

REASONS FOR DETERMINATION FOLLOWING REVIEW HEARING

RE: MOHOMMED FARHAT

REASONS FOR DETERMINATION

The Honourable G J Bellew AM SC –Chairperson
Sgt M Borg –Police Representative
Ms J McKenzie –Community Corrections Representative
Mr C Mackenzie –Community Representative
Ms D Wallace –Community Representative

Date of hearing: 6 March 2026

Ms P McDonald SC for the Commissioner for Corrective Services
Mr P Lange SC for the Offender

INTRODUCTION

1. At a meeting of 4 December 2025, the State Parole Authority of New South Wales (the Authority) ordered that a parole order made in respect of Mohommed Farhat (the offender) on 18 November 2025 be revoked on the basis that the offender posed a serious identifiable risk to the community. The Authority further determined that the offender was a terrorism related offender within the meaning of Division 3A of the *Crimes (Administration of Sentences) Act 1999* (NSW) (the CAS Act).
2. The matter came before the Authority for review hearing on 6 March 2026, at which time the offender sought that the Authority rescind its order for revocation referred to in [1] above and make any further orders necessary to facilitate the offender's release.
3. That application was opposed by the Commissioner for Corrective Services (the Commissioner), who submitted that the offender was a person to whom Division 3A of the CAS Act applied, on the basis that he is a person who may engage in, or incite or assist others to engage in, terrorist acts or violent extremism. It was the Commissioner's position that the Authority would so find, and that it would confirm the order for revocation which was previously made.

FACTUAL BACKGROUND

The index offending

4. The following summaries of the index offending, and the sentence proceedings, are drawn, in part, from the submissions of the Commissioner.
5. On 20 November 2024, the offender and a co-offender attended a service station in Kingsgrove. The offender entered and purchased two 5 litre jerry cans, a lighter and a box of tissues. He then conducted a search on his mobile phone of:
 - (a) Ocean Street, Wellington Street and Tara Street in Woollahra”
 - (b) “*Jewish Bondi Hospital*”; and
 - (c) “*Wolper Jewish Hospital*”.
6. The offender and the co-offender then went to the suburb of Woollahra and sprayed the following onto a number of vehicles which were parked in the area:
 - (a) “Fuck Isreal”;
 - (b) “PKK coming”;
 - (c) “PK”; “
 - (d) Fuk Israel”;
 - (e) “F”; and
 - (f) “PKK C”.
7. The offender and co-offender also entered a number of private addresses in the area and sprayed not dissimilar messages on the exterior of each, as well as on the exterior of the Woollahra Fire Station and a nearby restaurant. Accelerant was then poured on one of the motor vehicles which had been previously targeted, and the vehicle set alight. As a consequence, that vehicle was destroyed and a nearby vehicle damaged. The offender and co-offender fled the location shortly thereafter. The total damage bill was estimated to exceed \$100,000.00.

8. The offender was arrested on 25 November 2024 in the course of boarding an international flight. He was subsequently charged with, and pleaded guilty to, the following offences:
 - (a) 3 counts of entering a building or land with intent to commit and indictable offence, contrary to s 114(1)(d) of the Crimes Act 1900 (the CA);
 - (b) 11 counts of destroying/damaging property of a value of more than \$5,000.00 in company using fire contrary to s 195(1A)(b) of the CA;
 - (c) 1 count of destroying/damaging property of a value of less than \$2,000.00 in company using fire contrary to s 195(1A)(b) of the CA.
9. For the purposes of sentence, it was agreed that:
 - (a) the offender had:
 - (i) with the co-offender, entered three separate areas of private property with intent to cause malicious damage;
 - (ii) caused malicious damage by fire to two motor vehicles;
 - (iii) spray painted several other motor vehicles;
 - (b) the damage which was caused included writing various antisemitic phrases including “Fuk Israel” and “PKK coming”.
10. The offender denied that the offending was motivated by hatred for, or prejudice against, any group of people to which the offender believed the victim(s) belonged such as people of a particular religion, racial or ethnic origin. Accordingly, it was the offender’s position that the aggravating factor in s 21A(2)(h) of the *Crimes (Sentencing Procedure) Act 1999* was not engaged. The offender’s case was that he had engaged in the offending on the promise of a financial reward, and to assist in obtaining illegal drugs. His position was that he engaged in this conduct because he was promised a financial reward to assist him to obtain access to illicit drugs and that he was unaware of what the writings meant, or the effect that such writings might have on members of the Jewish community.

