



Justice  
State Parole Authority

# ANNUAL REPORT 2017





**Justice**  
State Parole Authority

The Hon. David Elliott, MP  
Minister for Corrections, Minister for Emergency Services,  
and Minister for Veterans Affairs  
52 Martin Place  
SYDNEY NSW 2000

Dear Minister

In accordance with Section 192 of the *Crimes (Administration of Sentences) Act, 1999*, I have the pleasure in submitting to you, for the information of Parliament, the report of the NSW State Parole Authority for the period 1 January 2017 to 31 December 2017.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J R T Wood'.

J R T WOOD, AO, QC  
7 November 2018

## NSW State Parole Authority

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## Key to Common Acronyms

CSNSW	Corrective Services NSW
SPA	State Parole Authority
SORC	Serious Offenders Review Council
ICO	Intensive Correction Order

## Who we are

The NSW State Parole Authority (SPA) is an independent statutory authority governed primarily by the *Crimes (Administration of Sentences) Act 1999*.

## What we do

The SPA's role is the protection of the community through determining whether offenders can be safely released into, or remain in, the community. The Parole Authority make decisions in relation to:

- ◆ the supervised, conditional release of offenders from custody on parole
- ◆ the conditions of release
- ◆ the revoking of parole orders for non-compliance and return to custody
- ◆ the revoking, substituting or reinstating of periodic detention, home detention and intensive correction orders

## Release by the State Parole Authority vs Court Based Orders

A non-parole period is a minimum term of imprisonment during which time an offender is not eligible to be released from a correctional centre.

The State Parole Authority considers the release to parole of all inmates who have total sentences of more than three years and a non-parole period, as specified by the Court.

The *Crimes (Sentencing Procedures) Act 1999* prescribes that if a court sentences an inmate to a term of imprisonment of three years or less with a non parole period, the court must issue a parole order and set the parole conditions. Dependent upon appropriate post release plans being approved by Community Corrections, the inmate will be released from custody 'automatically', i.e. at the expiration of the non-parole period.

## Parole reform : A time of change

In 2017, the NSW Government announced a series of justice reforms designed to create safer communities, and included changes to *Crimes (Administration of Sentences) Act 1999* [the Act]. These changes encompassed a number of recommendations from the NSW Law Reform Commission Parole Report, commencing roll out in 2017 with finalisation on all changes by 2018.

The most significant legislative change to affect the Parole Authority commenced operations on 23 November 2017 with changes to Section 135 of the Act and has been called the *Community Safety Test*.

The *Community Safety Test* compels the Parole Authority to ensure that community safety is the paramount consideration when making parole decisions by ensuring that a parole order directing the release of an offender cannot be made unless it is satisfied that it is in the interests of the safety of the community. Additional factors the Parole Authority must now consider as part of the Community Safety Test include, if applicable, whether the inmate failed to disclose the location of the remains of a victim and whether the inmate has provided any post-sentence assistance.

Additional legislative changes that commenced operation in 2017 included:

- Manifest injustice provisions to be applied to revocation matters and to also allow Community Corrections to request that the Parole Authority reconsider the decision to refuse or revoke parole under specific circumstances.
- Registered victims of crime being informed when there were important changes to a relevant offender's circumstances in custody, including when the inmate is being considered for parole. This provides the opportunity for registered victims to make timely submissions to the Parole Authority during the parole consideration process.
- Legislation to prevent the release of terrorism-related offenders unless satisfied the offender will not engage in, incite or assist others to engage in, terrorist acts or violent extremism

The following year, will see changes to:

- Parole conditions, Community Corrections and Parole Authority responses to breaches of parole
- Reintegration home detention
- Sentencing legislation

## How we do it

An inmate's release to parole is not an automatic right at the end of the non-parole period in circumstances where the total sentence is greater than three years and one day.

Prior to November 2017, Section 135(1) of the *Crimes (Administration of Sentences) Act 1999* states that "The Parole Authority must not make a parole order directing the release of an offender unless it is satisfied that it is in the interests of the safety of the community." As outlined on page 5, community safety became of paramount concern in considering release to parole.

The SPA conducts private meetings to determine whether an offender should be released on parole. This decision is based on a range of documents provided by the relevant authorities.

If parole is granted, a parole order is issued and the offender is released on their eligibility date. In the case of serious offenders, the matter is adjourned to a public hearing to provide the opportunity for registered victims and the State to make submissions before a final decision is made.

If parole is refused, the offender is able to apply for a public hearing to review the decision not to be released to parole. Offenders can appear by audio/video link and be legally represented. If the offender declines a hearing, or does not convince the SPA that a hearing is warranted, the decision to refuse parole is confirmed.

When specifying reasons for refusing parole, great care is taken to include all the issues and concerns at the time of consideration so that the offender or their representative can fully address those issues at a public hearing.

The next time the offender is eligible for parole is the anniversary date of the earliest release date. If there is less than 12 months remaining on the offender's sentence, they will be released on the date the sentence expires. Offenders may apply to have their case considered earlier.

In rare cases, the release of an offender before the expiry of a sentence or non-parole period may also be considered if the offender is dying or there are other exceptional circumstances.

## What we consider

In reaching its decisions, the SPA considers the safety of the community, matters that affect the victims of the crime, factors that affect the offender and the intentions of the sentencing court.

It takes into account a broad range of material to determine if the offender is suitable to be released to the community on parole. This includes:

- ◆ Nature of the offence/s
- ◆ Sentencing court's comments
- ◆ Offender's criminal and supervision history
- ◆ Risk to the community
- ◆ Post-release plans
- ◆ Reports and recommendations from medical practitioners, psychiatrists and psychologists, if available
- ◆ Reports and recommendations from Community Corrections
- ◆ Representations made by any registered victims or persons representing victim/s
- ◆ Submissions by the offender's support network (family/friends/potential employers or other relevant individuals)
- ◆ Representations made by the offender
- ◆ Submissions by the State and the Serious Offenders Review Council—if applicable

In all cases, strict conditions are imposed on the offender and additional conditions may be included to specifically address the management of the parolee in the community. These may include:

- ◆ Assessment, treatment and testing for alcohol or drug addiction
- ◆ Assessment, treatment and counselling for medical, psychiatric or psychological issues
- ◆ Restricted contact with individuals
- ◆ Restrictions on places the offender is able to visit
- ◆ Attendance at personal development programs

## Victims

It is a fundamental belief of the NSW Government that victims of crime should be treated with courtesy, compassion and respect for their rights and dignity as victims.

The New South Wales Government enacted the *Victims Rights Act 1996* to establish the Charter of Victims Rights. This requires State agencies to have regard to the Charter in the administration of justice and other relevant affairs of the State.

The NSW Government also enacted legislation in the *Crimes (Administration of Sentences) Act 1999* to establish the Victims Register which requires that victim submissions be taken into account when considering the release of an offender to parole.

Written notice is given to victims registered on the Victims Register prior to the preliminary consideration of an offender's release. This is coordinated through the Victims Register, a unit within CSNSW. Victims are able to lodge a written submission and provide the SPA with their input into the decision making process.

A registered victim of a serious offender also has an opportunity to make verbal or written submissions to the SPA at the public review hearing before a final decision is made about the serious offender's release to parole.

Victims of serious offenders are also entitled to access modified documents regarding the serious offender's efforts to address their offending behavior.

## Serious offenders

Section 3(1) of the *Crimes (Administration of Sentences) Act 1999* defines serious offenders. These include inmates serving a sentence with a non-parole period of at least 12 years, inmates convicted of murder, or those where the Commissioner of CSNSW has determined that designation of *serious offender* is appropriate.

