

**JOEL DENNIS****REASONS FOR DETERMINATION**

**The Honourable G J Bellew SC – Chairperson**  
**Mr M Morris – NSW Police representative**  
**Ms M Bostock – Community Corrections Representative**  
**Ms C McComish – Community Member**  
**Mr R Harvey – Community Member**

**Appearances:**

**Ms S Crellin, Crown Solicitor’s Office for the Commissioner for Corrective Services**  
**Mr B Agha, Prisoners Legal Service, for the Offender**

**Date of hearing: 5 November 2024**

**Date of determination: 18 November 2024**

**BACKGROUND**

1. On 26 September 2024, the State Parole Authority of New South Wales (the Authority) formed a provisional decision to grant parole to Joel Dennis (the offender). The matter came before the Authority for hearing on 5 November 2024, at which time it had the benefit of evidence given by a representative of Community Corrections, as well as the benefit of submissions from Ms Crellin on behalf of the Commissioner for Corrective Services (the Commissioner), and from Mr Agha, on behalf of the offender. At the conclusion of the hearing the Authority reserved its decision.

**THE OFFENDING**

2. On the evening of 12 March 2022, the offender was at premises in Dareton, in the company of a number of other persons. The victim (who had consumed a large quantity of port) entered the yard of the premises and shook hands with some of those present, before sitting down. He attempted to shake hands with the offender, who pushed him away. The victim and the offender had been involved in a physical altercation some months before.

3. The offender then punched the victim from behind without warning, connecting with the left side of his jaw. Another member of the group then punched the victim. The offender then removed something from his right pocket, and punched the victim several times to the face. The victim later presented to hospital with multiple injuries, including acute trauma to the right eye giving rise to, amongst other things, a rupture of the globe causing temporary blindness.

### **THE SENTENCE IMPOSED**

4. On 26 October 2023, the offender appeared before Judge Smith SC in the District Court of NSW, having pleaded guilty to one count of recklessly inflicting grievous bodily harm in company, contrary to s 35(1) of the *Crimes Act 1900*. That offence carries a maximum penalty of 14 years imprisonment, with a standard non-parole period of 5 years.
5. The offender was sentenced to imprisonment for 3 years and 4 months, with a non-parole period of 2 years. The sentence commenced on 1 December 2022, and expires on 31 March 2026. The non-parole period expires on 30 November 2024.

### **THE FINDINGS OF THE SENTENCING JUDGE**

6. The sentencing Judge found that although the attack was unplanned and of relatively short duration, it was entirely unprovoked, involved a number of hits to the head, and resulted in the victim suffering a permanent injury. He concluded that the offender's criminal history disentitled him to leniency, but did not amount to an aggravating factor.
7. By reference to expert medical evidence, the sentencing Judge found that the offender suffers from a Neurodevelopmental deficit which manifests itself in a communication disorder, limitations in language, and cognitive deficits. The sentencing Judge concluded that the long-lasting effects of bullying and social isolation on the offender lowered his moral culpability for the offending, and lessened the weight to be given to general and specific deterrence. The sentencing Judge was satisfied that the offender had expressed significant remorse.

8. Importantly, the sentencing Judge concluded that although the offender's prospects of rehabilitation were dependent upon the offender availing himself of support and addressing his underlying health issues, such prospects were nevertheless good. His Honour specifically found that the offender would require "*a lengthier time under supervision to assist with reintegration*", and made a finding of special circumstances.

### **THE RELEVANT STATUTORY PROVISIONS**

9. 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.

#### **The risk of release to the safety of members of the community – s 135(2)(a)**

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

10. The Authority acknowledges that there is a risk to the safety of members of the community of releasing the offender on parole. However, the report of Community Corrections expressed the unequivocal view that such risk can be effectively managed in the community. 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 parole, or at later date with a shorter period of parole, is likely to be greater than if the offender is released at this point.

