered	If requested by Parole Board, the CE must give report regarding a	A Judicial member of the SPA can require witnesses to produce documents,	Inquiries can be informed by anything it considers appropriate. ²¹²	Board has the power to compel production of documents and other	Always provided with: a comprehensive pre-parole report prepared	Board can summons person to attend, require any person to	The Board received a parole plan from each prisoner, which	Probation and Parole reports on the employment and place

¹⁸⁹ *Corrective Services Act 2006* (Qld) s 224(6).

¹⁹⁰ *Corrective Services Act 2006* (Qld) s 224(10).

¹⁹¹ *Corrections Act 1986* (Vic) s 66(4).

¹⁹² *Correctional Services Act 1982* (SA) s 60(4)(c).

¹⁹³ *Correctional Services Act 1982* (SA) s 60(5).

¹⁹⁴ *Correctional Services Act 1982* (SA) s 60(6).

¹⁹⁵ Department of Corrective Services, 'How the Board Decides', *Prisoners Review Board of Western Australia* [website], <http://www.prisonersreviewboard.wa.gov.au/H/how_the_board_decides.aspx?uid=3785-9504-2734-8026>

¹⁹⁶ *Parole Act* (NT) s 3F(5)(B).

¹⁹⁷ *Crimes (Administration of Sentencing) Act 1992* (NSW) s 185.

¹⁹⁸ Adult Parole Board of Victoria, Department of Justice and Regulation, *Annual Report 2014-15* <http://assets.justice.vic.gov.au/corrections/resources/1172071a-e2df-4ae3-8ecf-cdd264d62d4d/apb2014-15_annualreport.pdf>.

¹⁹⁹ Parole Board of Tasmania, Department of Justice, *Annual Report 2014-15*, <http://www.justice.tas.gov.au/__data/assets/pdf_file/0020/331229/Parole_Board_of_Tasmania_Annual_Report_2014-15.pdf>.

²⁰⁰ *Sentence Administration Act 2003* (WA) s 20(2).

²⁰¹ *Sentence Administration Act 2003* (WA) s 12(3).

²⁰² *Sentence Administration Act 2003* (WA) s 12A(3).

²⁰³ *Sentence Administration Act 2003* (WA) s 13(5) or any other prisoner s 14(5).

²⁰⁴ *Sentence Administration Act 2003* (WA) s 52.

²⁰⁵ Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 4.

²¹² *Crimes (Sentence Administration) Act 2005* (ACT) s 196(1).

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
	prisoner's application for a parole order, other than a court ordered parole order, or approval of a resettlement leave program; a prisoner; a parole order, including a court ordered parole order; an approved resettlement leave program. ²⁰⁶	appear before the SPA and give evidence on oath. ²⁰⁷ It is an offence to refuse, fail or neglect to comply or produce false or misleading documents. ²⁰⁸ Any person who is able to make a submission (except witnesses) may call witnesses and give or produce evidence. ²⁰⁹ A report is prepared by or on behalf of the Probation and Parole Service addressing a number of matters to assist in deciding whether or not the release of the offender is in the public interest. ²¹⁰ Commissioner can make submissions at any time before the offender is released, even after the parole authority has made its decision. The Authority must consider the submissions. ²¹¹		things or attendance of witnesses. ²¹³ Board is provided a report by Corrections Victoria. ²¹⁴	by a probation officer, a report about prisoners conduct in prison, criminal history, records of participation in courses or programmes, material compiled by DPP regarding original offence and comments of passing sentence. Board may consider any other documents relevant. ²¹⁵	produce any document, require any person to provide a written report and require evidence to be given on oath or affirmation. ²¹⁶	includes details of place they will live, community support available, employment or training, programs completed in prison, services they will use to address unmet treatment needs and any other information. ²¹⁷ The Board also has independent information on each eligible prisoner. This information goes into a Parole Review Report, completed by a Prison Officer, and a State Parole Assessment Report completed by Community Corrections Officer. There are two sources of information for these reports, the prison's data files and the records of Community Corrections Officers.	of living available to each person applying for release on parole and anything else as required by the board. ²¹⁸ The Commissioner may answer questions about correctional services, prisoner management and behaviour and the interpretation of reports provided by the Department of Correctional Services and the Police representatives may provide intelligence gathered by police. ²¹⁹
Victims input	Written submission within 21 days of the notice. ²²⁰	Written submission	Before starting an inquiry into an application for parole, the Board must seek victim's views. ²²¹ Arrangements can be	Written submissions ²²⁴	The Board and Victim Support Services have a protocol where they provide information regarding any registered victims,	Written submissions are invited from victims of crime. Victims may make submissions in person. Victims may	Victim's submission must be in writing. Must address the victim's opinion of the effect the release of the prisoner would have on	Victims have the opportunity to make submissions. ²²⁷

²⁰⁶ *Corrective Services Act 2006* (Qld) s 245.

²⁰⁷ *Crimes (Administration of Sentence) Act 1999* (NSW) s 186.

²⁰⁸ *Crimes (Administration of Sentence) Act 1999* (NSW) s 188.

²⁰⁹ *Crimes (Administration of Sentence) Act 1999* (NSW) s 190.

²¹⁰ *Crimes (Administration of Sentencing) Act 1992* (NSW) s 135A.

²¹¹ *Crimes (Administration of Sentence) Act 1999* (NSW) s 141A.

²¹³ *Corrections Act 1986* (Vic) s 71A.

²¹⁴ Adult Parole Board of Victoria, Department of Justice and Regulation, *Annual Report 2014-15* <http://assets.justice.vic.gov.au/corrections/resources/1172071a-e2df-4ae3-8ecf-cdd264d62d4d/apb2014-15_annualreport.pdf>.

²¹⁵ Parole Board of Tasmania, Department of Justice, *Annual Report 2014-15*, <http://www.justice.tas.gov.au/_data/assets/pdf_file/0020/331229/Parole_Board_of_Tasmania_Annual_Report_2014-15.pdf>.

²¹⁶ *Correctional Services Act 1982* (SA) s 63.

²¹⁷ Department of Corrective Services, 'The Parole Plan', *Prisoners Review Board of Western Australia* [website], http://www.prisonersreviewboard.wa.gov.au/T/the_parole_plan.aspx?uid=2046-0442-5903-8397.

²¹⁸ *Parole Act* (NT) 3R.

²¹⁹ Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 7.

²²⁰ *Corrective Services Act 2006* (Qld) s 188.

²²¹ *Crimes (Sentence Administration) Act 2005* (ACT) s 123(1).

²²⁴ *Corrections Act 1986* (Vic) 74A.

²²⁷ Northern Territory Parole Board, Department of Attorney-General and Justice (Correctional Services), *Policy and Procedures Manual*, <<http://www.paroleboard.nt.gov.au/About/Documents/Policy%20and%20Procedures%20Manual.pdf>>, 16.

	Queensland	New South Wales	ACT	Victoria	Tasmania	South Australia	Western Australia	Northern Territory
			made for a public servant to assist the board or the victim with the submission. ²²² The notice to the victim includes information about the offender and assistance available to complete the submission. ²²³		whether they wish to place material before the board (usually in the form of an impact statement) and whether the victim requests specific conditions be attached to the prisoners release on parole. ²²⁵	request particular conditions.	the victim and/or make suggestions about the conditions that should apply if the prisoner is released. ²²⁶	
Guided by legislation or guidelines?	Ministerial Guidelines ²²⁸	<i>SPA Operating Guidelines</i> Created by Parole Authority in Consultation with the Minister. ²²⁹ <i>Crimes (Administration of Sentence) Act 1999</i> (NSW).	<i>Crimes (Sentence Administration) Act 2005</i> (ACT)	<i>Corrections Act 1986</i> (Vic) and the Parole Manual.	<i>Corrections Act 1997</i> (Tas)	<i>Correctional Services Act 1982</i> (SA)	The <i>Sentence Administration Act 2003</i> (WA) establishes and guides the board. There is also a Policy Manual.	Parole Act and Policy and Procedures Manual

²²² *Crimes (Sentence Administration) Act 2005* (ACT) s 123(3).

²²³ For example, the Notice will include information about the offender's conduct while servicing the sentence and the core conditions of the parole order. *Crimes (Sentence Administration) Act 2005* (ACT) s 124.

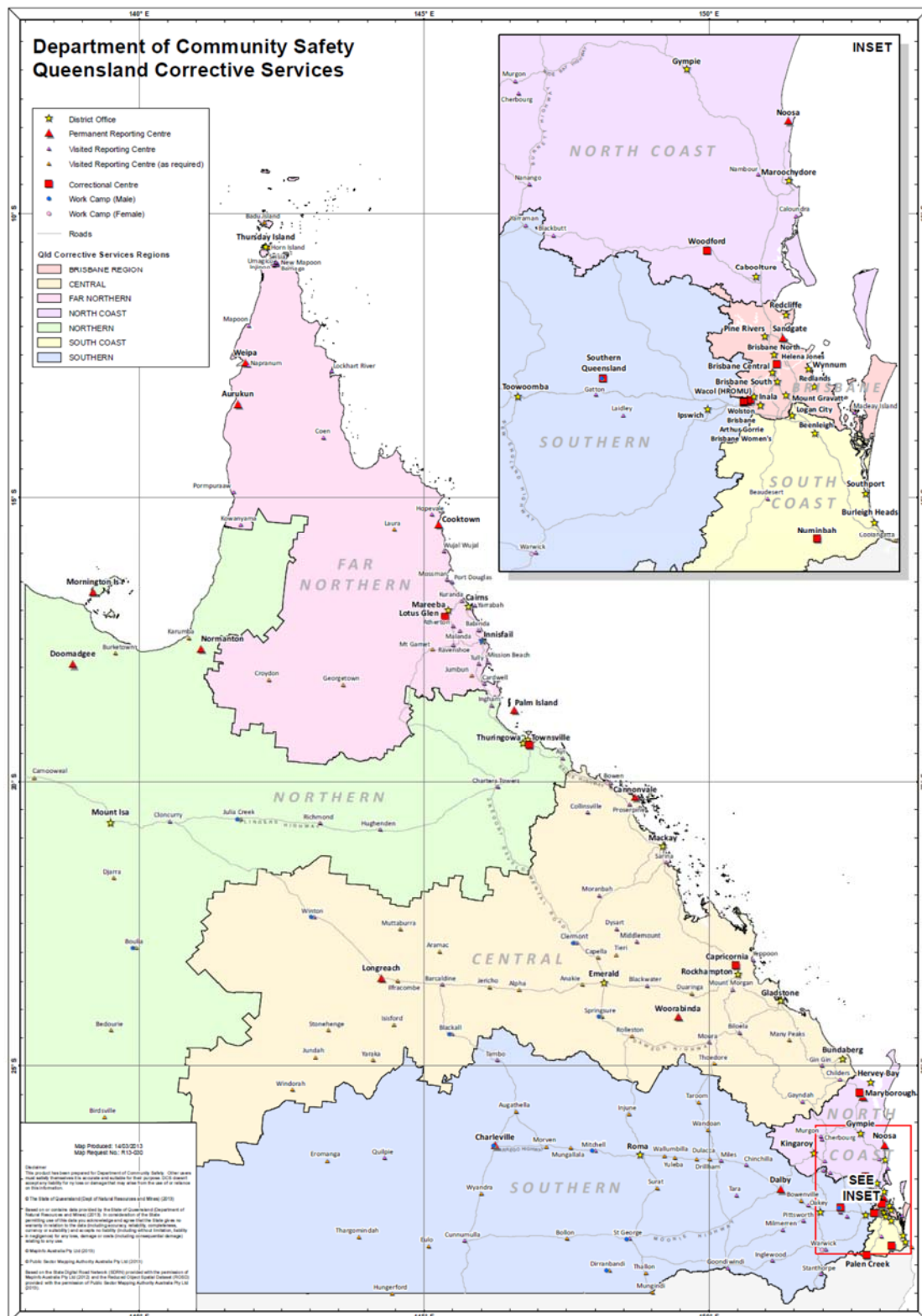
²²⁵ *Corrections Act 1997* (Tas) s 72(4)(ka); Parole Board of Tasmania, Department of Justice, *Annual Report 2014-15*, <http://www.justice.tas.gov.au/__data/assets/pdf_file/0020/331229/Parole_Board_of_Tasmania_Annual_Report_2014-15.pdf>.