The Serious Offenders Review Council (SORC) is the statutory authority that is responsible for managing serious offenders in custody.

One role of the SORC is to provide advice to the SPA concerning the release on parole of serious offenders as they become eligible for release. Advising in particular, whether or not it is appropriate for the inmate to be released on parole.

Except in exceptional circumstances, the SPA must not make a parole order for a serious offender unless the SORC advises that it is appropriate for the offender to be released on parole.

If the SPA forms an intention to grant parole the matter must be listed for a public hearing. This allows for the State and registered victims to make submissions regarding the release of the offender before the SPA makes a final decision to either grant or refuse parole.

## Manifest injustice

Upon an offender being refused release to parole, the *Crimes (Administration of Sentences) Act 1999* states that parole consideration cannot occur for another 12 months.

Early consideration of a case may occur under the provisions of manifest injustice. Clause 223 of the *Crimes (Administration of Sentences) Regulation 2014* detail the matters that constitute manifest injustice. These include a decision to refuse parole being based on incorrect or incomplete information, or an offender meeting requirements that were previously beyond their control such as the completion of relevant programs, external leave, availability of suitable accommodation, health services or the withdrawing of further charges.

The provisions of *manifest injustice* previously applied to offenders in custody who had been refused parole. There was no such provision for parolees who have had their order revoked while on parole, prior to legislative change enacted in July 2017.

This change now allows parolees who have had their order revoked to be considered under the provisions of manifest injustice and allow Community Corrections to request that the Parole Authority reconsider the decision to refuse or revoke parole under specific circumstances.

## Suspension of parole

If circumstances exist where a division of the SPA cannot meet on a matter requiring urgent attention, the Commissioner of CSNSW may apply to a Judicial Member of the SPA to suspend an offender's parole order and issue a warrant for their arrest and return to a correctional centre.

Such circumstances may occur when an offender presents as a serious and immediate risk and concerns exist that the offender will abscond, harm another person or commit an indictable offence.

A suspension order remains in force for up to 28 days after the offender is returned to custody. During this period, a full division of the SPA has the opportunity to review the offender's situation and determine whether it is appropriate to revoke the parole order or allow time for an inquiry to be conducted into the allegations that led to the suspension of the parole order.

## Periodic detention and Intensive Correction Orders (ICO)

On 1 October 2010, Periodic Detention ceased being a sentencing option in NSW and Intensive Correction Orders were substituted for this sentencing option. An offender sentenced to a Periodic Detention Order prior to 1 October 2010 continues to serve this order to completion.

Intensive Correction Orders are a community based sentence of two years or less (without a parole period) that involves supervision of an offender by Community Corrections and requires offenders to complete a compulsory work component.



## Parole supervision

Parole is the supervised and supported reintegration of offenders in the community prior to their total sentence expiring. Parole provides a continuing measure of protection to the community during this period.

Parole does not mean that offenders are free, as an offender is still considered to be subject to their sentence and the consequences for breaching such an order.

Release to parole is not leniency or a reward for good behaviour, but an extension of the sentence that provides the opportunity to assist and monitor an offender's adaption to a normal, lawful community life.

Parole ensures the safety of the community by ensuring offenders are supervised and supported during their return to the community, and reduces the likelihood that the offender will commit further offences. It provides an effective way of protecting the community than would a release of an offender at the expiry of their sentence, without the assistance and supervision of a parole period.

As a bridge between custody and liberty in the community, parole is a form of conditional release that involves a thorough review of information and assessment of risk.

Parolees must abide by the conditions of their release. If the conditions of parole are not met, parole may be revoked and the offender returned to custody.

The Community Corrections division of CSNSW is responsible for the supervision of parolees in New South Wales.

## How orders are revoked

The SPA may consider the revocation of parole orders, including those issued by courts, if parolees fail to comply with the conditions of their order.

It may consider the revocation of a court-based parole order before release if the offender shows an inability to adapt to normal lawful community life or does not have suitable post release accommodation.

The SPA is also responsible for revocation of home detention orders and intensive correction orders.

If an order is revoked, a public hearing is held to review the decision. When the revocation of a parole order is confirmed, the offender is not eligible for re-release for 12 months from the date they returned to custody or at the end of the sentence if the balance of parole remaining is less than 12 months.

When the revocation of a home detention, periodic detention or intensive correction order is confirmed, the offender remains in fulltime custody. However, the order can be reinstated by the SPA after the offender has served at least three months in the case of periodic detention and home detention orders and one month for intensive correction orders following an assessment by Community Corrections.

Alternatively, the balance of periodic detention or intensive correction orders may be served, if approved, by way of home detention.

# 2017 Snapshot

Items	2015	2016	2017	%
Matters considered	15,601	19,775	20,127	1.78
SPA Meeting Days	318	321	349	8.72
- Private	100	98	131	33.67
- Public	142	144	138	-4.17
- Secretary Sitting	51	52	51	-1.92
- ICO/HD/PD Division	27	29	29	0
ICO Revoked	443	445	497	11.69
Reinstatement Ordered	182	214	231	7.94
Reinstatement Declined	16	13	2	-84.62
Overseas Travel Approved	14	28	25	-10.71
Total Parole Releases	6,598	8,010	8,308	3.72
- SPA Orders	973	1,188	1,249	5.13
- Court Based Orders	5,625	6,822	7,059	3.47
Total Parole Refused	297	256	210	-17.97
Total Parole Orders Revoked	2,579	2,838	2,859	0.74
- SPA Orders	470	466	479	2.79
- Court Based Orders	2,109	2,372	2,380	0.34
Total Revocations Rescinded	410	455	512	12.53
Variations to Parole Orders	193	171	213	24.56
SPA Formal Warnings	1,145	842	824	-2.14
State Submissions	22	47	28	-40.43
Victim's Submissions	98	61	107	75.41
Overseas Travel Approved	24	8	10	25.00
Interstate Transfers to NSW	33	35	60	71.43
Appeals	14	14	5	-64.29

# Activity

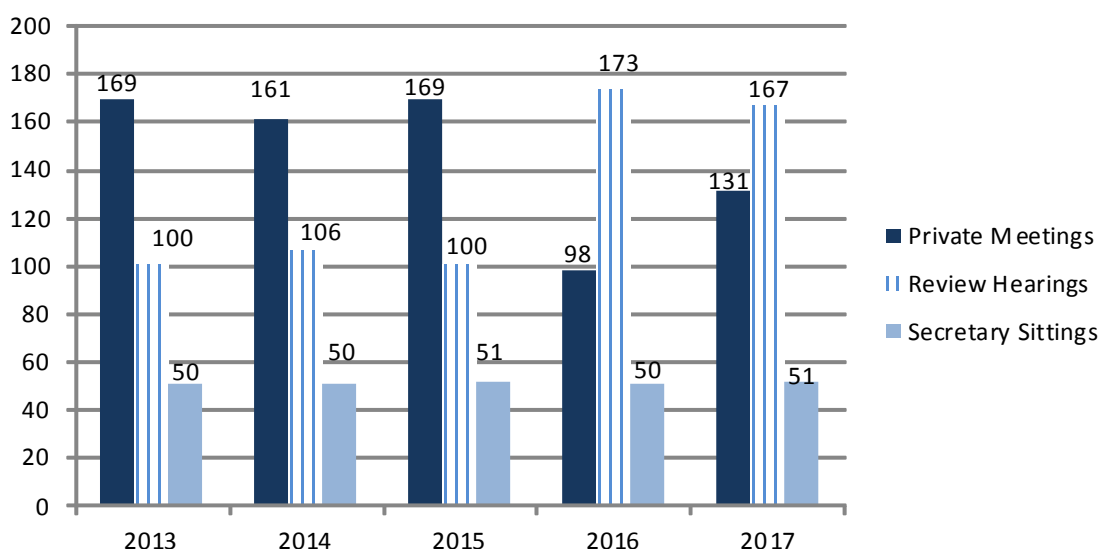
## Cases considered by the SPA

The SPA meets weekly to deal with its significant workload. Each week there are three private meetings (principally for consideration of release to parole and revocation of parole) and four public review hearings (to review decisions and a specific day to deal with intensive correction order matters).

