



NSW State Parole Authority

2024
Annual
Report

The Honourable Anoulack Chanthivong
Minister for Corrections
52 Martin Place,
Sydney NSW 2000

Dear Minister,

In accordance with Section 192 of the *Crimes (Administration of Sentences) Act 1999* I am submitting to you, for the information of Parliament, the report of the State Parole Authority for the period 1 January 2023 to 31 December 2024.

Yours sincerely,



Geoffrey Bellew

Chairperson

10 November 2025

Contents Page

	Page
Chairperson's Message	5
Who we are and what we do	6
Our People	7
Membership	8 - 14
Secretariat	15
State Parole Authority Processes	16
How decisions are made	17-18
Material for consideration	19
Closed meetings	20-21
Manifest Injustice	22
Anniversary consideration	23
Reintegration home detention	23-24
Serious Offenders	25-26
Matters of interest to the Commissioner	27
Revocation prior to release	28
Victims	29
Review hearings	30
Parole supervision	31
Breaches of parole	32
Revocation of parole	33
Suspension of parole	33
Intensive Corrections Orders	34

Contents Page continued...

	Page
2024 Activity	35
Cases considered	36
Parole granted	37
Parole refused	37
Reintegration home detention	37
Submissions	38
Revocation prior to release	39
Revocation of parole	39
Rescission of revocation	39
Variation of parole orders	40
Overseas travel	40
Intensive Corrections Orders	40

Chairperson's message

It is my pleasure to present the Annual Report of the State Parole Authority of New South Wales for 2024.

It is unnecessary to delve into the detailed statistical data contained in this report to conclude that the workload of the Authority continues to be unrelenting. Section 135(1) of the *Crimes (Administration of Sentences) Act 1999* mandates that the 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 to do so. That remains the fundamental yardstick by reference to which the Authority discharges each and every one of its functions. That the Authority is able to do so with the efficiency that it does, is testament to the work of a great many people.

To begin with, I would like to thank the staff of the Authority's Secretariat. Without their diligence and commitment, the Authority could not function as it does. The same can be said for those representatives of the New South Wales Police and Community Corrections, all of whom bring a level of expertise which is essential to the Authority's work. In that regard, 2023 saw the retirement of Jason Wills, a long-standing representative of the NSW Police. Sgt Wills served in that capacity for a significant period of time and I sincerely thank him for his immeasurable contribution.

During the course of the year, we held a number of on-line engagements with Community Corrections staff Statewide, in which I was able to speak with those officers directly, and answer their questions about the Authority's processes. I was also able to engage with those staff members from Community Corrections who attended meetings of the Authority in person. I have a firm view that mutual engagement of that kind is of benefit to everyone concerned, and propose to continue to engage with Community Corrections staff at regular intervals as the opportunities to do so present themselves.

Geoffrey Bellew
Chairperson

Who we are & what we do

Created under the *Crimes (Administration of Sentences) Act 1999* (NSW), the New South Wales State Parole Authority is an independent statutory agency committed to community safety.

Inmates in NSW can be released on parole either under a statutory (court-imposed) order or an order of the State Parole Authority (SPA).

The SPA primarily makes parole decisions for inmates serving prison sentences of more than 3 years and 1 day. Inmates sentenced to less than 3 years in prison are automatically released on parole by at the end of their non-parole period.

Inmates do not apply for parole in NSW, the law requires them to be automatically considered as they are nearing their non-parole period.

Once an inmate becomes eligible for parole, the SPA must decide whether it is in the interests of community safety to grant a parole order, allowing them to continue serving the rest of their sentence in the community, with conditions and under the supervision of Community Corrections officers.

Community safety is the most important consideration for the NSW State Parole Authority when making decisions about the conditional and supervised release of inmates to parole.

Legislation requires SPA to begin consideration of an eligible offender for parole at least 60 days before the end of their non parole period (parole eligibility date) and any final decision must be delivered 21 days before that date.

Deciding parole for an offender is a complex process and involves the careful assessment and consideration of an abundance of material inclusive of a criminal history, Judge's remarks on sentence, and a pre-release report by Community Corrections and, where relevant, the recommendations and report by the Serious Offenders Review Council.

Victims of crime, or their family, can also make submissions to the SPA which is considered during the decision-making process.

NSW is the only jurisdiction in Australia to hold public hearings in court, allowing victims of serious offenders to make a verbal submission directly to the SPA if they choose.

The SPA records reasons to support every determination it makes.

Parole is an effective mechanism in our legal system and the research and evidence consistently shows supervised parole works in reducing reoffending.

Our People

Membership

The State Parole Authority (SPA) is constituted under section 183 of the *Crimes (Administration of Sentences) Act 1999*. Both judicial and non-judicial members are appointed to the SPA to make decisions. Legislation states that at least four of the appointed members must be judicial members, being judicially qualified to be appointed as a Judge of a NSW court, or being any judge or magistrate (retired or serving); at least one is to be a serving NSW Police officer, at least one is to be a serving Community Corrections officer and at least 10 are to be persons who reflect the composition of the community.

As of 31 December 2024, the SPA had 7 judicial members, 8 official members (being Police and Community Corrections members) and 10 community members.

The SPA sits in divisions (panels) of five members for every closed meeting and public review hearing. Each division comprises of one judicial member, one Police member, one Community Corrections member and two community members.

When making decisions, the division only requires a majority decision, it needs not be unanimous.

Judicial Members

Chairperson - Geoffrey Bellew, SC

Admitted to the NSW Bar in 1991, appointed Senior Counsel in 2006 and sworn in as a Judge of the Supreme Court in 2012, sitting in the Common Law Division, and regularly as a member of the Bench of the Court of Criminal Appeal. A noted author, he has written numerous legal texts on various subjects including the law of evidence and is an Adjunct Professor of Law at Notre Dame University.

Outside the law, Judge Bellew remains a passionate rugby league devotee and is a proud, former Director of the National Rugby League Limited, the Manly-Warringah Leagues' Club and former Chairman of the Manly-Warringah Sea Eagles Football Club.

