

# ANNUAL REPORT

# 2016



**Justice**  
State Parole Authority



**Justice**  
State Parole Authority

The Hon. David Elliott, MP  
Minister for Corrections, Minister for Emergency Services,  
and Minister for Veterans Affairs  
52 Martin Place  
SYDNEY NSW 2000

Dear Minister

In accordance with Section 192 of the *Crimes (Administration of Sentences) Act, 1999*, I have the pleasure in submitting to you, for the information of Parliament, the report of the NSW State Parole Authority for the period 1 January 2016 to 31 December 2016.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J R T Wood'.

J R T WOOD, AO, QC  
1 December 2017

**NSW State Parole Authority**

Justice Precinct Offices  
Level 3, 160 Marsden Street  
PARRAMATTA NSW 2150

P: (02) 8688 3635

F: (02) 8688 3699

Court 7, Level 4

Sydney West Trial Courts

6 George Street

PARRAMATTA NSW 2150

E: [Secretary.ParoleBoard@justice.nsw.gov.au](mailto:Secretary.ParoleBoard@justice.nsw.gov.au)

W: <http://www.paroleauthority.nsw.gov.au>

# Table of Contents

<b>Chairperson's Foreword</b> _____	<b>3</b>	<b>Activity</b> _____	<b>10</b>
<b>Function</b> _____	<b>3</b>	Cases Considered	10
Who We Are	4	Parole Ordered	11
What We Do	4	Parole Refused	11
SPA vs Court Based Orders	4	Parole Revoked	12
How We Do It	5	Parole - Other Matters	13
What We Consider	5	Serious Offenders	16
Victims' Interest	6	Appeals	17
Serious Offenders	6	Home Detention Orders	18
Manifest Injustice	7	Periodic Detention Orders	18
Suspension of Parole Order	7	Intensive Correction Orders	19
Periodic Detention and		<b>Membership</b> _____	<b>20</b>
Intensive Correction Orders	7	The Secretariat	26
Parole Supervision	8	<b>Corporate Governance</b> _____	<b>27</b>
How Orders are Revoked	8		
<b>2016 Snapshot</b> _____	<b>9</b>		

## Key to Common Acronyms

CSNSW	Corrective Services NSW
SPA	State Parole Authority
SORC	Serious Offenders Review Council
ICO	Intensive Correction Order

# Chairperson's Foreword

2016 has once again seen a significant increase in the workload of the Parole Authority, consummate with an increase in the Correctional Centre population. The Authority has dealt with in excess of 19,700 matters, including the release of 1,188 offenders to parole.

Parole provides for a number of objectives to be met, including:

- an incentive for prisoners to use their time in prison productively through program participation, aimed at addressing criminogenic issues, education and vocational training and demonstration of acceptable behaviour. Without parole, there is nothing ahead of a prisoner except the end date of a sentence.
- Deterrence through the risk or fear of a return to custody, consequent upon a breach of parole, whether it be through re-offending or non-compliance with conditions;
- Provision of post release support and connection to services, including connection to housing, employment, mental health and AOD services, and supervision that can introduce a level of stability and positive influence that may have previously been absent.

In short, parole seeks to limit the risks to the community by promoting the rehabilitation of offenders, thereby saving the community from the consequences of recidivism and the costs of its punishment. This could not be done without the professionalism, hard work and dedication of the numerous Community Corrections staff, responsible for the provision of quality reports to the Parole Authority and the supervision of parolees in the community.

The Parole Authority would also like to acknowledge the important contribution made by several government and

non government services that assist with the release, reintegration and support of inmates in custody and parolees in the community, including by not limited to the Prisoners Legal Service, Aboriginal Legal Service, HASI Plus Partnership, the Community Justice Program, Statewide Disability Service, Forensic Psychology Services, the Community Mental Health Services and residential rehabilitation services Statewide.

A number of new appointments were made to the membership of the Authority late in 2016, being Mr Robert Cosman as a Community Member and to add to the judicial fraternity, The Honourable Peter Hall QC, Mr John Bailey, Mr Shaughn McCosker, and Mr Ian McRae. I am sure your experience with the Authority will be rewarding and satisfying. I would like to extend my appreciation to my other judicial colleagues, Judge David Freeman, Mr Allan Moore and the Honourable Graham Barr QC for their conscientious attention to their duties. Judge Paul Cloran's term ceased in 2016, and I thank him for his contribution to the work of the Authority over the proceeding 6 years.

Similarly, the Authority would fail to function without the wide range of views and professional experiences of both the Official and Community members and I thank them for diligently undertaking their duties.

Finally, the Secretariat, under the leadership of Robert Cosman and Amy Manuell has continued to provide excellent service and skill to the Authority members. Without the truly dedicated staff who perform their duties with great professionalism under an ever expanding workload, the work of the Authority members would be made more cumbersome.

JRT WOOD

Chairperson

## Who we are

The NSW State Parole Authority (SPA) is an independent statutory authority governed primarily by the *Crimes (Administration of Sentences) Act 1999*.

Primarily, the SPA considers the release to parole of offenders who have total sentences of more than three years with a non-parole period.

The SPA also determines if and how a parole order should be revoked.

## What we do

The SPA's role is the protection of the community through determining whether offenders can be safely released into, or remain in, the community. The Parole Authority make decisions in relation to:

- ◆ the supervised, conditional release of offenders from custody
- ◆ the conditions of release
- ◆ the revoking of parole orders for non-compliance and return to custody
- ◆ the revoking, substituting or reinstating of periodic detention, home detention or intensive correction orders

## Release by the State Parole Authority vs Court Based Orders

A non-parole period is a minimum term of imprisonment during which time an offender is not eligible to be released from a correctional centre.

The NSW State Parole Authority (SPA) considers the release to parole of all offenders who have total sentences of more than three years with a non-parole period specified by the Court.

The *Crimes (Sentencing Procedures) Act 1999* prescribes that if a court sentences an offender to a term of imprisonment of three years or less with a non parole period, the court must issue a parole order and set the parole conditions. Dependent upon appropriate post release plans being approved by Community Corrections, an offender is released from custody 'automatically', i.e. at the expiration of the non-parole period.

## How we do it

An offender's release to parole is not an automatic right at the end of the non-parole period.

Section 135(1) of the *Crimes (Administration of Sentences) Act 1999* states that, "the Parole Authority must not make a parole order for an offender unless it is satisfied, on the balance of probabilities, that the release of the offender is appropriate in the public interest".

The SPA considers at a private meeting whether or not an offender should be released on parole based on the written material provided by the relevant authorities.

If parole is granted, a parole order is issued and the offender is released on their eligibility date. In the case of serious offenders, the matter is adjourned to a public hearing to provide the opportunity for registered victims and the State to make submissions before a final decision is made.

If parole is refused, the offender is able to apply for a public hearing to review the decision not to be released to parole. Offenders can appear by audio/video link and be legally represented. If the offender declines a hearing, or does not convince the SPA that a hearing is warranted, the decision to refuse parole is confirmed.

When specifying reasons for refusing parole, great care is taken to include all the issues and concerns at the time of consideration so that the offender or their representative can fully address those issues at a public hearing.

The next time the offender is eligible for parole is the anniversary date of the earliest release date. If there is less than 12 months remaining on the offender's sentence, they will be released on the date the sentence expires.

In rare cases, the release of an offender before the expiry of a sentence or non-parole period may also be considered if the offender is dying or there are other exceptional, extenuating circumstances.

## What we consider

In reaching its decisions, the SPA considers the safety of the community, matters that affect the victims of the crime, factors that affect the offender and the intentions of the sentencing court.

It takes into account a broad range of material to determine if the offender is able to adapt to normal lawful community life. This includes:

- ◆ Nature of the offence/s
- ◆ Sentencing authority comments
- ◆ Offender's criminal/supervision history
- ◆ Potential risk to the community and the offender
- ◆ Post-release plans
- ◆ Reports and recommendations from medical practitioners, psychiatrists and psychologists, if available
- ◆ Reports and recommendations from Community Corrections Officers
- ◆ Representations made by the victim/s or by persons representing victim/s
- ◆ Submissions by the offender's support network (family/friends/potential employers or other relevant individuals)
- ◆ Representations made by the offender or others with an interest in the case

In all cases, strict conditions are imposed on the offender and additional conditions may be specifically tailored to address the management of the offender in the community. These may include:

- ◆ Assessment, treatment and testing for alcohol or drug addiction
- ◆ Assessment, treatment and counselling for medical, psychiatric or psychological issues
- ◆ Restricted contact with individuals
- ◆ Restrictions on places the offender is able to visit
- ◆ Attendance at personal development programs

## Victims' interest

It is a fundamental belief of the New South Wales Government that victims of crime should be treated with courtesy, compassion and respect for their rights and dignity as victims.