In the case of all meetings (both private meetings and review hearings), material for consideration is distributed to the members of the SPA one week prior to the meeting for reading and reflection, prior to meeting to consider each matter

A single matter may be considered on more than one occasion. This is most clearly understood given the holding of public review hearings for the refusal or revocation of parole, given these matters would have commenced initial consideration in a private meeting. Other matters may be considered on multiple occasions where it is stood over for the receipt of additional reports or to await the finalisation of ongoing court matters.

20,127 matters were considered over 349 meetings in 2017. This total included 51 *Secretary Sittings*, sittings for the purpose of dealing with various administrative decisions for cases under consideration. Examples of these decisions include the registration of interstate parole orders, standing a case over to a future date to allow for a report submission or the finalisation of court results.



SPA Volume 2013 -2017					
	2013	2014	2015	2016	2017
Cases Considered	12,045	13,760	15,601	19,775	20,127
Meeting days	319	318	319	321	349

## Parole ordered

The SPA ordered release to parole in 1,249 cases in 2017 representing approximately 15% of all parole releases. Of the 1,249 matters, three offenders were granted parole pursuant to Section 160 of the *Crimes (Administration of Sentences) Act, 1999*, which permits parole to be granted before the expiry of the non-parole period if the offender is dying or there are other exceptional circumstances.

The remaining 7,059 releases from custody were court based orders subject to an automatic release from custody and were not considered by the Parole Authority

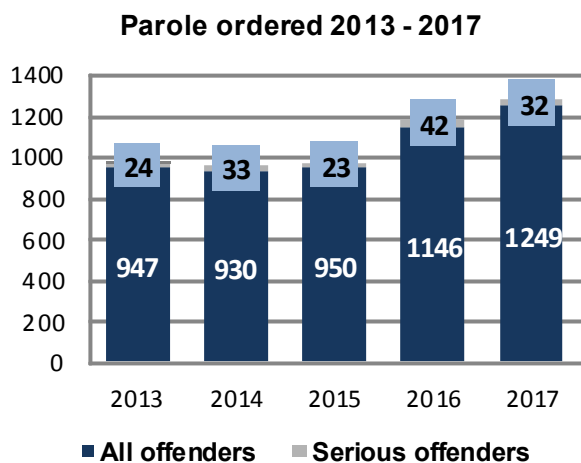
**Parole ordered by SPA Totals 2013 - 2017**

2013	2014	2015	2016	2017
971	963	973	1,188	1,249

## Serious offenders

Of the 1,249 parole orders determined by SPA in 2017, 32 parole orders were made in relation to serious offenders.

There were no serious offenders granted parole pursuant to Section 160 of the *Crimes (Administration of Sentences) Act 1999* during 2017



## Parole refused

The SPA does not automatically release offenders to parole at the end of the non-parole period for sentences of more than three years.

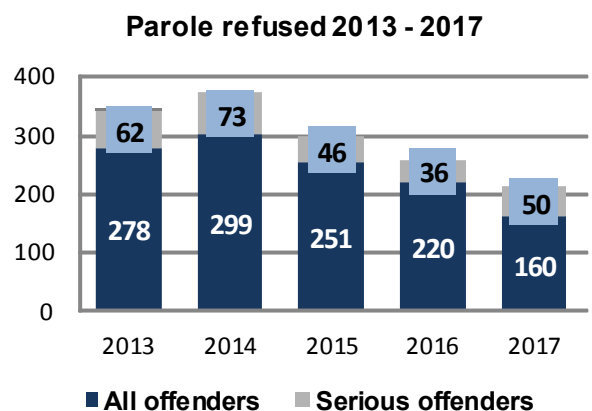
In 2017, parole was refused in 210 cases.

**Parole refused 2013 2017**

2013	2014	2015	2016	2017
340	372	297	256	210

## Serious offenders

Of the 210 parole matters refused by SPA in 2017, 50 cases were related to serious offenders.



## Parole revocation

The SPA revoked a total of 2,859 parole orders in 2017 of which approximately 83% were parole orders made by the court.

Of all revocations, 972 were the result of a breach of conditions other than the commission of further offences. These breaches included the failure to maintain contact with Community Corrections, leaving the State without permission, failure to attend for appointments with service providers and failure to abstain from drug and/or alcohol use.

The total number of breaches that were as a result of outstanding charges or further convictions was 1,142. While 745 revocations were for both a

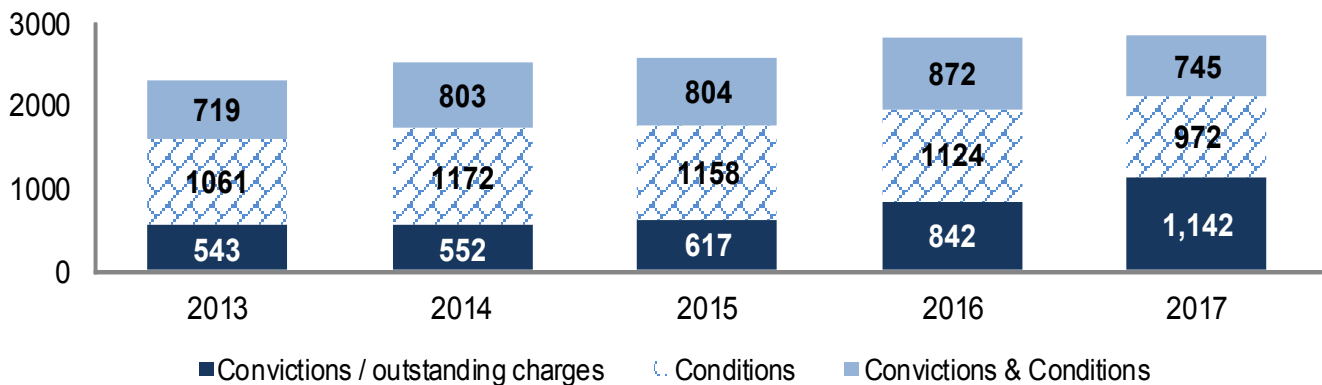
## Serious offenders and revocations of parole

In 2017 four serious offenders had their parole order revoked for breach of conditions that were not related to re-offending.

Two serious offenders had their parole order revoked for outstanding charges.

Of the 745 offenders that were revoked for breach of supervision conditions and further conviction/s, three were serious offenders.