²²⁶ *Sentence Administration Act 2003* (WA) s 5C.

²²⁸ Minister for Corrective Services, *Ministerial Guidelines to the Parole Board*, 8 September 2015.

²²⁹ *Crimes (Administration of Sentence) Act 1999* (NSW) s 185A.

Appendix 1 – Probation and Parole Regions in Queensland (pre-October 2016 changes)¹



¹ Queensland Corrective Services, *Statewide Map of Probation and Parole regions and offices*, <http://www.correctiveservices.qld.gov.au/About_Us/The_Department/QCS_map.pdf>.

Appendix 2 – Correctional Centres in Queensland²

High Security Centres	Location	Details	Capacity
Arthur Gorrie Correctional Centre (privately operated)	Wacol (SE Qld)	Remand centre for male prisoners	890
Borallon Training and Correctional Centre	Ipswich (SE Qld)	Placement centre for male prisoners (with education and training focus)	248
Brisbane Correctional Centre	Wacol (SE Qld)	Reception centre for male prisoners	560
Brisbane Women's Correctional Centre	Wacol (SE Qld)	Remand, reception and placement centre for female prisoners	267
Capricornia Correctional Centre	Rockhampton (Central Qld)	Remand, reception and placement centre for male prisoners	410
Lotus Glen Correctional Centre	Mareeba (Far North Qld)	Remand, reception and placement centre for male prisoners	696
Maryborough Correctional Centre	Maryborough (Central Qld)	Remand, reception and placement centre for male prisoners	500
Southern Queensland Correctional Centre (privately operated)	Gatton (SE Qld)	Placement centre for male prisoners	302
Townsville Correctional Centre (men)	Townsville (North Qld)	Remand, reception and placement centre for male prisoners	503
Townsville Correctional Centre (women)	Townsville (North Qld)	Remand, reception and placement centre for female prisoners	154
Wolston Correctional Centre	Wacol (SE Qld)	Placement centre for male protection prisoners	600
Woodford Correctional Centre	Woodford (SE Qld)	Placement centre for male prisoners	1008
TOTAL			6138
Low Security	Location	Details	Capacity
Capricornia Correctional Centre	Rockhampton (Central Qld)	Centre for low security male prisoners	96
Helana Jones Centre	Albion (SE Qld)	Community custody centre for low security female prisoners	29
Lotus Glen Correctional Centre	Mareeba (Far North Qld)	Centre for low security male prisoners	124
Numinbah Correctional Centre	Numinbah Valley (Gold Coast Hinterland, SE Qld)	Centre for low security female prisoners	119

² Queensland Corrective Services, *Appendix – Built capacity counts for corrective services facilities* (2016).

Palen Creek Correctional Centre	Palen Creek (~50km south of Beaudesert, SE Qld)	Centre for low security male prisoners	170
Townsville Correctional Centre (men)	Townsville (North Qld)	Centre for low security male prisoners in north Queensland (Townsville)	78
Townsville Correctional Centre (women)	Townsville (North Qld)	Centre for low security female prisoners in north Queensland (Townsville)	34
Work Camps			
Blackall Work Camp	Central Qld	Work camp for low security male prisoners	12
Bouli Work Camp	Central Qld	Work camp for low security male prisoners	12
Bowen Work Camp	North Qld	Work camp for low security female prisoners	11
Charleville Work Camp	Southern Qld	Work camp for low security male prisoners	16
Clermont Work Camp	Central Qld	Work camp for low security male prisoners	12
Dirranbandi Work Camp	Southern Qld	Work camp for low security male prisoners	12
Innisfail Work Camp	Far Northern Qld	Work camp for low security male prisoners	12
Julia Creek Work Camp	Northern Qld	Work camp for low security male prisoners	12
Mitchell Work Camp	Southern Qld	Work camp for low security male prisoners	12
St George Work Camp	Southern Qld	Work camp for low security male prisoners	12
Springsure Work Camp	Central Qld	Work camp for low security male prisoners	12
Warwick Showgrounds Work Camp	Southern Qld	Work camp for low security female prisoners	10
Winton Work Camp	Central Qld	Work camp for low security male prisoners	12
TOTAL			807

Appendix 3 – Probation and Parole District Offices in Queensland³

Region	District Office
Far Northern	Cairns Probation and Parole Innisfail Probation and Parole Mareeba Probation and Parole Thursday Island Probation and Parole
Northern	Mackay Probation and Parole Mount Isa Probation and Parole Thuringowa Probation and Parole Townsville Probation and Parole
Central	Bundaberg Probation and Parole Emerald Probation and Parole Gladstone Probation and Parole Hervey Bay Probation and Parole Rockhampton Probation and Parole
North Coast	Caboolture Probation and Parole Gympie Probation and Parole Maroochydore Probation and Parole Noosa Heads Probation and Parole Pine Rivers Probation and Parole Redcliffe Probation and Parole
Southern	Inala Probation and Parole Ipswich Probation and Parole Kingaroy Probation and Parole Roma Probation and Parole Toowoomba Probation and Parole
South Coast	Beenleigh Probation and Parole Burleigh Heads Probation and Parole Logan City Probation and Parole Southport Probation and Parole
Brisbane	Brisbane Central Probation and Parole Brisbane North Probation and Parole Brisbane South Probation and Parole Mt Gravatt Probation and Parole Redlands Probation and Parole Wynnum Probation and Parole

³ Queensland Corrective Services, *Probation and Parole regions and offices*, <http://www.correctiveservices.qld.gov.au/About_Us/The_Department/Probation_and_Parole/Regions/index.shtml> (amended on advice of QCS following regional boundary shifts).

Appendix 4 – Persons in community-based corrections in Australia⁴

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
2006	17,843	7,601	12,124	5,597	5,395	1,184	1,155	1,082	51,981
2007	18,002	7,710	12,584	5,671	5,229	1,159	1,173	1,138	52,665
2008	17,954	7,950	14,120	5,888	5,545	1,143	1,100	1,301	55,001
2009	18,137	8,479	14,608	6,021	5,595	1,272	1,119	1,394	56,625
2010	16,851	9,248	15,451	5,725	5,063	1,510	1,138	1,442	56,426
2011	16,182	9,005	15,240	5,592	4,373	1,726	1,059	1,413	54,590
2012	16,512	8,879	15,046	5,287	4,038	1,906	1,140	1,315	54,123
2013	16,326	9,090	15,148	5,063	4,276	2,035	1,275	1,355	54,567
2014	16,542	9,779	16,036	5,027	4,197	2,044	1,257	1,190	56,071
2015									
Mar Qtr	16,099	10,743	16,068	4,955	4,100	1,942	1,105	982	55,995
Jun Qtr	16,525	11,756	16,485	5,071	4,260	1,932	1,088	950	58,067
Sep Qtr	16,697	12,650	17,086	5,218	4,427	1,903	1,127	884	59,992
Dec Qtr	17,215	13,409	17,620	5,332	4,560	1,937	1,109	901	62,083
2016									
Mar Qtr 16	17,661	13,606	17,792	5,384	4,619	1,935	1,113	924	63,035
Jun Qtr 16	18,227	14,051	18,617	5,417	4,615	1,913	1,191	946	64,977

⁴ Australian Bureau of Statistics, *Corrective Services, Australia, June Quarter 2016* (2016), cat. No. 4512.0, <<http://www.abs.gov.au/ausstats/abs@.nsf/0/9B3F80C43A73AF6CCA2568B7001B4595?Opendocument>>, Table 20.

Appendix 5 – Persons in community based corrections by type of order (Parole)⁵

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
2013	4,521	1,583	4,704	929	522	107	106	109	12,580
2014	4,527	1,198	4,904	923	538	105	103	100	12,398
2015									
Mar Qtr	4,483	1,082	5,072	901	563	101	104	79	12,385
Jun Qtr	4,480	1,120	5,142	943	629	96	98	77	12,585
Sep Qtr	4,653	1,130	5,376	978	654	93	101	82	13,067
Dec Qtr	4,845	1,019	5,601	1,023	647	96	90	82	13,404
2016									
Mar Qtr	5,061	937	5,580	1,037	687	91	94	86	13,573
Jun Qtr	5,266	952	5,863	1,066	689	84	108	96	14,124

⁵ Australian Bureau of Statistics, *Corrective Services, Australia, June Quarter 2016* (2016), cat. No. 4512.0, <<http://www.abs.gov.au/ausstats/abs@.nsf/0/9B3F80C43A73AF6CCA2568B7001B4595?Opendocument>>, Table 19.

Appendix 6 – Probation and Parole Funding Allocations (funding in '000s) ⁶

Probation and Parole Funding Allocations Since 2006												
	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Operating Funding												
New P & P Service (MGIPN)	5,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Court Ordered Parole	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
Indigenous Probation and Parole	-	478	980	1,380	1,380	1,380	1,380	1,380	1,380	1,380	1,380	1,380
Probation and Parole Programs	-	772	970	1,310	1,310	1,310	1,310	1,310	1,310	1,310	1,310	1,310
P & P Demand Management	-	-	500	3,000	4,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
P & P Service Growth	-	-	-	-	-	-	-	-	-	-	7,525	11,222
Electronic Monitoring	910	910	910	910	910	910	910	910	910	910	910	910
Manage DPSOA's	-	1,863	2,088	2,343	2,903	2,903	2,903	2,903	2,903	2,903	2,903	2,903
GPS Monitoring	-	-	-	-	-	2,182	3,478	3,950	4,100	4,100	4,100	4,100
Enhance Monitoring Capacity	-	-	-	-	-	-	-	-	-	-	1,249	1,255
	8,410	16,523	17,948	21,443	23,003	26,185	27,481	27,953	28,103	28,103	36,877	40,580
Capital Funding												
New P & P Service (MGIPN)	1,500	2,602	1,900	884	-	-	-	-	-	-	-	-
Indigenous Probation and Parole		500	1,155	1,030	778	756	609	450	-	-	-	-
DPSOA Accommodation			650	400	400	-	-	-	-	-	-	-
P & P Office Accommodation				450	450	924	1,319	1,178	1,704	4,255	2,830	
Note : Capital allocations in each financial year can include carryovers of unexpended funds from the previous financial year.												

⁶ Queensland Corrective Services, *Unpublished data* (2016).

