## **RE: SALIM MEHAJER**

## REASONS FOR DETERMINATION

The Honourable G J Bellew SC – Chairperson
Ms J McMahon – Community Corrections Representative
Mr C Stinson – NSW Police Representative
Mr D Sword – Community Member
Ms J Boland – Community Member

Appearances: Mr G Kassisieh for the Commissioner of Corrective Services

Mr D Bhutani for the Offender

DATE OF HEARING: 12 June 2025

DATE OF DETERMINATION: 23 June 2025

## INTRODUCTION

1. On 9 May 2025, the State Parole Authority of New South Wales (the Authority) formed a provisional decision to grant parole to Salim Mehajer (the Offender). The matter came before the Authority for hearing on 12 June 2025, at which time the Authority had the benefit of hearing evidence from a representative of Community Corrections, as well as oral submissions on behalf of the offender and submissions on behalf of the Commissioner for Corrective Services (the Commissioner) who opposed the offender's release. Following that hearing, the Authority's determination was reserved.

#### THE CHARGES AGAINST THE OFFENDER AND THE SENTENCES IMPOSED

2. Following two trials in the District Court of NSW before his Honour Judge Bennett SC and a jury in early 2024, the offender was found guilty of a number of separate offences.

- 3. The first trial involved seven offences committed by the offender between 1 April 2018 and 4 October 2020 against his then partner, MB. Those offences were:
  - (i) 3 counts of assault, contrary to s 61 of the Crimes Act 1900 (NSW);
  - (ii) 1 count of intimidation, contrary to s 13 of the *Crimes (Domestic and Personal Violence) Act* (NSW);
  - (iii) 1 count of assault occasioning actual bodily harm, contrary to s 59 of the *Crimes Act 1900* (NSW);<sup>1</sup>
  - (iv) 1 count of intentionally suffocating contrary to s 37 of the *Crimes Act* 1900 (NSW).
- 4. The facts of those offences were set out at length by the sentencing Judge.<sup>2</sup> His Honour's findings included the following:
  - 1. the offending in (i) above variously involved the offender:
    - (a) striking MB's 10 times;<sup>3</sup>
    - (b) pinning MB's arm against her body and crushing her hand;4 and
    - (c) pinning MB against a wall;<sup>5</sup>
  - 2. the offending in (ii) involved the offender threatening to kill MB's mother;6
  - 3. the offending in (iii) involved the offender throwing an item at MB resulting in her suffering a "dead arm";<sup>7</sup>
  - 4. the offending in (iv) involved the offender placing his hand over MB's nose and mouth such that she could not breathe, whilst pinning her against a wall, as a consequence of which she passed out.8

<sup>&</sup>lt;sup>1</sup>There was an alternative count of common assault which did not require the jury's verdict.

<sup>&</sup>lt;sup>2</sup> See [2024] NSWDC 240 commencing at [52].

<sup>&</sup>lt;sup>3</sup> At [55].

<sup>&</sup>lt;sup>4</sup> At [58].

<sup>&</sup>lt;sup>5</sup> At [60].

<sup>&</sup>lt;sup>6</sup> At [60].

<sup>&</sup>lt;sup>7</sup> At [62].

<sup>8</sup> At [69].

- 5. The sentencing Judge noted the contents of a Victim Impact Statement<sup>9</sup> provided by MB in which she referred to the "emotional scars" she had suffered as a consequence of the offending. His Honour described the statement as a "telling reminder of what follows for victims after such misconduct to which she was persistently subject".<sup>10</sup>
- 6. The second trial involved the determination of four offences committed by the offender in March 2020. These offences were:
  - (i) 2 counts of making a false document, intending it to be used to induce a person to accept it as being genuine, to obtain a financial advantage, contrary to s 253(b)(ii) of the *Crimes Act 1900* (NSW);
  - (ii) 2 counts of using a false document, intending it to be used to induce a person to accept it as being genuine, to obtain a financial advantage, contrary to s 254(b)(ii) of the *Crimes Act 1900* (NSW).
- 7. The Sentencing Judge outlined<sup>11</sup> that this offending stemmed from the offender being declared Bankrupt. His Honour described the offending as conduct committed "in blatant disregard of our system of law which, for its success, depends upon the veracity and integrity of documents that are filed in whatever Court for whatever curial purpose". He categorized the conduct as "serious misconduct impacting upon our system for the administration of justice" which was "deserving of punishment", and which required "a custodial sentence that must be served". <sup>13</sup>
- 8. In imposing sentence, his Honour recounted the offender's criminal history and his subjective case.<sup>14</sup> In doing so, he noted that the offender maintained his innocence<sup>15</sup> and demonstrated minimal insight into his offending.<sup>16</sup> Whilst his Honour was not prepared to find that the offender had good prospects of rehabilitation, he did

