

New South Wales State Parole Authority Annual Report 2022





The Hon. Anoulack Chanthivong MP
Minister for Corrections
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 2022 to 31 December 2022.

Yours faithfully



David Freeman
Alternate Chairperson
21 October 2023



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ACRONYMS

CAS Act	Crimes (Administration of Sentences) Act	NSW	New South Wales
ComCor	Community Corrections	RHD	Reintegration Home Detention
CSNSW	Corrective Services NSW	SORC	Serious Offenders Review Council
ICO	Intensive Correction Order	SPA	State Parole Authority
NPP	Non parole period		

Who we are

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

The SPA consists of Judicial, Official and Community members who sit in five member divisions (panels).

The SPA convenes eight meetings each week at least 46 weeks of the year.

What we do

The State Parole Authority's (SPA) role is the protection of the community by determining whether inmates can be safely released into the community and once on parole, whether it is appropriate they remain in the community.

The SPA make decisions in relation to:

- ◆ the supervised, conditional release of inmates from custody to parole, only where the sentence is greater than three years with a non parole period
- ◆ the conditions of release for these inmates
- ◆ the revoking of any NSW parole orders, whether made by Court or the SPA
- ◆ the revoking, or reinstating of intensive correction orders

SPA
vs
Statutory Parole

A “non-parole period” is a minimum term of imprisonment set by the Court at the time of sentence. During the non-parole period an inmate is not eligible to be released from a correctional centre.

The *Crimes (Sentencing Procedures) Act 1999* prescribes that if a court sentences an inmate 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. This is known as a statutory parole order.

The *Crimes (Administration of Sentences) Act 1999* prescribes that the State Parole Authority (SPA) considers the release to parole of all inmates who have total sentences of more than three years and a non-parole period, nearing the end of the non-parole period specified by the Court.

Parole Process

An inmate's release to parole is not an automatic right at the end of the non-parole period in circumstances where the total sentence is greater than three years.

Inmates do not apply for their first parole hearing. Legislation states the State Parole Authority (SPA) must begin assessing their suitability for release on parole at least 60 days before their eligibility date (non-parole period) which is set by the court at the time of sentencing.

The SPA must make a final decision on parole no later than 21 days before the eligibility date. While the legislation requires every eligible inmate must be considered for parole, it does not mean inmates are automatically released by the State Parole Authority at the end of their eligibility date (non-parole period.)

When an inmate is listed for parole consideration, the SPA holds a closed meeting, consisting of the SPA members only. Inmates and their legal representatives do not attend closed meetings.

MATERIALS FOR CONSIDERATION

In both closed meetings and review hearings, material for consideration is electronically distributed to the members of the SPA one week prior to the meeting or hearing. Members then attend their designated meeting to come together and determine the outcome of each matter.

A large amount of material for each offender is read and evaluated by panel members, including

- Judge's Sentencing Remarks
- Criminal record
- Information about the offender's behaviour and classification in custody
- Pre-release report by Community Corrections with advice on risk assessments, recommendations, and post-release plans
- Report by the Serious Offender Review Council (for Serious Offenders)

Other documents that may be provided include:

- Reports from psychologists or psychiatrists
- Submissions from the victims/s or family
- Submissions from the inmate, their family or legal representative
- Submissions from the State (for serious offenders*) or the Commissioner of CSNSW (for offenders of special interest)

Parole Process

SPA DECISION MAKING

Section 135(1) of the *Crimes (Administration of Sentences) Act 1999* states that:

The Parole Authority must not make a parole order directing the release of an offender unless it is satisfied that it is in the interests of the safety of the community

In determining whether the release of an inmate is in the *interests of the safety of the community* the legislation necessitates panel members to consider three principal matters:

1. the risk to the safety of the members of the community in releasing the offender,
2. whether release to parole is likely to address the risk of the offender re-offending,
3. the risk to community safety of releasing the offender at the end of the sentence without a period of supervised parole, or at a later date with a shorter period of supervised parole.

In considering whether it is in the interests of the safety of the community, the following matters must also be regarded:

- a) The nature and circumstances of the offence
- b) relevant comments made by the sentencing court
- c) the criminal history of the offender
- d) the likely effect on any victim or victim's family
- e) if applicable, whether the offender has failed to disclose the remains of a victim
- f) any report in relation to the granting of parole prepared by Community Corrections
- g) any other report in relation to the granting of parole to the offender that has been prepared by or on behalf of the Review Council or any authority of the State
- h) if the Drug Court has notified the Parole Authority that it has declined to make a compulsory drug treatment order in relation to an offender's sentence
- i) that an application has been made (but not determined) in respect of an offender:
 - i. for an extended supervision order or continuing detention order under the *Crimes (High Risk Offenders) Act 2006* or the *Terrorism (High Risk Offenders) Act 2017*
 - ii. for a continuing detention order under Division 105A of Part 5.3 of the *Commonwealth Criminal Code*
- j) any other matters that the Parole Authority considers to be relevant

Upon being provided with material to consider, each division carefully assesses the expert advice and information to make an assessment regarding an inmate's suitability for release to parole.

Parole Process

CLOSED MEETINGS

When an inmate is listed for parole consideration, the SPA holds a closed meeting. It is called a closed meeting because only the five members of the panel take part in the process. Inmates and their legal representatives do not attend closed meetings.

If parole is granted, a parole order is issued and the inmate is usually released on their eligibility date (the expiration of the non-parole period). If parole is refused, the inmate is able to apply for a public hearing to review the decision not to be released to parole. Inmates can appear by audio-video link and be legally represented at this hearing.

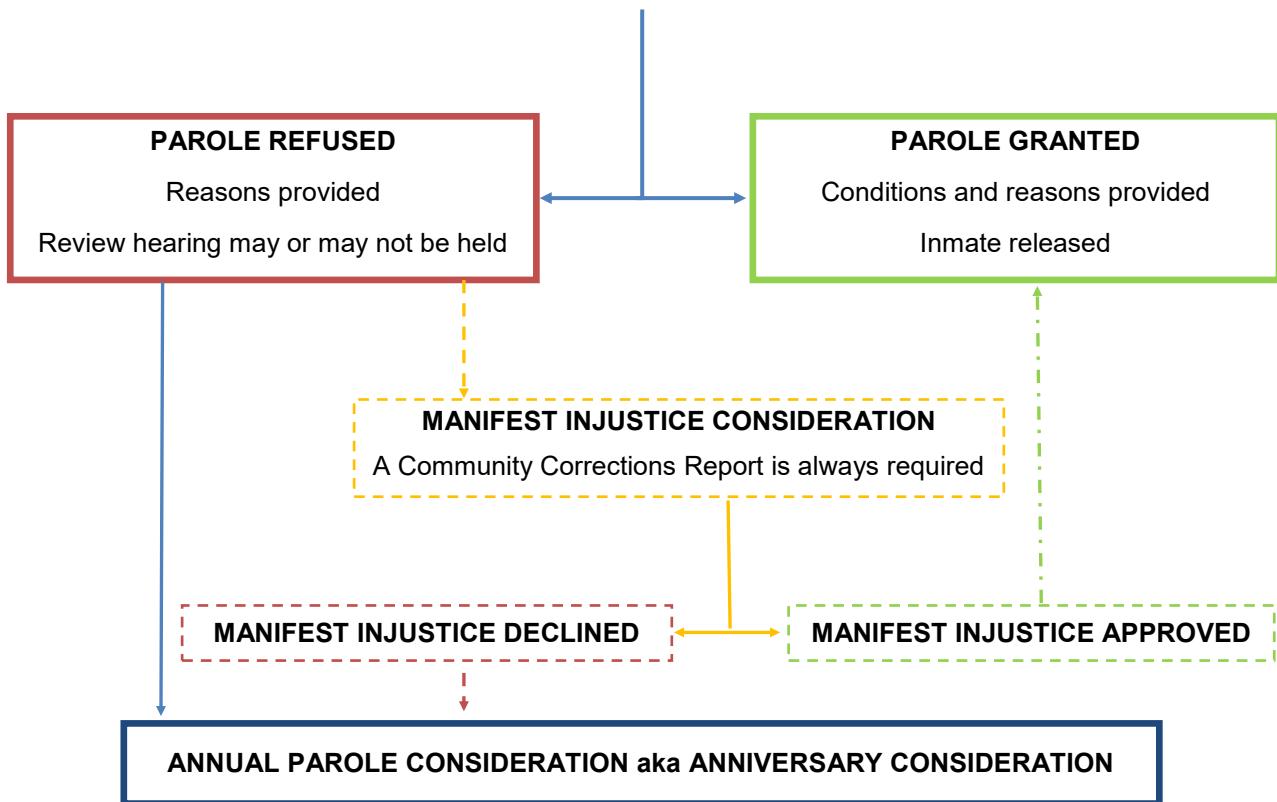
When specifying reasons for refusing parole, great care is taken to include all the issues and concerns at the time of consideration so the inmate and their representative can address those issues at a public hearing. If the inmate declines a hearing, or does not convince the SPA that a hearing is warranted, the decision to refuse parole is confirmed.