Appendix 7 – Defendants sentenced by order type

Number of defendants¹ sentenced to a term of imprisonment at specified Queensland Courts by court, custodial type and year

Court	Custodial Type	Year					Grand Total
		2011-12	2012-13	2013-14	2014-15	2015-16	
Magistrates Court	Parole release date specified	4,779	5,103	5,922	6,457	7,193	29,454
	Parole Eligibility date specified	1,084	1,037	1,249	1,309	1,409	6,088
	Parole NOT declared	345	326	394	374	413	1,852
	Partially suspended	265	303	364	362	364	1,658
	Wholly suspended	4,196	4,533	5,066	5,257	5,794	24,846
Magistrates Court Total		10,669	11,302	12,995	13,759	15,173	63,898
District Court	Parole release date specified	1,025	1,000	1,040	1,074	1,017	5,156
	Parole Eligibility date specified	402	455	499	482	438	2,276
	Parole NOT declared	191	161	132	158	160	802
	Partially suspended	526	440	480	517	513	2,476
	Wholly suspended	566	488	474	480	605	2,613
District Court Total		2,710	2,544	2,625	2,711	2,733	13,323
Supreme Court	Parole release date specified	220	185	156	203	256	1,020
	Parole Eligibility date specified	108	138	150	131	116	643
	Parole NOT declared	87	76	68	82	102	415
	Partially suspended	77	50	49	84	140	400
	Wholly suspended	106	58	32	71	88	355
Supreme Court Total		598	507	455	571	702	2,833
Grand Total		13,977	14,353	16,075	17,041	18,608	80,054

Number of defendants¹ sentenced to a probation order at specified Queensland Courts by court and year

Court	Year					Grand Total
	2011-12	2012-13	2013-14	2014-15	2015-16	
Magistrates Court	7,889	8,046	8,970	9,074	10,713	44,692
District Court	480	424	429	573	604	2,510
Supreme Court	38	42	14	42	67	203
Grand Total	8,407	8,512	9,413	9,689	11,384	47,405

Number of defendants¹ sentenced to a term of imprisonment & probation order at specified Queensland Courts by court and year

Court	Year					Grand Total
	2011-12	2012-13	2013-14	2014-15	2015-16	
Magistrates Court	729	767	964	977	1,220	4,657
District Court	190	184	198	256	302	1,130
Supreme Court	8	24	8	30	54	124
Grand Total	927	975	1,170	1,263	1,576	5,911

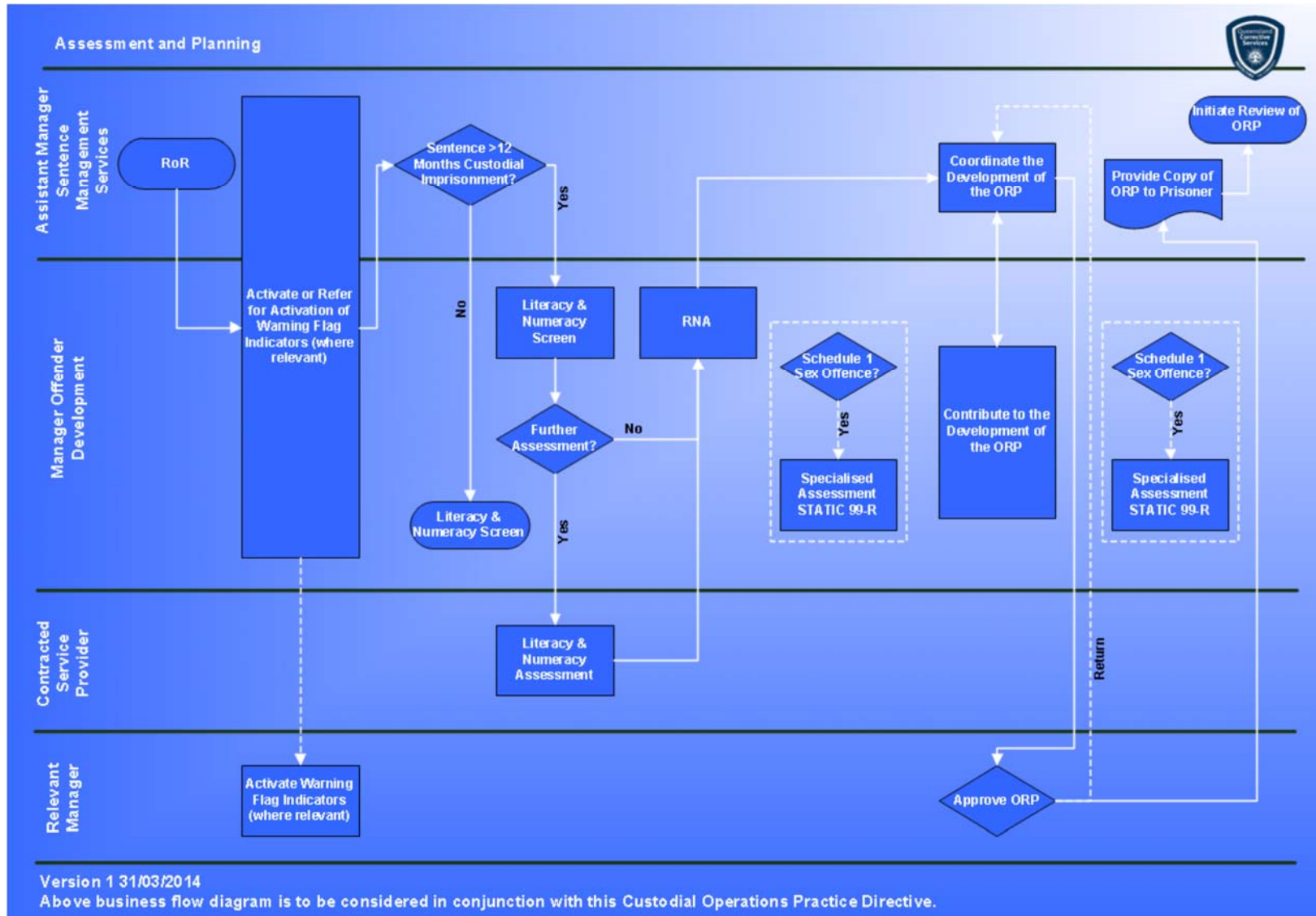
1. As there is no unique identifier enabling the identification and subsequent reporting of unique defendants, defendants have been identified based on same surname, first name, date of birth and finalised on the same date.
2. The above information includes all defendants sentenced to a term of imprisonment/probation, including those defendants re-sentenced for breaching a previous sentence. For example, a defendant was sentenced to a suspended term of imprisonment in 2013-14 and subsequently breached said term of imprisonment and was resentenced in 2014-2015 to a period of imprisonment with a parole release date. This defendant would be counted as 1 suspended term of imprisonment in 2013-14 and 1 term of imprisonment with a parole release date in 2014-15.
3. The QWIC system is a "live" operational system in which records are updated as the status of court matters change (for example, a defendant being resentenced as a result of a Court of Appeal decision) and or input errors are detected and rectified. This constant updating and data verification may result in a slight variance of figures over time.

Source: Queensland Wide Inter-linked Courts (QWIC)

Date prepared: 26 October 2016

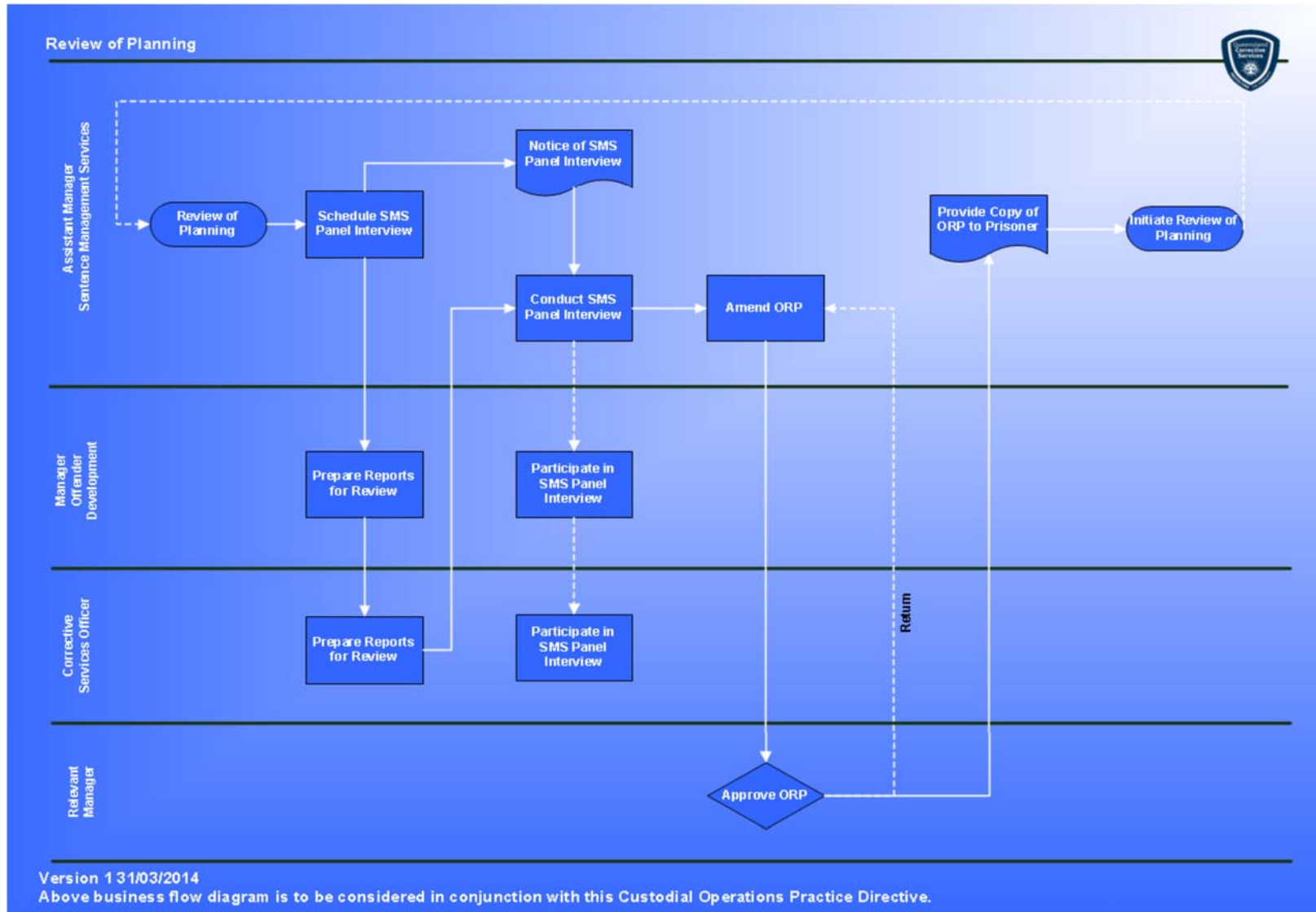
Prepared by: Chris Weier, A/Senior Information Analyst, Courts Performance and Reporting Unit, Department of Justice and Attorney-General

Appendix 8 – Assessment and planning diagram⁷



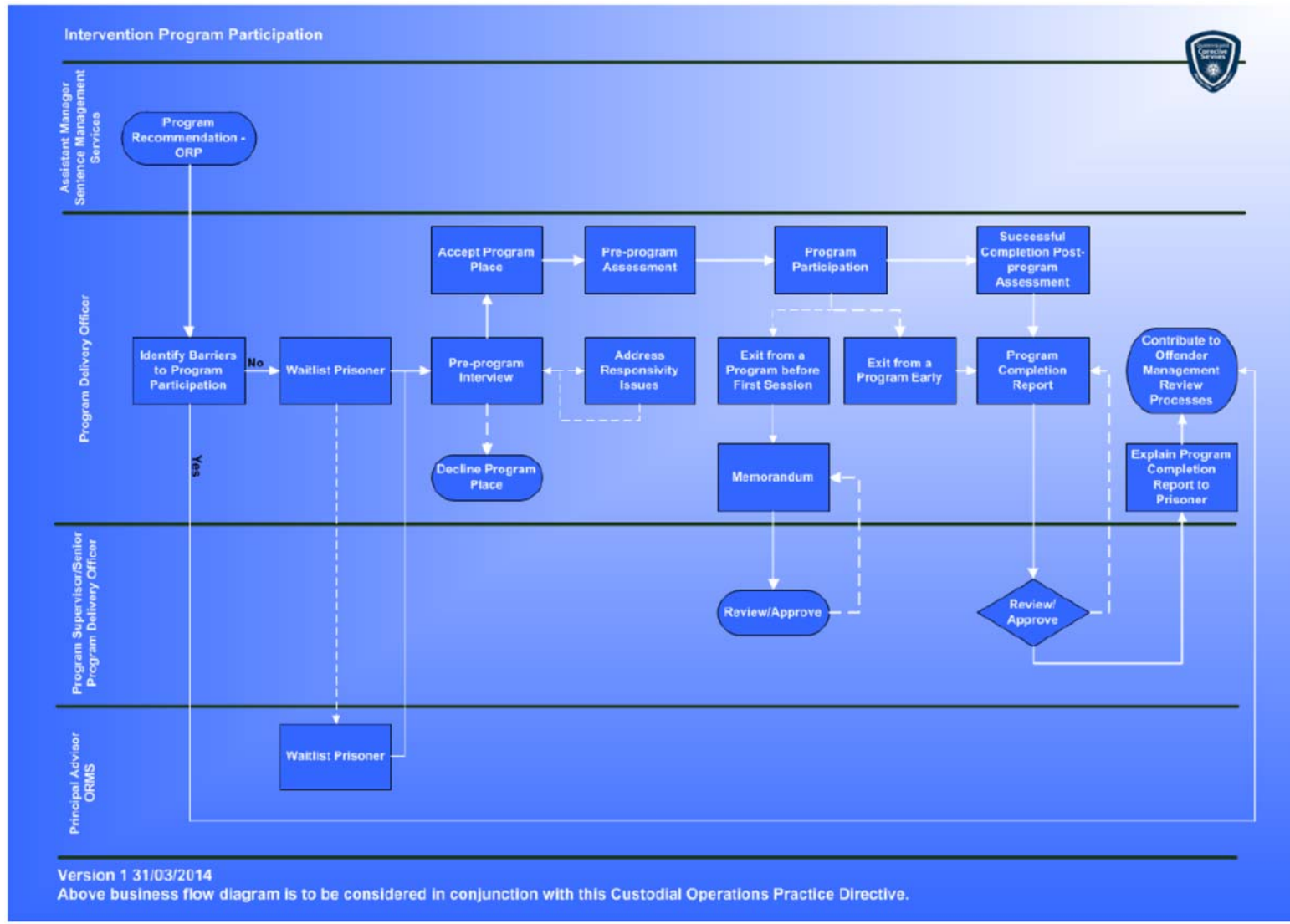
⁷ Queensland Corrective Services, *Custodial Operations Practice Directive – Assessment and Planning* (2015).