Revocation of Parole Orders - all offenders  
2013 - 2017



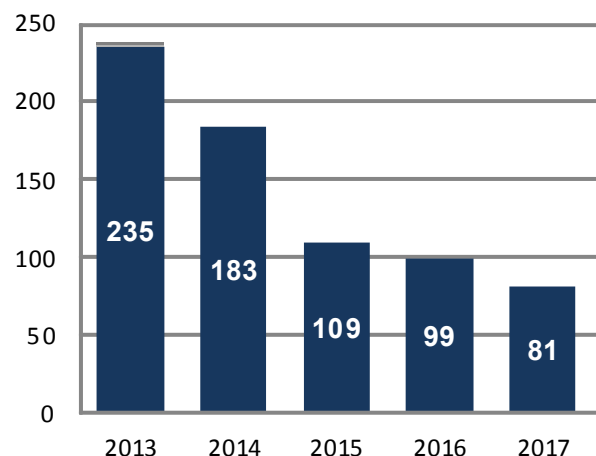
## Parole revocations prior to release

The SPA may also consider the revocation of parole prior to an inmate's release, including court-based parole under specific circumstances, including where an inmate:

- behaves in a way in custody that indicates they are unable to adapt to a normal lawful community life upon release;
- does not have suitable post release accommodation; or
- does not wish to be released to parole.

In 2017, SPA revoked 81 parole orders prior to release, 63 of which were for court-based orders.

Parole revocation prior to release  
2013 - 2017



## Parole revocations rescinded

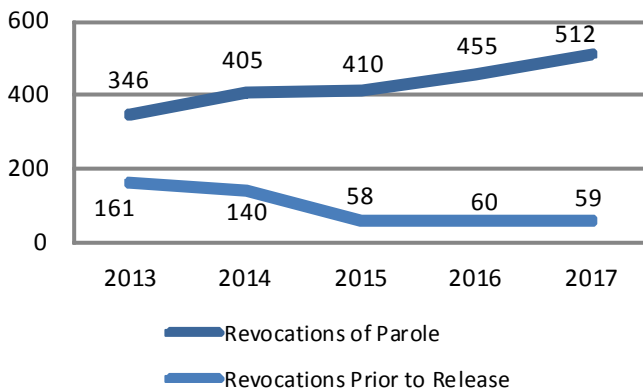
Once an offender is returned to custody on a parole revocation warrant, they have the right of review in a public hearing before the SPA.

This provides the opportunity for the SPA to determine whether incorrect information was relied upon on the initial consideration of the case or whether there are circumstances that would support rescission of the revocation and the offender's return to parole supervision in the community.

In 2017, 512 parole revocations were rescinded and a further 59 revocations of parole prior to release were also rescinded.

Of the 512 parole rescissions, three of these related to serious offenders.

**Parole revocations rescinded  
2013 - 2017**



## Variations to parole orders

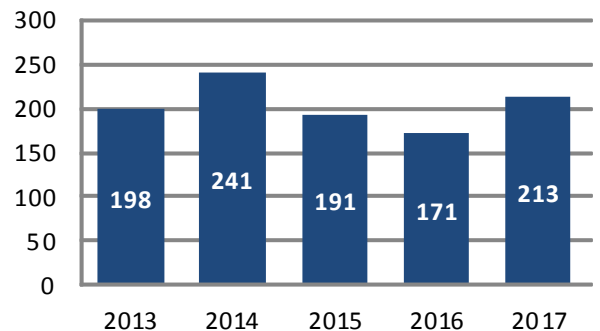
In some instances, it is necessary to vary the conditions of a parole order to ensure the conditions continue to be relevant and appropriate or to assist with the supervision of a parolee.

Parole orders may be varied for a multitude of reasons including the addition or removal of electronic monitoring, the imposition of geographical restrictions for the offender and to restrict contact between offenders and victims or offenders and antisocial associates.

Requests to vary a parole order may come from Community Corrections, victims, the police and other sources.

In 2017, variations to parole orders were made on 213 occasions.

**Parole orders varied 2013 - 2017**



## Warnings

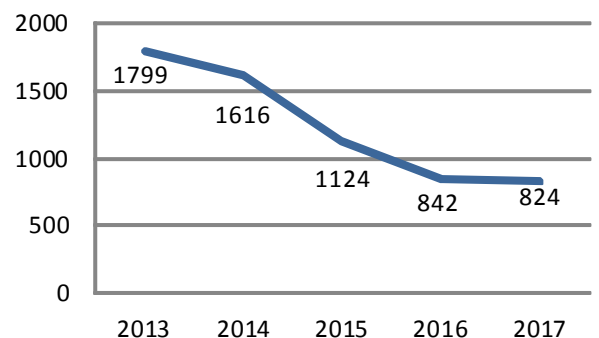
Formal warnings are issued to parolees who are at risk of having their parole orders revoked for breaching conditions of the order.

Parolees are advised in writing by the SPA that their continued failure to comply with the conditions of parole may result in revocation of their parole order.

824 SPA warnings were issued in 2017.

Serious offenders made up nine of the 824 warnings issued in 2017.

**SPA formal warnings 2013 - 2017**



## Overseas travel

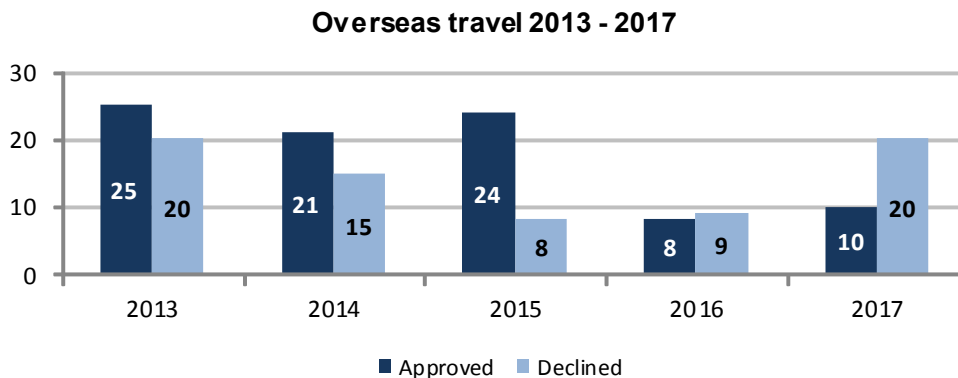
Parolees must seek approval from the SPA prior to travelling overseas and must provide evidence as to the reason for the request. Applications for travel must also be supported by a report from Community Corrections indicating the parolee's compliance with the parole conditions and stability in the community.

It is unlikely that such stability could be demonstrated in less than six months from the date of release to parole and in general, travel for recreational purposes is not approved.

In 2017 the SPA considered 30 applications for overseas travel, with 20 applications being declined. The 10 parolees approved for overseas travel reported as directed upon their return to New South Wales.

## Serious offenders and overseas travel

Of the 30 applications for overseas travel received by the SPA two were from serious offenders with one approved.

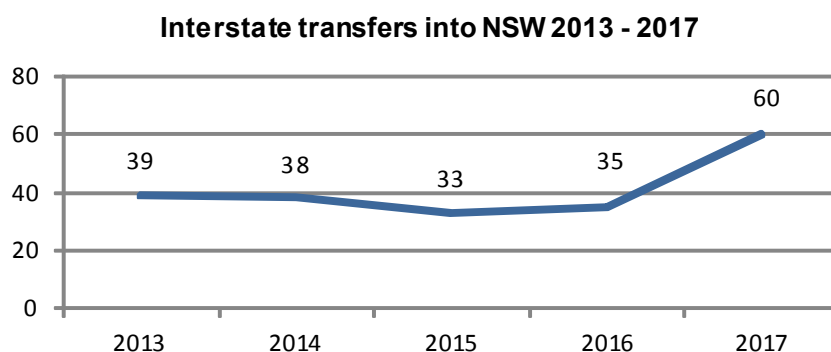


## Interstate transfer of parole

Legislation in all Australian States and Territories enables the interstate transfer of parole orders for reasons such as family responsibilities or to pursue work or study opportunities.