If parole is refused on the first occasion, the next occasion the inmate is eligible for parole consideration is the *anniversary date* of the earliest release date. Alternatively, inmates may apply to have their case considered earlier under the provisions of manifest injustice (see section below).

If there is less than 12 months remaining on the inmate's sentence, they will be released on the date the sentence expires.

INITIAL PAROLE CONSIDERATION - CLOSED MEETING

At least 60 days before and not later than 21 days from the earliest release date



Parole Process

MANIFEST INJUSTICE

If an inmate is refused parole, the *Crimes (Administration of Sentences) Act 1999* allows the SPA to consider an offender's case at any time after the date on which the offender first becomes eligible for release on parole...in such circumstances as may be prescribed by the regulations as constituting manifest injustice.

Clause 223 of the *Crimes (Administration of Sentences) Regulation* detail the matters that constitute manifest injustice. Manifest injustice circumstances may apply where parole has been refused and:

- ♦ It becomes apparent that the decision to refuse parole was made on the basis of false, misleading or irrelevant information
- ♦ It becomes apparent that a matter that was relevant to a decision to refuse parole is no longer relevant
- ♦ It becomes apparent that a matter that was relevant to the decision to refuse parole has been addressed in a way that warrants reconsideration of the decision or can be addressed by imposing additional conditions of parole.

Inmates or their legal representatives can make applications for parole consideration under these manifest injustice provisions. Alternatively, the SPA can set a parole consideration date under these provisions. The regulation also allows Community Corrections to make application to the SPA and request reconsideration of a decision to refuse parole.

In all circumstances, a report from Community Corrections must be provided to the SPA for parole consideration under manifest injustice provisions. Information must be provided that at least one provision of manifest injustice is satisfied before the SPA will consider the matter at a closed meeting.

If release to parole is determined to be appropriate under the provisions of manifest injustice, then a parole order is made and the inmate given a release date from custody.

If the SPA finds the provisions of manifest injustice do not exist it will give reasons for the decision and re-list the matter for consideration on the inmate's anniversary date (if sufficient time remains).

ANNIVERSARY CONSIDERATION

An inmate's anniversary date, or annual eligibility date can be the 12, 24, 36 month period following the inmate's refusal for release to parole.

If an inmate is refused parole on their parole eligibility date, the SPA can reconsider the matter for an inmate's release on their anniversary date. The consideration occurs in the same manner as initial parole consideration, in a closed meeting.

Unlike initial parole consideration, inmates must apply for anniversary consideration in order to be considered for release. All material previously considered at the initial parole consideration is made available, along with any updated documents provided to the SPA.

Parole Process

REINTEGRATION HOME DETENTION

Section 124 of the *Crimes (Administration of Sentences) Act 1999* allows an offender to be released into the community on electronic monitoring no more than six months prior to their parole eligibility date.

This is known as reintegration home detention (RHD).

The purpose of the scheme is to facilitate the reintegration of the offender back into the community.

Community Corrections identify appropriate inmates (whether being released on statutory parole or requiring SPA consideration) and provide appropriate assessment reports.

For inmates on statutory orders, the assessment report from Community Corrections is required to address the risk of re-offending and post release management plans while the offender is on parole.

For inmates requiring SPA consideration, Community Corrections provide a Pre Release Report and an RHD assessment.

SPA then make the decision as to appropriateness of release of the inmate onto RHD.

Offenders subject to RHD are strictly monitored by Community Corrections and electronic monitoring devices during this period.

Breaches of RHD are reported to the SPA in same manner as breach of parole.

RHD breaches may occur for a number of reasons, including:

- non-compliance with the conditions of the order
- the offender posing a serious and immediate risk to the safety of the community
- a serious and immediate risk they will leave NSW
- a significant change in circumstances that warrants revocation
- if the offender requests revocation
- if the parole order is revoked

The SPA has a number of options available to them in respect of breach of RHD, including:

- Revoking the RHD order
- Imposing additional RHD conditions
- Varying or removing some of the RHD conditions
- Providing a formal warning
- Taking no action

In circumstances where SPA revokes the RHD order, it must also consider whether it is appropriate to revoke the parole order prior to release (whether a statutory parole order or SPA parole order).

Parole Process

SERIOUS OFFENDERS

In NSW, a *serious offender* has a legislative definition. Section 3(1) of the *Crimes (Administration of Sentences) Act 1999* defines a serious offender as.:

- an offender who is serving a sentence for life,
- an offender who has been convicted of murder and who is subject to a sentence in respect of the conviction,
- an offender who is serving a sentence for which a non-parole period has been set in accordance with Schedule 1 to the *Crimes (Sentencing Procedure) Act 1999*,
- an offender who is serving a sentence (or one of a series of sentences of imprisonment) where the term of the sentence (or the combined terms of all the sentences in the series) is such that the offender will not become eligible for release from custody, including release on parole, until he or she has spent at least 12 years in custody,
- an offender who is, for the time being, required to be managed as a Serious Offender in accordance with a decision of the sentencing court, the Parole Authority, or the Commissioner,
- an offender who belongs to a class of persons prescribed by the regulations to be Serious Offenders for the purposes of this definition.

The Serious Offenders Review Council (SORC) is the statutory authority that is responsible for managing *serious offenders* in custody. One role of the SORC is to provide advice to the SPA concerning the release on parole. In particular, advising whether or not it is appropriate for the inmate to be released on parole.

Except in exceptional circumstances, the SPA must not make a parole order for a *serious offender* unless the SORC advises that it is appropriate for the offender to be released on parole.

Initial parole consideration for a *serious offender* occurs in the same way as those that are not serious offenders and outlined on page 7. However, in the case of *serious offenders*, the SPA forms “intentions”, not decisions.

