

In the matter of Robert WINDSOR

REASONS FOR DETERMINATION FOLLOWING REVIEW HEARING

Alternate Chair – P Hock
Community Corrections Representative – A Manuell
NSW Police Representative – M Borg
Community Member – R Harvey
Community Member – M Jabour

Date of hearing: 14 July 2026

Date of determination: 27 July 2026

Appearances:

Mr M Della-Pozza - Crown Solicitor for NSW for the State
Mr B Agha - Parole and Prevention Order Legal Service on behalf of the offender
Ms B Cahill - Principal Manager of Parole, Corrective Services NSW
Ms B Keir - Community Corrections Officer

Mr Windsor, his offences and the sentence

1. Mr Robert Windsor is a 41 year old man, housed at Cessnock Correctional Centre where he holds a C3 minimum security classification. He is serving a State sentence of imprisonment for 15 years and nine months for a range of sexual offences committed against two boys, with a non parole period of 12 years. The non parole period expired on 23 March 2025 and the total sentence will expire on 23 December 2028. Those State sentences were accumulated by two years on sentences imposed for offences under Commonwealth legislation. Therefore, Mr Windsor has been in continuous custody since 24 March 2011 – a period now of 15 years and just over 4 months. He is managed as a *serious offender*, pursuant to section 3 of the *Crimes (Administration of Sentences) Act 1999* (the Act).

History of parole consideration

2. The matter of Mr Windsor's release to parole was first before the Authority on 17 January 2025, when the Authority formed an intention to grant parole. On 24 February 2025, the State of NSW filed submissions opposing Mr Windsor's release to parole. Following a review hearing, on 24 March 2025 the Authority determined
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to refuse parole deciding that Mr Windsor needed to complete a program to address his sex offending behaviour.

3. On 11 December 2025, the Authority met to consider additional reports from Community Corrections and the Serious Offenders Review Council (SORC), requested after an application was made by Mr Windsor for parole consideration under manifest injustice provisions. Upon the advice from the SORC that release to parole was not appropriate, the Authority declined Mr Windsor's application under manifest injustice.
4. As required by the legislation, the Authority considered Mr Windsor's application for parole anniversary consideration, together with reports from Community Corrections and the Serious Offenders Review Council (SORC) at a meeting on 23 January 2026. The Authority formed an *intention to refuse parole* because again the SORC did not consider that the release of Mr Windsor was appropriate. Mr Windsor did not seek to review the Authority's decision. Consequently, on 20 March 2026, the Authority refused parole for the reasons stated.
5. By way of application dated 9 April 2026, the Parole and Prevention Orders Legal Service (PPOLS) instructed by Mr Windsor, requested the Authority to consider Mr Windsor's release to parole under manifest injustice provisions, on the primary bases that Mr Windsor was ineligible for sex offender programs in custody and had completed individual intervention sessions.
6. The Authority now considers release of Mr Windsor pursuant to section 143B of the Act and clause 223(2) of the *Crimes (Administration of Sentences) Regulation 2014*.

Section 135 of the Crimes (Administration of Sentences) Act 1999

7. The Authority had regard to the provisions of s135 of the Act. In particular, the Authority:
 - (i) had regard to the fact that s 135(1) of the Act mandates that it must not make a parole order directing the release of an offender unless satisfied that it is in the interests of the safety of the community;

- (ii) had regard to the applicable mandatory factors set out in ss 135(2) and (3) of the Act, as set out below, for the purposes of its assessment under s 135(1);
- (iii) had regard to s 135(5) of the Act.

Mandatory considerations relevant to the assessment under s 135(2)

The risk to the safety of the members of the community – s135(2)(a)

8. Assessed as being in the “low-medium” risk of re-offending, Mr Windsor has further been assessed by a Corrective Services New South Wales (CSNSW) psychologist as being in the *low range* of risk of committing a further sex offence.
9. Mr Windsor has completed the programs of RUSH, EQUIPS Foundation and EQUIPS Addiction. He has further engaged in individual intervention sessions. The Authority has been informed that there are no further programs available to him in custody.
10. Mr Windsor has suitable post release accommodation available to him. His good behaviour in custody and positive engagement in programs augers well for him accepting the supervision of Community Corrections and adapting to normal lawful community life.