Appendix 9 – Review of planning diagram⁸



⁸ Queensland Corrective Services, *Custodial Operations Practice Directive – Assessment and Planning* (2015).

Appendix 10 – Process map of rehabilitation program participation⁹



Appendix 11 – Snapshot of program delivery locations across QCS ¹⁰

	Lotus Glen CC	Townsville Men's CC	Townsville Women's CC	Capricornia CC	Maryborough CC	Woodford CC	Southern Queensland CC	Borallon Training & CC	Arthur Gorrie CC	Brisbane CC	Brisbane Women's CC	Wolston CC	Palen Creek CC	Numinbah CC	Far Northern Region	Northern Region	Central Region	North Coast Region	Southern Region	Brisbane Region	South Coast Region
QCS Sexual Offending Programs																					
Getting Started: Preparatory Program																					
High Intensity Sexual Offending Program (HISOP)																					
Inclusion Sexual Offending Program																					
Medium Intensity Sexual Offending Program (MISOP)																					
Sexual Offending Maintenance Program																					
Sexual Offending Program For Indigenous Males (SOPIM)																					
QCS Other Programs																					
Cognitive Self Change Program (violence)																					
Cognitive Self Change Maintenance Program (violence)																					
Low Intensity Substance Intervention (substance abuse)																					
Making Choices Women's Program (general offending)																					
Pathways (substance abuse)																					
Pathways Challenge to Change (substance abuse)																					
Positive Discipline (parenting)																					
Positive Futures (culturally sensitive, substance abuse and family violence)																					
Strong Not Tough: Adult Resilience Program (resilience and wellbeing)																					
Real Understanding of Self Help (RUSH) (self harm)																					
Substance Abuse Maintenance Intervention (substance abuse)																					
Turning Point Preparatory Program (general offending)																					
External Providers																					
Indigenous Leadership Program (Bindal Sharks)																					
Kicking Goals Youthful Offenders Program (YourTown)																					
Low Intensity Substance Intervention (substance abuse; Salvation Army, Artius, Bridges)																					
Men's Domestic Violence Education and Intervention Program (domestic violence; Gold Coast DV Service)																					
Moral Reconciliation Therapy (substance abuse; ATODS)																					
Reflections Group (domestic violence; DV Connect)																					
Short Substance Intervention (substance abuse; Salvation Army, Artius, Bridges)																					
Sycamore Tree (restorative justice; Prison Fellowship)																					

⁹ Queensland Corrective Services, *Custodial Operations Practice Directive – Rehabilitation and Education* (2015).

¹⁰ Queensland Corrective Services, *Unpublished data* (2016).

Appendix 12 – Overview of programs delivered in QCS ¹¹

Motivation and Responsivity

Brief Description	Target	Hours	Location	Quick Criteria
Turning Point Preparatory Program				
Turning Point is a brief 15 to 20 hour psycho-educational program designed to target offenders' responsivity issues surrounding their readiness to change. Based on cognitive-behavioural and stage of change models of behaviour change, the program uses the motivational interviewing approach to assist people to prepare for and work towards positive change.	General offending motivational program	15-20 hours	Multiple locations	Sufficient time in custody. Can be used as preparation for further intensive program participation, or to increase engagement with community supervision.

Violence

Brief Description	Target	Hours	Location	Quick Criteria
Cognitive Self Change Program (Violence)				
The Cognitive Self Change Program (CSCP) is a high intensity cognitive-behavioural intervention that aims to reduce violent and general offending in high-risk adult offenders.	Violence	120-150 Hours (6 months)	Woodford Maryborough	Sufficient time in custody. ROR 11+. History of violent offences. Sufficient time to complete program.
Men's Domestic Violence Education and Intervention Program				
An intervention based on the Duluth model aimed at working with men to assist them to end their violence and increase the safety of women and their children. The model prioritises a community commitment to hold men accountable for their future use of violence relying on an integrated response to violence. External Provider: Gold Coast DV Service, not funded by QCS	Domestic Violence	48 hours	Multiple Probation and Parole locations	As referred from Court

¹¹ Queensland Corrective Services, *Unpublished data* (2016).

Sexual Offenders

Brief Description	Target	Hours	Location	Quick Criteria
Getting Started: Preparatory Program (GS:PP)				
A motivational program designed to assist offenders to reduce barriers and responsivity factors known to inhibit further intensive sexual offending programs.	Sexual offending motivational program	24 hours (6 weeks)	Wolston Townsville Lotus Glen Cairns Brisbane Central Ipswich South Coast	Sufficient time to complete program with current sexual offence conviction.
Medium Intensity Sexual Offending Program (MISOP)				
All sexual offending interventions are based on the cognitive-behavioural therapy model of interventions. Sexual offending programs target the cognitive drivers behind sexual offending while providing sexual offenders with the cognitive, emotional and behavioural skills to live an offence free lifestyle.	Sexual Offending	75 -175 hours (4 -6 months)	Wolston Townsville Cairns Brisbane Central Ipswich South Coast	Prisoners and offenders assessed as low to moderate risk of sexual reoffending. Sufficient time to complete program with current sexual offence conviction.
High Intensity Sexual Offending Program (HISOP)				
Based on the same approach outlined above, this program is a high intensity sexual offending program specifically designed for higher risk offenders.	Sexual Offending	350 hours (9-12 Months)	Wolston	Prisoners assessed as high risk of sexual reoffending. Sufficient time to complete program with current sexual offence conviction.
Inclusion Sexual Offending Program				
The Inclusion Sexual Offending Program is an adapted program for offenders with low cognitive and/or low social/emotional abilities. Although based on a CBT model of change, the Inclusion program uses techniques known to increase learning, social functioning and inhibition in this cohort.	Sexual Offending Cognitive Impaired	108 hours (5 Months)	Wolston	Assessed as requiring support to participate in a sexual offending program. Sufficient time to complete program with current sexual offence conviction.
Sexual Offending Program for Indigenous Males (SOPIM)				
The Sexual Offending Program for Indigenous males is designed to meet the specific	Sexual Offending	75 – 350 Hours	Lotus Glen	Sufficient time to complete program with current sexual

cultural needs of Aboriginal and Torres Strait Islander offenders. The basic constructs of CBT exists, yet more narrative in nature targeting the cognitive, emotional and behavioural drivers behind sexual offending.		(3-12 Months)		offence conviction.
Sexual Offending Maintenance Program (SOMP)				
The Sexual Offending Maintenance Program is designed to build on and strengthen offenders' cognitive, emotional and behavioural skills linked with living an offence free lifestyle.	Sexual Offending	16-24 Hours (12 weeks)	Wolston Townsville Lotus Glen Brisbane Central Logan/Ipswich Townsville Cairns	Sufficient time to complete program with current sexual offence conviction. Completed previous sexual offending intervention. Can be referred to multiple SOMPs.

Women

Brief Description	Target	Hours	Location	Quick Criteria
Making Choices Women's Program				
This program focuses on female offending pathways, and incorporates issues such as victimisation, distress tolerance and interpersonal effectiveness. It includes offence mapping processes to identify individual pathways to offending, safety planning and family/accountability systems to ensure maintenance of new behaviours.	General Offending Violence Pro-criminal Attitudes	100 hours	Brisbane Women's Townsville Women's	Sufficient time in custody.
Reflections Group				
Aims to educate women about what safe respectful relationships look like and addresses questions such as: How do I know when a relationship is not good for me? What effects does an unhealthy relationship have on me as a woman, on my family and on the way I parent? It further seeks to empower women (who wish to do so) to move on from violent/abusive relationships. External Provider: DV Connect,	Domestic violence	20 hours	Brisbane Women's Numinbah	Female prisoners

funded by QCS				
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Aboriginal and Torres Strait Islanders

Brief Description	Target	Hours	Location	Quick Criteria
Positive Futures				
The Positive Futures Program is a culturally sensitive 'strength based program' targeting family violence and anger and violence, alcohol and drug abuse, power and control, jealousy, trust and fear, family and community and parenting.	Substance abuse and violence	32-36 Hours (6-8 weeks)	All correctional centres Multiple central and remote P&P locations	Sufficient time to complete the program.
Indigenous Leadership Program				
The Indigenous Leadership Program has been specifically developed for Townsville men and women from all cultural backgrounds. The program aims to inspire participants to reach their highest potential, share a positive vision for Aboriginal and Torres Strait Islander people, gain knowledge, skills and unique experiences. External Provider: Bindal Sharks, funded by Townsville Correctional Centre	Culturally sensitive	48 hours (4 weeks)	Townsville	Men and women from all cultural backgrounds currently serving a term of imprisonment.

Other External Provider Programs

Brief description	Target	Hours	Location	Quick Criteria
Kicking Goals Youthful Offenders Program				
Kicking Goals, the Youthful Offenders Program, is a multi-modal, multi-agency approach to delivering targeted services to youthful offenders (up to the age of 24 years), and includes engagement of providers who specialise in working with this difficult cohort. The program is delivered through individualised and active support to ensure that multiple needs are identified and appropriately met to break the cycle of reoffending and return to custody for youth.	Youthful offenders	12 - 80 hours (max 3 months)	Brisbane CC Woodford	Serving 3+ months aged 18-24 years

<p>Young offenders who enter into the Intensive Individual Support do so for a maximum time period of 3 months, but overarching program involvement will vary dependent upon level of risk and need.</p> <p>External Provider: YourTown, funded by QCS</p>				
Sycamore Tree				
<p>The Sycamore Tree Project is brings groups of crime victims into prison to meet with groups of unrelated offenders. They talk about the effects of crime, the harms it causes, and how to make things right.</p> <p>External Provider: Prison Fellowship, not funded by QCS</p>	Restorative justice	16 hours	Southern Queensland	Sufficient time to complete the program.