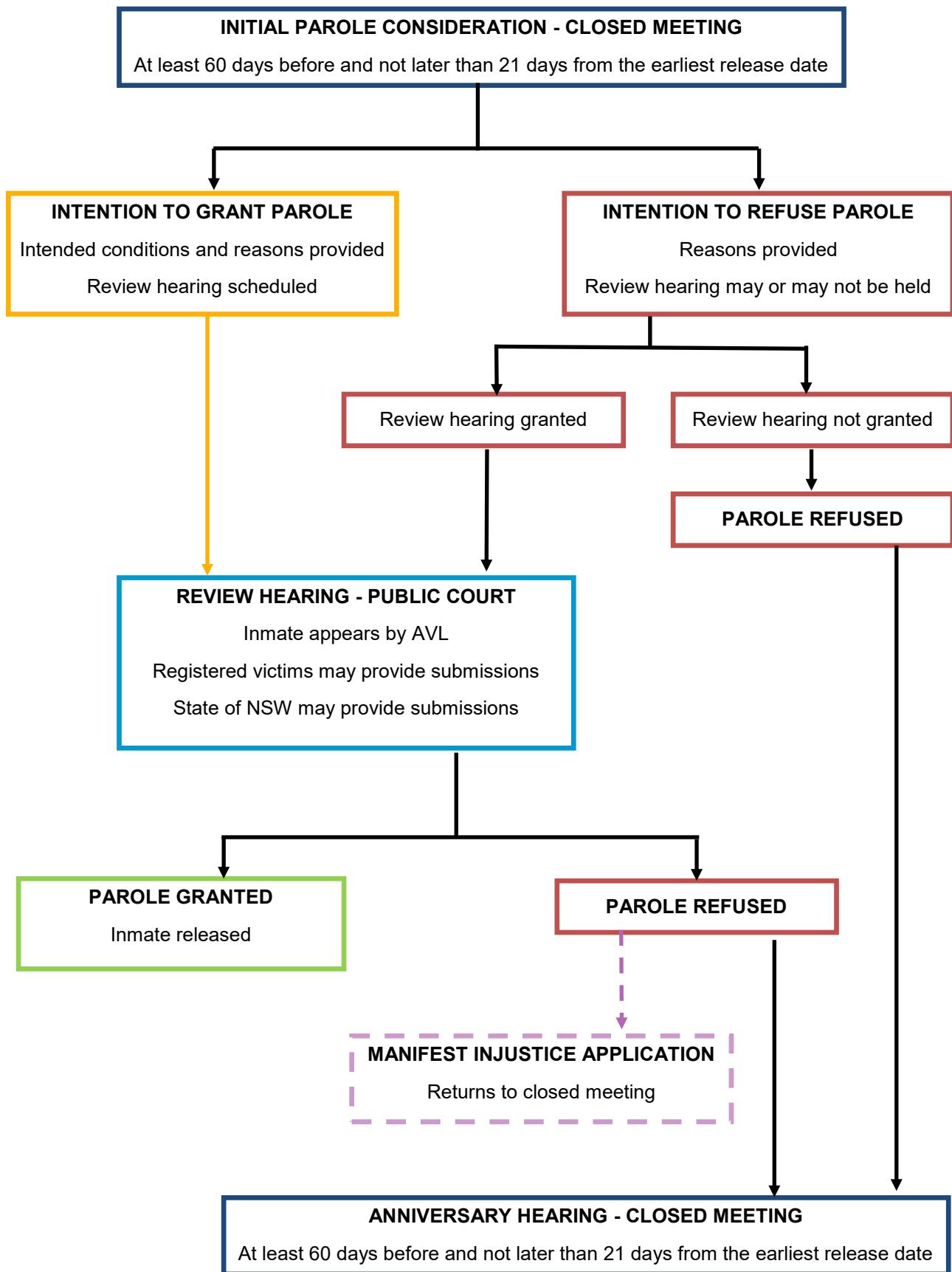
If the SPA determines that release to parole is appropriate, an *intention to grant parole* is made and the matter is stood over to a review hearing to allow any registered victims to make submissions and to allow the State of NSW to make submissions at the hearing.

If the SPA determines that release to parole is not appropriate, an *intention to refuse parole* is made and the inmate is able to apply for a public hearing to review the decision.

If the inmate is not released on the first occasion, the next occasion the inmate is eligible for parole consideration is the *anniversary date* of the earliest release date. Alternatively, inmates may apply to have their case considered earlier under the provisions of manifest injustice.

Parole Process

SERIOUS OFFENDERS



Parole Process

MATTERS OF INTEREST TO THE COMMISSIONER OF CORRECTIVE SERVICES NSW (CSNSW)

Section 141A of the *Crimes (Administration of Sentences) Act 1999* [CAS Act] prescribes that the Commissioner of Corrective Services NSW (CSNSW) may at any time prior to release, make a submission to the SPA concerning the release of an inmate to parole. This requires the SPA to provide to the Commissioner all the material the SPA hold in respect of an inmate to assist in the preparation of the submission.

In practice, CSNSW will provide a “Notification of Special Interest” document to advise the SPA that the inmate is of interest to the Commissioner. This is usually received in time for the closed meeting consideration.

When such a notification is received, consideration of the matter can:

- be stood over to allow for the Commissioner’s submission (prepared by the Crown Solicitors Office) to be returned to the closed meeting (time permitting, that no later than 21 days from the earliest release date); or
- be stood over to allow for the Commissioner’s submission (prepared by the Crown Solicitors Office) to be considered at a review hearing; or
- result in a provisional decision to release an inmate to parole and the matter stood over to a review hearing - in this circumstance, the SPA will provide the probable conditions and reasons for such a decision;
- result in a decision to refuse the inmate release to parole for reasons which may or may not relate to the Commissioner’s interest in the matter.

Parole consideration occurs in the same manner as it does for any other inmate being considered for release to parole by the SPA, with the additional information provided by the Commissioner of CSNSW for consideration by the SPA.

TERRORISM RELATED OFFENDERS

In circumstances where an offender is eligible for parole consideration, but the offender may fall under the legislative definition of a *terrorist related offender*, Division 3A of the CAS Act applies.

Division 3A prevents the SPA from making a parole order in respect of a *terrorism related offender* unless it is satisfied that the offender will *not* engage in, or incite or assist others to engage in, terrorist acts or violent extremism.

Likewise, for any parolee in the community, the SPA can revoke a parole order for a *terrorism related offender* if it has become aware that the offender may engage in, or incite or assist others to engage in, terrorist acts or violent extremism.

Parole Process

REVOCATION OF PAROLE PRIOR TO RELEASE

Section 141A of the *Crimes (Administration of Sentences) Act 1999* [CAS Act] prescribes that the Commissioner of Corrective Services NSW (CSNSW) may at any time prior to release, make a submission to the SPA concerning the release of an inmate to parole. This requires the SPA to provide to the Commissioner all the material the SPA hold in respect of an inmate to assist in the preparation of the submission.

In practice, CSNSW will provide a “Notification of Special Interest” document to advise the SPA that the inmate is of interest to the Commissioner. This is usually received in time for the closed meeting consideration.

When such a notification is received, consideration of the matter can:

- be stood over to allow for the Commissioner’s submission (prepared by the Crown Solicitors Office) to be returned to the closed meeting (time permitting, that no later than 21 days from the earliest release date); or
- be stood over to allow for the Commissioner’s submission (prepared by the Crown Solicitors Office) to be considered at a review hearing; or
- result in a provisional decision to release an inmate to parole and the matter stood over to a review hearing - in this circumstance, the SPA will provide the probable conditions and reasons for such a decision;
- result in a decision to refuse the inmate release to parole for reasons which may or may not relate to the Commissioner’s interest in the matter.

Parole consideration occurs in the same manner as it does for any other inmate being considered for release to parole by the SPA, with the additional information provided by the Commissioner of CSNSW for consideration by the SPA.

APPEALING STATE PAROLE AUTHORITY DECISIONS

Legislation permits either an offender or the Attorney General/ Director of Public Prosecutions to lodge an appeal to a single judge sitting in the Administrative Division of the NSW Supreme Court. Legislation does not allow the Supreme Court to consider the merits of the decision or the release of an offender to parole.

In such appeals the offender generally alleges that a decision was made on the basis of false, misleading or irrelevant information. In 2021, there were 7 appeals to the Supreme Court instigated by offenders.

Section 156 of the *Crimes (Administration of Sentences) Act* provides for the Attorney General or Director of Public Prosecutions to allege that the SPA made a decision regarding a Serious Offender on false, misleading or irrelevant information or that erred in law. This allegation is then considered by the Supreme Court who may provide direction to the SPA to reconsider the matter. There were no such appeals in 2022.

Parole Process

VICTIMS

Victims of crime have an important role within the parole process and can assist the State Parole Authority (SPA) with its deliberations before a final decision is made.

Any victim of any crime can send a written submission to the SPA to consider before a final decision is made about an inmate's release to parole.

Whether a victim of crime makes a submission or not, the SPA must consider the likely effect an inmate's release to parole may have on any victim or victim's family.

