Parole Determination
Keli Lane

22 March 2024

STATE PAROLE AUTHORITY OF NEW SOUTH WALES

RE: KELI LANE

REASONS FOR DETERMINATION

The Honourable G J Bellew SC – Chairperson
Ms E Marston – Community Corrections Representative
Ms P Anderson – NSW Police Representative
Ms C McComish – Community Member
Ms R Caruana – Community Member

INTRODUCTION

1. On 13 December 2010, following a trial in the Supreme Court of New South Wales before Whealy JA and a jury, Keli Lane (the offender) was found guilty by a majority verdict of the murder of her daughter, Tegan.

2. On 15 April 2011, the offender was sentenced to a non-parole period of 13 years and 5 months imprisonment, to date from 13 December 2010 and to expire on 12 May 2024, with a balance of term of 4 years and 7 months imprisonment, to date from 13 May 2024, and to expire on 12 December 2028.[1] Additional terms of imprisonment were imposed for 3 offences of falsely swearing affidavits. Those sentences are not relevant for present purposes.

3. An appeal by the offender to the Court of Criminal Appeal against her conviction was dismissed.[2]

[1] *R v Keli Lane* [2011] NSWSC 289.
[2] *Lane v R* [2013] NSWCCA 317.

RELEVANT FINDINGS OF THE SENTENCING JUDGE

4. Whealy JA found[3] that on 12th September 1996, the offender presented at Auburn Hospital and gave birth to Tegan, after a considered decision to induce her birth had been made by the hospital staff. Tegan's appearance and health were normal. A trainee social worker at the hospital, who had lengthy discussions with the offender on 13th September 1996, recorded her presentation as being normal, noting that she was breastfeeding and happy.[4]

5. Whealy JA found[5] that on 14th September 1996, the offender and Tegan were examined and considered suitable to leave the hospital, and that at some time during that day, probably just before midday, the offender was formally discharged. His Honour also found that that there was no satisfactory evidence to establish the precise manner in which the offender left the hospital, but that it was to be assumed that she left taking Tegan with her.[6]

6. His Honour then said:[7]

> ***The Crown case was that, between the time that Tegan was examined at Auburn Hospital by the discharging doctor on 14th September 1996, and at the time of the offender's arrival at her parents' home at Fairlight at about 3 o'clock during the afternoon, the child was murdered by her mother, who also disposed of her body. The defence case was that, by arrangement, Keli gave the child to its natural father. Consistently with the jury's verdict, I must reject this explanation. I accept, as I am bound to do by the jury's verdict, that the offender deliberately and intentionally caused the death of Tegan****. There is no evidence, however, of the manner of death. There is no evidence from which the precise time of death or the manner of disposal of the child's body can be established. The offender has maintained her version of events for many years and it is clear that, despite the jury's verdict, she continues to maintain her innocence. Nevertheless, as I have said,* ***the jury's verdict requires me to state that I am satisfied beyond reasonable doubt that the offender***

[3] At [9].
[4] At [9].
[5] At [9].
[6] At [10].
[7] At [11].

> ***deliberately and intentionally caused the death of her daughter, even though I am unable to say anything as to the precise circumstances of that fatal event*** (emphasis added in each case).

7. When assessing the objective seriousness of the offending, his Honour found:[8]

> *I am also* ***satisfied beyond reasonable doubt that the act causing the death of Tegan was done by the offender with an intention to kill.*** *This must be so in the present case, since the matter was left before the jury on that basis and no other. It is simply not open for me to find otherwise* (emphasis added).

8. Finally, in terms of the disposal of Tegan's body, his Honour found:[9]

> *[I]t is a tragedy between mother and daughter,* ***in the sense that the offender disposed of her second child, Tegan****, and in so doing, tore asunder the natural relationship between mother and daughter* (emphasis added).

CONSIDERATION OF THE OFFENDER'S RELEASE ON PAROLE

9. In light of correspondence which has passed between the Authority and the offender's Solicitor which is set out more fully below, a threshold issue has emerged as to the approach which should be taken by the Authority in considering the offender's release. A determination of that issue requires reference to a number of provisions of the *Crimes (Administration of Sentences) Act 1999* (NSW) (the CAS Act).

Releasing offenders on parole

10. Part 6 of the CAS Act addresses the issue of parole. Specifically, Division 2 of Part 6 addresses the making of parole orders in respect of offenders who are sentenced to periods of imprisonment of more than 3 years. Subdivision 1 of Division 2 of the CAS Act includes s 135 which is in the following terms:

> ***135 General duty of Parole Authority relating to release of an offender***

[8] At [41].
[9] At [84].