#### **The risk of further re-offending – s 135(2)(b)**

11. The offender's risk of re-offending has been assessed as medium. That risk is necessarily intertwined with the offender's cognitive deficits, and the necessity for him to address his alcoholism. In the Authority's view, the risk mitigation plan which has been formulated, and which is set out in detail below, addresses the risk of re-offending.

### **The nature and circumstances of the offending – s 135(3)(a)**

12. The nature and circumstances of the offending have been set out.

### **Relevant comments by the sentencing Court – s 135(3)(b)**

13. The relevant observations of the sentencing Judge have been set out. Importantly, they included a finding of special circumstances to facilitate a longer period under parole supervision, which his Honour clearly saw as being necessary.

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

14. The offender’s criminal history was described by the Sentencing Judge as “*relatively sparse for someone of his age and with his mental health issues*”. The history includes multiple entries for violent offending, The sentencing Judge postulated that mental health issues may have impacted upon that history and, as previously noted, saw a reduced need for any sentence to incorporate any element of personal deterrence.

### **The likely effect of the offender’s release on the victim – s 135(2)(d)**

15. The Authority does not have any specific evidence of the likely effect of the offender’s release on the victim, but has taken that factor into account, particularly given the history of violence between them.

### **Reports prepared by Community Corrections – s 135(3)(f)**

16. The Authority has the benefit of a pre-release report prepared by Community Corrections dated 30 September 2024. The report recommends the offender’s release on parole. Whilst the Authority is obviously not bound by that recommendation, the report noted that the offender has:

- (i) extensive family support, including from both of his parents;
- (ii) not previously received any interventions or treatment for excessive alcohol consumption; and
- (iii) a limited capacity to communicate, and to comprehend information.

17. The case plan which will be implemented in the event of the offender's release will focus upon:

- (i) addressing the offender's alcohol consumption;
- (ii) managing his anger; and
- (iii) referral for the completion of programs in the community, including EQUIPS Addictions and Domestic and Family Violence.

18. If released, the offender will live with his father who, as previously noted, is supportive of him. In recommending his release, the report noted that the offender would benefit from referrals to services equipped to address his communication barriers.

19. The offender's recent behaviour in custody has been generally satisfactory, the report noting that he is described as a quiet inmate who engages well with staff and gets along with others. Whilst the offender expressed an unwillingness to engage in interventions, the author of the report attributed that unwillingness to the offender's limited capacity to communicate effectively, and to comprehend information. The author described the offender's cognitive barriers as "*obvious*", to the point where the offender would require "*significant assistance*" to complete any intervention or program. To the extent that the offender has been enrolled in programs whilst in custody, it was noted that he displayed a limited level of engagement, the clear inference being that his cognitive deficits are a barrier to such engagement, particularly in a group setting.

20. The Authority also has the benefit of a supplementary report from Community Corrections dated 22 October 2024. The only material change in the offender's circumstances in custody in the intervening period has been a positive one, namely securing employment as a cleaner in which his performance has been satisfactory. The supplementary report confirmed the earlier recommendation for release, on the basis that the offender's supportive family and strong supervision plan would benefit him "*whereas it appears there will be no changes to his engagement in education, employment or programs if he remains in custody*".

## **Other relevant factors – s 135(4)(j)**

### **The program pathway advice**

21. A program pathway advice dated 3 October 2024 encouraged the offender to complete two EQUIPS programs at his current location, and then seek parole. The report expressed the view that both programs would provide the offender with “a series of skills and strategies to manage high risk situations”. Whilst acknowledging that the programs were available in the community, the report expressed some uncertainty as to whether the offender would participate in them. However, the report concluded:

*BCP acknowledge that if Mr Dennis continues to decline to participate in custody he will not gain any skills and then his continued incarceration is solely for containment which does not work towards Closing the Gap priorities.*

### **The evidence at the hearing**

22. Evidence was given by an officer of Community Corrections at the hearing. Given the issues which were raised in submissions, the following extracts from that evidence are of significance.