Submissions can assist the SPA in providing insights about the impact of the offending, the victims' concerns and or fears and also allows victims to request that certain conditions be placed on the parole order if the inmate were to be released to parole.

Under the legislation (section 194 of the *CAS Act*), written submissions can be marked confidential by a Judicial officer, which prevents it being made public or available to any party other than the SPA. If requested, victim submissions are kept confidential and not given to an inmate without a victim's consent.

Corrective Services NSW facilitates the Victims Register in NSW, which provides support to victims of crime by sharing certain information about inmates, such as an annual update on their location in custody, what is likely to occur during their time in custody and support in making submissions to the SPA.

Victims do not need to be on the Victims Register to have their submission considered by the SPA.

Registered victims of serious offenders can provide written submissions, but also have the legislated right to make a verbal submission to the SPA at a public review hearing before a final decision is made about that inmate's release to parole.

Registered victims of serious offenders are also entitled to modified documents held by the SPA. These documents are modified to the extent that they provided information to registered victims about how an inmate has addressed their offending behaviour in custody.

REVIEW HEARINGS

Review hearings are held at the SPA Court located in the South West Sydney Trial Court complex in Parramatta. These review hearings are open to members of the public, with inmates appearing via audio-visual link from the correctional centre and in most cases, being legally represented.

Review hearings allow for a transparent examination of the matters that led to a refusal of parole, for legislative requirements to be fulfilled prior to a serious offender's release to parole or a parolee's return to custody. Review hearings may also be held in respect of inmates of interest to the Commissioner of Corrective Services.

On Wednesdays, the SPA hold review hearings for Intensive Correction Order matters.

Parole Process

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 given supervision is a mandatory requirement of parole.

The Community Corrections division of CSNSW is responsible for the supervision of all parolees in New South Wales.

Release to parole is not leniency of the sentence provided by the Court or a reward for good behaviour. Parole does not mean that offenders are free, as an offender is still considered to be subject to their sentence and there are consequences for breaching the conditions of the parole order. The most serious consequence being return to custody.

Parole is an extension of the sentence that provides the opportunity to assist and monitor an offender's adaption to a normal, lawful community life. 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.

Parole ensures the safety of the community by ensuring offenders are supervised and supported during their return to the community, and reduces the likelihood that the offender will commit further offences.

Parole provides an effective way of protecting the community by ensuring that the release of an offender at the expiry of their sentence does not occur. This would result in the absence of assistance and supervision during the transitional period back into the community.

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.



Photo: Forecourt of the South West Sydney Trial Courts—Parramatta Justice Precinct

Parole Process

SUSPENSION OF PAROLE

If circumstances exist where a division of the SPA need to meet on a matter requiring urgent attention but are unable to be convened, the Commissioner of CSNSW may apply to a Judicial Member of the SPA to suspend a parole order and issue a warrant for their arrest and return to a correctional centre.

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

Upon a parole order being suspended, the order remains in force for up to 28 days after the person is returned to custody. During this time, a full division of the SPA has the opportunity to review the situation and determine whether it is appropriate to revoke the parole order or allow time for an inquiry into the allegations that led to the suspension of the parole order. In 2021, no applications were made for suspension of parole.

BREACHES OF PAROLE

A breach of parole occurs when a parolee fails to comply with any of the conditions of their parole order. Breaches can include failing to report to their Community Corrections Officer, failing to obey directions provided to them by their Community Corrections Officer, leaving the State of New South Wales without permission or committing further offences.

For minor breaches of parole, the legislation allows for Community Corrections Officers to take action in response to the breach of the parole order. This may include:

- Providing a reasonable direction to the parolee
- Recording the breach and taking no action
- Providing an informal warning to the parolee
- Providing a formal warning to the parolee
- Imposing a curfew of up to 12 hours in any 24-hour period

In more serious cases, Community Corrections notifies the SPA of breaches of parole by submitting a Breach of Parole Report. This report will outline the details of the conditions breached by the parolee, the parolee's overall response to supervision and the recommended action Community Corrections believe the SPA should take.

Legislation outlines the action the SPA can take in relation to a breach of parole. Depending on the nature of the breach, SPA could take the following action:

- Taking no action and noting the report
- Issuing a warning to the offender
- Standing the matter over to obtain updated information such as court results
- Imposing additional conditions on the order
- Imposing a period of home detention for up to 30 days
- Revoking the parole order and issuing a warrant for the parolee's arrest and return to a correctional centre.

Parole Process

REVOCATION OF PAROLE and REVIEW HEARINGS

Revocation of the parole order and a return to custody is the most severe outcome the SPA can take in relation to the breach of a parole order in relation to breaching the conditions of the order.

A decision to revoke the parole order must determine a date that the parole order stops (effective date of revocation), and the conditions that have been breached. A warrant is created by the SPA Secretariat staff that outlines these above details and identifies the amount of time remaining on the parole order (the balance of parole) the parolee must serve.

The warrant is sent to NSW Police if the parolee is in the community or to the correctional centre in the parolee is already in custody (in the case of re-offending).

Once a parolee is arrested and returned to custody, they will be entitled to a public review hearing in the SPA court if there are more than 28 days remaining on the balance of parolee. This review hearing is listed within 4-6 weeks of the parolee's return to custody to ensure that documents can be provided to both the parolee and their legal representative prior to the hearing.

All parolees attending public review hearings are entitled to legal representation (either through Legal Aid NSW or their own private representative) and can be provided with an interpreter if necessary.



Photo: State Parole Authority Court - Court 1A South West Sydney Trial Complex

Snapshot

Items	2020	2021	2022
Matters considered	26,947	22,517	23,006
SPA Meeting Days	443	445	442
- Closed	147	150	148
- Public	144	145	145
- Secretary Sitting	52	52	51
- ICO Division	100	98	98
ICO Revoked	1756	1,592	1,691
Reinstatement Ordered	1014	846	701
Reinstatement Declined	1	1	0
Total Parole Releases	8792	8,479	8,100
- SPA Orders	1549	1,506	1,470
- Statutory Orders	7243	6,973	6,630
Total Parole Refused	264	222	156
Total Parole Orders Revoked	2,782	2,501	2,394
- SPA Orders	568	521	525
- Court Based Orders	2,214	1,980	1,869
Total Revocations Rescinded	593	389	449
SPA Formal Warnings	310	323	191
State Submissions	31	16	1
Victim's Submissions	131	144	177
Overseas Travel Approved	7	6	31
Interstate Transfers to NSW	64	54	54

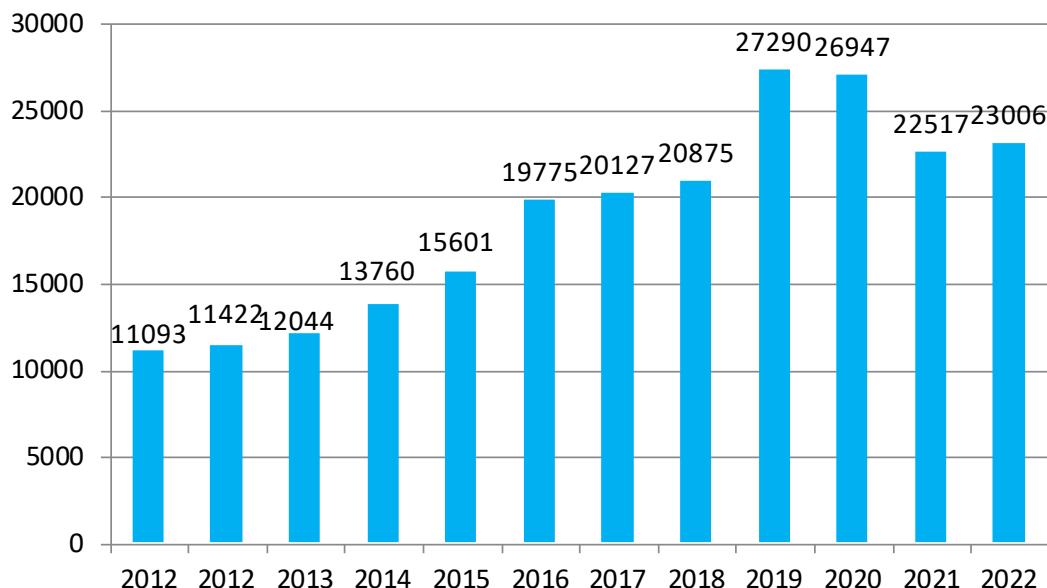
Activity

Cases considered by the SPA

The SPA meets weekly in divisions of five members to deal with its significant workload. Each week there are four closed meetings (principally for consideration of release to parole and revocation of parole and intensive correction order matters) and four public review hearings (to review decisions and a specific day to deal with intensive correction order matters).

