Summary of Parole Determination
Keli Lane

22 March 2024

Authority determines it must not make a parole order for Keli Lane

SUMMARY of DETERMINATION

At a meeting held on 22 March 2024, the State Parole Authority of NSW considered the making of a parole order for Keli Lane (the offender).

On 13 December 2010, following a trial in the Supreme Court of New South Wales before Whealy JA and a jury, the offender was found guilty by a majority verdict of the murder of her daughter, Tegan. She was subsequently sentenced a non-parole period of 13 years and 5 months imprisonment, to date from 13 December 2010 and to expire on 12 May 2024, with a balance of term of 4 years and 7 months imprisonment, to date from 13 May 2024, and to expire on 12 December 2028.

An appeal by the offender to the Court of Criminal Appeal against her conviction was dismissed. The Crown case against the offender was that she had murdered her daughter and had disposed of her body. The sentencing Judge observed that such verdict required him to state that he was satisfied beyond reasonable doubt that the offender had deliberately and intentionally caused her daughter's death. His Honour also found that having done so, the offender had disposed of Tegan's body.

In circumstances where Tegan's body has never been found, the Authority concluded that as a matter of statutory construction, the offender's case in respect of release to parole was to be determined solely by reference to s 135A of the *Crimes (Administration of Sentences) Act* 1999 (NSW). That section, which incorporates the "No body, no parole" laws, provides that the Authority ***must not make a parole order*** unless it is satisfied that the offender has co-operated satisfactorily in police investigations or other actions to identify the location of the victim. The section also provides that in determining whether it is so satisfied, the Authority:

(a) must have regard to:
  (i) the report provided by the Commissioner of Police under s 135A(4);
  (ii) any information about the offender's capacity to cooperate; and

(b) may have regard to any other information that it considers relevant.

The Authority concluded that the report provided by the NSW Police made it clear that no co-operation had been forthcoming from the offender in relation to Tegan's whereabouts since her verdict and sentence. The Authority also noted that to the extent that the offender had provided information before her trial, at least some of that information had ultimately been relied upon by the Crown at the trial as evidence of the offender's lies.
In these circumstances, the Authority concluded that the report tended completely against a conclusion that the offender has co-operated satisfactorily in the manner contemplated by s 135A.

As to any information as to the offender's capacity to give co-operation, the Authority acknowledged that it had not such information of a direct nature. However, the Authority noted that the jury had found the offender guilty of murder on the basis of the Crown case as previously summarised, and that, consistent with that case, the sentencing Judge had found that the offender had intentionally killed Tegan and had disposed of her body. The Authority noted that those findings had been made in conformity with the principle that a sentencing Judge must, for the purposes of sentence, find facts which are consistent with the jury's verdict. The Authority took the view that it was required to approach its evaluation of the offender's capacity to co-operate in accordance with the same principle.

In the Authority's view, the verdict of the jury, the acceptance of the Crown case and the rejection of the offender's case which were reflected in that verdict, and the findings of the sentencing Judge which were consistent with such verdict, amounted to information going to the issue of the offender's capacity to provide co-operation, and was thus information to which s 135A applied which it was bound to take into account.

The Authority concluded that such information was consistent with the offender having the capacity to co-operate in the sense contemplated by s 135A, at the very least since being sentenced, and that such capacity had not been utilised by the offender. In the Authority's view, all those matters tended against it being satisfied that the offender had co-operated satisfactorily in police investigations or other actions to identify Tegan's location.

Whilst it was open to the Authority to have regard to any other information that it considered relevant, and whilst the Authority was provided with written submissions on behalf of the offender, it was noted that the offender had been given the opportunity, through her legal representatives, to draw attention to, and/or provide, additional material for consideration. In

circumstances where she had not done so, the Authority concluded that other than the material referred to above, there was no other information relevant to its determination.

For all these reasons, the Authority was not satisfied that the offender had co-operated satisfactorily in police investigations or other actions to identify the location of Tegan. Accordingly, having regard to s 135A(2) of the Act, the Authority concluded that it must not make a parole order directing the release of the offender.

ENDS

Contact
Justice Precinct Offices
160 Marsden Street
Parramatta NSW 2150
0418 203 950
Media.SPA@justice.nsw.gov.au
@NSWParole