

NSW STATE PAROLE AUTHORITY

DETERMINATION THURSDAY 1 APRIL 2010

MADDISON HALL (MIN: 101173)

This inmate was tried and convicted of the murder of Lyn Saunders at GolGol on 22 December 1987. The victim was a hitchhiker. In return for the lift, apparently, the victim offered to arrange a drug deal. When the deal was not made HALL became angry and shot the victim twice with a shotgun. The sentence was LIFE imprisonment, redetermined on 29 November 2001 to 22 years (commencing 1 August 1989). The non parole period set by the judge expired on 28 February 2006. The inmate's sentence expires on 31 July 2011.

The judge who redetermined the sentence set a parole period of over 5 years and relevantly said:

"in my opinion the particular needs of the applicant make plain that upon her release she will require considerable supervision and assistance if she is to successfully adapt to her role as a woman in society and remain free of drugs."

Consideration for parole is supported by the Serious Offenders Review Council who have had continuous contact with this inmate during incarceration, who relevantly said on 17 November 2009 *"it is desirable that the offender in the relatively short remaining period have the benefit of supervision in the community and thus bring it about that community interests are better served (than if full time custody was maintained)"*.

The Probation and Parole Service support parole for this inmate and have developed, with the assistance of the Commissioner for Corrective Services and his staff, a post release plan which we regard as satisfactory and which in our view address concerns raised by the registered victims and the Commissioner on behalf of the Minister (we will deal with these concerns later in these reasons). The details of this plan are not being released because we consider that this creates the best environment for this detailed plan to work. Based on past experience with matters to do with this inmate, intense media scrutiny may be counterproductive.

Over the last 4 years this inmate has had a satisfactory prison performance and has consequently achieved a low prison security classification. This has enabled the inmate to engage in approved work. She has been successful at this and achieved promotion. Her employer is willing to offer her work while on parole. When working, she attended unaccompanied and with no difficulties.

This inmate has engaged in a range of therapeutic activity including a VOTP programme undertaken via (one on one) psychological counselling. These interventions, in our view, successfully meet the requirement for the inmate to address her offending behaviour.

Once released into the community, this inmate has, as part of her post release plan, a number of appropriate support mechanisms, both at her accommodation and from The Gender Centre and the Community Compliance Group (CCG). Her post release plan will include ongoing therapeutic intervention.

The Commissioner, on behalf of the Minister for Corrective Services, remains 'technically' opposed to parole. He is, of course, aware of all the details of the post release plan. He is concerned with the institutionalisation of the inmate and her "*high-end*" supervision needs. We consider the monitoring (including electronic surveillance) together with the support mechanisms which have been arranged (through accommodation and the Gender Centre) will successfully address his concern.

The Authority has received from time to time submissions in this matter from those on the Victim's Register. The latest written submission from the victim's mother said relevantly "*you will know that I have no desire for offenders to be gaoled indefinitely. However, I do believe that the first priority should be that of community safety*". She went on to express concerns that she did not know the details of the post release plan. She particularly wanted herself and Mr Tony Nagy and families protected. Mr Nagy who read Mrs Saunders submission to the Authority also provided and spoke to a 29 page personal submission regarding parole. His final conclusion, conceding that this inmate would eventually be released in 2011, was that she should be on "*life*" parole supervision. This is not an order that can be made by SPA. The SPA has been assisted in its task by the long term concern and interest taken by Mrs Saunders and Mr Nagy.

The State Parole Authority considers that this inmate needs, as do most inmates, a period on parole to re-integrate into the community. We consider that it is in the interest of the Public that they do so. She has been in gaol for over 20 years of a 22 year sentence and is institutionalised. Supported parole provides the safest way to set up living and working structures to allow this inmate to live a law-abiding lifestyle. In the interest of public safety we have constructed a high level supervision regime, including electronic monitoring (accepted by the inmate). The alternative is to have her released at the end of her sentence with no support at all.

We do not consider that it is in the public interest for this to occur.

In making this decision the Parole Authority has had regard to the need to protect the safety of the community and the need to maintain confidence in the administration of justice.