23. To begin with, Ms Crellin questioned the representative as to aspects of the proposal for supervision in the event of the offender’s release:<sup>1</sup>

*MS CRELLIN: Thank you. In terms of the supervision that would be provided to Mr Dennis, do you imagine that would be done over the phone or with face to face contact in the community?*

*OFFICER: It would be a combination of both. They have initial assessment and planning period which is done face to face through an outreach, and that’s in the first six weeks of the parole. Then dependent on what Mr Dennis could establish, whether it be contact by phone, another outreach service, then they would alternate because it’s, I think as the crow flies, approximately 230 kilometres from their reporting office in Broken Hill which, obviously, has its barriers but they do do*

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<sup>1</sup> Commencing at transcript 2.15.

outreach servicing, yes. So it would be a mixture after the initial six weeks.

MS CRELLIN: Within the first six weeks, it would be someone from Broken Hill travelling out to Coomealla?

OFFICER: That's the understanding, yes.

MS CRELLIN: In terms of the EQUIPS program in Coomealla, how would that be facilitated?

OFFICER: Well, he won't be able to do it face to face at Coomealla, yes, because they'll run the program from Broken Hill, but they have, I'm not sure if you're familiar with, Livelt where they can actually issue someone a laptop and they can do it online, but, again, that would depend on Mr Dennis's capacity of actually accessing, you know, the capabilities of using the internet and so forth, and that's no disrespect to Mr Dennis himself, but it can have its levels of tedium in doing that, especially in remote areas.

MS CRELLIN: Thank you. In terms of employment opportunities in Coomealla, are you able to speak to that?

OFFICER: I couldn't. Anything that I'd say would be a guess employment-wise. It's close to the border, but that's Victoria, so there would be other issues that would align with that, so, yeah, I couldn't give an accurate response regarding employment.

24. The following questions were then put on behalf of the offender:<sup>2</sup>

MR AGHA: I just have a couple of questions in regards to the EQUIPS and one on one sessions for Mr Dennis. In terms of facilitating the program for Mr Dennis to allow him to have a one on one as opposed to a group setting for EQUIPS Aggression or Addiction, is there something that is possible within the community that will allow Mr Dennis to undertake these programs?

OFFICER: That would pretty much depend on other supports that he was aligned with. I've seen this done through NDIS providers where they provide a support worker that's assisted and facilitated a one on one session. Again, that goes back to the supervising office and the level of their capabilities. For Broken Hill, it's quite a remote office, and whatnot, so I couldn't speak for what they'd be able to facilitate for him, but it has

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<sup>2</sup> Commencing at transcript 3.10

been done in the past, it just has a few nuances attached to it with support services.

MR AGHA: Sure. In terms of NDIS, in your report, you indicate that it's being looked into. Is that still the case, or has there been progress for that to allow additional assistance and additional support for Mr Dennis once and if he is released?

OFFICER: That would definitely be something we'd have to revisit from the start, like, through some sort of advocacy service. Whilst he's been in custody, there's not been a lot of movement in that space talking to the custodial staff at Junee to help facilitate that.

MR AGHA: As long as he is in custody, is that something that movement will be occurring ground or is it just stagnant whilst he's in custody?

OFFICER: It's stagnant ordinarily until, like, a release time is normally triggered and then the release and reintegration section start working with people and make the contact with the support services once that date has been determined. Up until that time, the resources generally aren't utilised for that.

MR AGHA: I'm not sure whether or not it's something you can answer, but in terms of Mr Dennis's capacity to complete certain programs in custody in a group environment, was that ever explored whilst you were writing the Community Corrections report or submissions that you've put through to the Authority?

OFFICER: Yes, I spoke to the program delivery officers in the custodial environment, and they had the same assumption towards a group scenario probably wouldn't be ideal for Mr Dennis being that his level of communication and based on that, he just sort of falls into the crowd and pretty much doesn't engage and there would be no value in putting him in that group scenario.