Once a parole order is registered in the receiving jurisdiction it ceases to have effect in the originating State or Territory. The laws of the receiving jurisdiction apply as if the sentence of imprisonment had been imposed, served, and the parole order issued, in that jurisdiction. If an offender breaches the conditions of parole, the order can be legally enforced in the receiving jurisdiction.

There were 60 registrations of interstate parole orders in NSW in 2017.



## State submissions

Section 153 of the *Crimes (Administration of Sentences) Act 1999* provides the opportunity for the State to make submissions to the SPA at any time concerning the release on parole of a serious offender.

There were 28 submissions received by the State for 18 serious offenders in 2017.

## Commissioner submissions

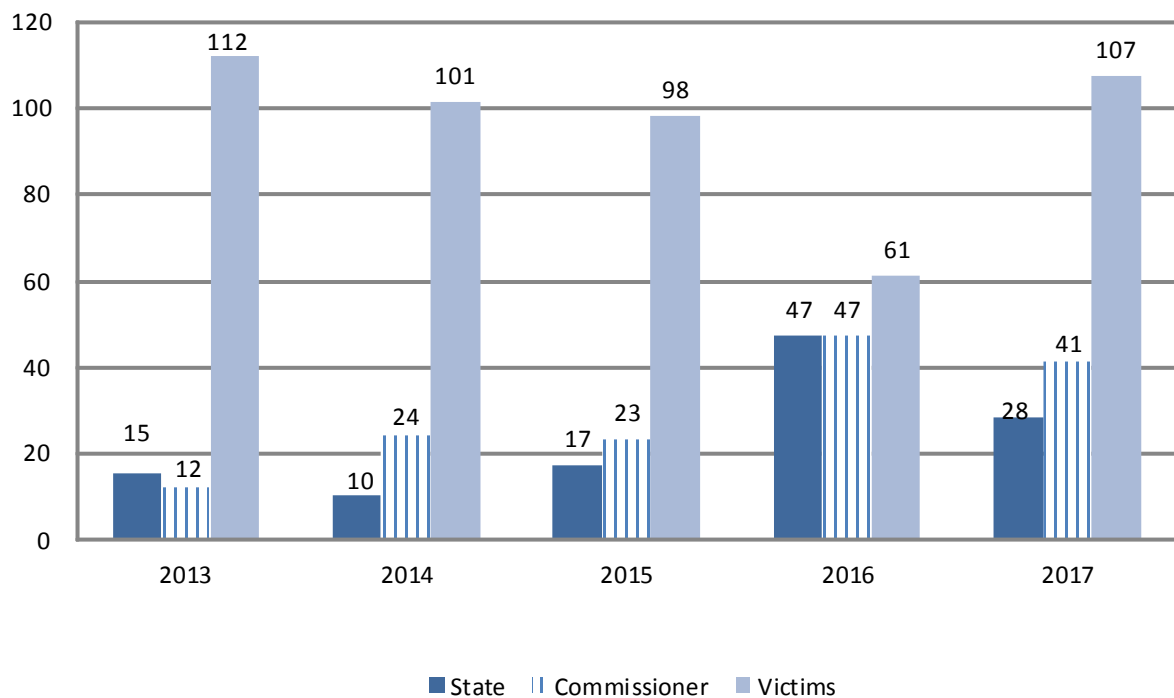
Section 141A of the *Crimes (Administration of Sentences) Act 1999* provides the opportunity for the Commissioner of CSNSW to make submissions concerning the release on parole of any offender.

There were 41 submissions received by the Commissioner for 29 offenders in 2017.

## Victim submissions

The *Crimes (Administration of Sentences) Act 1999* gives victims of crime the right to make submissions to the SPA when it is considering a decision about an offender that could result in release to parole. Written notice is given to victims registered on the Victims' Register prior to the preliminary consideration of an offender's release. 107 submissions were received from registered victims in 2017 with 24 of these in relation to serious offenders.

Submissions 2013 - 2017





## Serious offenders

According to Section 135(3) of the *Crimes (Administration of Sentences) Act 1999*, except in exceptional circumstances, the SPA must not make a parole order for a serious offender unless SORC advises that it is appropriate.

Parole granted - of the 1,249 parole orders determined by the SPA in 2017, 32 of these related to serious offenders. Of all offenders granted parole by the SPA, only 2.56% were serious offenders.

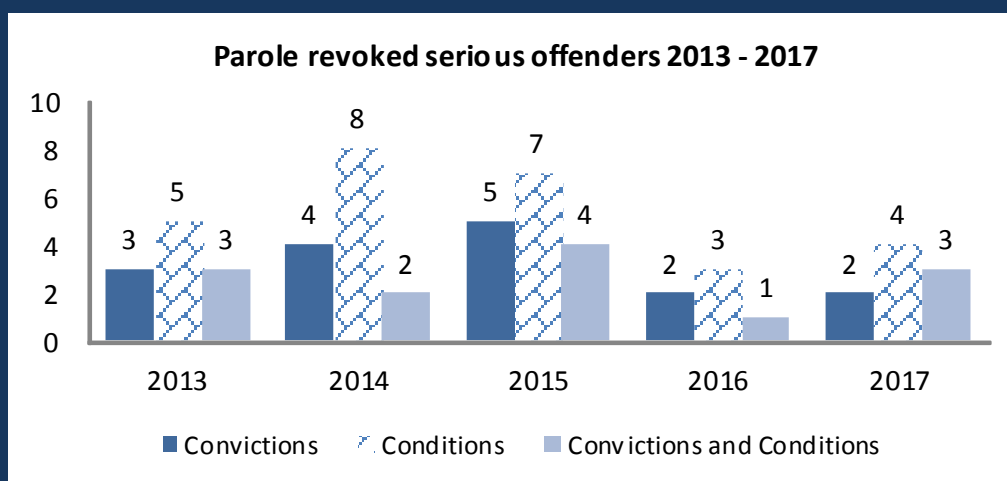
Parole refused - of the 210 offenders refused parole by the SPA in 2017, 50 cases were related to serious offenders and this represents 23.36% of all offenders refused parole.

Victims access to documents - Section 193A(2) of the *Crimes (Administration of Sentences) Act 1999* allows the victim of a serious offender to access certain documents held by the SPA concerning the measures the offender has undertaken to address their offending behaviour. During the year, the SPA provided nine victims of serious offenders with access to such documentation.

Victim submissions - the SPA received 24 submissions from victims of serious offenders during 2017.

State submissions - the SPA considered 28 State submissions in relation to 18 serious offenders in 2017.

Revocation of parole - nine serious offenders were revoked in 2017. Four serious offenders were revoked for breach of conditions that were not related to re-offending. Two serious offenders were revoked for re-offending and three serious offenders were revoked for both a breach of conditions and re-offending.



Warnings - serious offenders accounted for nine of the 824 warnings issued in 2017.

Variation to parole conditions - there were variations made to seven parole orders for serious offenders in 2017.

Overseas travel - one application for a serious offender to travel overseas was approved in 2017.

## Appeals

The legislation permits an offender to appeal a decision of the SPA. Appeals are made to a single judge sitting in the Administrative Division of the NSW Supreme Court. This legislation does not give the Supreme Court jurisdiction to consider the merits of the decision or release of an offender to parole, but the court may provide directions for the SPA to reconsider the matter.

In such appeals the offender usually alleges that a decision was made on the basis of false, misleading or irrelevant information.