Mental Health and Resilience Programs

Brief Description	Target	Hours	Location	Quick Criteria
Strong Not Tough: Adult Resilience program				
<p>The Strong Not Tough: Adult Resilience program aims to develop an individual's resilience - their ability to "bounce back" from hardship, to cope with the negative effects of stress, to adapt in the face of challenging circumstances and the courage to embrace new opportunities.</p>	Emotional coping and wellbeing	10 hours	All Custodial Brisbane Central Logan/Ipswich Cairns	<p>Sufficient time.</p> <p>History of poor coping and self-harm.</p> <p>First time offenders.</p>
Real Understanding of Self Help (RUSH)				
<p>RUSH is an offender-related program that specifically looks at addressing an offender's psychological distress through adaptations of Dialectical Behaviour Therapy (DBT). The program has been found to be effective in reducing stress, depression and anxiety. The program may be beneficial for offenders at risk of self harm, and where emotional regulation</p>	Emotional coping and wellbeing	40 hours over 10 weeks	Selected custodial locations	<p>Sufficient time.</p> <p>History of poor coping and self-harm.</p> <p>Other referrals can be considered where it is assessed that the program would be beneficial.</p>

is a feature in offending.				
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Substance Use Programs

Brief Description	Target	Hours	Location	Quick Criteria
Pathways High Intensity Substance Abuse Program (Pathways- HI)				
Pathways High Intensity Substance Abuse Program uses cognitive-behavioural therapy to change antisocial thinking and behaviour associated with offending and to address substance abuse. Relapse prevention approaches build skills in living an offence and substance free lifestyle.	Substance abuse	126 hours (6 Months)	All correctional centres	Sufficient time in custody. ROR 11+. History of substance abuse.
Pathways Challenge to Change Substance Abuse Program (Pathways- CTC)				
CTC is a shorter version of Pathways for prisoners serving shorter custodial periods.	Substance abuse	50 hours (3 months)	All correctional centres	Sufficient time in custody. ROR 11+. History of substance abuse.
Low Intensity Substance Intervention (LISI)				
Low Intensity Substance Intervention is based on cognitive-behavioural therapy and relapse prevention approaches, providing offenders the skills to manage their substance abuse and link to further support mechanisms in the community. This program can be delivered by QCS staff or external providers. External Providers: Salvation Army, Artius, Bridges, funded by QCS	Substance abuse	16-24 hours	All correctional centres Multiple P&P Locations	Sufficient time to complete the program. Substance abuse needs.
Short Substance Intervention (SSI)				
The Short Substance Intervention is an educational based program that starts offenders on the pathway to addressing their substance abuse needs. This program is delivered by external providers to form a link to community based services after release. External Provider: Salvation Army, Artius, Bridges, funded	Substance abuse	8 hours	All correctional centres	Sufficient time to complete the program.

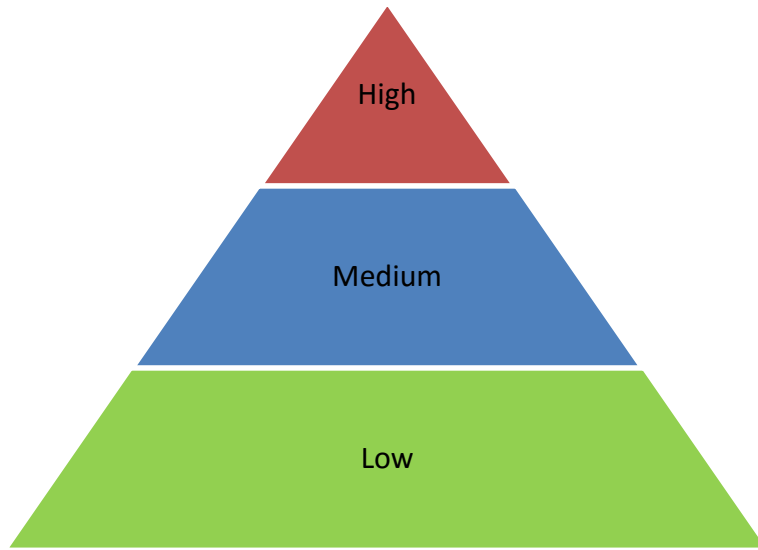
by QCS				
Moral Recognition Therapy (MRT)				
<p>Aims to develop moral thinking and behaviour regarding substance use and abuse. MRT is a cognitive-behavioural treatment system that leads to enhanced moral reasoning, better decision making, and more appropriate behaviour.</p> <p>External Provider: Alcohol Tobacco and Other Drugs Service (ATODS), no funding from QCS.</p>	Substance Abuse	42 hours	Lotus Glen	Moderate to high substance abuse needs, with a priority focus on prisoners with offence related needs.

Appendix 13 – Program completions 2015-16 ¹²

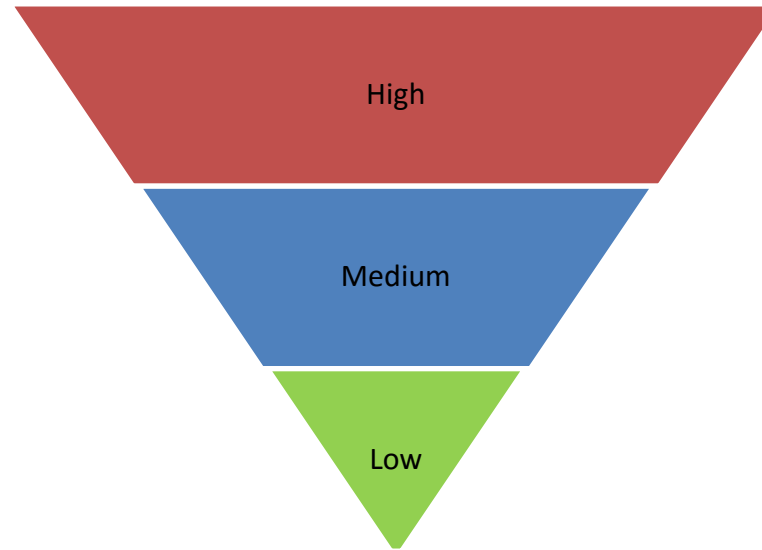
		Custodial		Community		Total	
		Programs	Completions	Programs	Completions	Programs	Completions
'Other'							
Cognitive Self Change Maintenance Program (violence)	QCS delivered	1	10	0	0	1	10
Cognitive Self Change Program (violence)	QCS delivered	3	23	0	0	3	23
Indigenous Leadership Program (provided by Bindal Sharks)	External provider	16	128	0	0	16	128
Indigenous Leadership Maintenance Program (My Journey Home; provided by Bindal Sharks)	External provider	1	5	0	0	1	5
Kicking Goals Youthful Offenders Program (provided by YourTown)	External provider	18	129	0	0	18	129
Low Intensity Substance Intervention (substance abuse)	QCS delivered	21	236	11	82	32	318
Low Intensity Substance Intervention (substance abuse; provided by Salvation Army, Artius, Bridges)	External provider	36	343	6	40	42	383
Men's Domestic Violence Education and Intervention Program (domestic violence; provided by Gold Coast DV Service)	External provider	0	0	2	46	2	46
One-on-One Low Intensity Substance Intervention (substance abuse; provided by Salvation Army)	External provider	0	0	0	163	0	163
Pathways (substance abuse)	QCS delivered	7	71	0	0	7	71
Pathways Challenge to Change (substance abuse)	QCS delivered	8	96	0	0	8	96
Positive Discipline (parenting; provided by Save the Children)	External provider	4	52	0	0	4	52
Positive Futures (culturally sensitive, substance abuse and family violence)	QCS delivered	20	197	25	204	45	401
Real Understanding of Self Help (RUSH) (self harm)	QCS delivered	1	6	0	0	1	6
Reflections Group (domestic violence; provided by DV Connect)	External provider	2	17	0	0	2	17
Short Substance Intervention (substance abuse; provided by Salvation Army, Artius, Bridges)	External provider	38	440	0	0	38	440
Strong Not Tough: Adult Resilience Program (resilience and wellbeing)	QCS delivered	32	303	4	35	36	338
Substance Abuse Maintenance Intervention (substance abuse)	QCS delivered	4	36	4	49	8	85
Sycamore Tree (restorative justice; provided by Prison Fellowship)	External provider	2	22	0	0	2	22
Turning Point Preparatory Program (general offending)	QCS delivered	0	0	8	29	8	29
		214	2114	60	648	274	2762
'Sexual Offending'							
Getting Started: Preparatory Program	QCS delivered	7	124	7	70	14	194
High Intensity Sexual Offending Program (HISOP)	QCS delivered	0	9	0	0	0	9
Inclusion Sexual Offending Program	QCS delivered	1	8	0	0	1	8
Medium Intensity Sexual Offending Program (MISOP)	QCS delivered	1	59	2	41	3	100
Sexual Offending Maintenance Program (SOMP)	QCS delivered	1	29	4	42	5	71
Sexual Offending Program For Indigenous Males (SOPIM)	QCS delivered	1	27	0	0	1	27
		11	256	13	153	24	409

¹² Queensland Corrective Services, *Unpublished data* (2016).

Appendix 14 – Breakdown of substance misuse services and need ¹³



General breakdown of substance abuse service delivery (majority of services for low substance need).



Level of need within the prisoner/ offender population (based on ASSIST items from Benchmark for offenders exiting custody to Probation and Parole)

¹³ Queensland Corrective Services, *Submission to the Queensland Parole System Review* (2016).

Appendix 15 – Jurisdictional scan of substance misuse treatment in Australia¹⁴

Jurisdiction	Withdrawal	Counselling	Rehabilitation	Other Incl. Pharmacotherapy	Support & Case Management Only	Information & Education Only	Assessment only	TOTAL
Treatment episodes 2015-16								
NSW	6,147	12,001	3,641	2,973	4,046	1,008	6,782	36,598
VIC	8,164	23,482	1,848	1,092	6,583	261	4,425	45,855
WA	1,957	14,163	1,160	1,461	1,716	1,163	1,922	23,542
SA	1,724	2,959	1,043	959	320	661	4,812	12,478
TAS	30	1,391	353	75	34	312	1,046	3,241
ACT	321	1,252	465	304	585	830	1,465	5,222
NT	241	1,013	753	462	59	830	1,465	4,823
QLD	3,275 ¹⁵	11,913	1,784	1,140	1,181	12,936	6,694	38,923

¹⁴ Queensland Corrective Services, *Submission to the Queensland Parole System Review* (2016).

¹⁵ Australian Government, Australian Institute of Health and Welfare, *Alcohol and other drug treatment services* (2014-2015) <<http://aihw.gov.au/alcohol-and-other-drugs/aodts>>.

Appendix 16 – The availability of OST in Australian prisons ¹⁶

Table 12.6: Availability of opioid substitution treatment in Australian prisons, states and territories, 2015

	Methadone		Buprenorphine		Buprenorphine/naloxone	
	Maintenance	Initiation	Maintenance	Initiation	Maintenance	Initiation
NSW	✓	✓	✓	✓	×	×
Vic	✓	✓	✓	×	✓	✓
Qld	✓	×	✓	×	✓	×
WA	✓	✓	×	×	✓	×
SA	✓	✓	✓	✓	×	×
Tas	✓	×	×	×	×	×
ACT	✓	✓	×	×	✓	✓
NT	✓	×	×	×	×	×