<sup>&</sup>lt;sup>9</sup> Commencing at [91].

<sup>&</sup>lt;sup>10</sup> At [101].

<sup>&</sup>lt;sup>11</sup> Commencing at [103].

<sup>&</sup>lt;sup>12</sup> At [133].

<sup>13</sup> At [134].

<sup>&</sup>lt;sup>14</sup> Commencing at [135].

<sup>&</sup>lt;sup>15</sup> At [156].

<sup>&</sup>lt;sup>16</sup> At [159].

express the view that the offender had the *capacity* to be rehabilitated if he developed an attitude that allowed that to occur.<sup>17</sup> He was unable to identify any contrition or remorse on the part of the offender.<sup>18</sup> However, his Honour did identify what he described as a "need for [the offender] to have a further period on parole than might otherwise be the case". He proceeded to make a finding of special circumstances pursuant to s 44 of the *Crimes* (*Sentencing Procedure*) *Act* 1999 (NSW).

9. His Honour imposed an aggregate sentence of 7 years and 9 months imprisonment, with a non-parole period of 3 years and 6 months. The offender is eligible for release on parole on 18 July 2025.

# THE RELEVANT STATUTORY CONSIDERATIONS

10. Before addressing the submissions of the parties, it is appropriate to turn to the relevant statutory provisions. Section 135(1) of the *Crimes (Administration of Sentences) Act* 1999 (NSW) (the CAS Act) provides that the Authority must not make a parole order unless it is satisfied that it is in the interests of the safety of the community to do so. Sections 135(2) and (3) of the CAS Act set out a number of factors that the Authority *must* take into account (to the extent that they are applicable) when determining whether an offender should be released. In the present case, those factors are as follows.

The risk of release to the safety of members of the community – s 135(2)(a) The risk of further re-offending – s 135(2)(b)

The risk to community safety of release without any, or with a shorter period of, supervised parole – s 135(2)(c)

11. As the Authority has previously observed, no release of any offender is entirely risk-free. That said, the offender's risk of re-offending has been assessed as medium as opposed to high.<sup>19</sup> Having regard to the evidence, and for the reasons discussed in more detail below, the Authority is of the view that risk to community safety of releasing the offender at the end of his sentence without a period of supervised

<sup>&</sup>lt;sup>17</sup> At [248].

<sup>&</sup>lt;sup>18</sup> At [249].

<sup>&</sup>lt;sup>19</sup> See Pre-release report at p. 7.

parole, or at later date with a shorter period of parole, would be counterproductive. That view finds support in the finding of special circumstances which was made by the sentencing Judge, on the basis of the offender's identified need for a longer period on parole. It is fortified by the general opinion expressed in the Pre-release report prepared by Community Corrections that any risk(s) can be managed safely and appropriately in the community.

# The nature and circumstances of the offending – s 135(3)(a) Relevant comments by the Sentencing Court – s 135(3)(b)

12. The nature and circumstances of the offending have been set out by reference to the sentencing remarks of his Honour Judge Bennett SC, as have a number of his Honour's comments. The entirety of the offending was obviously serious. Any further comment about his Honour's observations would be superfluous.

## The offender's criminal history – s 135(3)(c)

13. The sentencing Judge set out the offender's criminal history in detail.<sup>20</sup> It includes, relevantly, prior instances of offences of both violence and dishonesty.