Appointed Chair of SPA in December 2022.

Membership

Judicial Members

Alternate Chairperson - David Freeman

A highly regarded solicitor, then barrister before his appointment to the District Court in 1980, David spent 21 distinguished years on the bench before retiring, having spent the final 15 years of his judicial career presiding over criminal matters only.

After retirement, he was appointed an Acting District Court Judge and in 2013 an Acting Supreme Court Judge. First appointed as the Alternate Chair in December 2013, he brings to the SPA considerable experience in the field of criminal law.

Deputy Chairperson - John Bailey

Appointed as an Acting Local Court Magistrate in 2008, sitting in the metropolitan and country circuits., John was previously a Public Solicitor in the Criminal Indictable Section and a Local Magistrate from 1985-1996 dealing with both criminal and civil matters. He is also a Director on the Board of the Australian charity, *The East African Fund Ltd.*, which provides education and financial assistance to those in East Africa, most notably the Fund has built a school in Tanzania. John was first appointed to the SPA in November 2016.

Deputy Chairperson - Mark Marien, SC

Mark has a distinguished career in law, spanning more than 40 years. He served as a Deputy Senior Crown Prosecutor, a Director of the Criminal Law Review Division of the Attorney Generals' Department and in 2009 was the first appointed President of the Children's Court of NSW. He has worked as a barrister in private practice and as a solicitor with the Commonwealth Director of Public Prosecutions and with the Commonwealth Deputy Crown Solicitor's Office. Appointed a Senior Counsel in 2003, the following year he was appointed to the District Court of NSW. Mark was first appointed to the State Parole Authority in December 2020.

Deputy Chairperson - Christopher Maxwell, KC

Highly regarded as an exceptional practitioner specialising in criminal prosecutions, Chris was appointed Senior Crown Prosecutor for NSW from 2018 to 2022. Joining the Office of the Director of Public Prosecutions in 1987, he became a Queens Counsel in 1989, and was deputy Senior

Membership

Judicial Members

Deputy Chairperson - Christopher Maxwell, KC continued...

Crown Prosecutor for more than 20 years. A prosecutor of war crimes at the United Nations Mission in Kosovo in 2002 he later served as the United Nations' Chief International Prosecutor. Chris was first appointed to the SPA in December 2022.

Deputy Chairperson - Ian McRae

A Senior Managing partner of Farelle Goode and McRae Solicitors until his appointment as a Magistrate in 1988, Ian was the Home Fund Commissioner (NSW) from 1994-1997, a Senior Fellow of Corporate Directors 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 in November 2016.

Deputy Chairperson - James Wood, AO KC

One of the State's most admired and respected Justices of the Supreme Court, he was appointed a Justice of the Supreme Court of NSW in 1984, retiring in 2005 as the Chief Justice of Common Law and member of the Court of Appeal (1998 - 2005). He was a non-resident Judge of the Court of Appeal in Fiji (2004 - 2006) and has led a number of Commissions and inquiries, including corruption within the NSW Police Service and into Paedophilia (1994 - 1997), 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). First appointed as Chairperson of the SPA in December 2013, James resigned in February 2020 to accept a leading role at the World Anti Doping Agency before being appointed Deputy Chair of SPA in February 2022.

Deputy Chairperson - Allan Moore

Appointed a Magistrate in 1989 before retiring in December 2010, Allan was a Magistrate at Central Local Court for a period of 11 years presiding over 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. Allan was first appointed as a Judicial Member of the SPA in March 2012. It is with sadness we note the passing of Mr Moore in April 2024.

Membership

Community Members

Jeanette Boland

A former Detective Sergeant with the Australian Federal Police for more than 32 years, Ms Boland was awarded the Australian Police Medal and a Commissioners' Commendation for Conspicuous Conduct for her outstanding contribution to Countering Violent Extremism. A Board member of US consultancy, Children Recruited to Terrorist Groups (CRTG), she is also a co-founder of the Afghan Collective for Justice, and lectures in policing and leadership at the University of Tasmania.

Rosemary Caruana

A former Assistant Commissioner with Corrective Services NSW with an extensive career in criminal justice and human services, she drove significant government reforms during this time. Rosemary holds a Masters of Business Administration and Bachelor of Arts (Psychology) Hons, she was first appointed in August 2020 and re-appointed in 2023 after undergoing a rigorous selection process.

Peta Drake

Peta worked for over 20 years as a solicitor in both private practice and for companies in both Sydney and London before becoming a Company Director of a home textiles brand. Ms Drake has volunteered for the Australian Red Cross Immigration Detention Monitoring Program, the NSW Cancer Council and the Justice Advocacy Service assisting those with cognitive impairment navigate the criminal justice system. First appointed in 2015, Ms Drake's spent 6 years with the State Parole Authority before successfully re-applying and being appointed on 16 December 2024.

Graeme Hanger

Elected councillor on the Bathurst Regional Council in 2008, Graeme has served as both Deputy Mayor and Mayor, that term ceasing in 2019. A retired high school teacher, he was awarded the Order of Australia Medal in 2016 for his services to education and the community of Bathurst. Graeme was first appointed to the SPA in December 2021 and his term ceased in 2024.

Membership

Community Members

Rod Harvey

Retired from the NSW Police in August 2001 at the rank of Detective Chief Superintendent after 35 years' service, Rod's career was primarily devoted to the investigation and management of major crimes. In recognition of his service he has been the recipient of 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 CSNSW and the NSW Police Force. Rod was first appointed to the SPA in November 2012.

Martha Jabour

Marth is the Executive Director of the Homicide Victims Support Group (Aust.) Inc., a position she has held since 1993. Martha's strong interest to further promote the rights and needs of family members of homicide, especially children has led her to represent the community and family members of homicide on a range of committees and boards. Her other areas of special focus are on crime prevention, particularly in the areas of domestic violence, mental health and juvenile justice. Martha has the unique role of "victims' representative on the SPA, a position she has held since her initially appointment in October 2006.