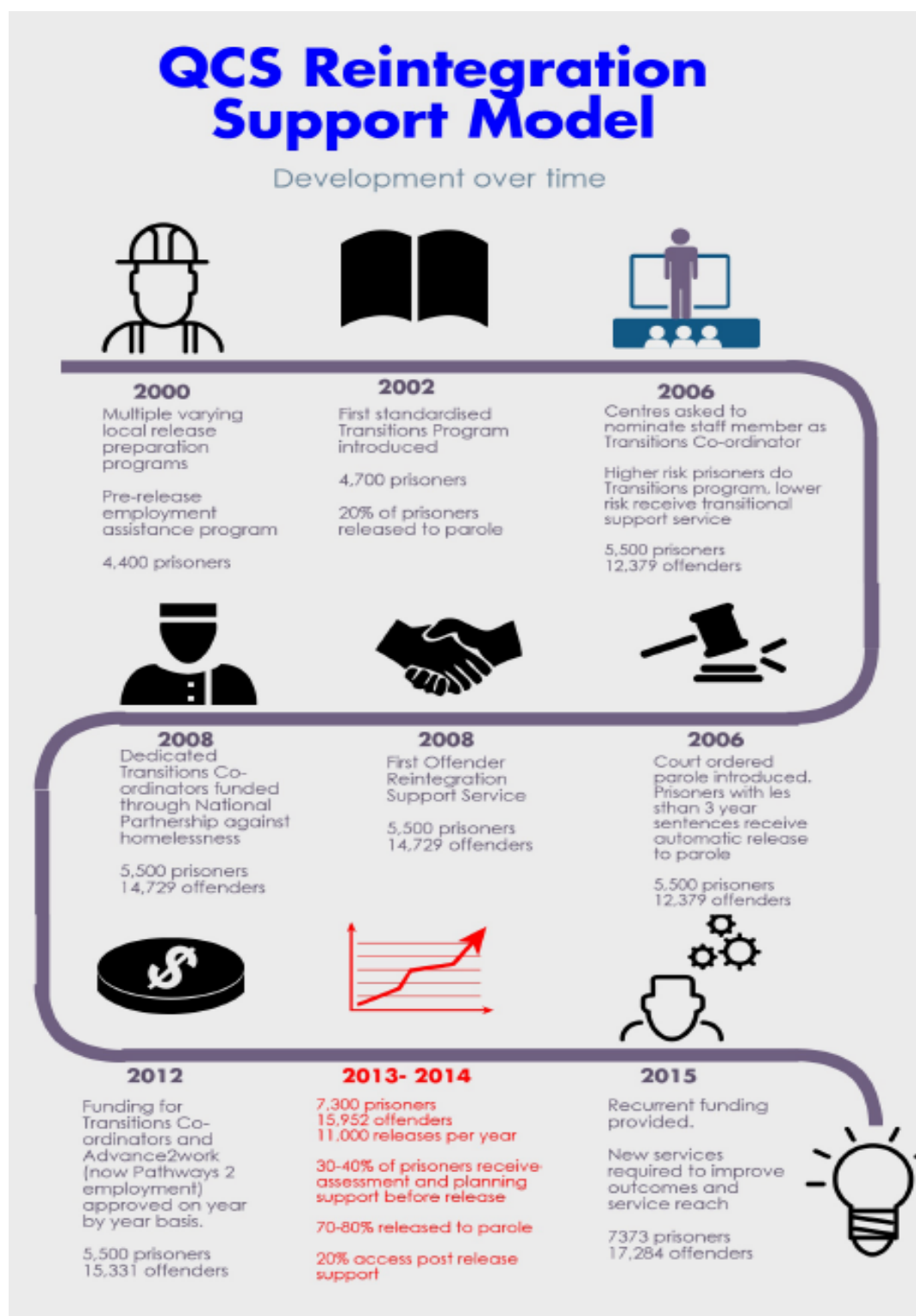
Notes

1. In Queensland, OST maintenance is available to female prisoners only.
2. In the Australian Capital Territory, Suboxone (Buprenorphine/naloxone) is available for withdrawal and 2 weeks prior to release only.

Source: Supplementary data, 2015 NPHDC.

¹⁶ Australian Government, Australian Institute of Health and Welfare, *The health of Australia's prisoners* (2015), <<http://www.aihw.gov.au/publication-detail/?id=60129553527>>.

Appendix 17 – The development of QCS reintegration programs¹⁷



¹⁷ Queensland Corrective Services, *Unpublished* (2016).

Appendix 18 – Comparison between former Transitional Support/Offender Reintegration Support Service and the new Re-Entry Services¹⁸

PREVIOUS MODEL	BORALLON	SEQ WOMENS RE-ENTRY SERVICE	MENS/TWCC RE-ENTRY SERVICES
GOAL - Planning for release	GOAL - Recidivism/reduced reoffending	GOAL - Effective support to stay out of custody	GOAL - Success on parole
<p>Structure</p> <p>Standardised state-wide model providing practical transitional support and release planning assistance through QCS staff</p> <p>Funded Offender Reintegration Support Service for high risk (16+)/complex needs (1300 referrals per year)</p> <p>Advance2Work employment program, Payment by Outcomes for employment placement (750 places after release)</p>	<p>Structure</p> <p>Whole of Centre integrated education, employment and re-entry model</p> <p>Access to post-release support for those assessed as requiring it</p>	<p>Structure</p> <p>Inreach workers and outreach workers supporting participants</p> <p>Embedded workers in specialist organisations to address needs of female offenders (housing, domestic violence, mental health)</p> <p>Embedded Critical Time Intervention (CTI) service allowing step in and step out</p>	<p>Structure</p> <p>Each region has three components that are localised to meet regional needs</p> <ol style="list-style-type: none"> 1. In-prison information and referral service 2. High risk/complex needs managed re-entry for prisoners released to parole that are 16+ on the RoR or identified as having complex needs 3. Post-release crisis support for all prisoners released to parole for the first six months - become eligible when case management identifies them as being at risk of suspension

¹⁸ Queensland Corrective Services, *Unpublished* (2016).

Key Features	Key Features	Key Features	Key Features
<p>Traditional procurement of highly specified service structure</p> <p>Focus on release planning and in-prison support</p> <p>Dedicated QCS staff</p> <p>Multiple separate and overlapping service programs</p> <p>No PbO in the majority of the programs. One program full PbO.</p>	<p>Co-design procurement with the service sector and government agencies</p> <p>Earn or learn concept for all prisoners</p> <p>Through-care coordination to manage an individualised employment and education pathways for each offender</p> <p>Part PbO structure to incentivise providers.</p>	<p>Co-design procurement</p> <p><u>All</u> women in custody in SEQ have access to re-entry support</p> <p>Designed specifically for women providing personal agency in the choices of the services they access</p> <p>Co-designed part PbO structure</p> <p>Focus on trauma informed practices.</p>	<p>Service provider co-location in correctional centres and P&P;</p> <p>Increased service delivery compared to former models;</p> <p>Crisis Response element to support P&P case management;</p> <p>Part PbO structure to incentivise providers;</p> <p>New QCS staff role to ensure information flow, oversight and risk management across all operational areas.</p>

Appendix 19– Service availability comparison: Transitional Support/Offender Reintegration Support Service and the new Re-Entry Services¹⁹

CURRENT MODEL	BORALLON	SEQ WOMENS RE-ENTRY	MENS/TWCC RE-ENTRY
<p>Service delivery levels</p> <p>30-40% of offenders in centre receiving planning or other practical assistance</p> <p>Approximately 19% of released offenders received support post-release</p>	<p>Service delivery levels</p> <p>100% of offenders in centre receive pathway plan including services as determined by centre, P&P and service providers</p> <p>40% of released offenders receive post release services</p>	<p>Service delivery levels</p> <p>100% of all prisoners offered support</p> <p>Post release - MARA estimates servicing 40 - 50% of released women in SEQ</p>	<p>Service delivery levels</p> <p>In-prison - 100% of all prisoners able to access in prison service for information and referral support</p> <p>Post-release – access available to 60% of prisoners under parole supervision</p> <p><i>(via Managed Stream- all 16+ as well as some complex cases and via Crisis Support - offenders at risk of suspension in first six months. Data for Crisis modelled on number of suspensions in 14/15)</i></p>

¹⁹ Queensland Corrective Services, *Unpublished* (2016).

Outcome Framework	Outcome Framework	Outcome Framework	Outcome Framework
<p>Output based services (ORSS)</p> <p>Payment for outcomes of sourcing and maintaining employment (P2E only)</p>	<p>Integrated delivery for integrated outcomes related to desistance from offending, includes reduced recidivism</p>	<p>Co-production and collaborative development of female specific outcomes related to desistance from offending</p>	<p>Payment for outcomes related to desistance from offending</p> <p>Increased prisoners able to access in prison services</p> <p>Increased numbers of offenders are successful on parole (through reduced suspensions)</p> <p>Well-developed service networks for offenders and their families</p>

Appendix 20 – New Re-Entry Services Overview²⁰

Brief Description	Components	Location
Prisoner Re-entry Service - CREST		
Regionally based services delivered by Non-Government Organisations (NGO). Service providers are co-located in correctional centres and P&P where possible, and work closely with QCS staff to support prisoners returning to the community under P&P supervision. The core focus is success on parole and reducing reoffending.	<ul style="list-style-type: none"> - In-prison information and referral - accessible by any prisoner. - Pre and post release case management – for prisoners assessed as 16+ on the RoR or identified as having complex re-entry needs. In place for three months post release. - Crisis service for released prisoners under supervision by P&P. In place for up to six months post release. - Services will focus on practical ways to reduce re-offending, by assisting prisoners to secure stable accommodation, address substance abuse needs, develop social supports, improve their education, and gain employment. 	Far Northern Region – Lives Lived Well. Northern Region (Mens) – Open Minds. Northern Region (Womens) – Open Minds. Central Region – Lives Lived Well. North Coast Region – Bridges Aligned Services. SEQ Region – ACSO.
Borallon Training and Correctional Centre		
Whole of centre integrated education and employment model, which includes dedicated re-entry services.	<ul style="list-style-type: none"> - 100% of prisoners at Borallon receive a pathway plan including services determined by centre, P&P and providers. 	Prisoners released from Borallon only. Max Employment (with Five Bridges, Aftercare and Churches of Christ Housing) Work Restart.
South-East Queensland Womens Re-entry Service – MARA		
Co-designed and gender specific re-entry service for female prisoners released from South-East Queensland correctional centres. The focus is supporting female prisoners to be successful on parole.	<p>All women in custody in the nominated centres can access support from this service if they wish. Participants will work with providers to develop their own plans for support in the community, which can include:</p> <ul style="list-style-type: none"> – reconnection with children – stable accommodation – support for victims of domestic violence – mental health support – gender focused substance abuse intervention. 	Brisbane Women’s Correctional Centre, Numinbah Correctional Centre, Helana Jones Centre, and Probation and Parole offices in South-East Queensland.

²⁰ Queensland Corrective Services, *Unpublished* (2016); Queensland Corrective Services, *Submission to the Queensland Parole System Review* (2016).

Appendix 21²¹

CREST

1. All prisoners with a risk of reoffending score (RoR) of 16 or greater that are due for release on parole are automatically identified for the post-release case management stream. A small pool of additional funding is held for prisoners identified with complex needs who do not have a RoR of 16+. This service funds less than 100 people statewide per annum. Referral of a prisoner into this service is from a range of sources including the Probation and Parole Service, the Community Protection Advisory Committee (CPAC), correctional centre staff or the service providers. Probation and Parole Regional Managers are responsible for approval for referral in their regions. While the engagement of prisoners is voluntary, opportunities will exist for review of a refusal of assistance, by the referring party, particularly where significant risk is identified as requiring mitigation.
2. Prisoners released from custody who are at risk of suspension within the first six months of their parole order are offered crisis support. The eligible prisoners are actively case managed by Probation and Parole staff at the time of referral. This includes all offenders in standard levels of service and above, regardless of their RoR score.
3. The prisoner re-entry services provided by CREST are also supported by nine dedicated QCS staff within Probation and Parole regional offices. The Re-entry Advisor role is to identify, evaluate and prescribe strategies to efficiently govern management of risk and need during transition of offenders between correctional centres and Probation and Parole offices. The Re-Entry Advisor liaises with correctional centres, Probation and Parole staff and external service providers to ensure QCS processes and case management of offenders is structured to optimise success on parole within that region, therefore contributing to increased levels of community safety.

Borallon Training and Correctional Centre

4. Case coordination is funded for 248 prisoners per annum. Eligibility is based on the date of each prisoner's release, their motivation, previous response to supervision and presence of assessed risk factors.
5. All prisoners at Borallon receive a reintegration assessment, access to the job centre (employment services), rehabilitation programs and Aboriginal and/or Torres Strait Islander Services as identified.
6. The provider delivers an in-prison information and referral service to assist prisoners with information on services in the area they are returning to, or can assist with making referrals for prisoners to take up upon release; for example, setting up GP appointments upon release, completing housing applications, and assisting with securing accommodation. This stream does not provide case management and is designed to empower prisoners to complete tasks for themselves.
7. A post-release case management service commences with Benchmark Assessments, used by Probation and Parole, which are administered prior to release to ensure every prisoner is

²¹ Queensland Corrective Services, *Unpublished* (2016).

released with a re-entry plan addressing identified needs. Once released, offenders in this stream receive three months post-release support from the service provider. The services are provided as an adjunct/support to Probation and Parole case management and do not replace normal QCS case management processes.

8. A crisis support service provides acute, time-limited access to services and intervention to mitigate the risks raised and allow the offender to continue to be managed in the community rather than returned to custody. The crisis support service is designed to target preventable suspensions such as the risk of contravening lawful directions, unacceptable risk of committing a further offence and drug use.