## The likely effect of the offender's release on the victim - s 135(2)(d)

14. The Authority has available to it material to which s 194 of the CAS Act applied. In those circumstances, no reference will be made to it, other than to state that it has been taken into account.

## The reports prepared by Community Corrections Officers – s 135(3)(f)

- 15. The Authority has the benefit of a Pre-Release Report (PRR) prepared by Community Corrections. The following matters of particular significance emerge from that report.
- 16. To begin with, the report recommends the offender's release, and notes in particular that he:<sup>21</sup>

<sup>&</sup>lt;sup>20</sup> At [135] -[144].

<sup>&</sup>lt;sup>21</sup> Report at p. 9.

- (i) has engaged in relevant programs, to the point of completing all such programs as have been made available to him including CONNECT and EQUIPS Foundation;
- (ii) has expressed a commitment to continue with treatment, including undertaking domestic violence programs, on release;
- (iii) will be able to re-engage with psychological treatment upon release, in circumstances where a treatment plan will be developed in advance;
- (iv) has stable accommodation and family support in the community;
- (v) has demonstrated a significant improvement in behaviour; and
- (vi) will benefit from the comprehensive case plan which has been developed for the purpose of identifying his relevant risks and needs, including concerns surrounding mental health and domestic violence.
- 17. Importantly, when giving evidence before the Authority, the author of the report confirmed her recommendation for the offender's release.<sup>22</sup>
- 18. Further, as discussed more fully below, a cornerstone of the Commissioner's submissions opposing the offender's release stems from what was described during the course of the hearing as an absence of (and thus a need for) "attitudinal change" on the part of the offender. That submission was made in the context of the offender's denial of the offending of which he was found guilty. The author of the PRR expressly acknowledged<sup>23</sup> that such denial remained a matter of concern. The importance attached by the Commissioner to this issue was such that it was agitated at length at the hearing before the Authority, in the course of which the following exchange took place between the Chairperson and the Community Corrections Officer who prepared the report:<sup>24</sup>

CHAIRPERSON: [Y]ou've heard a number of references in these exchanges to the necessity for attitudinal change. Is that a factor which in your view bears upon the offender's prospects of successful reintegration?

<sup>&</sup>lt;sup>22</sup> Transcript 13.36.

<sup>&</sup>lt;sup>23</sup> Report at p. 9.

<sup>&</sup>lt;sup>24</sup> Transcript 14.41 – 15.4.

CCO: I do agree with what's been discussed already in terms of the fact that there's no guarantees that that will change if parole is denied at this opportunity. I also agree with the fact that engagement in programs, his psychological counselling when he's released may improve chances of gaining more insight in his behaviours. I don't believe it should be a barrier to release at this time (emphasis added).

- 19. The evidence of the Community Corrections Officer set out above is significant in two respects. The first, is her opinion that the psychological counselling which forms part of the offender's post release plans may have a beneficial effect on the issue of attitudinal change. The second, is her opinion (consistent with that expressed in the PRR) that the offender's denial of wrongdoing is not something that should operate, as she put it, as a "barrier to release at this time".
- 20. Given the primacy that the Commissioner attached to the issue of attitudinal change in opposing the offender's release, the Authority finds it more than a little surprising that the Community Corrections Officer was not cross-examined on the opinions that she expressed. Indeed, her opinions, be they those expressed in the PRR or those expressed during the course of the hearing, were entirely unchallenged. The fact that this is so does not, of course, lead inexorably to the conclusion that such opinion *must* be accepted. However, in the circumstances of the present case, it is the Authority's view that there is absolutely no basis on which to reject them. Whilst no one factor is conclusive, those opinions have obviously been taken into account in the Authority's determination. They run entirely contrary to the position advanced by the Commissioner.

# Other relevant factors - s 135(4)(j)

#### The statement of the offender

21. The offender provided a handwritten statement to the Authority which he asked to be taken into account. Unsurprisingly, that statement is favourable to the offender. Once again, counsel for the Commissioner did not avail himself of the opportunity to cross-examine the offender on its contents when given the opportunity to do so.<sup>26</sup>

<sup>&</sup>lt;sup>25</sup> Transcript 12.12; 15.12.