The New South Wales Government enacted the *Victims Rights Act 1996* to establish the Charter of Victims Rights. This requires State Agencies to have regard to the Act in the administration of justice and other relevant affairs of the State.

The NSW Government enacted legislation now contained in the *Crimes (Administration of Sentences) Act 1999* to establish the Victims Register which requires that victim submissions be taken into account when considering the release of an offender to parole.

Written notice is given to victims registered on the Victims' Register prior to the preliminary consideration of an offender's release. This is coordinated through the Victims Register of CSNSW. Victims are then able to lodge a written submission and provide the Parole Authority with their input into the decision making process.

A registered victim of a serious offender also has an opportunity to make verbal or written submissions to the Parole Authority at the public review hearing before a final decision is made about the serious offender's release to parole.

These victims are also entitled to access modified documents regarding an offender's efforts to address their offending behavior.

## Serious offenders

Section 3(1) of the *Crimes (Administration of Sentences) Act 1999* defines serious offenders. The Serious Offenders Review Council (SORC) is the statutory authority that is responsible for managing serious offenders in custody, as well as being the name given to an umbrella organisation with three sub-committees whose functions are not all necessarily related to serious offenders.

One role of the Council is to provide advice to the State Parole Authority concerning the release on parole of serious offenders as they become eligible for release. Advising in particular, whether or not it is appropriate for the inmate to be considered for release on parole by the Parole Authority [s.197(2) (b) of the Act].

Except in exceptional circumstances, the Parole Authority must not make a parole order for a serious offender unless the SORC advises that it is appropriate for the offender to be considered for release on parole [s.135(3) of the Act].

If the Parole Authority forms an intention to grant parole, the Parole Authority lists the matter for a public hearing. This allows for the State and/or registered victims to make submissions to the Parole Authority regarding the release of the offender prior to the Parole Authority granting parole or refusing parole.

## Manifest injustice

The provisions of *manifest injustice* applies to offenders who have been refused parole on the first occasion i.e. the earliest release date, also known as their eligibility date. There is no such provision for parolees who have had their order revoked while on parole.

Upon an offender being refused release to parole, the *Crimes (Administration of Sentences) Act 1999* states that parole consideration cannot occur for another 12 months.

Early consideration of a case may occur in circumstances prescribed by clause 223 of the *Crimes (Administration of Sentences) Regulation 2014* and detail the matters that constitute manifest injustice. These include a decision to refuse parole being based on incorrect or incomplete information, or an offender meeting requirements that were previously beyond their control such as the completion of relevant programs, external leave, availability of suitable accommodation, health services or the withdrawing of further charges.

## Suspension of parole orders

If circumstances exist where a division of the Parole Authority cannot meet on a matter requiring urgent attention, the Commissioner of CSNSW may apply to a Judicial Member of the Parole Authority to suspend an offender's parole order and issue a warrant for their arrest and return to a correctional centre.

Such circumstances may occur when an offender presents as a serious and immediate risk and concerns exist that the offender will abscond, harm another person or commit an indictable offence.

A suspension order remains in force for up to 28 days after the offender is returned to custody. During this period, a full division of the Parole Authority has the opportunity to review the offender's situation and determine whether it is appropriate to revoke the parole order or allow time for an inquiry to be conducted into the allegations that led to the suspension of the parole order.

## Periodic detention and intensive correction orders

On 1 October 2010, Periodic Detention ceased being a sentencing option in NSW and Intensive Correction Orders were substituted for this sentencing option. An offender sentenced to a Periodic Detention Order prior to 1 October 2010 continues to serve this order to completion.

Intensive Correction Orders (ICO) are a community based sentence of two years or less (without a parole period), that involves supervision of an offender by Community Corrections and requires offenders to complete a compulsory work component.

## Parole supervision

Parole is the supervised and supported reintegration of offenders in the community prior to their total sentence expiring. Parole provides a continuing measure of protection to the community during this period.

Parole does not mean that offenders are free, as an offender is still considered to be subject to their sentence.

Release to parole is not leniency or a reward for good behaviour, but an extension of the sentence that provides the opportunity to assist and monitor an offender's adaption to a normal, lawful community life.

Parole serves the community interest by ensuring offenders are supervised and supported during their return to the community, and reduces the likelihood of recidivism. It provides an effective way of protecting the community than would a more sudden release of an offender at sentence expiry, without the assistance and supervision of a parole period.

As a bridge between custody and liberty in the community, parole is a form of conditional release that involves a thorough review of information and assessment of risk.

Parolees must abide by the conditions of their release. If the conditions of parole are not met, parole may be revoked and the offender returned to custody.

The Community Corrections division of Corrective Services NSW are responsible for the supervision of parolees in New South Wales.

## How orders are revoked

The SPA considers the revocation of parole orders - including those issued by courts - if parolees fail to comply with conditions of their order.

It may consider the revocation of a court-based parole order before release if the offender shows an inability to adapt to normal lawful community life or does not have suitable post release accommodation.

The SPA is also responsible for revocation of home detention orders and intensive correction orders.

If an order is revoked, a public hearing is held to review the decision. When the revocation of a parole order is confirmed, the offender is not eligible for re-release for 12 months from the date they returned to custody; or at the end of the sentence if the balance of parole remaining is less than 12 months.

When the revocation of a home detention, periodic detention or intensive correction order is confirmed, the detainee remains in fulltime custody but can be reinstated, subject to a suitable assessment, after serving at least three months in the case of periodic detention and home detention orders and one month for intensive correction orders.

Alternatively, the balance of periodic detention or intensive correction orders may be served, if approved, by way of home detention.

# 2016 SNAPSHOT

Items	2014	2015	2016	% increase
Matters considered	13,760	15,601	19,775	26.75
SPA Meeting Days	318	319	321	0.63
- Private	106	100	98	-2.00
- Public	137	142	144	1.4
- Secretary Sitting	51	50	52	4.00
- ICO/HD/PD Division	24	27	29	7.41
ICO Revoked	359	443	445	0.45
Reinstatement Ordered	115	182	214	17.58
Reinstatement Declined	25	16	13	-18.75
Overseas Travel Approved	14	14	28	100.00
Total Parole Releases	6,047	6,598	8,010	21.40
- SPA Orders	963	973	1,188	22.10
- Court Based Orders	5,084	5,625	6,822	21.28
Total Parole Refused	372	297	256	-13.80
Total Parole Orders Revoked	2,527	2,579	2,838	10.04
- SPA Orders	451	470	466	-0.85
- Court Based Orders	2,076	2,109	2,372	12.47
Total Revocations Rescinded	407	410	455	10.98
Variations to Parole Orders	241	193	171	-11.40
SPA Formal Warnings	1,616	1,145	842	-26.46
State Submissions	10	22	47	
Victim's Submissions	101	98	61	
Overseas Travel Approved	21	24	8	-66.67
Interstate Transfers to NSW	38	33	35	6.06
Matters heard via AVL	2,716	3,753	3,134	-16.49
Appeals	19	14	14	0

\*\* Included ICO/HD/PD Division. It should be noted that the 2013 Annual Report had included these in public meeting calculations.