A single matter may be considered on more than one occasion. All matters commence initial consideration in a closed meeting and therefore, every matter that appears at a public review hearing, such as for the refusal or revocation of parole; were first considered in a closed meeting. Other matters may be considered on multiple occasions, for example where it is stood over for the receipt of additional reports or to await the finalisation of ongoing court matters, this could occur in both closed meetings or at review hearings.

In 2022, 23,006 matters were considered over 442 meetings and hearings. This total included the 8,825 matters considered in 51 *Secretary Sittings*. The Secretary Sittings are for the purpose of dealing with various administrative decisions for cases under consideration and are considered by the Secretary alone. Examples of these decisions include the registration of interstate parole orders, standing a matter over to a future date to allow for a report submission or the finalisation of court results.



SPA Volume 2018 - 2022					
	2018	2019	2020	2021	2022
Cases Considered	20,875	27,290	26,947	22,517	23,006
Meeting days	379	422	443	442	442

Parole ordered

The SPA ordered release to parole in 1,470 cases in 2022, representing approximately 22.17% of all parole releases.

Of the 1,470 matters, two offenders was 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 remaining 6,630 releases from custody were statutory orders, inmates subject to an automatic release from custody and were not considered by the SPA for release.

SPA Ordered Parole Totals 2018 - 2022

2018	2019	2020	2021	2022
1,480	1,413	1,549	1,506	1,470

Parole refused

When considering the appropriateness of an offender's release to parole, three principal matters need to be considered:

1. the risk to the safety of the members of the community in releasing the offender,
2. whether release to parole is likely to address the risk of the offender re-offending,
3. the risk to community safety of releasing the offender at the end of the sentence without a period of supervised parole, or at a later date with a shorter period of supervised parole.

In 2022, parole was refused in 156 cases.

SPA Parole Refused Totals 2018 - 2022

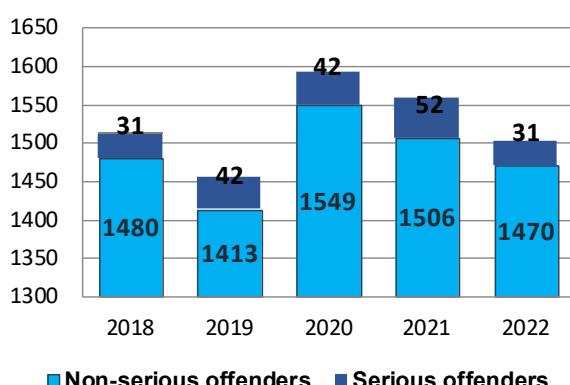
2018	2019	2020	2021	2022
229	233	264	222	156

Serious offenders

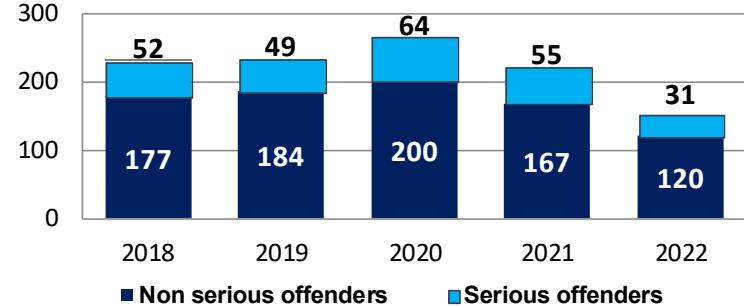
Of the 1,470 parole orders determined by SPA in 2022, 62 parole orders were made in relation to serious offenders. There were no serious offenders granted parole pursuant to Section 160 of the *Crimes (Administration of Sentences) Act 1999* during 2021.

19% of the decisions to refuse parole related to serious offenders, that is 31 out of 156 offenders.

Parole Ordered 2018 - 2022



Parole refused 2018 - 2022



Victim submissions

The *Crimes (Administration of Sentences) Act 1999* gives registered 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. In 2022, the SPA received 177 submissions from registered victims. 47 submissions were in relation to serious offenders.

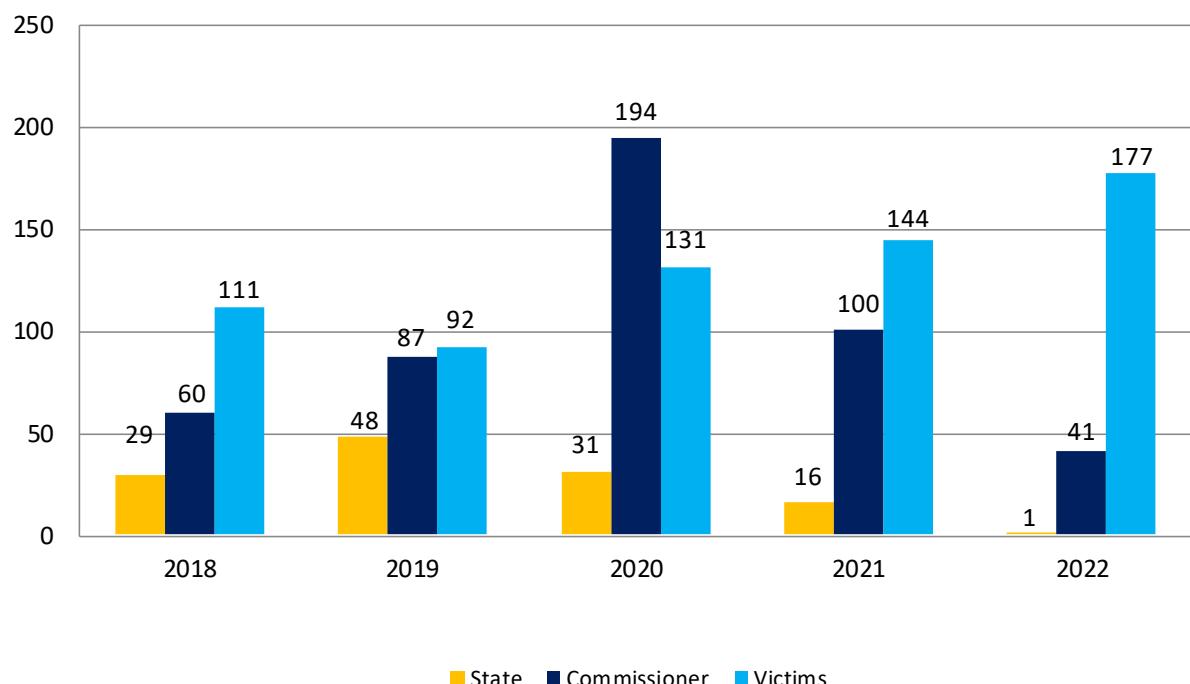
Commissioner submissions

Section 141A of the *Crimes (Administration of Sentences) Act 1999* provides the opportunity for the Commissioner of CSNSW to make submissions concerning the release on parole of any offender. There were 41 submissions received from the Commissioner for 37 offenders in 2022.

State submissions

Section 153 of the *Crimes (Administration of Sentences) Act 1999* provides the opportunity for the State to make submissions to the SPA concerning the release on parole of a serious offender. There was one submissions received by the State for one serious offender in 2022.