The State Parole Authority therefore grants parole to Maddison HALL. The parole order will take effect no earlier than 15 April 2010 and no later than 22 April 2010.

The inmate will be subject to the following standard parole conditions 1 to 14:

1. The offender must, while on release on parole, be of good behaviour.
2. The offender must not, while on release on parole, commit any offence.
3. The offender must, while on release on parole, adapt to normal lawful community life.
- 4.* The offender must, until the order ceases to have effect or for a period of 3 years from the date of release (whichever is the lesser), submit to the supervision and guidance of the Probation and Parole Officer and/or Compliance and Monitoring Officer (hereafter referred to as "the Officer") assigned to the supervision of the offender for the time being and obey all reasonable directions of that Officer.
5. The offender is to report to the Officer or to another person nominated by that Officer at such times and places as that Officer or nominee may from time to time direct.
6. The offender is to be available for interview at such times and places as the Officer (or the Officer's nominee) may from time to time direct.
- 7a. The offender is to reside at an address approved by the Officer.
- 7b. The offender is to permit the Officer to visit the offender at the offender's residential address at any time and, for that purpose, to enter the premises at that address.
8. The offender is not to leave New South Wales without the permission of the Officer's Manager.
9. The offender is not to leave Australia without the permission of the Parole Authority.
10. The offender, if unemployed, is to enter employment arranged or agreed on by the Officer or make himself or herself available for employment, training or participation in a personal development program as instructed by the Officer.
11. The offender is to notify the Officer of any intention to change his or her employment if practicable before the change occurs or otherwise, at his or her next interview with the Officer.
12. The offender is not to associate with any person or persons specified by the Officer.

13. The offender is not to frequent or visit any place or district designated by the Officer.
14. The offender is not to use prohibited drugs, obtain drugs unlawfully or abuse drugs lawfully obtained.

The State Parole Authority has also identified that the following additional conditions will apply to the parole order:

15. The offender must submit to electronic monitoring of his or her compliance with the parole order.
16. The offender must comply with all instructions given by the Officer in relation to the operation of monitoring systems.
17. The offender must totally abstain from alcohol.
18. The offender must, if so directed by the Officer, seek assistance in controlling his or her abuse of drugs and/or alcohol and must authorise in writing that his or her medical and other professional and/or technical advisers or consultants make available to the Officer a report on his or her medical, and/or other conditions at all reasonable times.
19. The offender must not use, or be in possession of, a prohibited drug or substance.
20. The offender must undertake testing for drug and/or alcohol use, where facilities are available, at the direction of the Officer.
21. The offender must, if so directed by the Officer, undergo psychological assessment and counselling at a place or places determined by that Officer and must authorise in writing that his or her medical and other professional and/or technical advisers or consultants make available to the Officer a report on such assessment and counselling at all reasonable times.
22. The offender must not contact, communicate with, watch, stalk, harass or intimidate [Mrs Marrion Saunders and Mr Tony Nagy and families].
23. The offender must not possess or use any firearm.

In making the determination to release HALL on parole, the Parole Authority also had regard to the following matters relevant to Section 135 of the Crimes (Administration of Sentences) Act 1999.

- a) The Judge set a non parole period.
- b) Parole was recommended by the Probation and Parole Service.

- c) Parole is supported by the Serious Offenders Review Council (SORC).
- d) The inmate has had satisfactory prison performance.
- e) The inmate has participated in the external leave program involving day leave and work release.
- f) The inmate has participated in a relevant therapeutic program (Violent Offender Treatment Program (VOTP) Maintenance and Outreach Program).
- g) The inmate has completed relevant custodial programs (SMART and AOD courses).
- h) The inmate has participated in psychological counselling.
- i) The inmate has appropriate community support.
- j) The inmate has suitable post release plans.
- k) The inmate has employment upon release.
- l) The inmate has access to and is willing to participate in relevant community counselling and programs upon release.
- m) There is a need for the inmate to have a period of parole supervision prior to the expiry of the sentence to minimise the effects of institutionalisation.