## Cases Considered by the Parole Authority

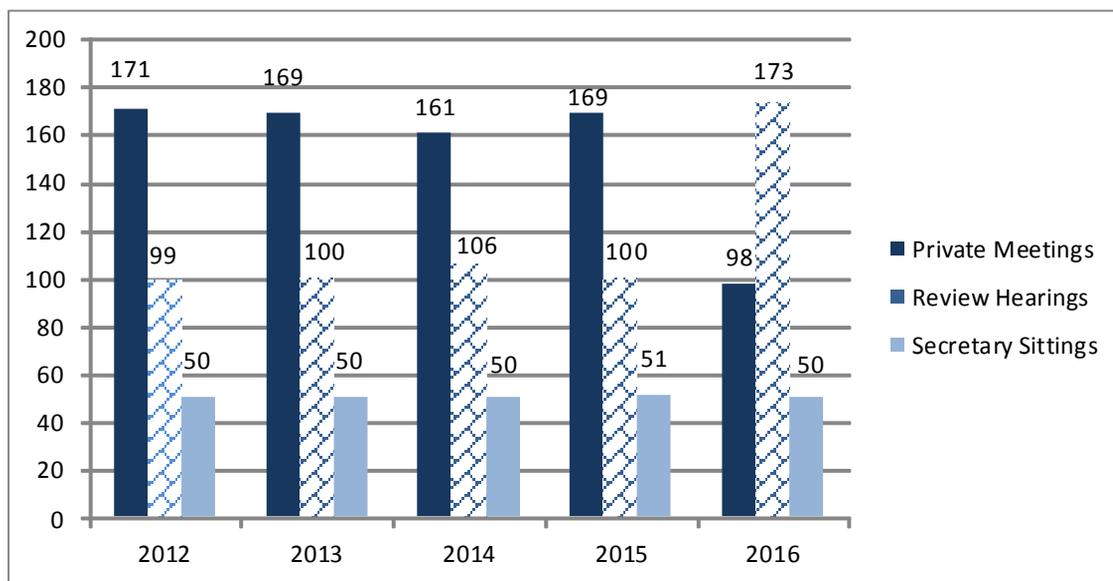
The SPA meets weekly to deal with its significant workload. Each week there are two private meetings (principally for consideration of release to parole and revocation of parole), three public review hearings (to review decisions) and two to three additional public hearings per month to specifically deal with ICO matters.

In the case of all meetings (both private meetings and review hearings), material for consideration is distributed to the members of the SPA one week prior to the meeting for reading and reflection.

A single matter may be considered on more than one occasion. This is particularly the case with public review hearings for the refusal or revocation of parole, or where a matter is held over for the receipt of additional reports or to await the finalisation of ongoing court matters.

In 2016, 19,775 cases were considered over 321 meetings.

There were 50 *Secretary Sittings*, sittings for the purpose of various administrative decisions for cases under consideration. Examples of these decisions include the registration of interstate parole orders, standing a case over to a future date to allow for a report submission or the finalisation of court results.



SPA Volume 2012 -2016					
	2012	2013	2014	2015	2016
<b>Cases Considered</b>	11,422	12,045	13,760	15,601	19,775
<b>Meeting days</b>	320	319	318	319	321

## Parole Ordered

The SPA ordered release to parole in 1,188 cases in 2016 representing 14.83% of the 8,010 releases in the 2016 calendar year. Of the 1,188 matters, three offenders were granted parole pursuant to Section 160 of the *Crimes (Administration of Sentences) Act, 1999*, which permits parole to be granted before the expiry of the non-parole period if the offender is dying or there are other exceptional circumstances.

The balance of 6,822 releases were court based orders subject to an automatic release from custody.

### Parole Ordered Totals 2012 - 2016

2012	2013	2014	2015	2016
1,046	971	963	973	1,188

## Parole Refused

The SPA does not automatically release offenders to parole at the end of the non-parole period for sentences in excess of 3 years.

In 2016, parole was refused in 256 cases, a 16% decrease from the 297 matters refused in 2015.

Section 135 (1) of the *Crimes (Administration of Sentences) Act 1999*, states that “the Parole Authority must not make a parole order for an offender unless it is satisfied, on the balance of probabilities, that the release of the offender is appropriate in the public interest”.

### Parole Refused Totals 2012 - 2016

2012	2013	2014	2015	2016
265	340	372	297	256

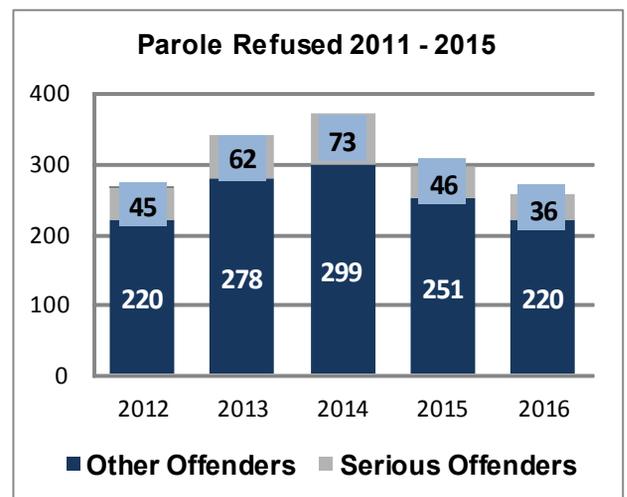
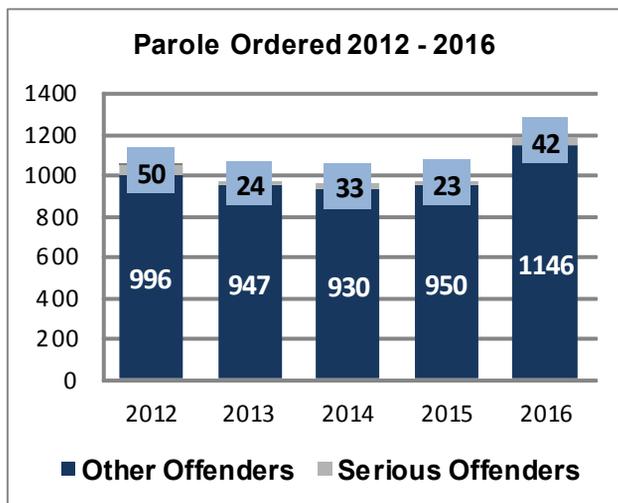
## Serious offenders

Of the 1,188 parole orders determined by SPA in 2016, 42 parole orders were made in relation to 41 serious offenders.

One serious offender was granted parole pursuant to Section 160 of the *Crimes (Administration of Sentences) Act 1999*.

## Serious offenders

Of the 297 parole matters refused by SPA in 2015, 36 cases were related to serious offenders.



## Parole Revocations

The SPA revoked a total of 2,838 parole orders in 2016 of which approximately 83.56% were court based orders.

Of these, 1,124 were the result of a breach of conditions other than the commission of further offences. These breaches included the failure to maintain contact with Community Corrections, changing address without permission, leaving the State without permission, failure to attend for appointments with service providers and failure to abstain from drug and/or alcohol use.

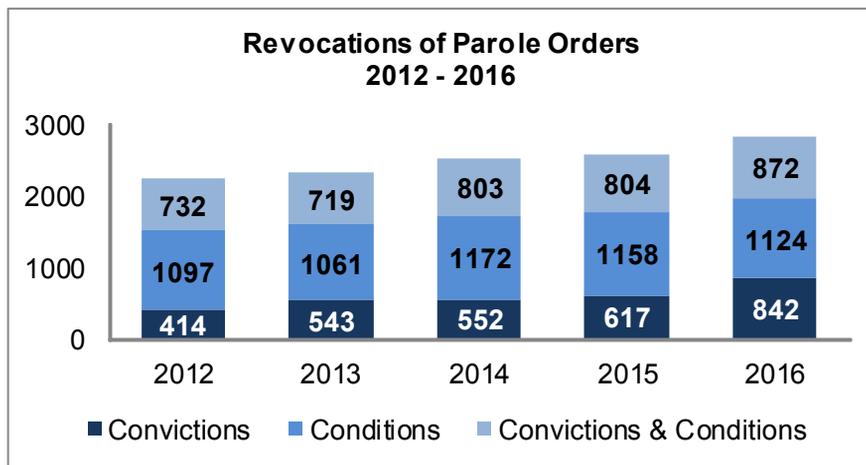
The total number of breaches that were as a result of outstanding charges or further convictions was 842. While 872 revocations were for both a breach of conditions and further conviction/s.

## Serious Offenders and revocations of parole

Three serious offenders had their parole order revoked given breach of conditions that were not related to re-offending.

Two serious offenders had their parole order revoked for outstanding charges.

While of the 872 offenders that were revoked for breach of supervision conditions and further conviction/s, only one was a serious offender.