MR AGHA: Just the last question: in terms of Mr Dennis's participation or lack of participation or capacity to even understand what's going on in those scenarios, was that explored because when I was reading the correspondence from the program pathway, Ms Ahern, there's not a lot of detail as to what other options are, it's just, no, it's not available because he's not doing it, and there's nothing else in place for him in custody which would mean, as his Honour mentioned, it would just keep Mr Dennis in custody for an additional 12 months with nothing there. Is there plans, do we know of plans?



*OFFICER: Being that the assessment has been made, there's generally, like, a review that could be done, and then Mr Dennis could be approached to have that re-evaluated but, again, it would be subject to eligibility and the same assessment would be then run. So if there was no drastic improvement in how Mr Dennis would interact again, it would have the same outcome.*

*MR AGHA: In terms of EQUIPS in the community, that's something that is available to Mr Dennis, that's also confirmed in the program pathway advice that Ms Ahern wrote, it can either be face to face or it can be via actually travelling out. My understanding is that Mr Dennis's family, father and mother, will be able to facilitate that if it's necessary. Is that something that can occur in the program in a one on one environment?*

*OFFICER: Provided they had the technology that was available to Mr Dennis, they could definitely do one on one or it could be arranged through a program provider to do it via what we call LiViT, yes.*

25. The Community Corrections representative on the Authority, Ms Bostock, then asked:<sup>3</sup>

*MEMBER BOSTOCK: Noting that you've said that the EQUIPS programs are likely to only be able to run via video, as in LiViT, and given that Mr Dennis has some concerns around his capacity to engage in that forum, in your supervision plan in your report, you've mentioned that there are drug and alcohol services and other interventions available in the community. Can I confirm what that is, and is that available to Mr Dennis should he be released?*

*OFFICER: What we can do for people that live close to the border, we have the same thing with communities at Murray Downs where they go into Renmark in South Australia to access the facilities there, Community Corrections would refer them to a facility that we've located in the township in Mildura that would be able to cater for that, and we just do interstate travel passes which goes long term for that intervention service. So, where Coomealla is quite remote for New South Wales and very much separated from Broken Hill, we would access the border services in Victoria to utilise the services definitely.*

*MEMBER BOSTOCK: You're confirming that there are individual interventions available for Mr Dennis to access to address drug and*

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<sup>3</sup> Commencing at transcript 4.43.

*alcohol issues in the community in a capacity that can assist him; is that correct?*

*REPRESENTATIVE: Yes, ma'am.*

26. Arising from that, Ms Crellin asked:<sup>4</sup>

*MS CRELLIN: Can I confirm those programs will be appropriate given Mr Dennis's particular literacy issues?*

*OFFICER: Well, that would be a matter for the agent to assess themselves and to work from there, like, because it's strictly based on availability, yes, they're available, whether they'd be suitable for Mr Dennis, I couldn't answer that based on the level of delivery they have at the service, so that would be specifically what the agencies have in place to facilitate someone of Mr Dennis's intellectual capacity, I guess, yes.*

### **Submissions of the Commissioner for Corrective Services**

27. The submissions of the Commissioner opposing the offender's release were comprehensive, and ran to some 17 pages. It is not proposed to address each individual proposition which was advanced. The entirety of the submissions have been taken into account. The central component of the Commissioner's position centred upon an asserted need for the offender to remain in custody to complete his program pathway, a proposition which was advanced by reference to the following submissions:

- (i) the offender poses a substantial risk to the members of the safety of the community if released;<sup>5</sup>
- (ii) that risk is evident from the nature of the offending, which represents a significant escalation in the offender's criminal conduct;<sup>6</sup>
- (iii) the offender's anti-social attitudes require therapeutic intervention,<sup>7</sup> in which the offender had not yet engaged;<sup>8</sup>
- (iv) successful re-engagement with programs in a custodial setting was essential to mitigate the risk of re-offending;<sup>9</sup>

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<sup>4</sup> Commencing at transcript 5.23.

<sup>5</sup> Written submissions at [57].

<sup>6</sup> Written submissions at [58].

<sup>7</sup> Written submissions at [73].

<sup>8</sup> Written submissions at [59].