> *(1) 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.*

11. Subsections 135(2) and (3) set out a series of mandatory considerations to be taken into account by the Authority in determining whether it has reached the level of satisfaction prescribed in s 135(1).

Consideration of parole in the case of serious offenders

12. Sections 142 – 154A of the CAS Act (Subdivision 3) address the Authority's consideration of a grant or refusal of parole in the case of a serious offender. As a person who has been convicted of murder and who is subject to a sentence in respect of that conviction, the offender is a serious offender.[10]

13. Subdivision 3 prescribes a regime which the Authority must follow when considering the release on parole of a serious offender. That regime incorporates the following steps:

    (a) the Authority must consider whether or not a serious offender should be released on parole at least 60 days before the offender's parole eligibility date: s 143(1);

    (b) on or immediately after giving its preliminary consideration as to whether or not a serious offender should be released on parole, the Authority must formulate and record its initial intention to either:

        (i) make a parole order; or
        (ii) not make such an order: s 144;

[10] CAS Act s 3.

(c) if the Authority forms an intention to grant parole, it must give notice of that intention to any registered victim(s), and must give such victim(s) certain prescribed information: s 145(1) and (2);

(d) in that event, a victim may request a review hearing, in which case the Authority must set a date for such hearing, and give notice to the Commissioner for Corrective Services: s 145(5);

(e) if the Authority forms an intention to refuse parole, it must:

(i) notify the offender; and

(ii) determine whether, in relation to any reconsideration of the matter:

1. there will be a review hearing, whether or not the offender requests a hearing; or
2. there will be a hearing only if the offender requests a review hearing and the Authority is satisfied that such a hearing is warranted: s 146(1) and (2).

(f) in making a final determination, the Authority must do so having regard to a number of statutory principles: s 148(1);

(g) after reviewing all of the material, the Authority must decide whether the offender should be released on parole, or whether the decision should be deferred: s 149(1);

(h) if the Authority determines that the offender should be released, it must make an order to that effect: s 149(3);

(i) if the Authority determines that the offender should not be released, the Authority must ensure that the offender is notified of that determination: s 149(4).

Section 135A of the CAS Act – the "No body, No parole" provision

14. Contained within Subdivision 1 of Division 2 of the CAS Act is s 135A. It was inserted into the CAS Act by the *Crimes (Administration of Sentences) Amendment (No Body, No Parole) Act 2022* (NSW), and became operative on 18 October 2022. It is in the following terms:

> ***135A Parole order must not be made where offender has not cooperated in locating victim's body or remains***
>
> *(1) This section applies to an offender if the offender is serving a term of imprisonment for a homicide offence and—*
>
> *(a) the body or remains of the victim of the offence have not been located, or*
> *(b) because of an act or omission of the offender or another person, part of the body or remains of the victim has not been located.*
>
> *(2) Despite section 135(1), the Parole Authority must not make a parole order directing the release of an offender to which this section applies unless it is satisfied the offender has cooperated satisfactorily in police investigations or other actions to identify the victim's location.*
>
> *(3) The cooperation referred to in subsection (2) may have happened before or after the offender was sentenced to imprisonment for the offence.*
>
> *(4) The Commissioner of Police must, at least 28 days before the Parole Authority proposes to make a decision about making a parole order directing the release of an offender to which this section applies, give the Parole Authority a written report that—*
>
> *(a) states whether the offender has given cooperation mentioned in subsection (2), and*
>
> *(b) if the offender has given cooperation, includes an evaluation of--*
>
> *(i) the nature, extent and timeliness of the offender's cooperation, and*
>
> *(ii) the truthfulness, completeness and reliability of any information or evidence provided by the offender in relation to the victim's location, and*
>
> *(iii) the significance and usefulness of the offender's cooperation.*
>
> *(5) In deciding whether the Parole Authority is satisfied about the offender's cooperation as mentioned in subsection (2), the Parole Authority—*
>
> *(b) must have regard to—*

(i) the report given by the Commissioner of Police under subsection (4), and

(ii) any information the Parole Authority has about the offender's capacity to give the cooperation, and

(b) may have regard to any other information the Parole Authority considers relevant.

(6) To avoid doubt, the Commissioner of Police is not required to provide the Parole Authority with any document, evidence or criminal intelligence that the Commissioner of Police used to prepare the report, or to make a statement or evaluation, referred to in subsection (4).

(7) Subsection (2) extends to an offender serving a sentence of imprisonment in New South Wales for a corresponding offence committed outside New South Wales if the offender has been transferred to New South Wales under the Prisoners (Interstate Transfer) Act 1982.