<sup>&</sup>lt;sup>26</sup> Transcript 1.44.

Counsel for the Commissioner submitted that the statement was a further demonstration of the offender's lack of insight.<sup>27</sup> In the Authority's view, the statement should be given some weight. To the extent that it presents a favourable picture of the offender, that is consistent with (amongst other things) the improvements in the offender's behaviour which were noted in the PRR.

## SUBMISSIONS OF THE PARTIES

#### Submissions of the Commissioner

- 22. The Authority was provided with comprehensive written submissions on behalf of the Commissioner, which were supplemented by oral submissions made in the course of the hearing. Whilst the entirety of those submissions has been taken into account, counsel for the Commissioner focussed upon three propositions in the course of the hearing, namely that:
  - (i) there is a risk of reoffending;<sup>28</sup>
  - (ii) there is an absence of insight on the part of the offender;<sup>29</sup>
  - (iii) the environment into which the offender will be released will "ingratiate him further amongst attitudes that do not challenge the offending".<sup>30</sup>
- 23. Whilst these matters are addressed further below, the following observations should be made at this point.
- 24. As to the first submission, the Authority has addressed the question of risk above.<sup>31</sup> In the Authority's view, the risk of re-offending, whilst present, is not something that should lead to a conclusion that parole be refused.

<sup>&</sup>lt;sup>27</sup> Commencing at Transcript 6.23.

<sup>&</sup>lt;sup>28</sup> Transcript 2.24.

<sup>&</sup>lt;sup>29</sup> Transcript 2.25.

<sup>&</sup>lt;sup>30</sup> Transcript 2.26 – 2.27.

<sup>&</sup>lt;sup>31</sup> At [11].

- 25. As to the second, it is the Authority's view, for the reasons set out below, that the Commissioner's position does not withstand close scrutiny.
- 26. As to the third, the submission advanced needs to be put into some context. Although it was originally proposed that the offender would be released to live with his family, he has now found separate rented accommodation. The PRR noted <sup>32</sup> that the offender "retains the support of his extended family and has received regular and ongoing visits from them throughout his incarceration". The written submissions of the Commissioner sought to address this issue by advancing the following proposition:<sup>33</sup>

[The offender's] release will further enmesh him in an environment where his denialist attitudes are likely to be reinforced by closeness to family members, some of whom (1) have their own fraud convictions; [2] he has previously co-opted to facilitate his own offending; [3] are according to him associated with a known crime family; and [4] appear to have adopted their own attitudes that minimise the seriousness of [his] offending (emphasis added).

27. The author of the PRR, who gave evidence before the Authority, was clearly of the opinion that the support of the offender's family was a factor *favouring* the offender's release. Notwithstanding that the Commissioner (at least on the basis of the submission in [26] above) took the opposite view, there was no challenge to the opinion which was expressed. Perhaps of even greater significance is that the fact that having advanced the proposition set out at [26] above, the Commissioner's submissions then stated the following:<sup>34</sup>

[The offender] also has the benefit of .... the unwavering support of his family (emphasis added).

28. That submission flies in the face of that which was previously put on the Commissioner's behalf.

<sup>&</sup>lt;sup>32</sup> At p. 2.

<sup>&</sup>lt;sup>33</sup> At [5].

<sup>34</sup> At [80].

# Submissions of the offender

29. Counsel for the offender also provided written submissions which the Authority has taken into account. In expanding upon those submissions at the hearing, counsel submitted that there had been a change in the offender's behaviour and attitude in custody, as reflected in (amongst other things) his completion of relevant remedial programs.<sup>35</sup> As to the offender's denials of his offending, counsel submitted that this, of itself, should not impede the offender's release on parole, particularly in circumstances where the offender had completed programs in custody, and had undertaken to continue to do so if released.<sup>36</sup>

30.In terms of the offender's family, counsel submitted that their support should be regarded as positive in terms of reintegration into the community.<sup>37</sup> Counsel further submitted<sup>38</sup> that the offender's statement was deserving of weight, particularly in circumstances where he had not been cross-examined on its contents, and that it demonstrated that the offender did have some insight, and a willingness to engage in rehabilitation.