Submissions 2018 - 2022



Reintegration Home Detention

Reintegrated Home Detention consideration in 2022

	Applications	Granted	Declined	RHD Order Revoked	Parole revoked prior to release
Statutory parole	16	11	5	0	0
SPA parole	77	74	3	0	0

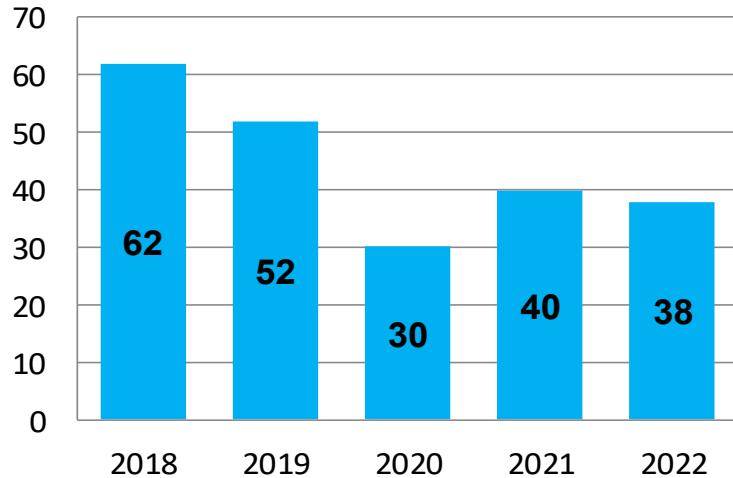
Parole revocations prior to release

The SPA may also consider the revocation of parole prior to an inmate's release, including statutory parole, under specific circumstances outlined in legislation including where an inmate:

- presents as a serious and identifiable risk to themselves or the community, that cannot be mitigated by changing the conditions of parole
- does not wish to be released to parole
- may be identified as a terrorism related inmate

In 2022, SPA revoked 38 parole orders prior to release, 29 of which were statutory orders.

Parole revocation prior to release 2018 - 2022



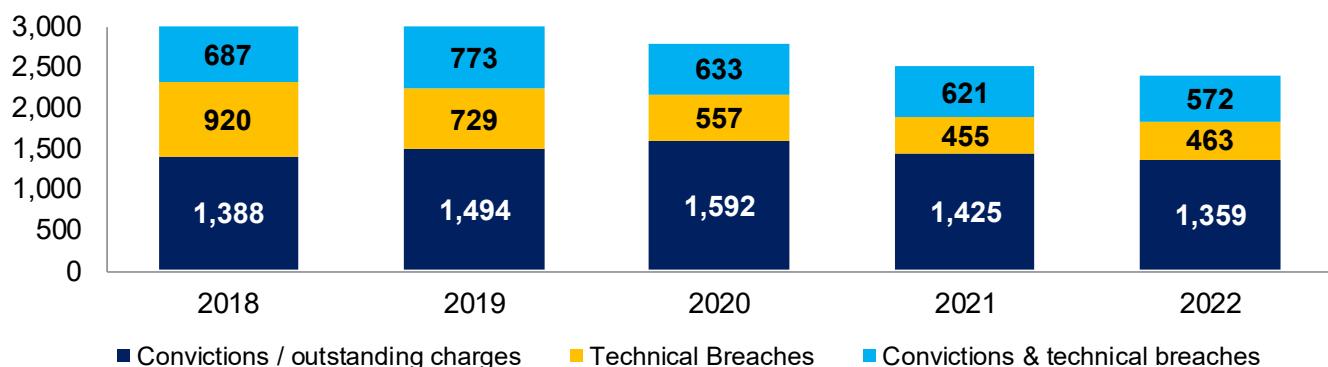
Parole revocation

The SPA revoked a total of 2,394 parole orders in 2022 of which approximately 78% were parole orders made by the court, statutory orders.

Of all revocations, 463 were the result of a breach of conditions other than the commission of further offences, sometimes called “technical breaches”. Technical breaches include the failure to maintain contact with Community Corrections, 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 1,359. The remaining 572 revocations were for both a breach of conditions and further conviction/s.

**Revocation of Parole Orders - all offenders
2018 - 2022**



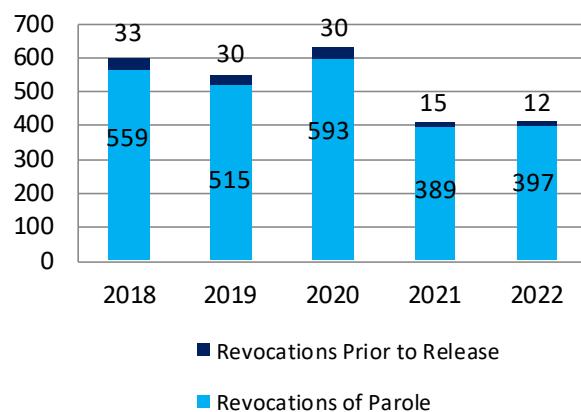
Parole revocations rescinded

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 the 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 of the revocation and the offender's return to parole supervision in the community, known as rescission.

In 2022, 397 parole revocations were rescinded and a further 12 revocations of parole prior to release were also rescinded.

**Parole revocations rescinded
2017 - 2021**



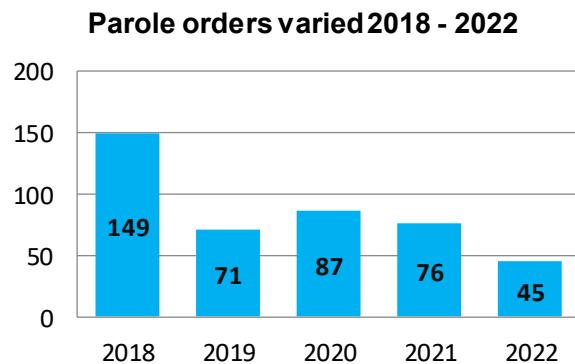
Variations to parole orders

During the parole period, it may be necessary to vary the conditions of a parole order to ensure the order continue to be relevant and appropriate in the supervision of a parolee.

Parole orders may be varied for a multitude of reasons including the addition or removal of electronic monitoring, the imposition of geographical restrictions for the offender and to restrict contact between offenders and victims or offenders and antisocial associates.

Requests to vary a parole order may come from Community Corrections, victims, the police and other sources.

There were 45 parole orders varied in 2022, five of these related to serious offenders.



Warnings

Formal warnings are issued to parolees who are at risk of having their parole orders revoked for breaching conditions of the order. These are separate to warnings provided by Community Corrections.

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.

349 SPA warnings were issued in 2022. Of the 349 warnings issued, two were related to serious offenders.

Warnings 2018 - 2022					
	2018	2019	2020	2021	2022
Issued	663	669	310	323	349

Overseas travel

Parolees must seek approval from the SPA prior to travelling overseas and must provide evidence as to the reason for the request. Applications for travel must also be supported by a report from Community Corrections indicating the parolee's compliance with the parole conditions and stability in the community.

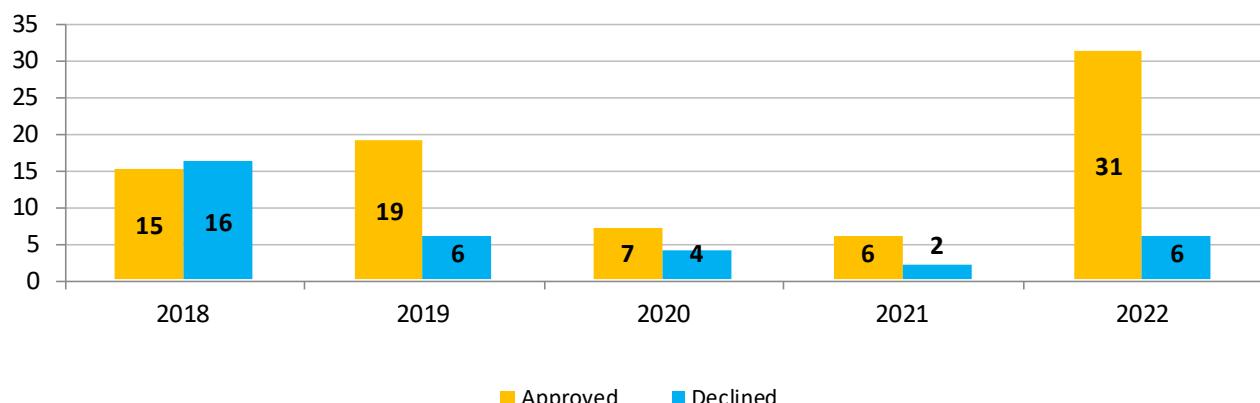
In 2022 the SPA considered 37 applications for overseas travel, with six applications being declined.