The sentence proceedings

11. The sentencing Magistrate found (inter alia) that:

- (a) the offending was motivated by hatred for or prejudice against Jewish people and the State of Israel, stating that there was *“no doubt that the slurs were anti-Semitic, and ... reflective of hatred and prejudice toward Jewish people and the State of Israel”*;
- (b) the same could be said of the malicious damage caused by the fire, in circumstances where the vehicle that was damaged had also been spray painted with the offensive slur against Israel;
- (c) *“broadly speaking, vulnerable and susceptible people are used to do the dirty work of others on the promise of financial reward or the supply of illicit drugs”*, but that this did not detract from the undoubted fact that the offending conveyed *“a message of hatred or prejudice towards Jewish people and the State of Israel”*;
- (d) the offender’s assertion that his motivation was purely financial and to gain access to illicit drugs, should not be accepted, based as it was on unsworn and indirect evidence in circumstances where he had chosen not to give evidence and subject himself to cross-examination, and where there was an absence of objective evidence to support his assertions;
- (e) it was *“difficult to accept”* the offender’s claimed ignorance of the meaning of a Hezbollah tattoo or the spray painted slurs, at least one of which (namely *Fuck Israel*) was self-explanatory;
- (f) the fact the offender was not a member of a criminal or terrorist organisation
“did not mean that a non-member of any organisation may not or would not have relevant motivations”, and that a person with a mental health impairment of the type with which the offender had been diagnosed remained capable of holding antisemitic views;
- (g) the threshold imposed by s 5 of the *Crimes (Sentencing Procedure) Act 1999* had been crossed in relation to each offence, given:
 - 1. the offender’s conduct was motivated by hatred for or prejudice against Jewish people and the State of Israel;
 - 2. the extent of the damage, which had resulted from a series of pre-planned or premeditated acts; and
 - 3. the increasing frequency of such conduct.

The sentence imposed

12. An aggregate sentence of 1 year and 8 months imprisonment was imposed, commencing on 7 February 2025 and expiring on 6 October 2026.

THE RELEVANT STATUTORY PROVISIONS

13. Division 3A of the CAS Act, which encompasses ss 159A to 159D of the Act, is pivotal to the Authority's determination in the present case and is in the following terms:

Division 3A Parole orders for terrorism related offenders

159A Definitions

(1) In this Division —

terrorism offence means a terrorism offence within the meaning of the Crimes Act 1914 of the Commonwealth or an offence under section 310J of the Crimes Act 1900.

terrorism related offender means an offender to whom this Division applies.

terrorist act has the same meaning as it has in Part 5.3 of the Commonwealth Criminal Code.

(2) A reference in this Division to an offender engaging in, or inciting or assisting others to engage in, terrorist acts or violent extremism includes a reference to an offender doing so in this State, in any other part of Australia or in any other country.

159B Offenders to whom Division applies

(1) This Division applies to an offender —

(a) who is serving a sentence for a terrorism offence, who has previously been convicted of a terrorism offence or who has been charged with a terrorism offence, or

(b) who is the subject of a control order made under Part 5.3 of the Commonwealth Criminal Code, or

(c) who has any associations with a terrorist organisation (within the meaning of Division 102 of Part 5.3 of the Commonwealth Criminal Code), or

(d) who is making or has previously made any statement (or is carrying out or has previously carried out any activity) advocating support for any terrorist act or violent extremism, or

(e) who has or previously had any personal or business association or other affiliation with any person, group of persons or organisation that is or was advocating support for any terrorist act or violent extremism.

(2) Without limiting subsection (1) (d) and (e) —

(a) advocating support for a terrorist act or violent extremism includes (but is not limited to) any of the following —

(i) making a pledge of loyalty to a person, group of persons or organisation, or an ideology, that supports terrorist acts or violent extremism,

(ii) using or displaying images or symbols associated with a person, group of persons or organisation, or an ideology, that supports terrorist acts or violent extremism,

(iii) making a threat of violence of a kind that is promoted by a person, group of persons or organisation, or an ideology, that supports terrorist acts or violent extremism, and

(b) an association or other affiliation with a person, group of persons or organisation includes (but is not limited to) any of the following —

(i) networking or communicating with the person, group of persons or organisation,

(ii) using social media sites or any other websites to communicate with the person, group of persons or organisation.

159C Limitation on release on parole of terrorism related offenders

(1) The Parole Authority must not make a parole order directing the release of an offender who is known to the Parole Authority to be a terrorism related offender unless —

(a) the Parole Authority is satisfied that the offender will not engage in, or incite or assist others to engage in, terrorist acts or violent extremism, and

(b) the offender is otherwise eligible under this Act to be released on parole.