Megan Miller

Megan is an award winning broadcast journalist and is highly regarded as an expert in public relations reputation management consultancy. She has held several senior positions in the private and public sector including Network Seven, the NSW Police Force and NSW Corrective Services, NSW Ambulance and Sydney Water. Megan was re-appointed for a second term during 2023, first being appointed in August 2020.

Catriona McComish

Director of Firefinch Consulting which provides clinical, forensic and organisational psychology services to public sector agencies, training groups and NGOs, Catriona has also worked in public

Membership

Community Members

Catriona McComish continued ...

sector education, health and justice services developing and leading the delivery of mental health and behavioural change programs in WA and NSW. Additionally, she has held appointments in the University sector in psychology and criminology research and teaching. Catriona ceased her public sector employment in 2006 as Senior Assistant Commissioner Community Offender Services it Corrective Services NSW and was first appointed to the SPA in 2013.

Peter Severin

Peter retired his public service career in 2021 as the Commissioner of Corrective Services NSW after nine years at the helm ending a career spanning almost four decades across a number of States within Australia. He has extensive experience in correctional jurisdictions having held several senior executive positions across Australia. He is currently the President of the International Corrections and Prisons Association and a member of the NSW Sentencing Council . Peter's term as community member at the SPA commenced in December 2021.

Donald Sword

Don 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. Don is a member of the NSW Civil and Administrative Tribunal (Guardianship Division), the NSW Legal Aid Review Committee, and the Justice Disability Advisory Council and has been a member of SPA since October 2015

Lloyd Walker

Lloyd a legendary indigenous Wallaby great, making his test debut in 1988, he was formerly the Acting Coordinator for the Aboriginal Corporation for Homeless and Rehabilitation Community Services and has been an Official Visitor for Lithgow Correctional Centre. Lloyd has also sat as a Community Member of the Serious Young Offenders Review Council for one term and is the SPA's longest serving member.

Membership

Community Members

Deborah Wallace

A former Detective Superintendent, Ms Wallace served more than 36 years with the NSW Police Force and commanded specialist squads including the Gangs Squad, Middle Eastern Organised Crime and Strike Force Raptor, which targeted criminal bikie gangs. She currently hosts the true crime series, 'Million Dollar Murders,' and is President of the Swansea Workers Club.

Official Members

Police representatives

NSW Police representatives are appointed by the Commissioner of NSW Police.

In 2024, the official Police members were:

Hamed Baqaie	Pettina Anderson
Christopher Stinson	Sean McWhirter
Derek Pontois	Michael Morris
Michelle Borg	

Community Corrections Representatives

Community Corrections representatives are appointed by the Commissioner of Corrective Services NSW.

In 2024, the official Community Corrections members were:

Melissa Bostock	Benjamin Gillies
Bronwyn Grainger	Emma Marston
Jodie McMahon	

The Secretariat

The SPA would not function without the hard work of the Secretariat. Staffed by officers from CSNSW, the Secretariat works from the Parramatta Justice Precinct and is made up of four interdependent teams; the Submissions, Reviews, Intensive Corrections Order and Administrative Support Teams.

These teams all report to the Deputy Director and Assistant Secretary, while the Secretariat is led by the Director and Secretary. During 2023, the Deputy Director and Assistant Secretary was Ms Michelle Hudson, and the Director and Secretary was Ms Elizabeth Leafe.

Support Team - consists of six officers 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 JustConnect, 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 submissions officers and a senior administration officer who are led by the team leader. Together, they are responsible for the preparation and collation of all matters that go before the closed 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 electronically for distribution to the Parole Authority members for their weekly reading. Submissions Officers are also responsible for the preparation of warrants, orders, memorandums and correspondence.

Much like the Submissions Team, the **Reviews Team** consists of reviews officers and a senior administration officer who are led by their 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 electronically, ensuring appropriate people are available to give evidence on the day (offenders, legal representatives or Community Corrections Officers) and the smooth running of the court hearing. Review Officers are also responsible for the preparation of warrants, orders, memorandums and correspondence.

Our Processes

How decisions are made

The State Parole Authority's (SPA)'s processes are primarily determined by legislation, being the *Crimes (Administration of Sentences) Act 1999* [the Act] and the associated regulation.

In circumstances where an inmate's sentence is greater than three years, with a non parole period, release to parole is not an automatic right.

Inmates do not need to apply for their first parole consideration. Legislation states that the SPA must begin assessing their suitability for release to parole at least 60 days prior to their eligibility date (non parole period) set by the court at the time of sentencing.

The SPA must make a final decision on parole no later than 21 days before the eligibility date. While the legislation requires every eligible inmate must be considered for parole, it does not mean inmates are automatically released by the State Parole Authority at the end of their eligibility date (non-parole period.)

In making decisions about the release of a person from custody onto parole to return to the community, the SPA members are guided by section 135(1) of the Act, that states:

The Parole Authority must not make a parole order directing the release of an offender unless it is in the interests of the safety of the community

In determining whether the release of an inmate *is in the interests of the safety of the community* the legislation necessitates panel members to consider three principal matters:

1. the risk to the safety of the members of the community in releasing the offender,
2. whether release to parole is likely to address the risk of the offender re-offending,
3. the risk to community safety of releasing the offender at the end of the sentence without a period of supervised parole, or at a later date with a shorter period of supervised parole.

How decisions are made

Legislation requires the following matters be considered in making a decision to release an individual to parole—

- a) the nature and circumstances of the offence
- b) relevant comments made by the sentencing court
- c) the criminal history of the offender
- d) the likely effect on any victim or victim's family
- e) *repealed*
- f) any report in relation to the granting of parole prepared by Community Corrections
- g) any other report in relation to the granting of parole to the offender that has been prepared by or on behalf of the Review Council or any authority of the State
- h) if the Drug Court has notified the Parole Authority that it has declined to make a compulsory drug treatment order in relation to an offender's sentence
- i) that an application has been made (but not determined) in respect of an offender:
 - i. for an extended supervision order or continuing detention order under the *Crimes (High Risk Offenders) Act 2006* or the *Terrorism (High Risk Offenders) Act 2017*
 - ii. for a continuing detention order under Division 105A of Part 5.3 of the *Commonwealth Criminal Code*
- j) any other matters that the Parole Authority considers to be relevant

Upon being provided with material to consider, each division carefully assesses the expert advice and information to make an assessment regarding an inmate's suitability for release to parole.