Whether release of the offender on parole is likely to address the risk of re-offending – s135(2)(b)

11. In addition to supervision by Community Corrections, Mr Windsor will be subject to mandatory electronic monitoring and Child Protection Register obligations. He will transition through the Nunyara Community Offender Support Program (COSP) which will provide further supervision, monitoring and rehabilitation measures while he is integrating back into the community.
12. Community Corrections has determined that interventions are available to Mr Windsor to reduce his risk of reoffending. Mr Windsor’s expressed intention is to engage in interventions during the supervision period, inclusive of psychological counselling.

The risk of releasing the offender at the end of the sentence without parole, or with a shorter period of parole – s135(2)(c)

13. Mr Windsor's sentence will expire on 23 December 2028, and a refusal of parole would erode the period of time in which he can access the benefits of parole supervision, including interventions to aid his reintegration into the community and so address his risk of re-offending. The Authority observes that a refusal of parole introduces a risk of institutionalisation with consequent risks to the safety of the community upon a later yet inevitable release.

Mandatory considerations relevant to the assessment under s135(3)

The nature and circumstances of the offending – s135(3)(a)

14. Mr Windsor pleaded guilty to an indictment containing multiple counts which can be summarised as follows:
- i. sexual intercourse with a person under the age of 10 years
 - ii. use carriage service to access child pornography
 - iii. disseminate/produce/possess child pornography
 - iv. sexual intercourse with a person over the age of 10 years and under the age of 14 years
 - v. use carriage service to transmit child pornography
 - vi. sexual intercourse with a person under 10 years (under authority)
15. In addition, Mr Windsor had a number of other matters taken into account when he was sentenced for the principal offences.
16. The circumstances of the offending are set out in detail in the reasons for the determination by the Authority of 24 March 2025 and are as follows:

7. The circumstances of the offending were set out by the Sentencing Judge by reference to a Statement of Facts which was before the Court but which is not before the Authority. It is evident that in summarising those facts, the sentencing Judge was, at times, being deliberately circumspect about their content. At one point, his Honour declined to be specific about some aspects of the offending because "some of the descriptions...[were] so disgusting"

that he was “not prepared to state them in a public hearing like this”. With those limitations, the following observations can be made about the offending.

8. First, some of the offending involved acts perpetrated by the offender on his brother, Mitchell Windsor, who is a registered victim and who gave evidence before the Authority on 27 February (2025). Those offences included having sexual intercourse with Mitchell, and possessing a photograph performing fellation on Mitchell. It is also noted that the additional offences that the offender asked the sentencing Judge to take into account all related to acts perpetrated by the offender on Mitchell. They included rubbing his penis on Mitchell’s anus, and touching and licking Mitchell’s penis.

9. Secondly a number of the offences involved another victim, referred to as LF. Those offences including the offender taking photographs and video footage of sexual acts between himself and LF. The acts themselves included the offender having forced anal intercourse with LF, at a time when LF was only 5 years of age. Other offences committed against LF included the offender performing fellation on him when LF was aged 6, offending which was also recorded. Other footage depicted the offender pushing his penis into LF’s mouth and exhorting LF to lick his penis, again at a time when LF was 6 years of age. Some of the offending against LF was aggravated by the fact that the offender was in a relationship with LF’s mother and living in their home.

10. Thirdly, police found 388 images of LF and the offender engaged in various poses and sexual acts. There were another 440 images found, 52 of which were of Mitchell and 338 of which were of LF. There were also an additional 9 videos found depicting LF along with 77 images of children aged between 2 and 12 posing erotically or naked.

11. Fourthly, the charges stemming from the use of the internet involved further possession of images and videos on a mobile phone, a USB flash drive and a hard drive. Police estimated that the hard drive contained approximately

40,000 child pornography images and video files. Those charges also included the offender transmitting child pornography.

