

## **Prisoners get \$200,000 over rights breach**

By Noel Towell Legal Affairs Reporter

413 words

11 September 2009

[Canberra Times](#)

CANBTZ

1

English

(c) 2009 The Canberra Times

Three criminals, including a child sex offender, have won more than \$200,000 in compensation and costs from the ACT Government over their wrongful imprisonment by the territory's parole board. The men, originally sentenced to weekend detention by the courts, were ordered by the ACT Sentence Administration Board into full-time jail in the tough NSW penal system after committing breaches of their periodic detention orders. In a scathing judgment delivered yesterday, ACT Supreme Court Justice Malcolm Gray made the compensation order in the cases of Paul Brian Morro, Tooraga Andrew Ahadizad and another offender who, for legal reasons, can only be identified as N.

Justice Gray ruled that the men were entitled to the payouts because their human rights were breached by their being arbitrarily detained by the Sentence Administration Board which, in one instance, wrongly interpreted its own legislation. The case, which attracted the

intervention of the Human Rights Commissioner, is the most significant yet to be decided under the territory's controversial Human Rights Act. Morro, a 58-year-old serial drink-drive offender, will receive the biggest slice of compensation, \$90,000, after he spent 72 days in jail because of the "incorrect interpretation" of the Crimes Sentencing Act by the board in December 2006. Morro spent time in the Goulburn maximum security prison in what Justice Gray described as a "very unpleasant" 72 days behind bars, during which he was strip-searched by guards and robbed and intimidated by other convicts. The offender known as N was sentenced in March 2006 by the ACT Magistrates Court to 24 weekends in jail after admitting to five acts of indecency towards a 15-year-old girl.

After being bashed in the Symonston Detention Centre, the offender stopped reporting for his weekend detention and was sentenced by the board, in his absence, to 15 weeks' full-time jail. He was taken to Silverwater, Parklea and Kirkconnell jails for a total of 28 days before he was released on bail after an appeal to the ACT Supreme Court. Justice Gray noted in his judgment yesterday that the prisoner lost 14kg in his first 14 days in jail. N was awarded \$40,000 in general damages, and more than \$7000 in costs. The sum included \$3000 in compensation for his bashing by another detainee at Symonston after the territory admitted that it had breached its duty of care.

13008318

Document CANBTZ0020090910e59b0001w