In 2017 there were five appeals to the Supreme Court with one commencing in 2016.

Section 156 provides for the Attorney General or Director of Public Prosecutions to allege that the SPA made a decision regarding a serious offender on false, misleading or irrelevant information. This allegation is then considered by the Supreme Court who may provide direction to the SPA. There were no such appeals in 2017.

## Intensive Correction, Home Detention and Periodic Detention Orders

A separate division of the SPA deals specifically with cases arising from Intensive Correction and Home Detention Orders. This division also deals with the remaining Periodic Detention Orders still in force since its abolition as a sentencing option in 2010. In 2017, 29 meetings were held to consider matters related to Intensive Correction, Home Detention and Periodic Detention Orders.

### Home Detention

Home Detention is a rigorously monitored, community supervision program aimed at the diversion of offenders from incarceration in prison.

The decision to allow an offender on the Home Detention program is based on the nature and circumstances of the offence, the degree of risk an offender poses to the community and the suitability of the residence where the sentence will be served.

A Home Detention Order is still a custodial sentence and strict guidelines apply. Offenders are required to remain within their residences unless undertaking approved activities and may be required to perform community service, enter treatment programs, submit to urinalysis and breath analysis and seek and maintain employment. Community Corrections monitor offenders' compliance with conditions on a 24 hour-a-day basis utilising electronic monitoring.

If a detainee fails to comply with the order, Community Corrections prepares a breach report for the SPA's consideration. Breaches of supervision conditions, further offences or unauthorised absences may result in revocation of the Home Detention Order and imprisonment in a correctional centre. Once returned to custody, the offender can be assessed for reinstatement of the order after serving three months in custody.

In 2017, 19 detainees had their Home Detention Order revoked.

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#### Home Detention Orders 2017

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Revoked	19
Reinstatement ordered	8
Reinstatement declined	0
Warnings	13

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### Periodic Detention

In 2010 Periodic Detention was abolished. Prior to this when an offender was sentenced to a term of imprisonment of more than three months but less than three years, the sentence could be served by way of Periodic Detention. Some of these orders are still in existence.

The orders required the offender to remain in custody for two consecutive days of each week for the duration of the sentence, while also allowing offenders to maintain their ties to the community by remaining in employment and living with their families. Now these orders requiring detainees to complete community service work.

The SPA revoked a Periodic Detention Order when an offender had not attended, or failed to report for three detention periods without a reasonable excuse; as well as for other reasons.

When the order was revoked a warrant was issued for the apprehension of the offender to serve the remainder of the sentence in full time custody. Much like home detention, offenders could be reinstated on the order after serving three months in custody and upon a suitable assessment for such an order.

In 2017, there were no Periodic Detention Orders revoked by the SPA. Five orders were reinstated and five reinstated orders were converted to Home Detention.

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#### Periodic Detention Orders 2017

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Revoked	0
Reinstatement ordered	5
Reinstatement declined	0
Conversion to Home Detention	5

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## Intensive Correction Orders (ICO)

An ICO is a sentence of two years or less which is served by way of intensive correction in the community under strict supervision of Community Corrections.

An ICO is for a fixed period and does not have a parole period. The Court can sentence an offender to an ICO once an assessment for suitability has been completed by Community Corrections.

ICOs consist of a supervision/case management component and a community service order (work) component. The offender has to report to Community Corrections, perform 32 hours of community service work each month, attend rehabilitative programs where directed and be subject to drug and alcohol testing. There is also provision for the offender to be electronically monitored if considered necessary.

Community Corrections are responsible for the administration of these orders. If an offender does not comply with their order, a report is prepared submitted to the SPA for consideration.

In response to non-compliance, the SPA may issue a letter of warning to the offender, impose sanctions on the order, including seven days home detention, or revoke the ICO.

497 Intensive Correction Orders were revoked in 2017.

If an offender's ICO is revoked, the offender can apply for reinstatement of their ICO upon serving at least one month in custody. The offender must satisfy the SPA that they can successfully complete the remaining period on their ICO and a reinstatement report from Community Corrections must also assess them as suitable.

231 Intensive Correction Orders were reinstated in 2017.

Alternatively, an offender could seek conversion of the remaining period of the ICO to Home Detention, this occurred on only one occasion in 2017.

36 applications to travel overseas were considered by the SPA in 2017 for offenders on an ICO. Of these, 25 were approved to travel. All offenders who travelled overseas returned and reported as directed.

### Intensive Correction Orders 2013 - 2017

Year	Revoked	Rescinded	Reinstatement Ordered	Reinstatement Declined	Travel Approved	Conversion to Home Detention
2013	283	14	58	36	10	7
2014	359	22	115	25	14	1
2015	443	20	182	16	14	7
2016	445	15	214	13	28	2
2017	497	26	231	2	25	1

# Membership

The SPA is constituted under the provisions of Section 183 of the *Crimes (Administration of Sentences) Act, 1999*. At least four of the appointed members must be judicial members; acting or retired magistrates or judges of a New South Wales or Federal Court. At least ten community members are appointed to reflect the community while only two sit at any meeting.

The other three categories of members do not require appointment by the Governor. They are a member of the New South Wales Police Force nominated by the Commissioner of Police and an officer of Community Corrections nominated by the Commissioner of CSNSW. The Secretary of SPA is appointed by the Chairperson to dispose of routine business.

As of 31 December 2017, there were eight judicial officers, 12 community members and five official members serving on the SPA.

## Judicial Officers

**The Honourable James Wood, AO QC** was appointed a Justice of the Supreme Court of NSW in 1984, retiring in 2005. He was also appointed as the Chief Judge of Common Law and member of the Court of Appeal (1998 - 2005) and was a non-resident Judge of the Court of Appeal in Fiji (2004 - 2006). Judge Wood also served as the Royal Commissioner leading an inquiry into corruption within the NSW Police Service and into Paedophilia (1994 - 1997), the Special Commissioner into an inquiry of the Child Protection System of NSW (2007 - 2008), Inspector at the Police Integrity Commission (2005 - 2007) and was a Member of the Customs Reform Board (2013 - 2014), the Independent Review Cycling Australia (2012 - 2013) and the Human Research Ethics Committee at the Sydney Children's Hospital (2005 - 2014). Judge Wood was also the Chairman of the NSW Law Reform Commission (2006 - 2013) and is currently the Chairman of the NSW Sentencing Council. Justice Wood was appointed as the Chairperson of the SPA on 12 December 2013 and was re-appointed on 12 December 2016.

**Judge David James Freeman** was a solicitor for 5 years, a barrister for 11 years and was appointed a Judge in 1980. He retired from the District Court in October 2011 having spent the last 15 years of his judicial career sitting on criminal matters only. After his retirement, he was appointed an Acting District Court Judge and in 2013 an Acting Supreme Court Judge. Judge Freeman brings to the SPA considerable experience in the field of criminal law. Judge Freeman was appointed as the Alternate Chairperson of the SPA on 15 December 2013 and was re-appointed on 15 December 2016.

**Mr Allan Moore** was appointed a Magistrate in 1989 and maintained that appointment before retiring in December 2010. Mr Moore presided at Central Local Court during this time as Magistrate for a period of 11 years dealing primarily with the most serious of offences committed in the state of NSW. In February 2011, he was appointed as a Tribunal Member with the Victims Compensation Tribunal and was also appointed Acting Magistrate of NSW. Mr Moore was appointed as a Judicial Member of the SPA on 14 March 2012 and re-appointed from 14 March 2015.