Any relevant comments made by the Sentencing Court – s135(3)(b)

17. Similarly, the observations of the sentencing judge were summarised at paragraph 12 of the earlier determination. These included:

- a. the offender had acted entirely selfishly towards his victims, carrying nothing for the psychological damage inflicted on them, as a consequence of which he deserved severe punishment
- b. the offending occurred over a long period of time, the victims were young, and the offender had filmed some of his acts ‘*undoubtedly so he could revisit the incidents in his mind later*’, a fact which demonstrated a degree of planning
- c. the offences surrounding the possession of child pornography and abuse were less serious, but were nonetheless significant because accessing such material degrades the children involved.
- d. general deterrence was an important consideration on sentence
- e. specific deterrence was also important, there being a need to dissuade the offender from sexual molesting boys and accessing child pornography
- f. there was no basis for a finding of special circumstances; and
- g. there was some evidence of remorse

The offender’s criminal history – s135(3)(c)

18. Mr Windsor had no prior criminal offences recorded.

The likely effect on any victim or victim's family –s135(3)(d)

19. As he did in February 2025, Mr Mitchell Windsor has provided a statement to the Authority at the review hearing on 14 July 2026. It is acknowledged that Mr Windsor has demonstrated considerable courage in providing these statements to the Authority in open court.
20. It is clear that there are enduring adverse emotional and psychological effects of the offending on the victim, as the sentencing Judge foreshadowed.
21. The Authority is grateful to Mr Mitchell Windsor for his contribution to the proceedings. The Authority is bound at law to take his statements into account, in addition to the likely effect on the other victim and it has done so.
22. To the extent that Mr Mitchell Windsor sought to question members of the Authority, the CSNSW Community Corrections Officer, and the CSNSW psychologist, that is not within scope of the legislation.

Any report of a Community Corrections Officer –s135(3)(f)

23. Of particular relevance to the Authority's consideration is the information from the Manifest Injustice Report dated 18 February 2026, taken together with the Anniversary Pre Release Report dated 2 January 2026 provides the following information:
 - a. Mr Windsor has completed a criminogenic program from April to September 2025, consisting of 1:1 Risk management Intervention :Sexual Violence (RMI:SV) for 2 hours on a weekly basis.
 - b. During his time in custody, Mr Windsor has not presented any management issues and has not engaged in any institutional misconduct.
 - c. CSNSW Psychology reported concerns about Mr Windsor's ongoing sexually deviant thoughts and sexual preoccupation. These were discussed with the Justice Health treating psychiatrist for the development of a treatment plan to support the management of any potential re-offending risk

- d. Mr Windsor expressed a willingness to engage in interventions if directed when he is in the community. He continues to have appropriate post release plans in the community, inclusive of transitional accommodation and reintegration support at Nunyara COSP.
- e. Contact with Justice Health has confirmed that Mr Windsor commenced non-hormonal anti-libidinal medication in February 2026. He was reviewed by the psychiatrist on 9 April 2026 and his dose of the prescribed medication was increased. A further review with a psychiatrist was scheduled and there will be three monthly reviews with a mental health nurse.
- f. Community Corrections concludes that as the supervising agency in the community they *“could not identify any compelling reasons against Mr Windsor’s release to parole”*.

Any report of the Serious Offender Review Council or any other Authority of the State –s135(3)(g)

The Serious Offender Review Council

24. The Authority has considered the supplementary report of the SORC dated 26 May 2026 which advised that Mr Windsor’s release to parole is appropriate,

The report concludes that

We particularly note the proposed further assessment for hormonal anti-libidinal medication and a referral to the Treatment and Rehabilitation Clinic as conditions of parole, neither of which are available in custody. Keeping him in custody any further will only be for confinement, with the inevitable consequence that he will be released to parole without any of the community-based protective measures. That outcome is contrary to the protection of the public interest. In addition to community correction monitoring, he will also be subject to electronic monitoring and the stringent Child Protection Register obligations. He will also transition through the Nunyara COSP which will also

provide another layer of monitoring, supervision and rehab measures which would not be available when his sentence expires (page 9).