## CONSIDERATION

31. In reaching its determination, the Authority has had regard to the various mandatory factors in s 135(2) and (3) of the CAS Act to which reference has been made, and which are applicable in the present case. As outlined above, an assessment has been made of each of those factors. Over and above those factors and the Authority's assessments of them, there are, in the Authority's view, a number of other factors which are relevant.

32. First, the sentencing Judge expressly recognised the need for the offender to have the benefit of an extended period of parole. Significantly, his Honour reduced the ratio between the non-parole period and the total sentence to one of 45%, the statutory ratio being one of 75%. That might be of limited (or perhaps no)

<sup>&</sup>lt;sup>35</sup> Transcript 9.3 – 9.9.

<sup>&</sup>lt;sup>36</sup> Transcript 9;11 and following.

<sup>&</sup>lt;sup>37</sup> Transcript 9.35.

<sup>&</sup>lt;sup>38</sup> Commencing at Transcript 10.38.

significance in the case of an offender who has indicated that he or she will not avail themselves of the opportunity which it presents. However, in the present case, the evidence before the Authority supports a conclusion that the offender will engage with Community Corrections when released, both in terms of the completion of further programs and psychological intervention. In other words, the evidence before the Authority, including the unchallenged statement of the offender, points to the use of the extended period of parole which the sentencing Judge ordered for the precise purpose(s) for which it was intended. That, in the Authority's view, is a factor which is at least capable of mitigating the risks which are presented, including that of re-offending. It is a factor which supports the offender's release.

- 33. Secondly, the opinion of the Community Corrections Officer is that the support provided by the offender's family should be viewed as a positive, rather than a negative, factor. In the circumstances previously set out, it is difficult, to say the least, to understand just what the Commissioner's position is on this issue, for the simple reason that the written submissions put on his behalf are fundamentally contradictory. In the Authority's view, the support of the offender's family should be viewed as a pro-social factor. It would be somewhat unfair, to say the least, to visit the alleged "sins" of the offender's family on the offender himself. That position appeared to be ultimately accepted by counsel for the Commissioner, albeit reluctantly.<sup>39</sup>
- 34. Thirdly, and bearing in mind the significance attached to it by the Commissioner, the Authority does not consider that the offender's failure to acknowledge his offending is a factor which, either of itself or in combination with other factors, should militate against his release on parole at this time. That is so for a number of reasons.
- 35.To begin with, the Authority accepts the unchallenged evidence of the Community Corrections Officer in relation to this issue which has been set out above.<sup>40</sup>

<sup>&</sup>lt;sup>39</sup> Transcript 7.3.

<sup>&</sup>lt;sup>40</sup> At [18].

36.Moreover, counsel for the Commissioner was unable to articulate how a decision to refuse parole at this point would address this issue in any meaningful way, <sup>41</sup> or for that matter why that issue would support a decision to have the offender remain in custody. In this regard, two exchanges in the course of the hearing assume significance. The first was as follows:<sup>42</sup>

MEMBER BOLAND: Mr Kassisieh, it's community representative here. I just wanted to go back to the point about attitudinal change and the that that in your submission hadn't occurred. Would it be the case that if he was to undertake offence targeted programs in release that he's likely to get an attitudinal change, perhaps from his peer group that are within that group, that that's a possibility as well?

MR KASSISIEH: It may be a possibility, but the issue is, when we look at what his Honour said in sentencing, is that the attitudinal change comes as a precondition to rehabilitation, and so really the only person that can answer that question is Mr Mehajer. In terms of if his attitudes don't change in respect of his offending, then the Commissioner's submission is, as I've said, he's not going to have that challenging of attitudes in the community any more than he will in custody.

MEMBER BOLAND: It may be challenged in those courses though perhaps, if he was to undertake those programs.

MR KASSISIEH: Yes.

MEMBER BOLAND: May be challenged in that, and would he be challenged if he was to remain in custody without undertaking any further courses.