Providers	Services
TAFE Queensland	<ul style="list-style-type: none"> • Induction assessment of education and training needs of prisoners via a career assessment and/ or literacy and numeracy tools • Enrolment of students • Delivery and assessment of agreed units • Collection and maintenance of student records • Issuing qualifications and statements of academic attainment to eligible students • Assessment of eligibility for Certificate 3 Guarantee Program and/or Higher Level Skills Program including the Second Chance waiver • Preparation and maintenance of Training and Support Plans and/or input into QCS planning documents • Creation of a Unique Student Identifier (USI) • Collaboration with and referrals to other service providers as appropriate.
Max Solutions <ul style="list-style-type: none"> • Max Employment Services • Aftercare • Five Bridges 	<p><u>Pre-release</u></p> <p>Reintegration assessments and plans; case coordination (for 248 per annum); in-prison employment services including an onsite Job Centre; and Indigenous programs.</p> <p><u>Post-release</u></p> <p>Eligible prisoners (248 noted above) are assisted to complete a Prisoner Pathway Plan assessment and re-entry plan pre-release and on-going support post release for up to three months. Case coordination services and connection with mental health and recovery support, employment services, cultural services and support and housing services are some of the available services.</p>
Work Restart <ul style="list-style-type: none"> • Subcontracted industry partners 	<ul style="list-style-type: none"> • Sourcing industry to provide employment opportunities for prison workforce • Facilitating the on boarding process in prison • Managing the administration of the workforce • Partnering with TAFE Queensland to design and deliver necessary training skills and competencies to offenders • Funding social services aimed at reducing recidivism post-

	release.
Artius Health	<ul style="list-style-type: none"> • Provision of substance abuse programs

MARA

9. Eight per cent of women currently in South East Queensland sites for the MARA service, regardless of their custodial state (remand/sentenced), are offered a personal assessment of their re-entry needs and offered support that will best meet those needs.
10. The service is designed to work with the Queensland Health Prison Mental Health Service (PMHS) Transition Program and Indigenous Mental Health Intervention Program (IMHIP) to allocate all women to one of the three available services (as is best placed to service them or as identified by the prisoner/offender themselves).
11. The provider assists prisoners with information on services in the area they are returning to or can assist with making referrals for prisoners to take up upon release; for example, setting up GP appointments upon release, completing housing applications, and assisting with securing accommodation. The service is relationship based, with workers who will support women post-release assigned to individual women to develop a supportive coaching type relationship that then continues post-release. Services are individually tailored to the needs of each woman. The service is a Step In and Step Out model for the lifetime of the women. They can access support and come back into the service at any time post-release as they desire.
12. The service also advocates the use of embedded workers from a range of other NGOs for the provision of service and access to services such as alcohol and drug services, housing and domestic violence support through partner organisations. There is also a dedicated youth worker for young women, and a Regional Cultural Steering Committee to inform culturally appropriate and relevant service provision.

Appendix 22 – Queensland Health Services ²²

Region	Centre	PMHS Team and Team Leader	PMHS Transitions NGO and contact
South East Queensland	Arthur Gorrie CC Brisbane CC Brisbane Women's CC Wolston CC Southern Qld CC Borallon TCC Woodford CC Numinbah CC	West Moreton PMHS	Richmond Fellowship Qld
North Coast	Maryborough CC	Wide Bay PMHS	Richmond Fellowship Qld
Central	Capricornia CC	Central Qld PMHS	Ozcare Seeds
Northern	Townsville Men's CC Townsville Women's CC	Townsville PMHS	Solas Transitions From Corrections and Personalised Service Support Program
Far Northern	Lotus Glen CC	Cairns PMHS	Centacare, Mental Health Resource Service

²² Queensland Corrective Services, *Unpublished* (2016).

Appendix 23

Main reasons for seeking the assistance of DHPW for clients who had been in adult correctional facilities or youth/juvenile justice correctional centres in the last 12 months.²³

All reasons for seeking assistance	Number of support periods	% of total support periods
Financial difficulties	1040	46.2%
Housing affordability stress	553	24.6%
Housing crisis	1038	46.1%
Inappropriate dwelling	820	36.4%
Previous accommodation ended	554	24.6%
Time out from family/situation	287	12.7%
Relationship/family breakdown	389	17.3%
Sex abuse	18	0.8%
Domestic and family violence	211	9.4%
Non family violence	34	1.5%
Mental health issues	425	18.9%
Medical issues	178	7.9%
Drug substance	358	15.9%
Alcohol use	257	11.4%
Employment difficulties	171	7.6%
Unemployment	488	21.7%
Problem gambling	18	0.8%
Transitional custodial arrangements	607	27.0%
Transitional child safety	20	0.9%
Transitional other care	53	2.4%
Discrimination	33	1.5%
Itinerant	201	8.9%
Environmental reasons	53	2.4%
Disengagement from education	57	2.5%

²³ Department of Housing and Public Works, *Unpublished data* (2016).

Appendix 24 – Time to first parole suspension for parole completions during 2015-16 ²⁴

Time to first Suspension or Failure	Court Ordered Parole	Board, I/State Parole	Total
Up to 1 mth	935	187	1,122
>1 to 2 mths	663	134	797
>2 to 3 mths	492	82	574
>3 to 6 mths	723	162	885
>6 to 12 mths	366	98	464
>12 mths	109	76	185
No suspension or failure	3,619	659	4,278
Total	6,907	1,398	8,305

²⁴ Queensland Corrective Services, *Submission to the Queensland Parole System Review* (2016).

Appendix 25 – Community corrections offender-to-staff ratios, 2005-06 to 2015-16²⁵

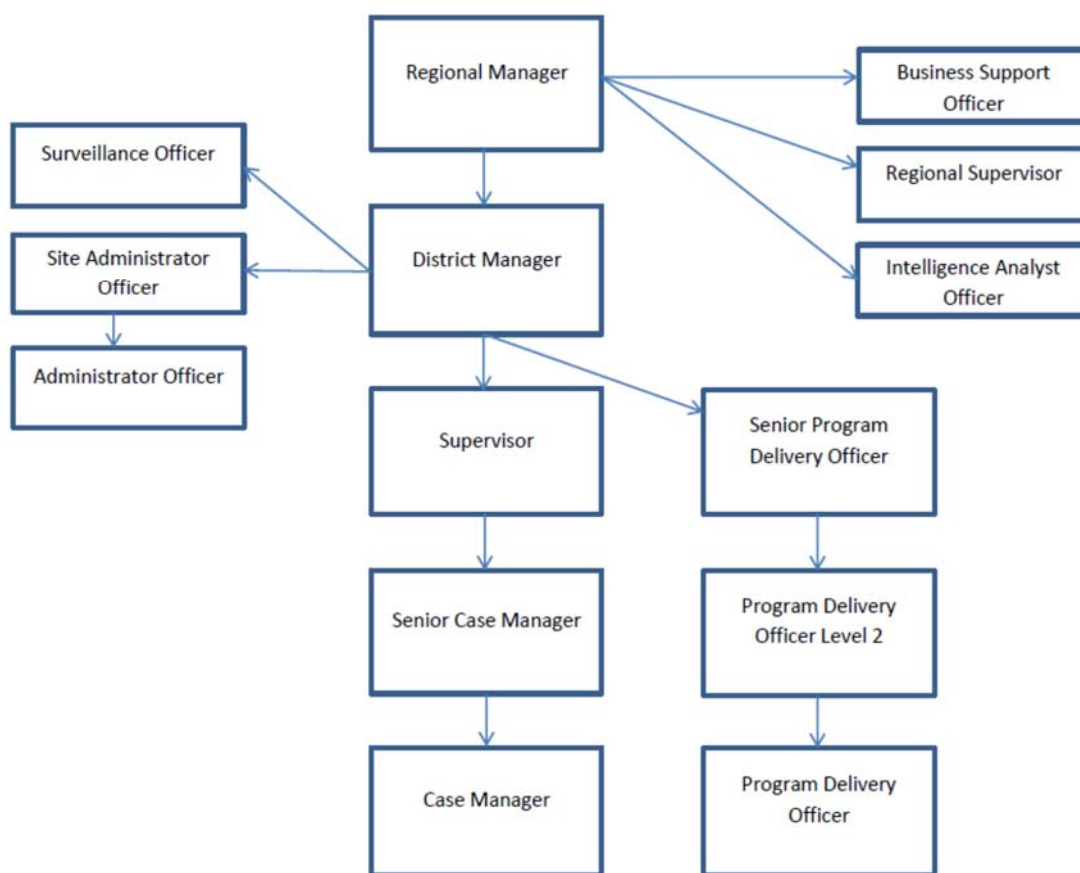
Financial Year	Queensland			Australian Average		
	Offender-to-operational staff	Offender-to-other staff	Offender-to-all staff	Offender-to-operational staff	Offender-to-other staff	Offender-to-all staff
2005-06	33.7	106.4	25.6	28.8	73.0	20.6
2006-07	32.2	98.8	24.3	27.2	74.3	19.9
2007-08	34.6	105.1	26.0	25.8	86.0	19.9
2008-09	29.1	128.4	23.7	23.7	82.7	18.4
2009-10	33.3	95.3	24.7	24.8	67.5	18.2
2010-11	38.0	84.2	26.2	23.5	66.6	17.4
2011-12	30.5	115.0	24.1	21.4	73.6	16.6
2012-13	35.3	79.6	24.5	21.7	66.6	16.3
2013-14	34.4	76.9	23.8	22.2	66.7	16.7
2014-15	35.1	74.8	23.9	21.2	72.2	16.4
2015-16*	37.5	86.5	26.2	na	na	na

* Unpublished data

Note: the offender to operational staff ratio is not accurate as explained in the chapter but the figure in this table will be the published figure in the 2017 Report on Government Services.

²⁵ SCRGSP (Steering Committee for the Review of Government Service Provision), *Report on Government Services* (Canberra: Productivity Commission, various years), Chapter 8, *Corrective services*, Table 8A.22 (modified to include previous years).

Appendix 26 – Probation and Parole Regional Structure ²⁶



Description of roles

Each Probation and Parole region is led by a **Regional Manager** who is responsible for providing strategic leadership and direction to ensure the effective delivery of Probation and Parole Services in Queensland including strategic development of the agency and business unit, managing resources and leading staff within a region, and managing stakeholder relationships²⁷.

The number of district offices and reporting centres within each region varies based on the location and number of offenders. Each office has a **District Manager** who is responsible for managing human resources and leading staff in a District Office, managing financial and other resources in a District Office, managing the implementation of offender intervention and management strategies, and managing relationships with key stakeholders²⁸.

Supervisors are in place in most District Offices, dependent on the size of the office and staffing levels. Supervisors are responsible for supervising and developing a team of professional staff, providing advice, support and oversight of daily risk in the management of direct staff reports to deliver quality case management, and providing advisory services to senior management on a

²⁶ Queensland Corrective Services, *Submission to the Queensland Parole System Review* (2016).

²⁷ Queensland Corrective Services, *Role Description for Regional Manager, Probation and Parole* (2016).

²⁸ Queensland Corrective Services, *Role Description for District Manager, Probation and Parole* (2016).

range of matters related to emerging risks and best practice approaches to systems, processes and functions²⁹.

Offenders are predominantly supervised by **Senior Case Managers** and **Case Managers**. These positions require possession of a degree relevant for the human services or criminology fields such as law, justice, humanities, psychology, social sciences, social welfare, health, education, business and Aboriginal and Torres Strait Islander studies. Senior Case Managers and Case Managers are responsible for ensuring offender compliance with the reporting requirements and conditions of community-based orders through supervising and case managing offenders. They work closely with community agencies to address offenders' intervention needs. Senior Case Managers have caseloads of higher risk offenders (including sexual, violent and other priority groups) than Case Managers and are also responsible for conducting the majority of offender assessments^{30,31}.

Reparation orders such as community service orders are managed by **Probation Services Officers**. There are no mandatory qualifications required for this role. Probation Services Officers supervise and monitor offenders on reparation orders (and in some locations other community based orders) and are responsible for maintaining community networks and ongoing relationship development with stakeholders to ensure sustainable community service projects for offenders. They also undertake court administration duties for the office.³²

Administration Officers contribute to the effective operation of district offices by providing administrative and clerical support for the region/district office and supporting day-to-day operations.