(2) The grounds on which the Parole Authority may revoke the parole order of an offender who is known to the Parole Authority to be a terrorism related offender include that the Parole Authority has become aware that the offender may engage in, or incite or assist others to engage in, terrorist acts or violent extremism.

(3) The grounds on which a judicial member of the Parole Authority may suspend the parole order of an offender who is known to the judicial member

to be a terrorism related offender include that the judicial member has become aware that the offender may engage in, or incite or assist others to engage in, terrorist acts or violent extremism.

(4) (Repealed)

159D General provisions relating to terrorism related offenders

(1) In deciding whether or not to release a terrorism related offender on parole, the Parole Authority is to —

(a) have regard to any credible information it has on the risk that the offender may engage in, or incite or assist others to engage in, terrorist acts or violent extremism under the terms of the proposed parole order and in the future, and

(b) have regard in particular to whether the nature of any associations or affiliation that the offender has with any persons or groups advocating support for terrorist acts or violent extremism gives rise to any such risk.

(2) The Parole Authority or a judicial member of the Parole Authority may, for the purposes of this Division, have regard to advice received from the NSW Police Force or from any other public authority (whether of this or any other State or Territory or of the Commonwealth) established for law enforcement, security or anti-terrorist purposes.

(3) This Division applies in addition to, and despite anything to the contrary in, any other provision of or made under this Act.

(4) However, this Division does not limit the operation of section 160.

(5) This Division extends to applications for parole orders pending on the commencement of this Division and to parole orders made before that commencement.

14. There is no issue, for the purposes of s 159C(1)(b), that the offender is eligible for parole. Moreover, it was expressly conceded by senior counsel that the offender is a terrorism-related offender for the purposes of s 159C.¹ In the circumstances of the present case, the issue for determination by the Authority centres upon s 159C(2). The terms of that provision are discussed further below.

THE EVIDENCE

15. The Authority was provided, by the Commissioner, with three separate tender bundles of material dated 2 December 2025, 30 January 2026 and 11 February 2026.

¹ Transcript 1.30.

It is not necessary to specifically enumerate, for the purpose of these reasons, the entirety of that material. It is sufficient to address the particular material which was referred to by the parties in their respective submissions.

16. With that in mind, and leaving aside the circumstances surrounding the index offending which are summarised above, the evidence includes the following:

1. Photographs depicting the offender's tattoo of a Hezbollah flag;
2. Correspondence to which the offender was a party in which, in reference to the image of that flag, he is recorded saying "*just something similar to that*", suggestive of the offender specifically choosing the tattoo;
3. The offender's possession of footage of him leading a Hezbollah chant at a public protest;
4. A photograph of the offender's dog wearing a t-shirt bearing a Hezbollah symbol, and footage of the offender saying "*Who's a Hezbollah doggie*";
5. Photographs depicting the offender's tattoo of two young boys with guns;
6. The offender's association with peers who were involved in the offending, from whom he claims to be disassociated;
7. A telephone conversation in which the offender stated that he "*could not wait*" to be released and that it would "*be like the old days*";
8. Telephone conversations in which the offender has directed expressions of violence against Corrective Services Officials and his then partner.

SUBMISSIONS OF THE PARTIES

17. The Authority has had the benefit of extensive written and oral submissions from the parties.

Submissions of the Commissioner

18. The submissions of the Commissioner may be distilled into the following propositions:

1. Bearing in mind the index offending, the PKK, also known as the Kurdistan Workers' Party, is a proscribed terrorist organisation and, as such, is an ideologically motivated violent extremist organisation, with its

- nationalist ideology encompassing the rights of Kurds to maintain Kurdish ethnic identity.
2. Hezbollah is the dominant Shi'a political party in Lebanon which retains a highly capable, semi-conventional armed militia that enjoys significant political, ideological, financial and military support from Iran.
 3. The findings on sentence were significant, and included a finding that the offending was motivated by hatred for, or prejudice towards, Jewish people and the State of Israel.
 4. The offending was demonstrative of the offender's capacity to engage in violent extremist acts, and his assertion as to the motivation for such offending should be rejected.
 5. The index offending alone indicated the offender's support for extremist behaviour and ,by extension, indicated a willingness to act upon extremist beliefs.
 6. The antisemitic motivation of the index offending is contextualised by the locations where the index offences occurred, noting that the offender's mobile phone searches indicated his intention to target prominent 'Jewish' locations including hospitals.
 7. Such motivation is further supported by the offender's neck tattoos depicting the flag of Hezbollah, and the Authority would not accept the offender's assertion that he was unaware of what such tattoos represent.
 8. The index offending demonstrates the offender's motivation to act in concert with others in support of extremist beliefs.
 9. The above factors give rise to a risk that the offender will continue to engage in further violent extremist acts, not only to further his ideology but in order to fund his substance use, and provide a basis for the Authority to find that there is a risk that the offender may engage in, or incite or assist others to engage in, terrorist acts or violent extremism. In particular, the expression of antisemitic statements in the index offending coupled with his advocacy of support for proscribed terrorist organisations PKK and Hezbollah are sufficient for the Authority to conclude that the offender would seek to act upon those beliefs if released to the community.