## Judicial Officers continued...

**The Honourable Graham Russell Barr, QC** practised at the New South Wales Bar, including as a Deputy Senior Crown Prosecutor and Deputy Crown Advocate, until his appointment as Judge of the Supreme Court of NSW. Following his retirement from that office in 2009, he was appointed as Acting Judge from time to time. Justice Barr was appointed Inspector of the New South Wales Crime Commission in April 2013. Justice Barr was first appointed as a Judicial Member of the SPA on 17 December 2014.

**The Honourable Peter Hall QC** was appointed as Queens Counsel in 1992, practicing at the New South Wales Bar from 1974 to 2005 in both trial and appellant proceedings. In 2005, he was appointed to the Supreme Court as a Judge in the Common Law division and subsequently sat in the Equity Division, Criminal Trial Division and Court of Criminal Appeal. Justice Hall has assisted counsel and been lead counsel in Royal Commissions, Special Commissions of Inquiry and Statutory Inquiries while also being both Senior Counsel and an Assistant Commissioner for the Independent Commission Against Corruption. Justice Hall has written widely and published several texts, including *Unconscionable contracts and economic duress* in 1985 and most recently *Investigating corruption and misconduct in public office: Commissions of inquiry – powers and procedures*. Justice Hall was appointed as a Judicial Member of the SPA on 23 November 2016 and resigned in August 2017 after being appointed as the Chief Commissioner to the Independent Commission Against Corruption.

**Mr John Bailey** was appointed Acting Local Court Magistrate in 2008, sitting on an ad hoc basis as a Magistrate in both the Metropolitan and country circuits. He was previously a Public Solicitor in the Criminal Indictable Section and a Local Magistrate from 1985-1996, dealing with both criminal and civil matters. Mr Bailey is the Proper Officer and member of the Board of an Australian charity, The East African Fund Inc., which has built a school in Tanzania to educate those less fortunate. Mr Bailey was appointed as a Judicial Member of the SPA on 23 November 2016.

**Mr Shaughan McCosker** was admitted as a solicitor in December 1988. He held various Senior Management positions within the Local Courts and was appointed Acting Magistrate in May 1994 sitting at metropolitan and country locations. In September 1995 he was appointed Magistrate of the Local Court of New South Wales attached to the Armidale and Taree circuit. Mr McCosker was appointed as a Judicial Member of the SPA on 23 November 2016.

**Mr Ian Duncan McRae** was the Mayor of Temora Municipal Council from 1973 – 1978. In 1986, he was a Senior Managing partner of Farelle Goode and McRae Solicitors until his appointment as a Magistrate in 1988. Mr McRae was the Home Fund Commissioner (NSW) from 1994-1997, a Senior Fellow of Corporate Director's Association of Australia Ltd in 1996, a Senior Coordinating Magistrate in the Western Suburbs Local Court from 2002-2011 and was a previous Judicial Member of the NSW Racing Tribunal. Mr McRae was appointed as a Judicial Member of the SPA on 23 November 2016.

# Community Members

**Ms Rhonda Booby** has had lengthy experience in a range of positions within Corrective Services NSW including in community corrections, psychology and inmate welfare. She also established the Restorative Justice Program in Corrective Services NSW. She finished her employment with Corrective Services NSW in 2010 at which time she was the Executive Director, Offender Services and Programs. Ms Booby, who is a solicitor, currently sits as a Senior Member (Legal) on the Guardianship and Administrative and Equal Opportunity Divisions of the NSW Civil and Administrative Tribunal and as a Legal Member on the Mental Health Review Tribunal. As a part time Law Reform Commissioner, she was an author of the 2015 NSW Law Reform Commission Report on Parole. Ms Booby was appointed on 20 October 2015.

**Mrs Susan Carter** is an experienced commercial solicitor having worked in a major commercial practice, as in-house counsel for a media company as well as being seconded for a period of government service. She is currently involved in legal education, lecturing at undergraduate and post-graduate levels at both Sydney and Macquarie Universities. Mrs Carter has used her legal expertise both in practical commercial applications and wider policy issues, especially those relating to strengthening families and building stronger communities. She served as the NSW Secretary and a National Executive member of the Australian Family Association for over 10 years; was a board member of the Australian Institute of Family Studies and as a member of the Family Law Council of Australia. She currently serves as a member of the Examinations Committee of the Legal Profession Admission Board. Mrs Carter was appointed on 21 October 2012 and re-appointed on 20 October 2015.

**Mr Robert Cosman** retired as the Director and Secretary of the NSW State Parole Authority on 12 February 2016 after completing 20 years of service in NSW Corrective Services. He previously held positions for 12 years with NSW Youth and Community Services working with juvenile offenders. His career with Corrective Services NSW included positions in parole and community corrections. He represented the Probation and Parole Service, now Community Corrections, as the representative to the then Parole Board before taking up administrative positions with the SPA including Operations Manager, Deputy Director and Assistant Secretary and finally from 2009 as the Director and Secretary of the State Parole Authority. Mr Cosman was appointed on 16 March 2016.

**Ms Peta Drake** has an LLB from the University of WA and an LLM from the University of Sydney. She worked for some 20 years as a solicitor both in private practice and in-house at energy companies in Sydney and London. After a period of maternity leave, Peta established a retail home textiles brand in Australia which was sold on-line as well as from her own store. In 2012 Peta was appointed to the NSW Administrative Decisions Tribunal. For the past 5 years Peta has worked, on a voluntary basis, for Australian Red Cross in its Immigration Detention Monitoring Program. Ms Drake was appointed on 20 October 2015.

**Mr Rod Harvey APM** retired from the NSW Police in August 2001 at the rank of Detective Chief Superintendent after 35 years' service, the majority of which was devoted to the investigation of major crime and the management of major investigations. In recognition of his service to policing he received the Australian Police Medal, the National Police Service Medal, the NSW Police Medal, and the National Medal, along with several commendations. Since retiring as a police officer he has undertaken a range of consultancies and investigations, including engagements with Corrective Services NSW and the NSW Police Force. Mr Harvey was appointed on 28 November 2012 and was reappointed on 27 November 2015.

# Community Members continued...

**Stuart Hemmings FACE, GAICD, JP** has a background as a secondary school teacher of agriculture and science. Mr Hemmings is a non-executive Director of the Primary Industries Education Foundation Australia and also works part-time as an education consultant (including an Associate role with Cambridge Education). Prior to this he held a number of senior positions in the NSW Department of Education in both rural and metropolitan settings, most recently as Director of Policy, Planning and Reporting in the NSW Public Schools portfolio. He has also worked extensively for the NSW Board of Studies in a number of capacities and is a graduate of the Australian Institute of Company Director's course. Mr Hemmings maintains membership of the AICD, the NSW Association of Agriculture Teachers and the Royal Agricultural Society of NSW. He is also a member of the Australian College of Educators and was awarded Fellowship of the College in 2014. Mr Hemmings was appointed on 20 October 2015.

**Ms Martha Jabour** is Executive Director, Homicide Victims Support Group (Aust.) Inc., a position she has held since 1993. Her interests are to further promote the rights and needs of family members of homicide, especially children. Ms Jabour has and continues to represent the community and family members of homicide on a range of committees and boards. Other areas of special focus are on crime prevention, particularly in the areas of domestic violence, mental health and juvenile justice. Ms Jabour was appointed on 4 October 2006 and was reappointed on 21 October 2009, 21 October 2012 and 21 October 2015.