MR KASSISIEH: It may be challenged, but I would say it has been challenged. If we look at the case notes of the numerous times that he's been asked about his offending, he hasn't resiled from his position that he denies the offending, or seeks to minimise it or blame others. And so, what programs, you know, are going to achieve that rehabilitation if he doesn't change his attitude in the first place.

MEMBER BOLAND: Then we come back to that position that we've raised, that next year the same position, and the year after if there's no attitudinal change and we're stuck with making a decision based on that but nothing changes, and so what's the position?

MR KASSISIEH: **Yes, and I accept that.** There will always be a risk if his attitudes don't change. I accept that. Certainly, the Authority is in an unenviable position in making an assessment like that but, at this stage, that goes back to the first submission which is the community shouldn't bear that

<sup>&</sup>lt;sup>41</sup> Transcript 13.45 – 14.37.

<sup>&</sup>lt;sup>42</sup> Transcript 11.26 – 12.32.

risk while the question of change is really in his hands, not the community's (emphasis added).

#### 37. The second was as follows:43

MEMBER SWORD: Mr Kassisieh, it's Member Sword speaking. As I understand the Commissioner's position, you're saying that the current attitudes held by the offender are such that this Authority should not make a release to parole because of the risk to community safety. If we don't release to parole and Mr Mehajer stays in custody, how is the Commissioner's thinking in terms of that producing an attitudinal change?

MR KASSISIEH: The short answer to that is we don't know if it will produce an attitudinal change, but an attitudinal change is necessary for rehabilitation, and that is what the sentencing remarks of his Honour Bennett J was to the effect of at paragraphs 28 of our submission. What he said was the capacity to pursue rehabilitation would be there if he developed an attitude that allowed it to occur. So, the Commissioner's submission is to the opposite. Is until that attitudinal change occurs, there is a risk to the community safety and that risk to the safety of the community is best protected against in custody rather than in release to an environment where the attitudes won't be challenged because of the factors I raised regarding the denialist attitudes of family members.

MEMBER SWORD: Finally, Mr Kassisieh, if there's no attitudinal change, is it the Commissioner's position that the Authority should not consider release to parole and he sees out his sentence in October 2029?

MR KASSISIEH: The Commissioner's submission is a shorter period for parole would be ample time, and maybe it's the time to just address the submission of my friend around, I think he put it about the prospects of reintegration, and with respect to my friend, that's not the question. The Commissioner would say he does have good prospects for reintegration. That's obvious from his educational background, from his previous employment, from his ability to present himself politely in a well-considered manner and all those things that go into support his reintegration, and that can be achieved in a shorter timeframe than for other offenders that perhaps may not have all of those attributes.

So that's why we would say, or the Commissioner would say rather, that the period of parole could be shorter, and when balanced with the risk to the community because of the past offending which gives us an insight to what is possible.

MEMBER SWORD: Thank you, Mr Kassisieh.

CHAIRPERSON: Just one moment, Mr Bhutani. I'm not sure that for my particular, Mr Kassisieh, Mr Sword's last question has necessarily been answered. The question that was put to you, as I understood it was that if the

-

<sup>&</sup>lt;sup>43</sup> Transcript 11.26 – 12.32.

Commissioner accepts that attitudinal change is a fundamental component of all of this, and if no attitudinal change was demonstrated, is it the Commissioner's position that Mr Mehajer should remain in custody until the conclusion of his sentence. Are you able to respond to that on your instructions?

MR KASSISIEH: Yes. The position of the Commissioner is not to the end of his sentence but for a later time in his sentence. Now, if the attitudinal change doesn't occur, then the Authority will have to consider, again, at a future time the weigh in considerations that are currently being considered today, but it's really a matter for him as to whether or not he changes his attitudes. There is also an appeal on foot that hasn't been decided (emphasis added).

38.It needs to be made clear that the Commissioner does not bear any onus to establish that the offender should not be released, any more than the offender bears an onus that he should. However, in the Authority's view, the position articulated on behalf of the Commissioner in these exchanges provides absolutely no support for the proposition that the offender's lack of acknowledgement of his wrongdoing somehow justifies his continued incarceration. The Authority has come to that view for a number of reasons.