Submissions from the State of New South Wales

25. The State of NSW opposes Mr Windsor's release to parole on what it acknowledged as the narrow ground that Mr Windsor and the community would benefit from him participating in the Reintegration Intensive Support Program (RISP).

26. In particular, the State does not advance any other reason why parole ought to be refused, noting that it is not intended that Mr Windsor should participate in any additional programs or psychological intervention. (paragraph 5).

27. In terms of the RISP the chronology is that it was offered to Mr Windsor on a number of occasions in 2025. He was told if he agreed to participate he would be required to move to a metropolitan correctional centre. However, he consistently refused as he did not wish to relocate from Cessnock Correctional Centre. The referral to RISP was closed in December 2025.

28. However, the evidence of Ms Cahill on 14 July 2026 established that a tailored solution was devised on 22 June 2026. It was that Mr Windsor would remain at Cessnock Correctional Centre from where he would be collected by members of the RISP team, driven to Sydney and returned to Cessnock Correctional Centre the same day. Mr Windsor agreed to this and the Commissioner approved the proposal on 7 July 2026. Mr Windsor's first visit to Sydney with the RISP team was to occur on 16 July 2026 and thereafter on a fortnightly basis.

29. The State acknowledges "it would have been better had the present proposed arrangement been conceived at an earlier stage" (paragraph 52). In that regard it is important to note that in the determination of the Authority in March 2025 the following is recorded:

Finally, the Authority has not been required to make a determination in relation to the issue of pre-release leave because of the circumstances which have been outlined. If it remains the State's position that it is necessary for the offender to satisfactorily undertake and complete a program of structured leave before being released, then the Authority would also expect that this

issue would be addressed by those responsible with the priority to which Ms Crellin referred when dealing with the issue during the hearing. (paragraph 60).

30. Self-evidently, this arrangement has taken some 15 months to be put in place. It would only allow 12 such “day leaves” over a 6 month period which would obviously reduce Mr Windsor’s period of supervised parole.

31. Further the evidence at the hearing established that much of the assistance provided by way of participation in the RISP outlined at paragraph 33 of the State’s submissions can be provided by the staff of Community Corrections and Nunyara COSP.

32. In addition, the solicitor for the offender highlighted that SORC were not of the view that pre release leave was critical for Mr Windsor’s reintegration and the protection of the community, (paragraph 53 of the submissions on behalf of the offender and page 9 of the SORC report dated 26 May 2026).

33. The Authority’s view is that the community is offered greater protection by the benefits of Mr Windsor’s having a longer period of parole closely monitored (as outlined in the reports provided by Community Corrections) rather than him engaging in RISP at this late stage.

Determination

34. The Authority observes that the release of Mr Windsor, as with the release of any offender is not devoid of risk. However, having considered all the mandatory factors under s135, and for the reasons set out in its consideration of those factors, the Authority is satisfied that it is in the interests of the safety of the community to make a parole order directing Mr Windsor’s release.

35. Mr Windsor is to be released to parole not earlier than 10 August 2026 and not later than 17 August 2026. He will be subject to the standard conditions of parole - inclusive of mandatory electronic monitoring - and the following additional parole conditions:

- You must, if so directed by your Officer, participate in the following intervention, CSNSW Psychology
- You must comply with all directions of the mental health team, including treatment and medication, inclusive of an assessment for hormonal antilibidinal medication and to engage in assessment for the Treatment and Rehabilitation Clinic (TRC) Community Mental Health Services .
- You must not contact, communicate with, watch, stalk, harass or intimidate the victims.
- You must not be in the company of a person under the age of 16 years unless accompanied by a responsible adult as determined by your Officer. You also must not engage in written or electronic communication (including through social media) with any person under the age of 16, other than with the prior approval of your Officer.
- You must not frequent or visit the local government areas of Central Coast, Cessnock, Lake Macquarie, Maitland, Newcastle or Tamworth.