Some regions have additional positions including **Program Delivery Officers, Cultural Liaison Officers, Re-entry Advisors** (new positions), Intelligence Analysts and Surveillance Officers. **Surveillance Officers** ensure offenders are complying with the terms of their orders through activities such as breath and urinalysis testing, ensuring high risk offenders adhere to curfews and verifying offenders' personal details. **Intelligence Analysts** complement Probation and Parole's surveillance capacity. Their role is to accurately inform management about higher risk offenders who are being supervised in the community.

²⁹ Queensland Corrective Services, *Role Description for Supervisor* (2016).

³⁰ Queensland Corrective Services, *Role Description for Senior Case Manager* (2016).

³¹ Queensland Corrective Services, *Role Description for Case Manager* (2016).

³² Queensland Corrective Services, *Role Description for Probation Services Officer* (2016).

Appendix 27 – Current PDP training topics delivered at the QCS Academy³³

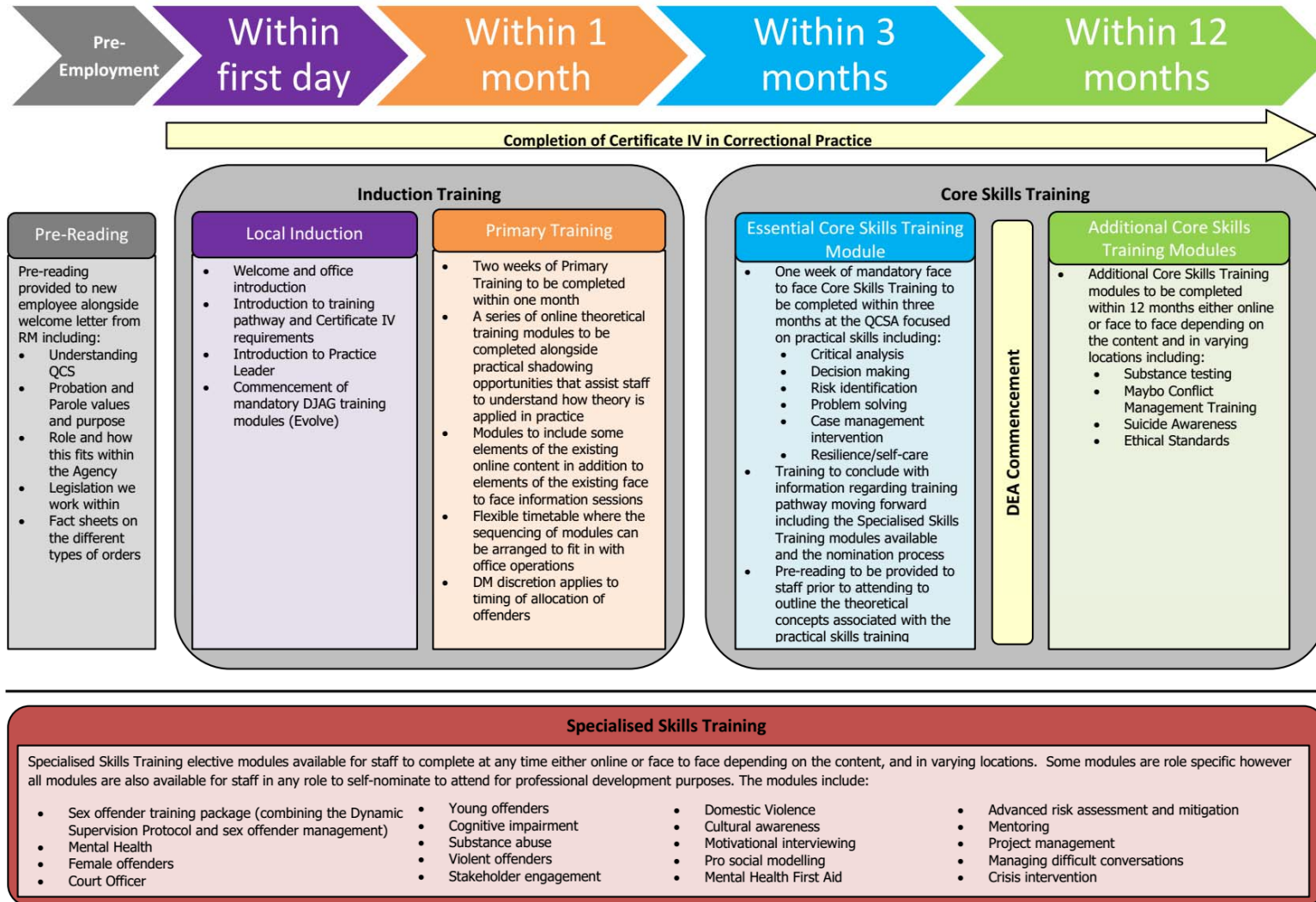
Topics delivered include:

- QCS strategic direction
- Ethical standards and professional boundaries
- The role of Probation and Parole
- Social media awareness
- Personal management and responsibility
- Collaborative case management
- Intelligence
- Parole Boards
- Incident reports and flash briefs
- Child safety
- Programs
- IOMS
- Managing low risk offenders
- Working with female offenders
- Working with substance use
- Substance testing qualification
- Report writing
- Contraventions
- Legislation
- Multicultural awareness
- Governance and accountability
- Community service engagement
- Mental health first aid
- Suicide awareness
- Managing officers (including admission/induction, assessment, planning, management, review and exit)
- Maybo conflict resolution training
- Mock Court
- Effective decision making
- Working with domestic violence
- Resilience
- Career progression
- Victim issues in case management

³³ Queensland Corrective Services, *Probation and Parole Training Review 2016 Findings Report* (2016), 5-6.

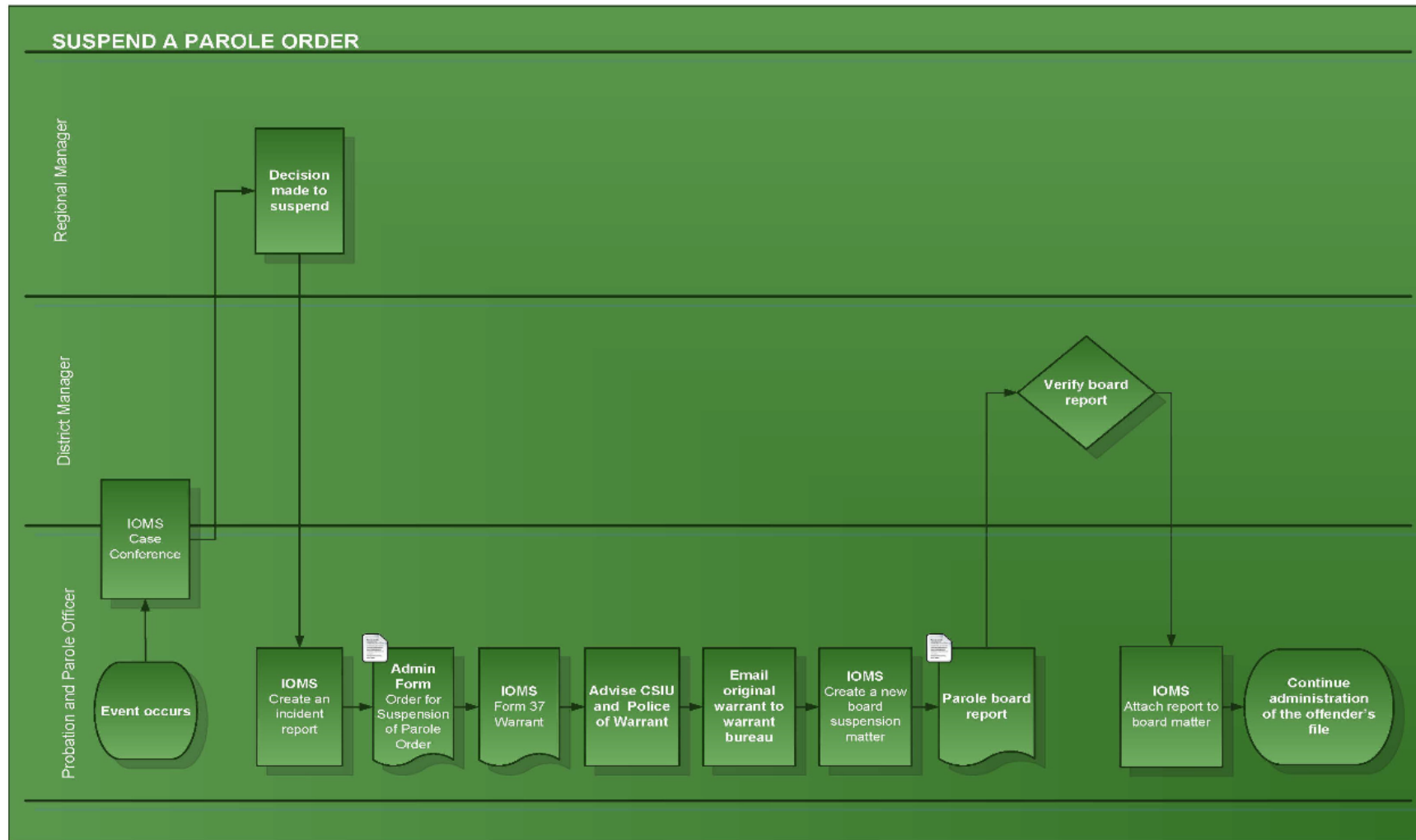
Appendix 28 – QCS’ Proposed Training Pathway for Probation and Parole Officers ³⁴

Proposed Probation and Parole Training Pathway



³⁴ Queensland Corrective Services, *Probation and Parole Training Review 2016 Findings Report* (2016), Attachment 3.

Appendix 29 – Process Map for Suspension of a Parole Order (both BOP and COP) by Probation and Parole ³⁵



³⁵ Queensland Corrective Services, *Probation and Parole – Operational Practice Guidelines – Contravention Management (Suspension of a Parole Order)* (2016).

Appendix 30 – Suspensions of parole ³⁶

	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Court-ordered Parole	596	1701	2485	2198	2850	3689	3749	4248	4783	3887
Suspension - Contravene conditions of order/lawful instruction	0	0	0	79	199	237	171	160	207	215
Suspension - Failure to Report	0	0	0	258	889	949	824	776	833	796
Suspension - Poses serious risk of harm to others	0	0	0	53	165	204	197	153	100	129
Suspension - Positive Breath Test	0	0	0	3	11	22	18	29	37	31
Suspension - Positive Drug Test	0	0	0	132	565	767	721	855	938	287
Suspension - Prepare to leave / leave QLD without permission	0	0	0	3	8	12	14	4	9	8
Suspension - Unacceptable risk of committing further offence	0	0	0	292	1013	1498	1804	2271	2659	2421
Suspension Parole/Resettlement LOA Reoffending	128	498	813	475	0	0	0	0	0	0
Suspension, Breach of Parole/Resettlement LOA Conditions	468	1203	1672	903	0	0	0	0	0	0
Qld & I/State Parole	211	346	392	368	486	727	869	826	795	639
Suspension - Contravene conditions of order/lawful instruction	0	0	0	30	89	155	125	97	119	115
Suspension - Failure to Report	0	0	0	20	83	98	113	98	80	67
Suspension - Poses serious risk of harm to others	0	0	0	5	22	40	36	18	13	17
Suspension - Positive Breath Test	0	0	0	6	18	11	14	20	21	7
Suspension - Positive Drug Test	0	0	0	33	119	163	193	205	150	71
Suspension - Prepare to leave / leave QLD without permission	0	0	0	1	3	1	1	0	1	0
Suspension - Unacceptable risk of committing further offence	0	0	0	39	152	259	387	388	411	362
Suspension Parole/Resettlement LOA Reoffending	41	94	108	65	0	0	0	0	0	0
Suspension, Breach of Parole/Resettlement LOA Conditions	170	252	284	169	0	0	0	0	0	0
Grand Total	807	2047	2877	2566	3336	4416	4618	5074	5578	4526

³⁶ Queensland Corrective Services, *Submission to the Queensland Parole System Review* (2016).