<sup>9</sup> Written submissions at [60].

- (v) even accepting the inherent benefit to the community of supervised parole, it remained imperative for the Authority to be satisfied that any offender was ready to transition, and this offender was not;<sup>10</sup>
- (vi) remaining in custody offered the most suitable opportunity for the offender to complete the relevant programs;<sup>11</sup>
- (vii) continued detention in custody offered the offender the chance of “*a supported and structured environment in which to complete his outstanding behavioural interventions*”;<sup>12</sup>
- (viii) the offender’s demonstrated anti-social attitudes needed to be addressed by therapeutic intervention;<sup>13</sup>
- (ix) the view of Community Corrections should not be accepted, and the offender should be required to demonstrate a longer period of behavioural stability before being released;<sup>14</sup>
- (x) the offender should complete the recommended therapeutic interventions in custody before his release, as this approach would “*best assist [the offender] in completing offence targeted interventions which address his risk factors and ensure that he demonstrates pro-social behaviours and attitudes prior to his release*”.<sup>15</sup>

28. Having regard to all of these factors, it was submitted on behalf of the Commissioner that the test posed by s 135(1) was not met.

29. Bearing in mind the Commissioner’s position, it is relevant to note the following exchange which took place with Ms Crellin during the course of the hearing:<sup>16</sup>

*CHAIRPERSON: [C]an I just ask this. Part of the reason for the Commissioner's position is the Commissioner's view that there is a necessity for Mr Dennis to complete a program or programs; correct?*

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<sup>10</sup> Written submissions at [62].

<sup>11</sup> Written submissions at [64].

<sup>12</sup> Written submissions at [66].

<sup>13</sup> Written submissions at [73].

<sup>14</sup> Written submissions at [77].

<sup>15</sup> Written submissions at [77].

<sup>16</sup> Commencing at transcript 1.28.

MS CRELLIN: Yes.

CHAIRPERSON: *My understanding of the evidence that we have is that Mr Dennis, without intending any disrespect to him at all, is illiterate and has a limited vocabulary. That leads me to ask this question: what is the utility of detaining a person in custody for the purposes of completing a program in those circumstances?*

MS CRELLIN: *Your Honour, my understanding was that there's a capacity for a one on one type program to be provided to Mr Dennis. I appreciate what your Honour is saying, and beyond my written submissions, I have nothing further to add.*

CHAIRPERSON: *The other thing I wanted to raise was this: that if we were to accept the Commissioner's position and refuse the offender's release on that basis, that would see the offender remaining in custody and the matter would come before us again in about 12 months' time. In 12 months' time, there will be about four months left, it's not a lot of time.*

MS CRELLIN: *No, your Honour, I see that.*

## **Submissions of the Offender**

30. In written submissions dated 4 November 2024, Mr Agar submitted that:

- (i) the support of the offender's parents, and the supervision plan, favoured his release into the community;<sup>17</sup>
- (ii) the Authority should be satisfied that the test in s 135(1) had been met;<sup>18</sup>
- (iii) the finding of special circumstances made by the Sentencing Judge was significant;<sup>19</sup>
- (iv) the programs which had been identified formed an important part of the supervision plan to be implemented upon release;<sup>20</sup>
- (v) on the whole of the evidence it was in the best interests of both the offender, and the community, that he be released.<sup>21</sup>

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<sup>17</sup> Written submissions at [6].

<sup>18</sup> Written submissions at [7].

<sup>19</sup> Written submissions at [8] – [9].

<sup>20</sup> Written submissions at [19] – [20].

<sup>21</sup> Written submissions at [21] – [28].

31. Mr Agar developed these submissions orally at the hearing.<sup>22</sup>

## **CONSIDERATION**

32. It has been observed in a number of previous decisions that whilst the Authority must have regard to the entirety of the mandatory considerations in the CAS Act (insofar as they are applicable), no single factor is determinative. Having considered each of the relevant considerations, it is up to the Authority to determine the weight to be attached to each, and to make a discretionary determination as to whether the offender should be released having regard to the test in s 135(1).