Materials provided for consideration

In both closed meetings and public review hearings, materials provided for consideration by the SPA members is electronically distributed one week prior to consideration. This allows members to have sufficient time to consider the information and form their own preliminary decision. Members then attend their designated meeting to come together, discuss their views and determine the outcome of each matter.

A large amount of material for each inmate is read and evaluated by panel members, including:

- Judge's Sentencing Remarks
- Criminal record
- Information about the inmate's behaviour, classification and placement in custody
- Pre-release report by Community Corrections with advice on risk assessments, progress in custody, post release plans and importantly, recommendations regarding suitability for release
- Reports from the Serious Offender Review Council (for Serious Offenders)

Other documents that may be provided include:

- Reports from psychologists or psychiatrists
- Submissions from the victim/s or family
- Submissions from the inmate, their family or legal representative
- Submissions from the State of NSW or the Commissioner of CSNSW

Closed Meetings

When an inmate is listed for initial parole consideration by the Secretariat, the SPA holds a closed meeting. It is called a closed meeting because only the five members of the panel and the Secretary of the SPA are in attendance at these meetings.

Inmates and their legal representatives do not attend closed meetings.

If parole is granted, a parole order is created by Secretariat staff and issued to Community Corrections staff in the correctional centre for explanation and provision to the inmate.

The inmate is usually released on their eligibility date (the expiration of the non-parole period).

If parole is refused, the inmate is able to apply for a public hearing to review the decision not to be released to parole. Inmates can appear by audio-video link at this review hearing and be legally represented.

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

If the inmate declines a hearing, or does not convince the SPA that a hearing is warranted, the decision to refuse parole is confirmed.

If parole is refused on the first occasion, the next occasion the inmate is eligible for parole consideration is the *anniversary date* of the earliest release date, that is 12 months later.

Alternatively, inmates may apply to have their case considered earlier under the provisions of manifest injustice (see section below).

If there is less than 12 months remaining on the inmate's sentence, they will be released on the date the sentence expires.

Closed Meetings

INITIAL PAROLE CONSIDERATION - CLOSED MEETING

At least 60 days before an inmate's earliest release date but not later than 21 days from the earliest release date

PAROLE REFUSED

Reasons provided
Review hearing may or
may not be held

PAROLE GRANTED

Conditions and reasons provided
Inmate released to parole

MANIFEST INJUSTICE CONSIDERATION

A Community Corrections Report
is required

MANIFEST INJUSTICE

DECLINED

MANIFEST INJUSTICE

APPROVED

ANNUAL PAROLE CONSIDERATION aka ANNIVERSARY CONSIDERATION

Manifest Injustice

If an inmate is refused parole, the *Crimes (Administration of Sentences) Act 1999* [the Act] allows the SPA to consider an offender's case at any time after the date on which the offender first becomes eligible for release on parole...in such circumstances as may be prescribed by the regulations as constituting manifest injustice.

Clause 223 of the *Crimes (Administration of Sentences) Regulation* detail the matters that constitute manifest injustice. Manifest injustice circumstances may apply where parole has been refused and:

- ◆ It becomes apparent that the decision to refuse parole was made on the basis of false, misleading or irrelevant information
- ◆ It becomes apparent that a matter that was relevant to a decision to refuse parole is no longer relevant
- ◆ It becomes apparent that a matter that was relevant to the decision to refuse parole has been addressed in a way that warrants reconsideration of the recission or can be addressed by imposing additional conditions of parole.

Inmates or their legal representatives can apply for parole consideration under these manifest injustice provisions, alternatively, the SPA can set a parole consideration date. The regulation also allows Community Corrections to make application to the SPA and request reconsideration of a decision to refuse parole or confirm a revocation of parole.

In order to be considered for parole under manifest injustice, information must be provided that at least one provision of manifest injustice is satisfied. Parole consideration occurs in the same way as any other SPA parole consideration matter, by way of reports in a closed meeting.

If release to parole is determined to be appropriate under the provisions of manifest injustice, then a parole order is made and the inmate given a release date from custody.

If the SPA finds the provisions of manifest injustice do not exist it will give reasons for the decision and re-list the matter for consideration on the inmate's anniversary date (if sufficient time remains).

Anniversary consideration

An inmate's anniversary date, or annual eligibility date can be the 12/24/36 month period following the inmate's refusal for release to parole.

If an inmate is refused parole on their parole eligibility date (earliest possible release date), the SPA can reconsider the matter for an inmate's release on their anniversary date.

Unlike initial parole consideration, inmates must apply for anniversary consideration in order to be considered for release. All material previously considered at the initial parole consideration is made available, along with any updated documents provided to the SPA.

The consideration occurs in the same manner as initial parole consideration, in a closed meeting.

Reintegration home detention (RHD)

Section 124 of the *Crimes (Administration of Sentences) Act 1999* allows an inmate to be released into the community on electronic monitoring no more than six months prior to their parole eligibility date. This applies to both statutory and SPA determined parole orders.

Known as reintegration home detention or RHD, the purpose of the scheme is to facilitate the reintegration of the inmate back into the community.

Community Corrections is the only agency responsible for nominating and identifying appropriate inmates for this scheme. Inmates or their advocates (including their legal representatives) cannot nominate themselves for consideration or make requests for RHD consideration.

Community Corrections are responsible for the preparation of RHD assessment reports to the SPA. For inmates on statutory orders, the assessment report from Community Corrections is required to address the risk of re-offending and post release management plans while the offender is on parole. For inmates being considered by the SPA, a pre release report is prepared along with an RHD assessment annexure,

Reintegration home detention continued...

Upon receiving the application from Community Corrections, SPA then determine the appropriateness of release of the inmate onto RHD.

For those inmates with a sentence greater than three years, SPA need to be satisfied that release to parole is appropriate first, prior to making an assessment as to the suitability of release onto RHD for the remaining non-parole period.