The six parolees approved for overseas travel reported as directed upon their return to New South Wales.

Serious offenders and overseas travel

Of the 37 applications for overseas travel received by the SPA no serious offenders applied for overseas travel.

Overseas travel 2018 - 2022



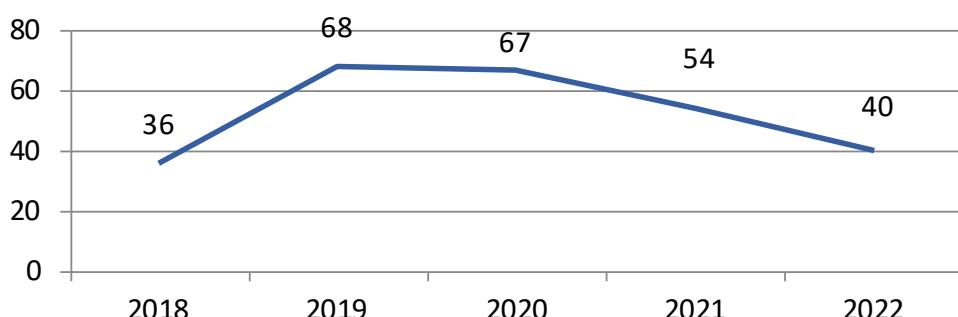
Interstate transfer of parole

Legislation in all Australian States and Territories enables the interstate transfer of parole orders for reasons such as family responsibilities or to pursue work or study opportunities.

Once a parole order is registered in the receiving jurisdiction it ceases to have effect in the originating State or Territory. The laws of the receiving jurisdiction apply as if the sentence of imprisonment had been imposed, served, and the parole order issued, in that jurisdiction. If an offender breaches the conditions of parole, the order can be legally enforced in the receiving jurisdiction.

In 2021, there were 54 registrations of interstate parole orders to NSW.

Interstate transfers into NSW 2018 - 2022



Serious offender specific data

According to Section 135(5) of the *Crimes (Administration of Sentences) Act 1999*, except in exceptional circumstances, the SPA must not make a parole order for a *serious offender* unless SORC advises that it is appropriate for the offender to be released to parole.

Parole granted:

Of the 1,470 parole orders determined by the SPA in 2022, 62 of these related to serious offenders, representing only 4.2% of offenders granted parole.

No serious offenders were granted parole under exceptional circumstances.

Parole refused:

31 serious offenders were refused release to parole in 2022, this represented 31% of all offenders refused parole.

Victim submissions:

The SPA received 47 submissions from registered victims in respect of serious offenders in 2022.

State Submissions:

The SPA considered 1 State submissions in relation to one serious offender in 2022.

Revocation of parole:

The SPA revoked eight serious offenders in 2022. Three revocations were in relation to re-offending, Five were revoked given breach of conditions not related to re-offending and one offender was revoked for both re-offending and breaching conditions.

Warnings:

The SPA issued 347 warnings in 2022, two warning related to serious offenders.

Variation to parole conditions:

Variations were made to five parole orders for serious offenders in 2022.

Requests for overseas travel:

No application from serious offenders to travel overseas were received in 2022.

Intensive Corrections Orders

A separate division of the SPA deals specifically with cases arising from Intensive Correction Orders (ICOs).

In 2022, the SPA conducted 98 meetings to consider offenders with Intensive Correction Orders.

An Intensive Correction Order (ICO) is a court sentence of two years or less which is served in the community under the strict supervision of Community Corrections. It is the most serious sentence that can be served in the community.

An ICO is only available to eligible offenders, as determined by the legislation. ICOs are not available for offenders convicted of murder, manslaughter, sexual assault, sexual offences against a child, offences involving the discharge of a firearm or terrorism offences.

An ICO is for a fixed period and does not have a non-parole period. ICOs consist of a mandatory supervision/case management component. Courts can also add conditions to an ICO such as home detention, electronic monitoring, curfews, community service work, alcohol and drug abstinence, place restrictions and non-association requirements.

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

In response to non-compliance, the SPA may revoke the ICO, impose sanctions or issue a letter of warning to the offender. If an offender's ICO is revoked, the offender returns to custody.

In 2022, SPA revoked 1,691 ICO orders.

Upon returning to custody, offenders can then apply for reinstatement of their ICO after serving at least one month in custody. The offender must satisfy the SPA that they can successfully complete the remaining period on their ICO and a reinstatement report from Community Corrections may be requested.

A total of 701 Intensive Correction Orders were reinstated in 2022.

In some instances the SPA may rescind the revocation of an ICO, for example if further charges are subsequently dismissed. This may occur at the scheduled review hearing or beforehand.

Intensive Correction Orders 2017 - 2021				
Year	Revoked	Rescinded	Reinstatement Ordered	Reinstatement Declined
2018	618	34	309	2
2019	1,774	71	469	2
2020	1,756	80	1,014	1
2021	1,592	77	846	1
2022	1,691	106	701	0

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 while only two sit at any meeting.

Official members consist of actively serving members of New South Wales Police and Community Corrections, CSNSW.

As of 31 December 2022 there were nine judicial officers, 13 community members and eight official members serving on the SPA.

The SPA sits in panels of five members for every closed parole meeting and every public review hearing. Each panel of five members comprises of a judicial officer, Police officer, Community Corrections officer and two community members.

Decisions do not need to be unanimous but must be a majority vote of the members.

Judicial Officers

Judge David Frearson, SC SPA Chairperson Appointed 2020

A highly regarded NSW District Court Acting Judge and former Deputy Director of Public Prosecutions, Judge Frearson has accrued considerable expertise and a commanding knowledge of criminal law over an impressive career spanning four decades. As one of the State's most successful Crown Prosecutors, he conducted numerous, highly complex trials and appeals over 20 years in the role. Appointed a Senior Counsel in 2004 and elevated to the bench in 2009, Judge Frearson was appointed Chairman of the State Parole Authority in February 2020.

Judge David James Freeman

A highly regarded solicitor, then barrister before his appointment to the District Court in 1980, Judge Freeman spent 21 distinguished years on the bench before retiring, having spent the final 15 years of his judicial career presiding over criminal matters only. After retirement, he was appointed an Acting District Court Judge and in 2013 an Acting Supreme Court Judge. Judge Freeman brings to the SPA considerable experience in the field of criminal law. Judge Freeman was appointed as Alternate Chairperson of the SPA on 15 December 2013 and was re-appointed on 15 December 2016.

Judge Mark Marien SC

Appointed to the District Court of NSW in 2004, Judge Marien has served the law in a distinguished career spanning 40 years. He served as a Deputy Senior Crown Prosecutor, a Director of the Criminal Law Review Division of the Attorney Generals' Department and in 2009 was the first appointed President of the Children's Court of NSW. Judge Marien worked as a barrister in private practice and as a solicitor with the Commonwealth Director of Public Prosecutions and with the Commonwealth Deputy Crown Solicitor's Office. He was appointed a Senior Counsel in 2003. Judge Marien was first appointed to the State Parole Authority on 16 December 2020.

Judicial Officers continued...

