

DECISION SUMMARY



Date considered: 15 January 2025

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 12 years.

Test for release

2. Before it could direct release, the panel had to be satisfied that it is no longer necessary for the protection of the public that the offender should be confined.

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3. The panel was satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

4. In reaching its decision, the panel considered:
 - a) the circumstances of the index offence, and any offending history;
 - b) formal risk assessments prepared on the offender;
 - c) the offender's conduct since sentence, and intentions if released;
 - d) all relevant information in the dossier; and
 - e) the evidence heard at the hearing.
5. The panel were concerned about the serious nature and circumstances of the index offence and noted that the offender had a previous and subsequent conviction for violence.
6. The panel acknowledged that the offender was post expiry of the punishment part of the sentence and in such cases anxious scrutiny should be applied.
7. The panel noted and attached weight to the recommendation of all social workers which is not supportive of the offender's release at this stage and they all preferred that further community access testing through home leaves was required. The panel considered that there is some merit in this position.
8. However, on balance and in light of the applicable test the panel were satisfied that it was no longer necessary for the protection of public that the offender remains confined given all social workers' accepted that there was no imminence of the offender being a risk of serious harm and the significant amount of successful community testing that the offender has accrued through the National Top End including several Community Work Placements (CWP) and several periods of several nights home leaves. The panel also considered the offenders

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behaviours over a significant period of time including refraining from risk taking behaviours and the insight they displayed into the challenges they will face in the community. The panel were satisfied that the robust Risk Management Plan and licence conditions should be sufficient to pick up on any destabilisation.

9. Accordingly, the Board directed release on licence conditions which it deemed lawful, necessary and proportionate to manage the offender's level of risk in the community.