39. To begin with, counsel for the Commissioner conceded that:

- (i) there is a possibility that attitudinal change may occur if the offender undertakes offence-targeted programs in the community (which the author of the Pre-release report indicated that he has undertaken to do); and
- (ii) refusing parole may not bring about any attitudinal change at all, in circumstances where the necessity for such change is, in the Commissioner's submission, a principal reason to keep the offender in custody.

40.In the Authority's view, these concessions run entirely contrary to the proposition advanced by the Commissioner that refusing the offender parole would serve any

identified rehabilitative or related purpose. Far from supporting a refusal of parole, such concessions, in the Authority's view, in fact support the offender's release.

- 41. Moreover, counsel for the Commissioner further conceded, in terms, that the offender <u>has</u> good prospects of reintegration (or in other words, rehabilitation) not that he <u>will have</u> such prospects if his attitude changes. If the Commissioner's concession is accepted (and the Authority does so), the proposition that the offender should be retained in custody, for some undefined period of time, to await an attitudinal change which may or may not occur, is, with respect, somewhat specious.
- 42. Finally, the position taken by the Commissioner on this issue is somewhat contrary to that adopted by the sentencing Judge as to the offender's need for a longer period of parole to assist in his rehabilitation. Comments by a sentencing Court are something that the Authority must take into account when determining whether an offender ought to be released. If the Commissioner's position were accepted, the clear intentions of the sentencing Judge would be largely subverted. Whilst the weight to be ascribed to any mandatory factor remains a matter for the Authority, there is nothing in the present case which would warrant the weight to be given to the views of Judge Bennett SC being reduced. All of these factors provide further support for the offender's release.

## CONCLUSION

- 43. For the reasons expressed, and having regard to s 135 of the *Crimes (Administration of Sentences) Act 1999,* the Authority is satisfied that it is in the interests of the safety of the community to make a parole order releasing the offender. The Authority makes the following orders:
  - 1. The offender is to be released on 18 July 2025.
  - 2. The offender's release is subject to the following conditions: While you are on parole:

<sup>&</sup>lt;sup>44</sup> CAS Act s 135(3)(b).

- 1. You must be of good behaviour.
- 2. You must not commit any offences.
- 3. You must adapt to normal lawful community life. When you are first released on parole:
- 4. You must report: a) to a community corrections officer at a time and place directed, or b) if you have not been given a direction, to a Community Corrections office within 7 days of your release. While your parole is supervised:
- 5. You must report to a community corrections officer at the times and places directed by the officer.
- 6. You must comply with all reasonable directions from a community corrections officer about:
- a) the place where you will live
- b) participating in programs, treatment, interventions or other related activities
- c) participating in employment, education, training or other related activities
- d) not undertaking specified employment, education, training, volunteer, leisure or other activities
- e) not associating with specified people
- f) not visiting or frequenting specified places or areas
- g) ceasing drug use
- h) ceasing or reducing alcohol use
- i) drug and alcohol testing
- *j)* monitoring your compliance with the parole order *k*) giving consent to third parties to provide information to the officer that is relevant to your compliance with the parole order.
- 7. You must comply with any other reasonable directions from a community corrections officer.
- 8. You must permit a community corrections officer to visit you at the place where you live at any time, and permit the officer to enter the premises when they visit you.
- 9. You must notify a community corrections officer if you change your address, contact details or employment. You must do this before the change occurs if practicable, or within 7 days of the change occurring.
- 10. You must not leave New South Wales without permission from a community corrections manager.
- 11. You must not leave Australia without permission from the State Parole Authority
- 3. The following additional conditions are imposed by the Authority:

Condition 24 - You must not contact, communicate with, watch, stalk, harass or intimidate the victim.

Condition 29 – You must not contact or communicate with Outlaw Motorcycle Gang (OMCG) members or associates without the express prior approval of your officer, and you must not visit or frequent any OMCG premises frequented by members and associates of OMCGs.

Condition 30 – You must not frequent or visit Central Coast Local Government Area.

# 23 June 2025