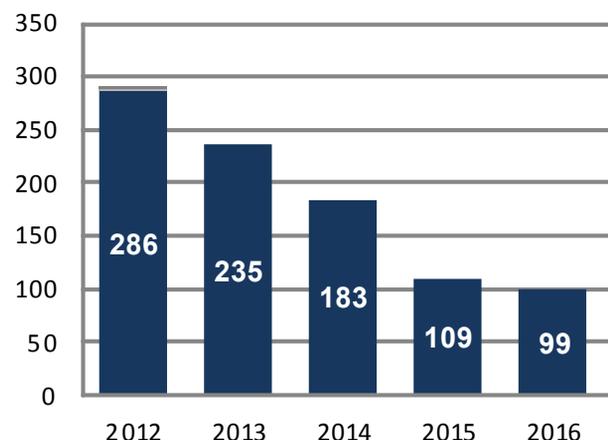
## Parole Revocations Prior to Release

The SPA may also consider the revocation of a court-based parole order before release under specific circumstances, including:

- if the offender demonstrates by some action in custody that they are unable to adapt to a normal lawful community life upon release;
- they do not have suitable post release accommodation; or
- do not wish to be released at their earliest release date.

In 2016, SPA revoked 99 parole orders prior to release, approximately 83.84% of these revocations were court-based orders.

## Parole Revocations Prior to Release 2012 - 2016



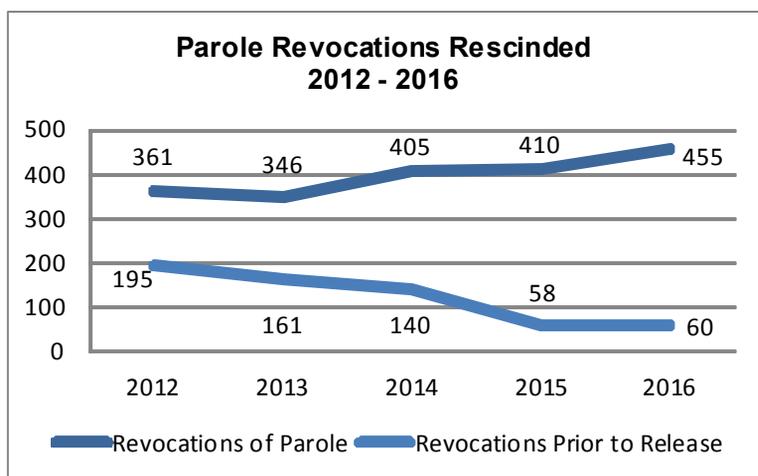
## Parole Revocations Rescinded

Once an offender is returned to custody on a parole revocation warrant, they have the right of review in a public hearing before the SPA.

This provides the opportunity for SPA to determine whether incorrect information was relied upon on the initial consideration of the case or whether there are circumstances that would support rescission and the offender's return to parole supervision in the community.

In 2016, 455 parole revocations were rescinded and a further 60 revocations of parole prior to release were also rescinded.

Of the 455 parole rescissions, seven of these related to serious offenders.

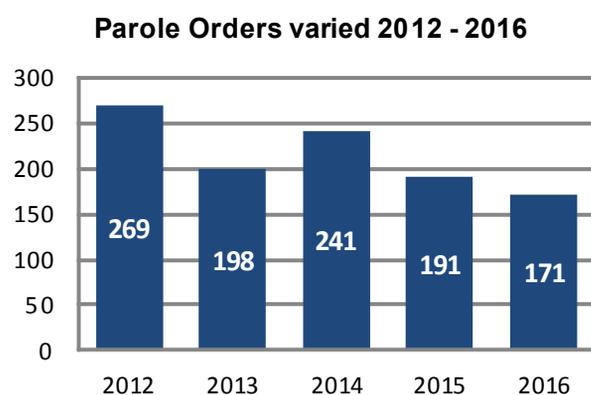


## Variation to Parole Orders

In some instances, it is necessary to vary the conditions of a parole order to ensure the conditions continue to be relevant and appropriate to the offender, or to assist with the supervision of a parolee.

In most cases, Community Corrections request that the conditions of a court based parole order be varied in relation to attendance at relevant programs. Orders can also be varied to restrict contact between offenders and victims or offenders and antisocial associates.

171 variations to parole orders were made in 2016, 48% of parole order variations related to court based parole orders.



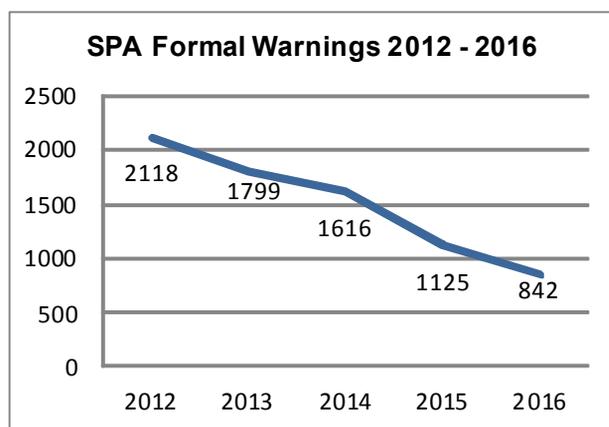
## Warnings

Formal warnings are issued to parolees who are at risk of having their parole orders revoked for breaching their conditions.

Parolees are advised in writing by the SPA that their continued failure to comply with the conditions of parole may result in revocation of their parole order.

842 SPA warnings were issued in 2016.

Serious offenders made up seven of the 842 warnings issued in 2016.



## Overseas Travel

Parolees must seek approval from SPA prior to travelling overseas and must provide evidence as to the reason for the request.

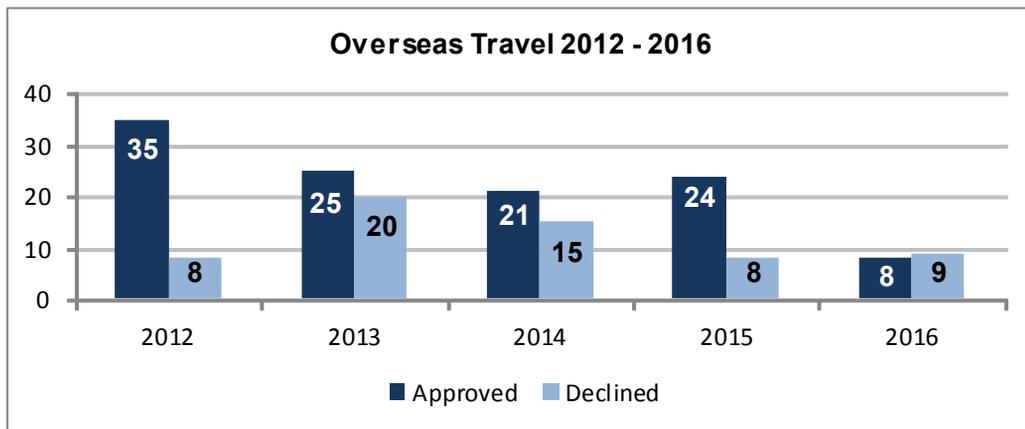
Applications for travel are also to be supported by a report from Community Corrections indicating the parolee's compliance with the parole conditions and stability in the community.

It is unlikely that such stability could be demonstrated in less than six months from the date of release to parole. In general, travel for recreational purposes is not approved.

In 2016, the SPA considered 17 applications for overseas travel and of these, eight were approved, while the other nine applications were declined. All parolees who travelled overseas reported as directed upon their return to New South Wales.

## Serious Offenders

Of the 17 applications for overseas travel, three applications from two serious offenders were received by the SPA. One application was approved and two were declined.

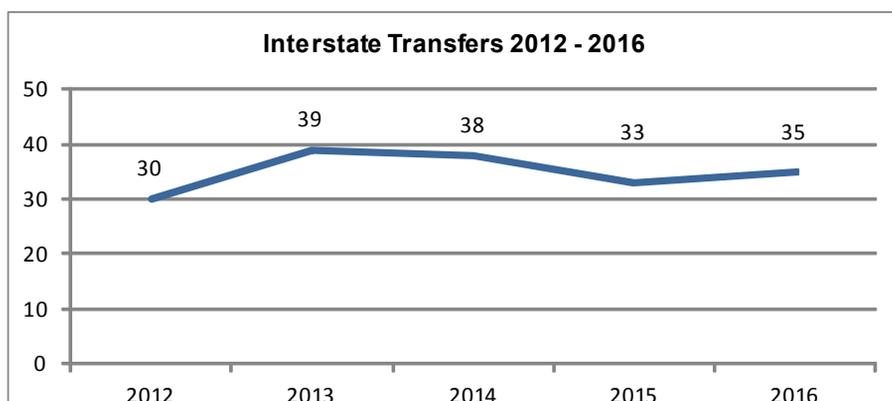


## Interstate Transfers

Complementary State and Territory legislation and protocols provide for the transfer of parole orders for reasons such as family responsibilities or to pursue work or study opportunities.