33. The Authority accepts that there is a risk to the safety of the members of the community if the offender is released<sup>23</sup>, although it has to be said that some risk is likely to attach to the release of any offender. Release of an offender on parole is rarely, if ever, risk-free. The Authority further acknowledges that the offender's risk of re-offending has been assessed as moderate.

34. All of those risks stem from, amongst other things, the index offending, which represents an escalation in seriousness when compared to the offender's earlier criminal conduct. All of those matters have been taken into account by the Authority. However, to the extent that, individually or collectively, they might support a determination to refuse the offender's release, the Authority has come to the view that they are outweighed by other considerations. As a consequence, the Authority is satisfied that the test in s 135(1) of the CAS Act is met, and that the offender should be released. There are a number of factors which support that conclusion.

35. First, the Authority is satisfied the release of the offender at this point will address the risk of re-offending.<sup>24</sup> In this regard, the Authority has placed particular emphasis on the support which will be available to the offender in the community, not only from

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<sup>22</sup> Commencing at transcript 5.42.

<sup>23</sup> Section 135(2)(a).

<sup>24</sup> Section 135(2)(b).

Community Corrections through the implementation of the risk mitigation plan, but from his family.

36. Secondly, detaining the offender at this point would mean that the next consideration of his release would come at a time when there was only 4 months of his sentence remaining. This would leave little time for any meaningful supervision of the offender to be undertaken upon release, an outcome which was expressly acknowledged during the course of the hearing by Ms Crellin who appeared on behalf of the Commissioner. Such an outcome would be entirely inconsistent with the conclusion reached by the sentencing Judge that the offender requires an extended period of parole. That conclusion was reflected in his Honour's finding of special circumstances, the effect of which was to reduce the ratio between the head sentence at the non-parole period to one of 60%. That was, obviously, a substantial variation from the statutory ratio of 75%. It should be viewed as an indication of the importance that the sentencing Judge attached to the offender having the benefit of an extended period of parole supervision.

37. Given all of these circumstances, the Commissioner's position that the offender should not be released at this point (in which case he would have, at most, a period of supervised parole of 4 months) does not sit entirely comfortably with the Commissioner's express acknowledgement that there can be an elevation to the risk of community safety from a diminution in supervision, such that generally speaking, there is a benefit to community safety if an offender is released to parole with the longest period of supervision available.<sup>25</sup> In putting this position, the Commissioner submitted that the risk of a diminution in supervision is to be weighed against the benefits to community safety flowing from further custodial interventions.<sup>26</sup> For the reasons set out more fully below, the Authority is unable to identify a single benefit, in terms of community safety, which is likely to stem from the offender's continued detention. Conversely, the Authority is able to identify a number of benefits, in terms of such safety, which are likely to stem from the offender's release.

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<sup>25</sup> Written submissions at [65].

<sup>26</sup> Written submissions at [65].

38. Thirdly, there is evidence before the Authority that acceptance of the Commissioner's position would give rise to circumstances which are fundamentally at odds with meeting Closing the Gap priorities.

39. Fourthly, in the Authority's view, the entirety of the evidence supports a conclusion that the risk to community safety is likely to be greater if the offender is released at the end of his sentence without a period of supervised parole, or at a later date with a shorter period of supervised parole.<sup>27</sup> All of the factors discussed above support the conclusion that it is in the interests of the safety of the community to make a parole order releasing the offender.<sup>28</sup>

40. As previously noted, the gravamen of the Commissioner's firmly expressed opposition to the offender's release was the need for the offender to undertake his identified program pathway in a structured custodial setting. In the Authority's view, on an analysis of the whole of the evidence, the Commissioner's position opposing the offender's release at this time does not withstand close scrutiny. Put simply, if that position were accepted and acted upon, and the offender was detained for a further 12 months, little or nothing would be likely to be achieved in terms of his rehabilitation in the intervening period, to the point where such detention might well be counter-productive to community safety. This is so for a number of reasons.