Mr John Bailey

Appointed as an Acting Local Court Magistrate in 2008, sitting in the metropolitan and country circuits. Previously a Public Solicitor in the Criminal Indictable Section and a Local Magistrate from 1985-1996, he dealt with criminal and civil matters. Mr Bailey is the Proper Officer and member of the Board of the 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 Chris Maxwell, KC

Highly regarded as an exceptional practitioner specialising in criminal prosecutions, Chris Maxwell, QC was appointed Senior Crown Prosecutor for NSW 2018 - 2022. Joining the Office of the Director of Public Prosecutions in 1987, he became a Queens Counsel in 1989, and was deputy senior crown prosecutor for more than 20 years. A prosecutor of war crimes at the United Nations Mission in Kosovo in 2002 he later served as the UN's Chief International Prosecutor. Mr Maxwell was appointed as a Judicial Member of the SPA on 15 December 2022.

Mr Shaughan McCosker

Admitted as a solicitor in December 1988. Holding several Senior Management positions within the Local Courts, he was then appointed Acting Magistrate in May 1994, sitting at metropolitan and country locations. In 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

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 Directors Association of Australia Ltd in 1996, a Senior Coordinating 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.

Mr Allan Moore

Appointed a Magistrate in 1989 before retiring in December 2010. Mr Moore was Magistrate at Central Local Court for a period of 11 years presiding over 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. Mr Moore was first appointed as a Judicial Member of the SPA on 14 March 2012.

Judge James Wood, AO, KC

One of the State's most admired and respected Justices of the Supreme Court, Judge Wood was first appointed to the SPA in 2013 as the Chair, a role he held for six years before resigning in February 2020 to accept a leading role at the World Anti-Doping Agency. He returned to the SPA in February 2022.

Community Members

The SPA sits in panels of five members for every meeting and hearing.

Two Community Member representative are required to sit on every SPA panel.

The SPA currently has 13 Community Members who are appointed by the NSW Governor on the recommendation of the Minister for Counter Terrorism and Corrections.

Kharen Brookes has extensive experience in administration having been employed by several national retailers. She is a personal assistant to a Managing Director of a Sydney signage company and is undertaking a degree in counselling. Appointed 30 March 2020.

Rosemary Caruana, a former Assistant Commissioner, Community Corrections, with an extensive career in criminal justice and human services, who managed significant government reforms in those portfolios. She holds a Masters Business Administration and Arts (Psychology) Hons, Appointed 26 August 2020.

David Clarke is a solicitor who was elected to the NSW Parliament in 2003, serving until 2019 with several appointments including Chair and Deputy Chair of the Parliament's Standing Committee on Law and Justice. Appointed 26 August 2020

Robert Cosman retired as the Director and Secretary of the NSW State Parole Authority in 2016 after completing 20 years of service in NSW Corrective Services. He was previously with NSW Youth and Community Services working with juvenile offenders, he also represented the Probation and Parole Service, as the representative to the then Parole Board. Mr Cosman was appointed on 16 March 2016.

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 CSNSW and the NSW Police Force. Appointed 28 November 2012.

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 represents 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. Appointed 4 October 2006.

Karen Lindley has been Managing Director of Karen Lindley Pty Ltd for more than 35 years. She runs a boutique business marketing Australian opals internationally. Ms Lindley holds a Diploma in Gemology and currently holds a Fellowship in the Gemological Association of Australia. She has developed advocacy streams for victims of historical sexual assaults to seek justice resulting in the creation of the Purple Angel Society. Ms Lindley has held appointments in the NSW Government "Women in Business" Program as a mentor, a Minister for Small Business to the Board of Small Business Development Corporation and Women's Mentor Program for Australian Institute of Management. Appointed 21 December 2018

Frank Mennilli APM retired from the New South Wales Police Force (NSWPF) in 2018 at the rank of Assistant Commissioner after 41 years of service. His policing career focused on Criminal investigation before he moved into senior management, having spent the last 12 years as the Region Commander for the South West Metropolitan Region and the NSWPF's Corporate spokesperson for Custody and Corrections. In recognition of his policing service, he was the recipient of the Australian Police Medal, the National Police Service Medal, the NSW Police Medal, along with numerous citations and commendations. Appointed 21 December 2018.

Community Members continued...

Catriona McComish is the Director of Firefinch Consulting which provides clinical, forensic and organisational 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. Appointed 23 January 2013.

Megan Miller is an award winning broadcast journalist and highly regarded as an expert in public relations reputation management consultancy. She has held several senior positions in the private and public sector including Network Seven, the NSW Police Force and NSW Corrective Services, NSW Ambulance and Sydney Water. Appointed 8 August 2020.

Alanah Tassone is a graduate of Macquarie University. She holds a Bachelor of Social Science (Criminology) and has interned with Community Legal Centres, NSW and Homicide Victims Support Group (Aust) Inc. Her interests lie in criminological research and advocacy to prevent and reduce crimes. Appointed 30 March 2020.

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. Appointed 20 October 2015.

Lloyd Walker a legendary indigenous Wallaby great, he was formerly the Acting Coordinator for the Aboriginal Corporation for Homeless and Rehabilitation Community Services and has been an Official Visitor for Lithgow Correctional Centre. In December 2013, he was appointed as a Community Member of the Serious Young Offenders Review Panel. Mr Walker was appointed on 1 July 2000 and has been reappointed for successive years.

Official Members

Official members are representatives of CSNSW Community Corrections and the NSW Police Force.
One member from each organization is represented on every SPA panel

Community Corrections Representatives

NSW Community Corrections Officers are nominated by the Commissioner of Corrective Services and representatives are appointed for 2 year terms.

Ms Sarah Gilmour was appointed as a Community Corrections Representative on 20 March 2020.

Mr Liam McOnie was appointed as a Community Corrections Representative on 18 May 2020.

Mr Benjamin Gillies was appointed as a Community Corrections Representative on 18 January 2021.

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

Police Representatives

NSW Police Force Officers are nominated by the Commissioner of Police.

Chief Inspector Hamed Baqaie. Senior Sergeant Pettina Anderson, Detective Sergeant Jason Wills, Sergeant Joanne Sinclair and Sergeant Kathleen Kelly are the appointed Police Representatives.

Secretariat

Ms Amy Manuell
Director and Secretary

Ms Elizabeth Leafe
Deputy Director and Assistant Secretary

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 four interdependent teams; the Submissions, Reviews, Intensive Corrections Order and Administrative Support Teams.

Support Team - consists of six officers and a 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 JustConnect, 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 submissions officers and a senior administration officer who are led by the team leader. Together, they are responsible for the preparation and collation of all matters that go before the closed 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 electronically for distribution to the Parole Authority members for their weekly reading. Submissions Officers are also responsible for the preparation of warrants, orders, memorandums and correspondence.

Much like the Submissions Team, the **Reviews Team** consists of reviews officers and a senior administration officer who are led by their 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 electronically, 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, memorandums and correspondence.

The **Intensive Correction Orders (ICO) Team** consists of officers and a senior administration officer who are led by their team leader. Together, they are responsible for the preparation and collation of all ICO matters. 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 electronically for distribution to the Parole Authority members for reading. The ICO team are also responsible for the preparation of warrants, orders, memorandums and correspondence. Given review hearings also occur for ICO matters, this team is responsible for the preparation and collation of all matters that go before the public review hearings at court each Wednesday. Preparation includes coordinating the submission of updated reports, filing reports electronically, 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.

The Parole Authority also has a **Media Officer**, responsible for communication and media matters, along with a **Principal Project Officer** who is responsible for the completion and administration of projects related to the Parole Authority and acts as a conduit between the Authority and a number of external and internal agencies.

Guiding Principles

Corporate Governance

Performance against corporate governance, service delivery and performance

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

- Considered 23,006 cases.
- Conducted 148 closed meetings, 145 public hearings and 98 ICO meetings.
- Conducted 51 Secretary sittings.
- Issued 1,470 parole orders.
- Revoked 2,394 Parole Orders and 1,691 Intensive Correction Orders.

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

- Tabled 2021 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 updated to provide the public with information about the operations and functions of the 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.
- Provided presentations and trainings to numerous media outlets
- 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: 30

- 37% are female (11 members)
- One indigenous member
- 6% have a CALD - culturally and linguistically diverse (2 members)