Under the scheme, the parole order - once registered - ceases to have effect in the original State or Territory. The laws of the receiving State or Territory then apply as if the sentence of imprisonment had been imposed, served, and the parole order issued, in that jurisdiction.

Where the State or Territory offender breaches the conditions of parole, the order can be legally enforced in the receiving jurisdiction. There were 35 registrations of interstate parole orders in NSW in 2016.



## State Submissions

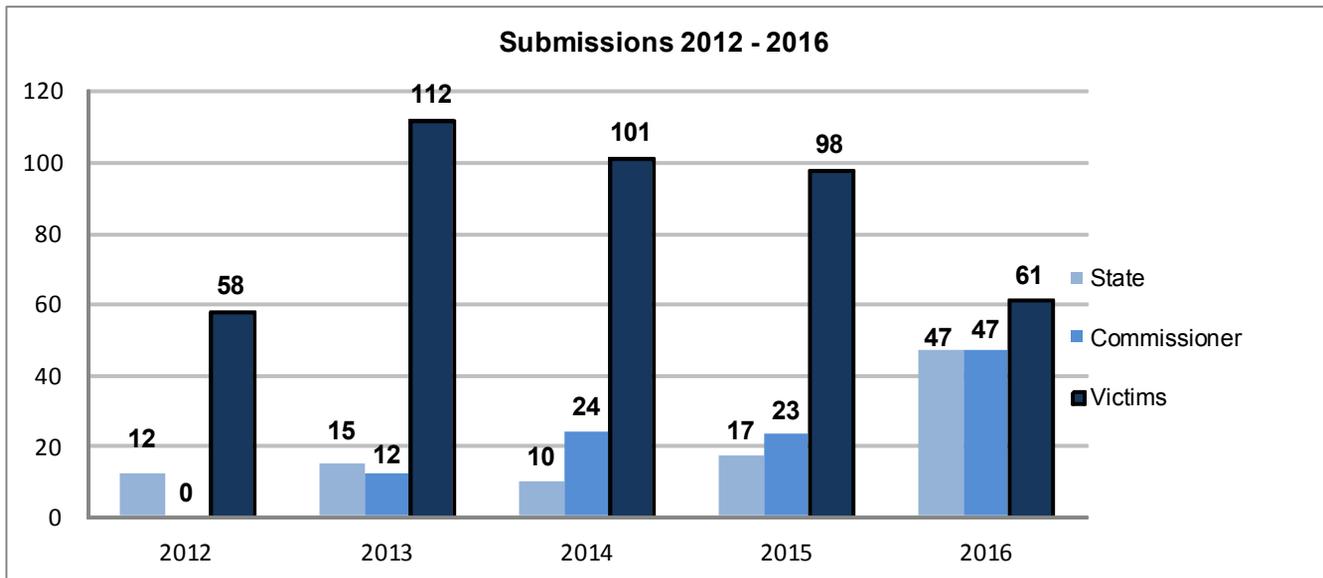
Section 153 of the *Crimes (Administration of Sentences) Act 1999*, provides the opportunity for the State to make submissions to the SPA at any time concerning the release on parole of a serious offender. There were 47 submissions received for 33 serious offenders in 2016.

## Commissioner's Submission

Section 141A of the *Crimes (Administration of Sentences) Act 1999* provides the opportunity for the Commissioner of CSNSW to make a submission concerning the release on parole of any offender. There were 47 submissions received for 34 offenders in 2016.

## Victim's Submission

The *Crimes (Administration of Sentences) Act 1999* gives victims of crime the right to make submissions to the SPA when it is considering a decision about an offender that could result in release to parole. Written notice is given to victims registered on the Victims' Register prior to the preliminary consideration of an offender's release. 61 submissions were received from registered victims in 2016. 12 submissions were in relation to serious offenders.

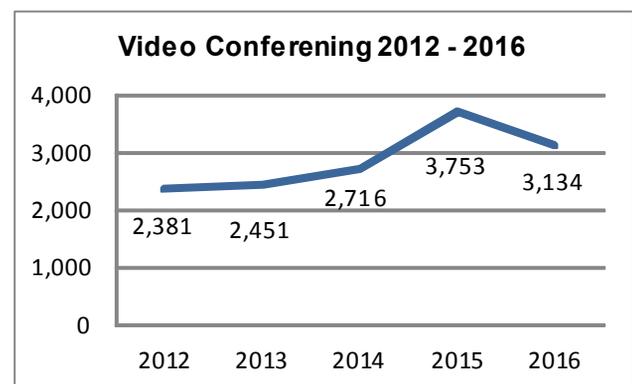


## Video Conferencing

SPA participates in the Cross Justice Video Conferencing System, a joint initiative between CSNSW, Justice, NSW Police and Juvenile Justice NSW. It was introduced to avoid transport and escort costs and reduce the risk of escapes during external movements.

76 video conferencing studios are available in 28 correctional centres across the State. The SPA has enthusiastically embraced the use of this technology and was the first court in Australia to undertake 100% of its hearing agenda via a video conferencing link for offenders in custody.

In 2016, 54,945 CSNSW matters were dealt with via the video conferencing network. There were 3,134 matters dealt with by the SPA which represents 5.70% of overall system usage.



## Serious Offenders - an overview

According to Section 135(3) of the Act, except in exceptional circumstances, the SPA must not make a parole order for a serious offender unless SORC advises that it is appropriate.

Parole Granted - Of the 1,188 parole orders determined by SPA in 2016, 42 of these related to serious offenders. Of all offenders granted parole by the SPA, only 3.54% were serious offenders.

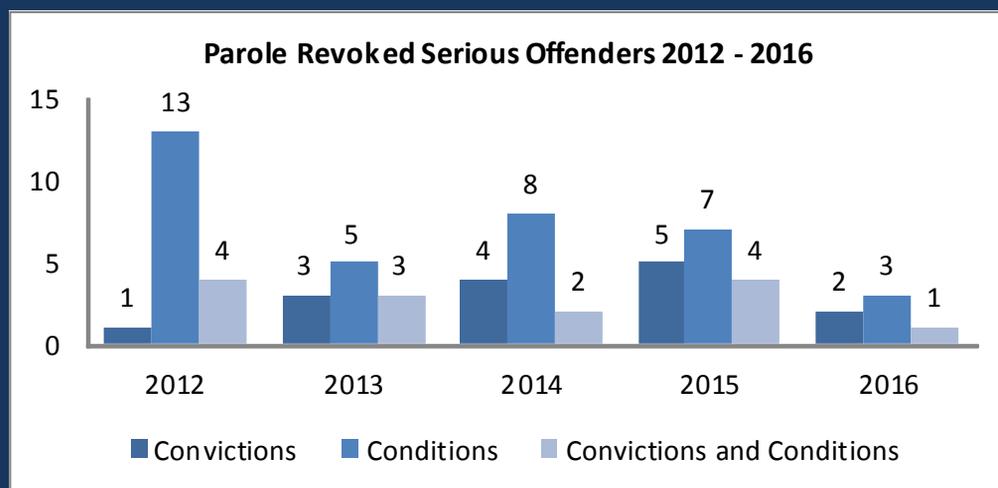
Parole Refused - Of the 256 offenders refused parole by SPA in 2016, 36 cases were related to serious offenders and this represents 14.06% of all offenders refused parole.

Victims Access to Documents - Section 193A(2) of the *Crimes (Administration of Sentences) Act 1999* allows the victim of a serious offender to access certain documents held by the SPA concerning the measures the offender has undertaken to address their offending behaviour. During the year, the SPA provided eight victims of serious offenders with access to such documentation.

Victim Submissions - The SPA received 12 submissions from victims of serious offenders during 2016.

State Submissions - The SPA considered 47 State Submissions in relation to 33 serious offenders in 2016.

Revocation of parole - Six serious offenders were revoked in 2016. Three serious offenders were revoked for breach of conditions that were not related to re-offending. Two serious offenders were revoked for re-offending and one serious offender was revoked for both a breach of conditions and re-offending.