Offenders subject to RHD are strictly monitored by both electronic monitoring devices and Community Corrections during this period.

Breaches of RHD are reported to the SPA in same manner as the breach of a parole order.

RHD breaches may occur for a number of reasons, including:

- non-compliance with the conditions of the order
- posing a serious and immediate risk to the safety of the community
- a serious and immediate risk they will leave NSW
- a significant change in circumstances that warrants revocation
- if the offender requests revocation

The SPA has a number of options available to them in respect of breach of RHD, including:

- Revoking the RHD order
- Imposing additional RHD conditions
- Varying or removing some of the RHD conditions
- Providing a formal warning
- Taking no action

In circumstances where SPA revokes the RHD order, it must also consider whether it is appropriate to revoke the parole order prior to release (whether a statutory parole order or SPA parole order).

Serious Offenders

In NSW, the term “*serious offender*” has a legislative definition.

Section 3(1) of the *Crimes (Administration of Sentences) Act 1999* defines a serious offender as:

- an offender who is serving a sentence for life,
- an offender who has been convicted of murder and who is subject to a sentence in respect of the conviction,
- an offender who is serving a sentence for which a non-parole period has been set in accordance with Schedule 1 to the *Crimes (Sentencing Procedure) Act 1999*,
- an offender who is serving a sentence (or one of a series of sentences of imprisonment) where the term of the sentence (or the combined terms of all the sentences in the series) is such that the offender will not become eligible for release from custody, including release on parole, until he or she has spent at least 12 years in custody,
- an offender who is, for the time being, required to be managed as a Serious Offender in accordance with a decision of the sentencing court, the Parole Authority, or the Commissioner,
- an offender who belongs to a class of persons prescribed by the regulations to be Serious Offenders for the purposes of this definition.

The Serious Offenders Review Council (SORC) is the statutory authority responsible for managing *serious offenders* in custody and do this by providing advice and recommendations to the Commissioner of CSNSW in relation to security rating, placement and program participation.

The vital role of the SORC for the SPA is the provision of recommendations concerning the appropriateness of the release of a *serious offenders* to 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 to do so. Put simply, SPA cannot release an offender without the Review Council recommending that release to parole is appropriate.

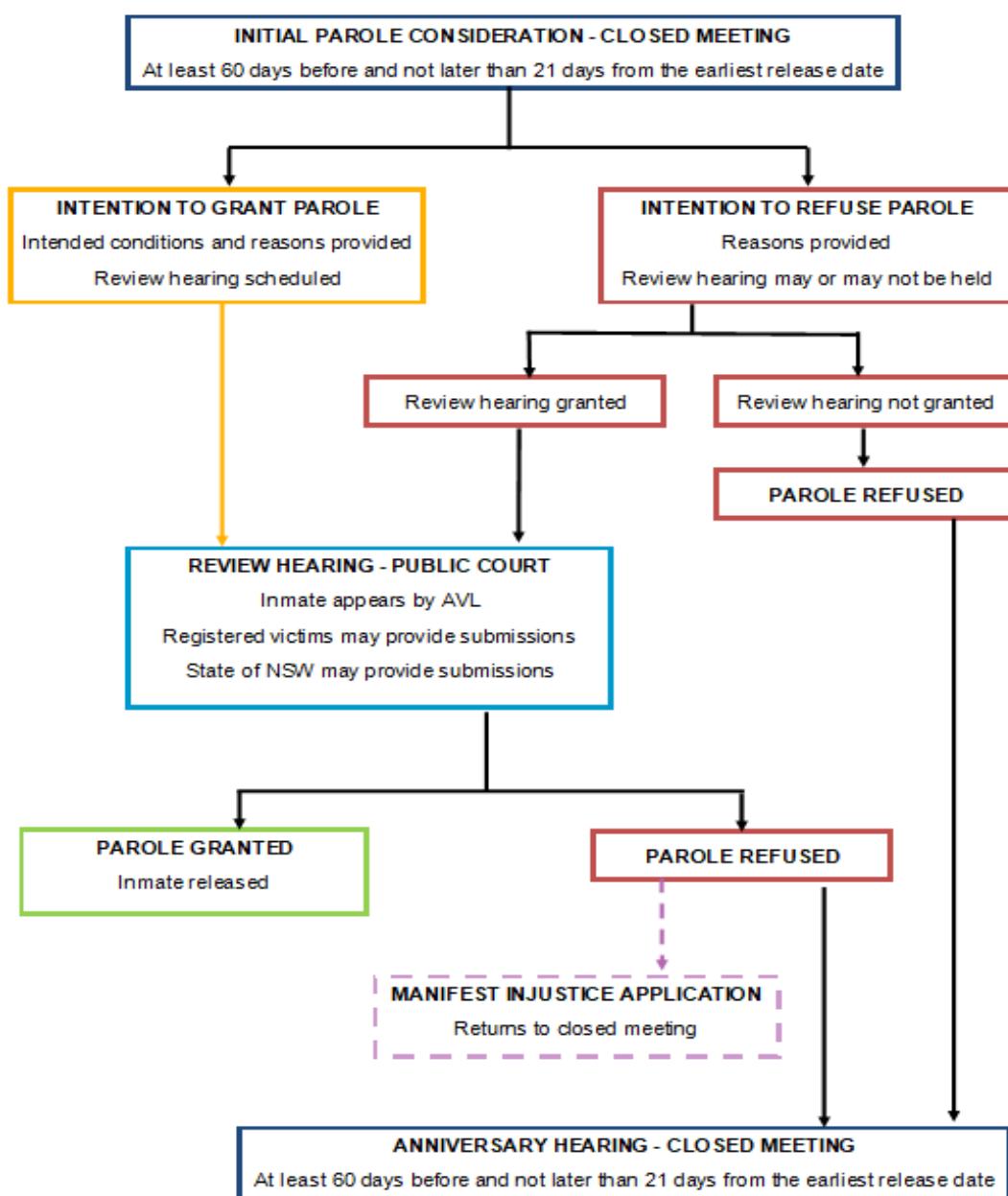
Initial parole consideration for a *serious offender* occurs in the same way as those that are not serious offenders. However, in the case of *serious offenders*, the SPA forms “intentions”, not decisions.