41. To begin with, and in circumstances where the Commissioner submits that the offender should be further detained for the purposes of completing programs, there is, at the very least, a serious question as to whether the offender has the necessary intellectual and cognitive capacity to do so. There are numerous references in the material before the Authority to the offender's limited literacy. The sentencing Judge found, on the expert evidence which was before him, that the offender suffers from a Neurodevelopmental deficit which manifests itself in (amongst other things) a communication disorder. There is an available inference that these difficulties explain, in large measure, why the offender has not been able to successfully engage

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<sup>27</sup> Section 135(2)(c).

<sup>28</sup> Section 135(1).

in undertaking therapeutic programs in group settings in custody. All of those circumstances run completely contrary to the Commissioner's oft-repeated submission that there is a benefit to the offender undertaking programs in a structured custodial environment.

42. Further, even if it is assumed that offender's intellectual and cognitive state *does* extend to being able to complete the programs, the evidence before the Authority supports the following conclusions:

- (i) the recommended programs are available in the community in any event;
- (ii) one-on-one participation may be able to be facilitated in the community through a program provider, with the assistance of the offender's family;
- (iii) in contrast, delivery of the programs in custody would be in a group environment which, in the opinion of the Community Corrections representative who gave evidence at the hearing, "*wouldn't be ideal*" for the offender due to his communication and related difficulties;
- (iv) absent a "*drastic improvement*" in the offender's engagement in custody, the opinion of the Community Corrections representative who gave evidence was that if the offender is required to remain in custody for the purpose of undertaking programs, the outcome will be the same (i.e., the programs will not be completed), a conclusion which is entirely consistent with that expressed in the supplementary report of Community Corrections, which observed that it "*appears that there will be no changes to his engagement in education, employment or programs if he remains in custody*";
- (v) quite apart from the facilitation of programs, there are a series of other individual interventions immediately available to the offender in the community to assist him in addressing his alcohol dependence.

43. The importance of this evidence is twofold.

44. Firstly, at a general level, it supports a conclusion that the interests of the community, and the offender, are best served by his release on supervised parole.



45. Secondly, at a more specific level, such evidence (particularly that summarised in (iii) and (iv) above) supports a conclusion that acceptance of the Commissioner's position that the offender remain in custody for the purposes of undertaking programs is likely to amount to little more than an exercise in futility. There is no evidence whatsoever that the "drastic improvement" which is seen as being necessary for the offender's successful completion of programs in custody is likely to be forthcoming, primarily because his intellectual difficulties prevent his effective participation in a group setting.

46. If that is the case, acceptance of the Commissioner's position would see the offender remaining in custody for another 12 months for no cogent reason, in circumstances where, if he is released now, that time can be spent:

- (i) under close supervision;
- (ii) with the benefit of the supports identified in the case plan;
- (iii) with the support of his family;
- (iv) undertaking programs on a one on one basis; and
- (v) availing himself of the other community supports which have been identified as being available to him.

47. In the Authority's view, the conclusion that the latter circumstances are likely to be far more conducive to community safety than the former, is overwhelming.

## **ORDERS**

48. The Authority is satisfied that it is in the interests of the safety of the Community to release the offender.

49. It is ordered that the offender be released to parole not earlier than 2 December 2024, and not later than 9 December 2024.

50.The offender’s release will be subject to the conditions set out in the document attached and marked “A”.

**DATED: 18 November 2024**

## CONDITIONS OF PAROLE – JOEL DENNIS

While you are on parole:

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.

**ADDITIONAL CONDITIONS IMPOSED BY THE STATE PAROLE AUTHORITY**

- 16(a). You must abstain from alcohol
19. You must, if so directed by your officer, participate in the following intervention: Violent Offenders Therapeutic Program (VOTP) Maintenance.
24. You must not contact, communicate with, watch, stalk harass or intimidate the victim.
28. You must not contact, communicate or associate with your co-offender without the express prior approval of your Officer.