10. The Authority should reject the offender's assertion that the index offending was motivated by a desire for financial gain, as well as his assertion of ignorance of the extremist ideology which underpinned such offending, and would conclude that the offending demonstrates a general support for violent extremism.
11. There is, independently of the offending, evidence that the offender has a general disposition towards violence.
12. In all of these circumstances, the Authority would not exercise its discretion in favour of revoking the parole order and ordering the offender's release.

Submissions of the Offender

19. The written and oral submissions of senior counsel for the offender may be summarised as follows:
 1. There is no doubt on the evidence that the offender requires assistance with his dependence upon illicit substances, as well as guidance in terms of his unfavourable associations with others. Those criminogenic factors are more likely to be successfully addressed by release on parole and supervision in the community, as opposed to continued detention in custody.
 2. The first use of the word "*may*" in s 159C(2) of the CAS Act connotes the conferral of a discretion on the Authority.
 3. The structure of s 159C(2) is such that even if the Authority were to conclude that the offender may engage in, or incite or assist others to engage in, terrorist acts or violent extremism, it would not follow as a matter of course that the Authority would exercise its discretion to revoke the parole order made in favour of the offender. In that event, the Authority should nevertheless rescind its previous order for revocation and order the offender's release because the interests of the offender in terms of rehabilitative and related considerations are paramount, and the offender's continued detention would be counterproductive.

4. Concerns arising from the offender's associations with others could be effectively monitored in the community.
5. The conversations relied upon by the Commissioner were to be viewed in the context of a large number of calls, the obvious conclusion being that violent or extremist tendencies were not exhibited in the majority of the conversations which were recorded.
6. It may be open to the Authority to conclude that at the time of the offending the offender held a particular extremist ideology. It may also be open to the Authority to reject the offender's assertions as to what motivated his conduct. However, the balance of the evidence was limited in the extent to which it might go to establish ongoing extremist tendencies and views.
7. If released, the offender would have the benefit of the pro-social influence of others.
8. For all of these reasons, and viewing the evidence holistically:
 - (a) the Authority would not be satisfied that the offender may engage in, or incite others or assist others to engage in, violent extremism;
 - (b) even if the Authority did reach that conclusion, it would then turn to the exercise of the discretion in s 159C(2);
 - (c) the exercise of the discretion in (b) would necessarily involve a balancing exercise in which the Authority would consider and balance its conclusion that the offender may engage in the conduct of which the section speaks, against the rehabilitative and related considerations canvassed in the submissions;
 - (d) the proper exercise of that discretion would fall in favour of an order rescinding the revocation of the offender's parole order, and making orders facilitating his release.

CONSIDERATION

The structure of s 159C(2)

20. Bearing in mind that there is no issue that the offender is a terrorism related offender for the purposes of Division 3A, it is appropriate to commence by considering the

terms of s 159C(2) of the CAS Act, and the obligations it imposes on the Authority. For the reasons that follow, the task of the Authority is essentially a two-step process.

21. The first of those steps requires the Authority to consider whether it is satisfied on the evidence that the offender *may engage in, or incite others or assist others to engage in, violent extremism*. The Parliament's use of the word "may" in that provision involves the application of a low threshold. That is not to say that there is no threshold at all. But the word "may", in its ordinary English usage, connotes a possibility. The first step therefore requires the Authority to consider whether there is a possibility that the offender will engage in the conduct to which the section refers.

22. If the Authority is so satisfied, it must proceed to the second step. That step involves the exercise of the discretion conferred by s 159C(2), pursuant to which the Authority may or may not revoke the offender's parole order. In the present case, it is accepted that the exercise of that discretion will involve the balancing exercise which has previously been identified.

Can the Authority be satisfied that the offender may engage in the relevant conduct?