Warnings - Serious offenders made up 7 of the 842 warnings issued in 2016.

Variation to Parole Conditions - There were variations made to 10 serious offender parole orders in 2016.

Overseas Travel - Two applications to travel overseas were approved by the SPA in 2016.

## Appeals

The legislation permits an offender to appeal a decision of SPA.

Prior to the legislative amendments that came into effect on 10th October 2005, all appeals were made to the Court of Criminal Appeal. However, as a consequence of an amendment to Section 155 Part 6 of the *Crimes (Administration of Sentences) Act 1999*, appeals are now made to a single judge sitting in the Administrative Division of the NSW Supreme Court. This legislation does not give the Supreme Court jurisdiction to consider the merits of the decision or release an offender to parole.

In such appeals, the offender usually alleges that the decision made on the basis of false, misleading or irrelevant information.

In 2016, there were 14 appeals to the Supreme Court of NSW, three of these commenced in 2015.

Section 156 provides for the Attorney General or Director of Public Prosecutions to allege that the Parole Authority made a decision regarding a serious offender on false, misleading or irrelevant information. This allegation is then considered by the Supreme Court who may then provide direction to the Parole Authority.

There were no such appeals in 2016.

## Intensive Correction, Home Detention and Periodic Detention Orders

A separate division of SPA deals specifically with cases arising from Intensive Correction and Home Detention Orders. This division also deals specifically with the remaining Periodic Detention Orders still in force since its abolition as a sentencing option in October 2010. In 2015, 27 meetings were held to consider matters related to Intensive Correction, Home Detention and Periodic Detention Orders.

### Home Detention Orders

Home Detention is a rigorously monitored, community supervision program aimed at the diversion of offenders from incarceration in prison.

The decision to allow an offender on the Home Detention program is based on the nature and circumstances of the offence, the degree of risk an offender poses to the community and the suitability of the residence where the sentence will be served.

A Home Detention Order is still a custodial sentence and strict guidelines apply. Offenders are required to remain within their residences unless undertaking approved activities and may be required to perform community service, enter treatment programs, submit to urinalysis and breath analysis and seek and maintain employment. Community Corrections monitor offenders' compliance with conditions on a 24 hour-a-day basis utilising electronic monitoring.

If a detainee fails to comply with the order, Community Corrections prepares a breach report for the SPA's consideration. Breaches of supervision conditions, further offences or unauthorised absences may result in revocation of the Home Detention Order and imprisonment in a correctional centre. Once returned to custody, the offenders can be assessed for reinstatement of the order.

In 2016, 17 detainees had their Home Detention Order revoked.

---

<b>Home Detention Orders 2016</b>	
Revoked	17
Reinstatement Ordered	6
Reinstatement Declined	0
Warnings	11

---

### Periodic Detention Orders

Prior to 1 October 2010, where an offender was sentenced to a term of imprisonment which exceeded three months but was less than three years, the sentence could be served by way of Periodic Detention.

This generally required the offender to remain in custody for two consecutive days of each week for the duration of the sentence, while also allowing offenders to maintain their ties to the community by remaining in employment and living with their families.

Periodic Detention ceased to be a sentencing option from 1 October 2010.

The SPA may revoke an order for Periodic Detention in a number of circumstances, including where an offender has not attended or failed to report for three detention periods without a reasonable excuse.

If the order is revoked, a warrant may be issued for the apprehension of the offender to serve the remainder of the sentence in full time custody or another action may be determined such as having the offender assessed for suitability for a Home Detention Order.

In 2016, two Periodic Detention Orders were revoked.

---

<b>Periodic Detention Orders 2016</b>	
Revoked	2
Reinstatement Ordered	5
Reinstatement Declined	1
Conversion to Home Detention	5

---

## Intensive Correction Orders (ICO)

An ICO is a court sentence of two years or less which is served by way of intensive correction in the community under strict supervision of Community Corrections.

An ICO is for a fixed period and does not have a parole period. The Court can sentence an offender to an ICO once an assessment for suitability has been completed by Community Corrections.

ICOs consist of a supervision/case management component and a community service order (work) component. The offender has to report to Community Corrections, perform 32 hours of community service work each month, attend rehabilitative programs where directed and be subject to drug and alcohol testing. There is also provision for the offender to be electronically monitored if considered necessary.

In 2016, 1,695 offenders commenced an ICO.

Community Corrections are responsible for the administration of these orders. If an offender does not comply with their order, a report is prepared and sent to SPA for consideration.

SPA may issue a letter of warning to the offender, impose sanctions on the order - including seven days home detention - or revoke the ICO.

In 2016, 445 Intensive Correction Orders were revoked.

If an offender's ICO is revoked, the offender can apply for reinstatement of their ICO upon serving a month in custody. They must satisfy the SPA that they can successfully complete the remaining period on their ICO and a reinstatement report from Community Corrections must also assess them as suitable.

In 2016, 214 Intensive Correction orders were reinstated.

Alternatively, an offender could seek conversion of the remaining ICO to a home detention order. In 2016, two Home Detention Orders were given in lieu of an Intensive Correction Order.

30 applications to travel overseas were considered by SPA in 2016 for those on ICOs. Of these, 28 were approved to travel. All offenders who travelled overseas returned and reported as directed.

Intensive Correction Orders 2012 - 2016

Year	Revoked	Rescinded	Reinstatement Ordered	Reinstatement Declined	Travel Approved	Conversion to Home Detention
2012	114	8	10	16	9	4
2013	283	14	58	36	10	7
2014	359	22	115	25	14	1
2015	443	20	182	16	14	7
2016	445	15	214	13	28	2

# MEMBERSHIP

The SPA is constituted under the provisions of Section 183 of the *Crimes (Administration of Sentences) Act, 1999*. At least four of the appointed members must be judicial members; acting or retired magistrates or judges of a New South Wales or Federal Court. At least ten community members are appointed to reflect the community at large although only two may sit at any meeting.

The other three categories of members do not require appointment by the Governor. They are a member of the New South Wales Police Force nominated by the Commissioner of Police, an officer of Community Corrections nominated by the Commissioner of CSNSW. The Secretary of SPA is appointed by the Chairperson to dispose of routine business.

As of 31 December 2016, there were nine judicial officers, 13 community members and five official members serving on the SPA.

## Judicial Officers

**The Honourable James Wood, AO QC** was appointed a Justice of the Supreme Court of NSW in 1984, retiring in 2005. He was also appointed as the Chief Judge of Common Law and member of the Court of Appeal (1998 - 2005) and was a non-resident Judge of the Court of Appeal in Fiji (2004 - 2006). Judge Wood also served as the Royal Commissioner, leading an inquiry into corruption within the NSW Police Service and into Paedophilia (1994 - 1997), the Special Commissioner into an inquiry of the Child Protection System of NSW (2007 - 2008), Inspector at the Police Integrity Commission (2005 - 2007) and was a Member of the Customs Reform Board (2013 - 2014), the Independent Review Cycling Australia (2012 - 2013) and the Human Research Ethics Committee at the Sydney Children's Hospital (2005 - 2014). Judge Wood was also the Chairman of the NSW Law Reform Commission (2006 - 2013) and is currently the Chairman of the NSW Sentencing Council. Justice Wood was appointed as the Chairperson on 12 December 2013.

**Judge David James Freeman** was a solicitor for 5 years, a barrister for 11 years and was appointed a Judge in 1980. He retired from the District Court in October 2011 having spent the last 15 years of his judicial career sitting on criminal matters only. After his retirement, he was appointed an Acting District Court Judge and in 2013 an Acting Supreme Court Judge. Judge Freeman brings to the Parole Authority considerable experience in the field of crime and punishment. Judge Freeman was appointed as the Alternate Chairperson of the SPA on 15 December 2013.

**Judge Paul Cloran** was appointed a Magistrate in 1987 before retiring as Deputy Chief Magistrate of NSW in July 2010. Judge Cloran was also appointed an Acting Judge of the District Court and Judge of the Drug Court in July 2010. He presides at the Hunter Drug Court at Toronto. In September 2011, he was appointed a member of the Sentencing Council of NSW. Judge Cloran was appointed as a Judicial Member of the SPA on 15 July 2010 and was re-appointed on 15 December 2013. Judge Cloran's appointment expired on 14 December 2016.