Serious Offenders continued...

If the SPA determines that release to parole is appropriate, an *intention to grant parole* is made and the matter is stood over to a review hearing to provide an opportunity for any registered victims to make submissions and to also provide an opportunity for the State of NSW to make submissions at the hearing.

If the SPA determines that release to parole is not appropriate, an *intention to refuse parole* is made and the inmate is able to apply for a public hearing to review the decision.

If the inmate is not released on the first occasion, the next occasion the inmate is eligible for parole consideration is the *anniversary date* of the earliest release date. Alternatively, inmates may apply to have their case considered earlier under the provisions of manifest injustice.



Matters of interest to the CSNSW Commissioner

Section 141A of the Act prescribes that the Commissioner of Corrective Services NSW (CSNSW) may at any time prior to release of an inmate, make a submission to the SPA concerning the release of that person to parole.

This may necessitate the SPA to provide to the Commissioner all the material the SPA hold in respect of an inmate to assist in the preparation of the submission.

In practice, CSNSW will provide a “Notification of Special Interest” document to advise the SPA that the inmate is of interest to the Commissioner and is usually received in time for the closed meeting consideration.

When such a notification is received, consideration of the matter can:

- be stood over to another date in the closed meeting to allow for the Commissioner’s submission (prepared by the Crown Solicitors Office) to be considered by the SPA members, (time permitting, that no later than 21 days from the earliest release date); or
- be stood over to a public review hearing to allow for the Commissioner’s submission (prepared by the Crown Solicitors Office) to be considered and the inmate and the Commissioner being legally represented at this hearing; or
- result in a provisional decision to release an inmate to parole, the SPA providing probable conditions and reasons for such a decision, the matter stood over to a public review hearing and the inmate and Commissioner being legally represented at this hearing;
- result in a decision to refuse the inmate release to parole for reasons which may or may not relate to the Commissioner’s interest in the matter.

Parole consideration occurs in the same manner as it does for any other inmate being considered for release to parole by the SPA, with the additional information provided by the Commissioner of CSNSW for consideration by the SPA.

Revocation prior to release

Legislation allows the SPA to revoke a parole order (whether made by the Court or the SPA) at any time before an inmate is released to parole, if it is satisfied that the below circumstances exist and are justifiable:

- (a) *the offender, if released, would pose a serious identifiable risk to the safety of the community and that the risk cannot be sufficiently mitigated by directions from a community corrections officer or by changing the conditions of parole, or*
- (b) *the offender, if released, would pose a serious and immediate risk to the offender's safety and that the risk cannot be sufficiently mitigated by directions from a community corrections officer or by changing the conditions of parole, or*
- (c) *the offender has failed to comply with the offender's obligations under a re-integration home detention order, or*
- (d) *a re-integration home detention order applying to the offender has been revoked, or*
- (e) *the offender has requested the revocation, or*
- (f) *in the case of a parole order made by the Parole Authority, there has been a substantial change to a matter considered by the Parole Authority in making the order, or*
- (g) *any other circumstance prescribed by the regulations for the purpose of this section exists.*

An application for revoking a parole order prior to release is usually provided by Community Corrections and will be considered in a closed meeting, however, may also be received by the Commissioner of Corrective Services.

If the SPA determine that revocation of the parole order prior to the inmate's release is appropriate, the inmate will not be released to parole and on all occasions, a public review hearing will be scheduled to allow for the decision to undergo review.

Victims

Victims of crime have an important role within the parole process and can assist the SPA with its deliberations.

Any victim of any crime can send a written submission for consideration by the SPA before a final decision is made about an inmate's release to parole.

Whether a victim of crime makes a submission or not, legislation compels the SPA to consider the likely effect an inmate's release to parole may have on any victim or victim's family.

Submissions can assist the SPA in providing insights about the impact of the offending, the victims' concerns and/or fears and also allows victims to request that certain conditions be placed on the parole order if the inmate were to be released to parole.

Under the legislation (section 194 of the *CAS Act*), written submissions can be marked confidential by a Judicial officer, which prevents it being made public or available to any party other than the SPA. If requested, or in circumstances where the SPA may have concerns, victim submissions are kept confidential and not given to an inmate without a victim's consent.

Corrective Services NSW facilitates the Victims Register in NSW, which provides support to victims of crime by sharing certain information about inmates, such as an annual update on their location in custody, what is likely to occur during their time in custody and support in making submissions to the SPA.

Importantly, victims do not need to be on the Victims Register to have their submission considered by the SPA.

Registered victims of *serious offenders* can provide written submissions and also have the additional legislated right to make a verbal submission to the SPA at a public review hearing.

Registered victims of serious offenders are also entitled to access modified documents held by the SPA. These documents are modified to the extent that they provide information to registered victim/s about how an inmate has addressed their offending behaviour in custody.

Review hearings

Review hearings are held in the specially dedicated SPA Courtroom located in the South West Sydney Trial Court complex in Parramatta.

SPA review hearings are open to members of the public, with inmates appearing via audio-visual link from the correctional centre and in most cases, being legally represented. In NSW any inmate is able to access free legal representation from Prisoners Legal Service (Legal Aid) for SPA matters, alternatively, inmates are entitled to source their own legal representative. All legal representatives appear in person in the SPA court.

Community Corrections Officers also appear by audio-visual link, or are able to attend in person if they prefer. Their attendance ensures the most up to date information in relation to an inmate, or, if a person has had their parole order revoked, allows for questioning by the legal representative and SPA members.

Review hearings allow for a transparent examination of the matters that led to a refusal of parole, for legislative requirements to be fulfilled prior to a serious offender's release to parole and in the event a parolee's order has been revoked, the circumstances surround their supervision and lack of compliance with the parole order. Similarly, review hearings are held in instances where Intensive Correction Orders have been revoked and the participant has returned to custody on the outstanding warrant.

