

Your Ref: Ms Sarah Moulds

Quote in reply: Criminal Law Section

22 March 2011

Mr Bill Grant
Secretary-General
Law Council of Australia
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By Post and Email: Bill.Grant@lawcouncil.asn.au, sarah.moulds@lawcouncil.asn.au

Dear Mr Grant

NORTHERN TERRITORY PAROLE DECISIONS

We write to draw your attention to the media release of 15 December 2010 by John Elferink, Northern Territory Shadow Minister, titled "Heiss should stay in jail," which recommends that parole decisions be transferred to Cabinet. The Queensland Law Society's Criminal Law Section discussed this issue at their last meeting and were concerned about the effect on the criminal justice system if such a proposal were to be adopted and implemented.

We consider that it would be inappropriate to transfer parole decisions to Cabinet. In our view, parole decisions should remain with Parole Boards. This is because Parole Boards are independent bodies that are separate from government and operate at arm's length from Government. We consider that Parole Boards, by virtue of their composition, are better placed to work with criminal justice groups and to make assessments regarding prisoners. Furthermore, we believe that if parole decisions are made by Cabinet, there may be implications for the separation of powers.

In this regard, we suggest that this would be an appropriate LCA advocacy issue as such a proposal may become an issue in the jurisdictions of the other LCA constituent bodies. The Queensland Law Society would be more than happy to support and assist your organisation, should you wish to advocate on this issue.

If you have any questions regarding the contents of this letter, please do not hesitate to contact Ms Binny De Saram, a Policy Solicitor with our office on (07) 3842 5885 or b.desaram@qls.com.au.

Yours faithfully

Bruce Doyle
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