23. In *Hardy v State of NSW* [2021] NSWCA 338, the Court of Appeal considered the term "violent extremism" in the context of the *Terrorism (High Risk Offenders) Act 2017* (NSW). Basten JA made the following observations (at [30]):

*...The concept of "extremism", in its ordinary usage, refers to extreme views, usually of a political, religious or ideological character. It may be accepted that the term "violent extremism" does not refer to any form of violent behaviour, but rather a **violent form of an ideology**.*

24. White JA observed (at [82]):

*It is clear that the appellant had threatened extreme violence. The State accepted that "violent extremism" in s 10(1)(c) connoted an element of ideology and is not to be equated with extreme violence. **I agree with the State's submission that "violent extremism" refers to violence associated with, or in furtherance of, or motivated by extremist views.** ... What was necessary was that it could be concluded that the appellant had advocated*

support for violent extremism, as distinct from having threatened extreme violence.

25. Bearing those matters in mind, and the threshold which is to be applied, the Authority is satisfied that the offender may engage in, or incite others or assist others to engage in, violent extremism.
26. The principal evidence which leads the Authority to that conclusion is that which bears upon the circumstances of the index offending. The evidence establishes that such offending was premeditated, and directed towards members of the community holding a particular religious belief who lived in a defined geographical area. In other words, the offending was specifically targeted.
27. The offender was not, as it were, a minor participant in that offending. He purchased equipment which was used in the course of committing it. He also carried out searches in order to locate the intended geographical area, the overwhelming inference being that he did so to ensure that the offending would have a particularly adverse impact upon members of the Jewish community who were likely to live there. He also committed a number of the acts constituting the individual offences.
28. The multiple acts constituting the offending were inherently extreme in and of themselves. Any comment as to the significance of the words and phrases used in the course of the offending would be superfluous. It is also important to bear in mind that the offending extended beyond defacing motor vehicles, to actively destroying one by setting it alight. In the Authority's view, the offending was reflective of a deep seated adherence on the part of the offender to an extremist ideology of an antisemitic character.
29. Further, the Authority does not accept the offender's claimed ignorance of the meaning of the phrases which was used in the offending. That proposition flies in the face of the terms of the phrases themselves, many of which need no explanation at all. The Authority similarly does not accept the offender's explanations for what motivated his conduct. Those assertions are entirely inconsistent, not only with the offending, but with the offender's tattoos, as well as the video footage referred to above in which he made specific references to Hezbollah.

30. There is nothing in the evidence which would satisfy the Authority that the offender has resiled from what it considers to have been the obvious extremist views he held at the time of the offending. In all of these circumstances the Authority is satisfied that the offender may engage in, or incite others or assist others to engage in, violent extremism.

How should the Authority exercise its discretion?

31. The nature of the Authority's discretion has been explained above, and the factors informing its exercise have been identified. Put simply, it was the offender's position that the benefits of parole supervision, and the need for him to be assisted in his rehabilitation, outweighed any other consideration(s) and warranted the exercise of the Authority's discretion in favour of his release.

32. The Authority unreservedly acknowledges that there is often a tangible benefit releasing an offender with the benefits of parole supervision, as opposed to detaining an offender until the completion of a sentence without the benefit of any such supervision at all. The Authority also acknowledges that in the present case, the offender has identified issues with which he will require assistance whenever he is released. Those issues include, but are not limited to, his dependence on illicit drugs and associations with those who might be regarded as other than pro-social.

33. At the same time, the efficacy of parole supervision necessarily depends upon an offender's commitment to rehabilitation, and his engagement in the process.

34. The Authority has reason to doubt the level of that commitment in the present case. Such doubt stems, in part, from what the Authority considers to be the offender's unacceptable account of his motivation to become involved in the offending, and his asserted (and equally unacceptable) ignorance of the ideology which underpinned it. In the Authority's view, those matters are inconsistent with a willingness on the part of the offender to come to terms with, and address, what it regards as his adherence to such ideology. Such considerations bear directly upon the issue of community safety and, in the Authority's view, outweigh the rehabilitative and associated considerations on which the offender relied.

35. Having reached the conclusion that the offender may engage in the conduct to which s 159C(2) refers, and for the reasons given, the Authority considers that the discretion should be exercised against the making of an order rescinding the previous order for revocation.

36. In these circumstances, consideration of S 130 of the CAS Act is not required.

CONCLUSION

37. For the reasons given the Authority declines to rescind its previous determination revoking the offender's parole order. The revocation will stand for the reasons stated.