In 2024, the SPA held review hearings every Tuesday to Friday between January and September and in October to December 2024 Review hearings were held every Tuesday to Thursday.



Parole supervision

Parole is the supervised and supported reintegration of inmates in the community prior to their total sentence expiring. Parole provides a continuing measure of protection to the community during this period given supervision is a mandatory requirement of parole in NSW.

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

Release to parole is not leniency of the sentence or a reward for good behaviour. It is a carefully determined outcome provided by the Court at the time of sentencing. Importantly, the SPA cannot change the sentence imposed by the Court.

Parole does not mean that inmates are free.

Once released, a parolee is still considered to be subject to their sentence and there are consequences for breaching the conditions of the parole order. The most serious consequence being return to custody.

Parole is the part of the sentence that provides the opportunity to assist and monitor a person's adaption to a normal, lawful community life. As a bridge between custody and liberty in the community, parole is a form of supervised and conditional release that involves a thorough review of information and assessment of risk.

Parole ensures the safety of the community by ensuring that those on parole orders are supervised and supported during their return to the community, and reduces the likelihood that they will commit further offences.

Parole provides an effective way of protecting the community by ensuring that the release of an inmate at the expiry of their sentence does not occur. This would result in the absence of assistance and supervision during the transitional period back into the community.

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

Breaches of parole

A breach of parole occurs when a parolee fails to comply with any of the conditions of their parole order. It is important to remember that not all breaches of parole are of the same seriousness.

Breaches can include failing to report to Community Corrections, failing to obey directions provided by the Community Corrections Officer, leaving the State of New South Wales without permission or committing further offences.

For minor breaches of parole, the legislation allows for Community Corrections Officers to respond to the breach. If Community Corrections determine the breach is not serious, the SPA may not be informed about the breach and Community Corrections can impose the following response:

- Providing a reasonable direction to the parolee
- Recording the breach and taking no action
- Providing an informal warning to the parolee
- Providing a formal warning to the parolee
- Imposing a curfew of up to 12 hours in any 24-hour period

For more serious breaches, Community Corrections may submit a Breach of Parole Report to the SPA that outlines the details of the non-compliance, the parolee's overall response to parole supervision and will recommend what action they believe SPA should take.

All breach of parole reports are considered in closed meetings. During these meetings, the SPA have a number of documents to consider including the Breach of Parole Report, criminal history and where relevant, NSW Police Facts before coming to a determination as to what action to take.

Legislation outlines the action the SPA can take in relation to a breach of parole. Depending on the nature of the breach, SPA could take the following action:

- Taking no action and noting the report
- Issuing a warning to the offender
- Standing the matter over to obtain updated information such as court results
- Imposing additional conditions on the order
- Imposing a period of home detention for up to 30 days
- Revoking the parole order and issuing a warrant for the parolee's arrest and return to a correctional centre.

Revocation of parole

Revocation of parole is the most severe penalty the SPA can take in response to a breach of parole. Legislation prescribes that a revocation order takes effect from the date on which the SPA made the decision (the meeting date), or on an earlier date as determined by the SPA.

A warrant for a parolee's arrest and return to custody is created by the Secretariat and forwarded to NSW Police for registering on the COPS system where it remains until it is executed ie. until an arrest is made and the parolee is returned to a correctional centre.

Upon the individual returning to a correctional centre, the SPA Secretariat is informed of their entry and if more than 28 days is remaining on the sentence, a review date for a public review hearing is set.

Suspension of parole

If circumstances exist where a division of the SPA need to meet on a matter requiring urgent attention but are unable to be convened, the Commissioner of CSNSW may apply to a Judicial Member of the SPA to suspend a parole order and issue a warrant for a parolee's arrest and return to a correctional centre.

Such circumstances may occur when a parolee presents a serious and immediate risk to the community or themselves or concerns exist that the parolee will abscond, harm another person or commit a serious offence.

Upon a parole order being suspended, the suspension order remains in force for up to 28 days after the person is returned to custody.

During this time, a full division of the SPA has the opportunity to review the situation and determine whether it is appropriate to revoke the parole order or allow time for an inquiry into the allegations that led to the suspension of the parole order.

Pleasingly, in 2024, there were no applications made for suspension of parole.

Intensive Corrections Orders

A separate division of the SPA deals specifically with cases arising from Intensive Correction Orders (ICOs).

An Intensive Correction Order (ICO) is a sentence which does not result in the individual entering custody, but is served in the community under the strict supervision of Community Corrections. It is the most serious sentence that can be served in the community as failure to comply with the ICO results in entry to custody.

An ICO sentence is only available to eligible offenders, as determined by the legislation. ICOs are not available for individuals convicted of murder, manslaughter, sexual assault, sexual offences against a child, offences involving the discharge of a firearm or terrorism offences.

An ICO is for a fixed period and does not have a non-parole period. ICOs consist of a mandatory supervision/case management component and the court then adds at least one other condition such as home detention, electronic monitoring, a curfew, community service work, alcohol and drug abstinence, place restrictions and/or non-association requirements.

Community Corrections are responsible for the supervision of ICOs and if an offender does not comply with the ICO, a breach report may be submitted to the SPA for revocation consideration.

In response to non-compliance, the SPA may revoke the ICO, impose sanctions or issue a letter of warning. If an offender's ICO is revoked, a warrant is issued for the individual to enter custody.

Upon returning to custody, the ICO offender may apply for reinstatement of the ICO after serving at least one month in custody. The SPA must be satisfied that the person can successfully complete the remaining period of the ICO. In some circumstances, the SPA may request a reinstatement report from Community Corrections, particularly where the SPA may be considering a community service work or home detention condition.

In some instances the SPA may rescind the revocation of an ICO, for example if further charges are subsequently dismissed. This may occur at the scheduled review hearing or beforehand.



2024

Activity

Cases considered

Between January and September 2025, the SPA held eight meetings each week,

Of these 352 meetings for the first three quarters of the year, four closed meetings (principally for consideration of release to parole and revocation of parole and intensive correction order matters) and four public review hearings (to review decisions and a specific day to deal with intensive correction order matters). In October 2024, SPA ceased review hearings on a Friday, resulting in seven meetings each week, resulting in a further 77 meetings for the last quarter of 2024.