## Judicial Officers continued...

**Mr Allan Moore** was appointed a Magistrate in 1989 and maintained that appointment before retiring in December 2010. Mr Moore presided at Central Local Court during this time as Magistrate for a period of 11 years dealing primarily with the most serious of offences committed in the state of NSW. In February 2011, he was appointed as a Tribunal Member with the Victims Compensation Tribunal and was also appointed Acting Magistrate of NSW. Mr Moore was appointed as a Judicial Member of the SPA on 14 March 2012 and re-appointed from 14 March 2015.

**The Honourable Graham Russell Barr, QC** practised at the New South Wales Bar, including as a Deputy Senior Crown Prosecutor and Deputy Crown Advocate, until his appointment as Judge of the Supreme Court of NSW. Following his retirement from that office in 2009, he was appointed as Acting Judge from time to time. Justice Barr was appointed Inspector of the New South Wales Crime Commission in April 2013. Justice Barr was appointed as a Judicial Member of the SPA on 17 December 2014.

**The Honourable Peter Hall QC** was appointed as Queens Counsel in 1992, practicing at the New South Wales Bar from 1974 to 2005 in both trial and appellant proceedings. In 2005, he was appointed to the Supreme Court as a Judge in the Common Law division, and subsequently sat in the Equity Division, Criminal Trial Division and Court of Criminal Appeal. Justice Hall has assisted counsel and been lead counsel in Royal Commissions, Special Commissions of Inquiry and Statutory Inquiries while also being both Senior Counsel and an Assistant Commissioner for the Independent Commission Against Corruption. Justice Hall has written two books and is in the process of publishing the Second Edition of *Investigating Corruption and Misconduct in Public Office: Powers and Procedures of Commissions of Inquiry*. Justice Hall was appointed as a Judicial Member of the SPA on 23 November 2016.

**Mr John Bailey** was appointed Acting Local Court Magistrate in 2008, sitting on an ad hoc basis as a Magistrate in both the Metropolitan and country circuits. He was previously a Public Solicitor in the Criminal Indictable Section and a Local Magistrate from 1985-1996, dealing with both criminal and civil matters. Mr Bailey is the Proper Officer and member of the Board of an Australian charity, The East African Fund Inc., which has built a school in Tanzania to educate those less fortunate. Mr Bailey was appointed as a Judicial Member of the SPA on 23 November 2016.

**Mr Shaughan McCosker** was admitted as a solicitor in December 1988. He held various Senior Management positions within the Local Courts and was appointed Acting Magistrate in May 1994 sitting at metropolitan and country locations. In September 1995 he was appointed Magistrate of the Local Court of New South Wales attached to the Armidale and Taree circuit. Mr McCosker was appointed as a Judicial Member of the SPA on 23 November 2016.

**Mr Ian Duncan McRae** was appointed Acting Magistrate in 2011. He was previously the Mayor of Temora Municipal Council from 1973 – 1978. In 1986, he was a Senior Managing partner of Farelle Goode and McRae Solicitors until his appointment as a Magistrate in 1988. Mr McRae was the Home Fund Commissioner (NSW) from 1994-1997, a Senior Fellow of Corporate Director's Association of Australia Ltd in 1996, a Senior Co-Ordinating Magistrate in the Western Suburbs Local Court from 2002-2011 and was a previous Judicial Member of the NSW Racing Tribunal. Mr McRae was appointed as a Judicial Member of the SPA on 23 November 2016.

# Community Members

**Ms Rhonda Booby** has had lengthy experience in a range of positions within NSW Corrections, including in community corrections, psychology and inmate welfare. She established the Restorative Justice Program in NSW Corrections. She finished her employment with NSW Corrections in 2010 at which time she was the Executive Director, Offender Services and Programs. Ms Booby, who is a solicitor, currently sits as a Senior Member (Legal) on the Guardianship and Administrative and Equal Opportunity Divisions of the NSW Civil and Administrative Tribunal and as a Legal Member on the Mental Health Review Tribunal. As a part time Law Reform Commissioner, she was an author of the 2015 NSW Law Reform Commission Report on Parole. Ms Booby was appointed on 20 October 2015.

**Mrs Susan Carter** is an experienced commercial solicitor having worked in a major commercial practice, as in-house counsel for a media company as well as being seconded for a period of government service. She is currently involved in legal education, lecturing at undergraduate and post-graduate levels at both Sydney and Macquarie Universities. Mrs Carter has used her legal expertise both in practical commercial applications and wider policy issues, especially those relating to strengthening families and building stronger communities. She served as the NSW Secretary and a National Executive member of the Australian Family Association for over 10 years; was a board member of the Australian Institute of Family Studies and as a member of the Family Law Council of Australia. She currently serves as a member of the Examinations Committee of the Legal Profession Admission Board. Mrs Carter was appointed on 21 October 2012 and re-appointed on 20 October 2015.

**Mr Robert Cosman** retired as the Director and Secretary of the NSW State Parole Authority on 12 February 2016 after completing 20 years of service in NSW Corrective Services. He previously held positions for 12 years with NSW Youth and Community Services working with juvenile offenders. His career with Corrective Services included positions in the Parole Service and the Probation and Parole Service. He represented the Probation and Parole Service, now Community Corrections, as the representative to the then Parole Board before taking up administrative positions with the Parole Authority including Operations Manager, Deputy Director and Assistant Secretary and finally from 2009 as the Director and Secretary of the State Parole Authority. Mr Cosman was appointed on 16 March 2016.

**Ms Peta Drake** has an LLB from the University of WA and an LLM from the University of Sydney. She worked for some 20 years as a solicitor both in private practice and in-house at energy companies in Sydney and London. After a period of maternity leave, Peta established a retail home textiles brand in Australia which was sold on-line as well as from her own store. In 2012 Peta was appointed to the NSW Administrative Decisions Tribunal (now NCAT). For the past 5 years Peta has worked, on a voluntary basis, for Australian Red Cross in its Immigration Detention Monitoring Program. Ms Drake was appointed on 20 October 2015.

## Community Members continued...

**Mr Rod Harvey APM** retired from the NSW Police in August 2001 at the rank of Detective Chief Superintendent after 35 years' service, the majority of which was devoted to the investigation of major crime and the management of major investigations. In recognition of his service to policing he received the Australian Police Medal, the National Police Service Medal, the NSW Police Medal, and the National Medal, along with several commendations. Since retiring as a police officer he has undertaken a range of consultancies and investigations, including engagements with Corrective Services NSW and the NSW Police Force. Mr Harvey was appointed on 28 November 2012, and was reappointed on 27 November 2015.

**Stuart Hemmings FACE, GAICD, JP** has a background as a secondary school teacher of agriculture and science. Mr Hemmings is a non-executive Director of the Primary Industries Education Foundation Australia and also works part-time as an education consultant (including an Associate role with Cambridge Education). Prior to this he held a number of senior positions in the NSW Department of Education in both rural and metropolitan settings, most recently as Director of Policy, Planning and Reporting in the NSW Public Schools portfolio. He has also worked extensively for the NSW Board of Studies in a number of capacities and is a recent graduate of the Australian Institute of Company Director's course. Mr Hemmings maintains membership of the AICD, the NSW Association of Agriculture Teachers and the Royal Agricultural Society of NSW. He is also a member of the Australian College of Educators and was awarded Fellowship of the College in 2014. Mr Hemmings was appointed on 20 October 2015.

**Ms Martha Jabour** is Executive Director, Homicide Victims Support Group (Aust.) Inc., a position she has held since 1993. Her interests are to further promote the rights and needs of family members of homicide, especially children. Ms Jabour has and continues to represent the community and family members of homicide on a range of committees and boards. Other areas of special focus are on crime prevention, particularly in the areas of domestic violence, mental health and juvenile justice. Ms Jabour was appointed to the State Parole Authority on 4 October 2006 and was reappointed on 21 October 2009, 21 October 2012 and on 21 October 2015.

**Ms Catriona McComish** is the Director of Firefinch Consulting which provides clinical, forensic and organizational psychology services to public sector agencies, training groups and NGOs. She previously worked for 30 years in public sector education, health and justice services developing and leading the delivery of mental health and behaviour change policy and programs in WA and NSW. Additionally, she has held appointments in the university sector in psychology and criminology research and teaching. She finished her public sector employment in 2006 as Senior Assistant Commissioner Community Offender Services in Corrective Services NSW and established her own consulting group. Ms McComish was appointed on 23 January 2013, and was re-appointed on 22 January 2016.