**Ms Catriona McComish** is the Director of Firefinch Consulting which provides clinical, forensic and organizational psychology services to public sector agencies, training groups and NGOs. She previously worked for 30 years in public sector education, health and justice services developing and leading the delivery of mental health and behaviour change policy and programs in WA and NSW. Additionally, she has held appointments in the university sector in psychology and criminology research and teaching. She finished her public sector employment in 2006 as Senior Assistant Commissioner Community Offender Services in Corrective Services NSW. Ms McComish was appointed on 23 January 2013 and was reappointed on 22 January 2016.

**Mr Andrew Nattress** began his career as a police officer in the United Kingdom, before moving to Hong Kong in 1974 where he joined the then Royal Hong Kong Police Force as an Inspector. Subsequently taking a position as an investigator with the Hong Kong Independent Commission Against Corruption (ICAC), he served in various roles until his departure in 1987 as a Chief Investigator with the ICAC. Upon his departure from Hong Kong, Mr Nattress came to Australia and joined the then National Crime Authority as an Assistant Director in charge of the fledgling telecommunications interception branch. He was subsequently appointed as the National Director of Intelligence before his departure in 1996 to take up a position with the newly created New South Wales Police Integrity Commission as the Director of Operations. When Mr Nattress retired in 2013, he was an Assistant Commissioner and Director of Operations of the Police Integrity Commission. Mr Nattress was appointed on 26 February 2014 and was reappointed on 26 February 2017.



# Community Members continued...

**Mr Donald Sword** works for an inner-city homeless service and teaches at the Sydney Institute of TAFE. On behalf of the NSW Ombudsman, he delivers training services to state and federal agencies and non-government organisations. He has served as an Official Community Visitor appointed by the Minister for Disability Services, and as an Official Visitor to the hospital at Long Bay Correctional Centre. He is a member of the NSW Civil and Administrative Tribunal (Guardianship Division), the NSW Legal Aid Review Committee, and the Justice Disability Advisory Council. Mr Sword was appointed on 20 October 2015 .

**Mr Lloyd Walker** was once the Acting Coordinator for the Aboriginal Corporation for Homeless and Rehabilitation Community Services and has been an Official Visitor for Lithgow Correctional Centre. He was appointed as a Community Member of the Serious Young Offenders Review Panel in December 2013. Mr Walker was appointed on 1 July 2000 and was reappointed on 1 July 2003, 1 July 2006, 1 July 2009, 1 July 2012 and 24 June 2015.

**Mr Peter Walsh APM** was formerly the Senior Assistant Commissioner of the NSW Police Force after 38 years within the Force. Awarded both the Centenary Medal in 2000 for Service to the Community and the Australian Police Medal in 1996 for distinguished police service, he completed the majority of his service throughout country NSW. Mr Walsh was appointed to the SPA on 17 January 2005 and was reappointed on 17 January 2008, 17 January 2011, 22 January 2014 and 26 February 2017.

## Official Members

### Community Corrections Representatives

Ms Annette Caffery was appointed as a Community Corrections Representative on 21 March 2016. Ms Erica Mulvany was appointed as a Community Corrections Representative on 4 July 2016.

Mr Luke Easterbrook, Ms Christie Lanza, Ms Sarah Gilmour, Mr Liam McOnie and Mr David Walsh acted as deputies during leave by official appointees.

### Police Representatives

Senior Sergeant Pettina Anderson was appointed as the Police Representative on 2 June 2009 and Chief Inspector Hamed Baqaie was appointed as the second Police Representative on 11 December 2009. Detective Sergeant Jason Wills was subsequently appointed as the third Police Representative on 8 October 2013.

Inspector Helen Halcro, Sergeant Joanne Sinclair and Senior Constable Kelly Green acted as deputies during leave by official appointees.

# Secretary

Ms Amy Manuell  
Director and Secretary

Ms Elizabeth Leafe  
Acting Deputy Director and Assistant Secretary

## The Secretariat

**The SPA would not function without the hard work of the Secretariat. Staffed by officers from CSNSW, the Secretariat is made up of three interdependent teams; the Submissions, Reviews and Support Teams.**

**Support Team** - consists of six officers, three trainees and a Senior Administration Officer that provide administrative support to the Secretariat, led by the Team Leader in Administration. This team is responsible for duties such as data entry into OIMS, preparation of agendas for SPA members, coordination of VCSS, preparing requests for psychological and psychiatric reports and the preparation of documents to be forwarded to offenders and their legal representatives.

**Submissions Team** - consists of four Submissions Officers and a Senior Administration Officer led by the Submissions Team Leader. Together, they are responsible for the preparation and collation of all matters that go before the private meetings. This preparation includes a wide range of tasks from requesting criminal histories, police facts and judge's sentencing remarks to coordinating the submission of reports from Community Corrections Officers. Upon receipt of all necessary documents for an offender's case, they are filed on the electronic records management system, ready for distribution to the members. Submissions Officers are also responsible for the preparation of warrants, orders, memorandums and correspondence.

**Reviews Team** - consists of four Reviews Officer and a Senior Administration Officer led by the Reviews Team Leader. The Reviews Team is responsible for the preparation and collation of all matters that go before the public review hearings at court. Each Review Officer is responsible for a particular day of the week. Preparation includes coordinating submission of updated reports, filing reports in the electronic records management system, ensuring appropriate people are available to give evidence on the day (offenders, legal representatives and Community Corrections Officers) and the smooth running of court hearings. Review Officers are also responsible for the preparation of warrants, orders and correspondence.

**The Authority is fortunate to have the expertise of Liaison Officers**, both a Custodial and Community Corrections Liaison Officers, who act as conduits between Corrective Services NSW and the Parole Authority. Mr Nigel Lloyd, Deputy Superintendent provided custodial liaison functions and Ms Emma Marston fulfilled the responsibilities of the Community Corrections Liaison Officer in 2017.

These liaison officers provide support, guidance and advice to the SPA members and Secretariat, while also being instrumental in the provision of feedback, training, assistance and advice to Correctional Centre Officers, Community Corrections Officers and members of the public.

# Guiding Principles

## Corporate Governance

Performance against corporate governance, service delivery and performance objectives.

### Meet all statutory obligations ensuring all decisions are appropriate and in the public interest:

- Considered 20,127 cases.
- Conducted 131 private meetings, 138 public hearings and 29 ICO/PD/HD meetings.
- Conducted 51 Secretary sittings.
- Considered 20,127 cases over 349 meetings.
- Issued 1,249 parole orders.
- Revoked 2,859 Parole Orders, 497 Intensive Correction Orders and 19 Home Detention Orders.

Manage the existing corporate governance framework and maintain a program of continuous review and improvements:

- Tabled 2016 Annual Report in Parliament.
- Conducted regular operational / planning meetings and issued policy / procedure directives to staff.
- Met all *Public Finance and Audit Act 1983* directives regarding the annual stock take, budget cycle and financial management requirements.

Develop strategic partnerships with stakeholders and improve public knowledge and awareness of the SPA:

- The SPA website was updated to provide the public with information about the operations and functions of the SPA.
- Continued to meet statutory obligations to victims by facilitating access to modified documents.
- Facilitated training sessions for Community Corrections Officers and custodial staff at the Academy and Community Corrections locations.
- Provided presentations to CSNSW staff and at the University of NSW.
- Maintained partnerships with CSNSW, SORC, NSW Police and the Mental Health Review Tribunal.

Develop a membership that embraces diversity and is reflective of the community:

Total Members: 26

- 30.80% are female (8 members)
- One indigenous member
- Almost 8% have a CALD - culturally and linguistically diverse (2 members)
- Almost 8% live in country locations (2 members)