A single matter may be considered on more than one occasion. All matters commence initial consideration in a closed meeting and therefore, every matter that appears at a public review hearing, such as for the refusal or revocation of parole; was first considered in a closed meeting.

Matters may be considered on multiple occasions, for example where it is stood over for the receipt of additional reports or to await the finalisation of ongoing court matters, this could occur in both closed meetings or at review hearings.

In 2024, 18,810 matters were considered over 481 meetings and hearings, with 26,815 individual decisions being made. This total included the 4,333 matters considered in 52 *Secretary Sittings* and 6,484 separate decisions being made in respect of these 4,333 matters.

The *Secretary Sittings* are for the purpose of dealing with various administrative decisions for cases under consideration and are considered by the Secretary alone. Examples of these decisions include the registration of interstate parole orders, standing a matter over to a future date to allow for a report submission or the following of outstanding matters through the court system.

Parole granted

The SPA ordered the release to parole on 1,648 occasions in 2024.

1,188 of these parole orders were made for inmates when they were first eligible for release (not including serious offenders), 24 parole orders made for inmates at their anniversary hearing, 227 orders made pursuant to the provisions of manifest injustice and 76 parole orders made for individuals released to the reintegration home detention program.

Only 2 inmates were granted parole pursuant to Section 160 of the Act. Section 160 of the Act, which permits the SPA to release an inmate to parole prior to the expiration of their non-parole period given exceptional circumstances exist.

59 parole orders were made in relation to serious offenders, consisting of 3.5% of parole orders made by the SPA in 2024. There were no serious offenders parole granted release under Section 160 of the Act in 2024.

Parole refused

Parole was refused in 114 cases during 2024. Legislation requires that the SPA consider three principal matters when determining whether release to parole is appropriate. Of the 113 parole refusals in 2024, 10% were serious offenders, representing 11 of the 114 refusals.

Additionally, 34 inmates were refused parole consideration under the manifest injustice provisions.

Reintegration home detention

Reintegrated Home Detention consideration in 2023

	Applications	Granted	Declined	RHD Order Revoked	Parole revoked prior to release
Statutory parole	12	11	1	-	-
SPA parole	64	64	-	-	-

Submissions

Victim Submissions

The *Crimes (Administration of Sentences) Act 1999* gives registered victims the right to make submissions to the SPA when it is considering a decision about an inmate that may result in release to parole. Written notice is given to registered victims prior to the preliminary consideration of an inmate's release. In 2024, the SPA received submissions from victims for over 150 inmates.

State Submissions

The *Crimes (Administration of Sentences) Act 1999* allows the State of NSW to make submissions concerning the release of serious offenders. In 2024, there were 26 State Submissions received at the SPA.

Commissioner Submissions

The *Crimes (Administration of Sentences) Act 1999* allows the Commissioner of CSNSW to make submissions concerning the release of any inmate to parole. There were 16 Commissioner Submissions received in 2024.

Revocation of parole prior to release

Of the 34 applications made for revocation prior to release in 2024, 27 inmates who had been provided with statutory parole orders from the Court had their parole revoked., while the remaining 7 applications were declined. Of the 27 inmates whose orders were revoked prior to release, only 7 have the revocation orders rescinded and were released to parole.

Revocation of parole

In 2024, the SPA revoked a total of 2,243 parole orders, with 1,748 of these orders being statutory parole orders made by the Court, the remaining 494 parole orders were those made by the SPA.

Technical breaches of parole are considered to be any breach that does not involve re-offending or further charges. 325 statutory orders and 51 SPA orders resulted in revocation for technical breaches, inclusive of 3 serious offenders.

Re-offending attributed to 1021 revocations of statutory orders and 272 SPA orders, inclusive of 9 serious offenders and 1 revocation for an order made by the Children's Court (the parolee being supervised by Community Corrections given he was now an adult).

Revocation of parole orders for a combination of technical breaches and re-offending made up for the remaining 563 revocations, 402 being statutory orders and 161 being SPA orders, with no serious offenders revoked for both types of conditions.

Rescission of revocation

Once a parolee is returned to custody on a parole revocation warrant, they have the right to have the matter reviewed in a public review hearing. This provides the opportunity for the SPA to determine whether there are circumstances which would support the person returning to parole supervision, rather than have them remain in custody. This return to supervision removes the revocation of parole decision and is called a rescission of revocation. In 2024, SPA rescinded 430 parole revocations and, as mentioned above 7 revocations of parole prior to release.

Variation of parole orders

During the parole period, it may be necessary to vary the additional conditions of a parole order to ensure the order continues to be relevant and appropriate for the 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 2024, the SPA varied 45 parole orders, inclusive of 20 statutory parole orders, the remaining being orders made by the SPA.

Overseas travel

Standard parole conditions necessitate that the SPA must provide approval for travel overseas during the parole period. Applications for overseas travel are provided via Community Corrections who supply a report indicating the purpose of travel and also indicate the parolee's compliance with conditions and suitability in the community. 53 applications for overseas travel were received in 2024, 5 of these applications were declined by the SPA, with the remaining 48 applications being approved.

Intensive Corrections Orders (ICOs)

During 2024, the Parole Authority revoked 1607 ICOs, resulting in some people on ICOs entering custody for the first time. SPA confirmed 1180 revocation orders and reinstated 524 ICOs.

Community Corrections prepared 223 reinstatement reports to allow the Parole Authority to consider the suitability of a work or home detention component to be given to individuals who made applications for reinstatement.

Of the 272 variation applications received in 2024, the SPA deleted conditions from 166 orders, added conditions to 46 orders and amended conditions of 1 order. The remaining applications resulted in 8 revocations of the ICO, warnings from the SPA or denial of the application.

2024 resulted in 194 applications for overseas travel being received by the SPA. 161 of these applications were approved, with the remaining 33 applications being declined.