# Community Members continued...

**Mr Ken Moroney AO APM** retired as the Commissioner, NSW Police Force, on 31 August 2007 after completing 42 years service as a police officer. He is a recipient of both the National Medal with First and Second Class Clasps and the Australian Police Medal for Distinguished Service. He was made an Officer of the Order of Australia in 2007 for his services to law enforcement and national security. He was highly commended on several occasions for his service to the people of NSW. His other appointments include membership of a number of Boards including NSW Police Legacy and the Kid's Cancer Project (Oncology Children's Foundation). He is also a member of the World Bank /UN Project of Global Road Safety. Mr Moroney is a NSW representative and member of the Australian Bravery Decorations Council and representative of the Conduct Division of the Judicial Commission of NSW. Mr Moroney was appointed on 19 September 2007 and was reappointed on 19 September 2010 and 19 September 2013. Mr Moroney's appointment expired on 16 July 2016.

**Mr Andrew Nattress** began his career as a police officer in the United Kingdom, before moving to Hong Kong in 1974 where he joined the then Royal Hong Kong Police Force as an Inspector. Subsequently taking a position as an investigator with the Hong Kong Independent Commission Against Corruption (ICAC), he served in various roles until his departure in 1987 as a Chief Investigator with the ICAC. Upon his departure from Hong Kong, Mr Nattress came to Australia and joined the then National Crime Authority as an Assistant Director in charge of the fledgling telecommunications interception branch. He was subsequently appointed as the National Director of Intelligence before his departure in 1996 to take up a position with the newly created New South Wales Police Integrity Commission as the Director of Operations. When Mr Nattress retired in 2013, he was an Assistant Commissioner and Director of Operations of the Police Integrity Commission. Mr Nattress was appointed on 26 February 2014.

**Mr Donald Sword** works for an inner-city homeless service and teaches at the Sydney Institute of TAFE. On behalf of the NSW Ombudsman, he delivers training services to state and federal agencies and non-government organisations. He has served as an Official Community Visitor appointed by the Minister for Disability Services, and as an Official Visitor to the hospital at Long Bay Correctional Centre. He is a member of the NSW Civil and Administrative Tribunal (Guardianship Division), the NSW Legal Aid Review Committee, and the Justice Disability Advisory Council. Mr Sword was appointed on 20 October 2015 .

**Mr Lloyd Walker** was once the Acting Coordinator for the Aboriginal Corporation for Homeless and Rehabilitation Community Services and has been an Official Visitor for Lithgow Correctional Centre. He was appointed as a Community Member of the Serious Young Offenders Review Panel in December 2013. Mr Walker was appointed on 1 July 2000 and was reappointed on 1 July 2003, 1 July 2006, 1 July 2009, 1 July 2012 and 24 June 2015.

**Mr Peter Walsh APM** was formerly the Senior Assistant Commissioner of the NSW Police Force after 38 years within the Force. Awarded both the Centenary Medal in 2000 for Service to the Community and the Australian Police Medal in 1996 for distinguished police service, he completed the majority of his service throughout country NSW. Mr Walsh was appointed to the SPA on 17 January 2005 and was reappointed on 17 January 2008, 17 January 2011 and 22 January 2014.

# Official Members

## Community Corrections Representatives

Ms Annette Caffery was appointed as a Community Corrections Representative on 21 March 2016. Ms Erica Mulvany was appointed as a Community Corrections Representative on 4 July 2016. Ms Ilona Lawler's appointment ceased in March 2016 after her appointment in May 2015.

Mr Luke Easterbrook, Ms Elizabeth Leafe, Ms Christie Lanza, Ms Sarah Gilmour, Mr Liam McOnie and Mr David Walsh act as deputies during leave by official appointees.

## Police Representatives

Senior Sergeant Pettina Anderson was appointed as the Police Representative on 2 June 2009 and Chief Inspector Hamed Baqaie was appointed as the second Police Representative on 11 December 2009. Detective Sergeant Jason Wills was subsequently appointed as the third Police Representative on 8 October 2013.

Inspector Helen Halcro, Sergeant Joanne Sinclair and Senior Constable Kelly Green act as deputies during leave by official appointees.

# Secretary

Mr Robert Cosman  
Director & Secretary—until 12 February 2016

Ms Amy Manuell  
Deputy Director & Assistant Secretary  
Acting Director and Secretary from February 2016

Ms Elizabeth Leafe  
Acting Deputy Director and Secretary from August 2016

# The Secretariat

**The SPA would not function without the hard work of the Secretariat. Staffed by officers from CSNSW, the Secretariat is made up of three interdependent teams; the Submissions, Reviews and Support Teams.**

**Support Team** - consists of six officers, three trainee and Senior Administration Officer that provide administrative support to the Secretariat, led by the Team Leader in Administration. This team is responsible for duties such as data entry into OIMS, preparation of agendas for SPA members, coordination of VCSS, preparing requests for psychological and psychiatric reports and the preparation of documents to be forwarded to offenders and their legal representatives.

**Submissions Team** - consists of four Submissions Officers and a Senior Administration Officer led by the Submissions Team Leader. Together, they are responsible for the preparation and collation of all matters that go before the private meetings. This preparation includes a wide range of tasks from requesting criminal histories, police facts and judge's sentencing remarks to coordinating the submission of reports from Community Corrections Officers. Upon receipt of all necessary documents for an offender's case, they are filed on the electronic records management system, TRIM, ready for distribution to the members. Submissions Officers are also responsible for the preparation of warrants, orders, memorandums and correspondence.

**Reviews Team** - consists of four Reviews Officer and a Senior Administration Officer led by a Reviews Team Leader. The Reviews Team is responsible for the preparation and collation of all matters that go before the public review hearings at court. Each Review Officer is responsible for a particular day of the week. Preparation includes coordinating submission of updated reports, filing reports in TRIM, ensuring appropriate people are available to give evidence on the day (offenders, legal representatives or Community Corrections Officers) and the smooth running of the court hearing. Review Officers are also responsible for the preparation of warrants, orders and correspondence.

**The Authority is fortunate to have the expertise of Liaison Officers**, both a Custodial and Community Corrections Liaison Officers, who act as conduits between Corrective Services NSW and the Parole Authority. The Authority is fortunate to have Nigel Lloyd as the Deputy Superintendent to the Parole Authority. Ms Emma Marston fulfilled the responsibilities of the Community Corrections Liaison Officer in 2016.

These liaison officers provide support, guidance and advice to the Authority members and Secretariat, while also being instrumental in the provision of feedback, training, assistance and advice to Correctional Centre Officers, Community Corrections Officers and members of the public.

# Guiding Principles

## Corporate Governance

Performance against corporate governance, service delivery and performance objectives.

### Meet all statutory obligations ensuring all decisions are appropriate and in the public interest:

- Considered 19,775 cases.
- Conducted 98 Private Meetings, 144 Public Hearings and 29 ICO/PD/HD meetings.
- Conducted 52 Secretary Sittings.
- Therefore, 19,775 cases over 321 meetings.
- Issued 1,188 parole orders.
- Revoked 2,838 Parole Orders, 445 Intensive Correction Orders, 17 Home Detention Orders and two Periodic Detention Order.

Manage the existing corporate governance framework and maintain a program of continuous review and improvements:

- Tabled 2015 Annual Report in Parliament.
- Conducted regular operational / planning meetings and issued policy / procedure directives to staff.
- Met all Public Finance and Audit Act, 1983 directives regarding the annual stock take, budget cycle and financial management requirements.

Develop strategic partnerships with stakeholders and improve public knowledge and awareness of the SPA:

- The SPA website was revised and updated to provide the public with information and knowledge about the operations and functions of SPA.
- Continued to meet statutory obligations to victims by facilitating access to modified documents.
- Facilitated training sessions for Community Corrections Officers and custodial staff at the Academy and Community Corrections locations.
- Provided presentations to CSNSW staff and at the University of NSW.
- Maintained partnerships with CSNSW, SORC, NSW Police and the Mental Health Review Tribunal.

Develop a membership that embraces diversity and is reflective of the community:

Total Members: 27

- 22.00% are female (6 members)
- 3.70% are indigenous (1 member)
- 10.71% have a CALD - culturally and linguistically diverse (3 members)
- 11.11% live in country locations (3 members)