(8) In this section—

***"corresponding offence"** means an offence committed outside New South Wales that, if committed in New South Wales, would be a homicide offence.*

***"homicide offence"** means--*
(a) the offence of murder, or
(b) the offence of manslaughter, or
(c) an offence against the Crimes Act 1900, section 22A, 25A, 26 or 349(1).

***"victim's location"** means--*
(a) the location, or the last known location, of every part of the body or remains of the victim of the homicide offence, and
(b) the place where every part of the body or remains of the victim may be found.

15. There is no issue that, aside from being a serious offender, the offender is also an offender to whom s 135A applies, given that she is currently serving a term of imprisonment for a homicide offence, namely the offence of murder.

The report received from the NSW Police – s 135A(4)

16. The Authority has received a report from the NSW Police of the kind referred to in s 135A(4) of the CAS Act. In fairness to the offender, it should be made clear that to the extent that such report expresses opinions which go beyond the matters referred to in s 135A(4) of the CAS Act, those opinions have not been taken into account by the Authority in making its determination. In particular, the Authority has not taken into

account the opinion of the author of the report that the offender *"should not be afforded the opportunity to apply for parole".* Such a statement overlooks the fact that in NSW, offenders do not *"apply for parole".* Rather, the Authority is statutorily required to consider an offender's parole at a specifically designated time.

17. In terms of s 135A(4)(a) of the CAS Act, the report canvasses the history of the police investigation, and states (inter alia) as follows:

> *The offender has not co-operated with or assisted police with searching for or locating the deceased. ... [T]he offender has never admitted to murdering and disposing of her child's body. ..... [T]he absence of any truthful co-operation by the offender does not satisfy this section of the legislation.*

18. In terms of s 135A(4)(b), the report states as follows:

> *The offender provided several versions to police detailing what she stated to have allegedly occurred to her baby. These versions, that included handing the baby to a fictitious biological father to raise in her absence, were investigated and proven to be false. These lies were lead in evidence during the Supreme Court murder trial which ultimately satisfied a jury to return a guilty verdict. Therefore, the perceived co-operation that the offender assisted with providing truthful information was actually self-serving and designed more so to hinder police than to actually assist. Therefore, in my opinion, the absence of any truthful co-operation by the offender to assist police does not satisfy this section of the legislation.*

19. In terms of s 135A(4)(c), the report states as follows:

> *A vast portion of the trial evidence lead was to prove the lies uttered by the offender were in fact lies and to also prove that, in the absence of a body, baby Tegan Lane was deceased. To date, the offender has never admitted to murdering and disposing [sic] her child, therefore quashing any possibility of police to be in a position to make any attempts to locate the deceased person's remains. Therefore, in my opinion, the absence of any evidence provided by the offender to locate the victim's location does not satisfy this section of the legislation.*

20. In terms of s 135A(4)(d), the report states as follows:

As stated above, to date, the offender has never admitted to murdering and disposing of her child's body. Therefore, in my opinion, the absence of any truthful co-operation by the offender does not satisfy this section of the legislation.

21. The following propositions emerge from the report:

1. in the course of the investigation, and thus prior to her trial, the offender was interviewed by police on a number of occasions and provided various accounts of Tegan's disappearance;

2. at least some of those accounts were ultimately relied upon by the Crown as constituting lies;

3. the offender denied, both in the course of the police investigation and at her trial, that she murdered Tegan;

4. the offender has not spoken with police since the jury's verdict and therefore has not provided the police with any information regarding the whereabouts of Tegan's body;

5. it is the evaluation of the police, as required by s 135A(4)(a), that the offender has not satisfactorily co-operated with them to identify Tegan's location.

CORRESPONDENCE WITH THE OFFENDER'S SOLICITOR

22. On 1 February 2024, the Director of the Authority received a letter from the offender's Solicitor which stated as follows:

As [the offender] will be eligible for release on 15 May 2024, it is expected that a parole hearing date will be upcoming.

Could I please confirm if a hearing date has been allocated for [the offender], and if so, may I ask for confirmation of the date of the parole hearing?

23. The Director responded on the same date, in the following terms:

> *Given initial consideration of matters before the Parole Authority occur in a closed meeting, you will not be able to attend, however, if there are any submissions that you wish to make on behalf of Ms Lane, these would be required no later than 11 March 2024.*

24. When no material was received by 11 March 2024, an enquiry was made of the offender's solicitor on 12 March 2024 as to when such material might be expected. She responded in the following terms:

> *I can indicate that we do not intend on preparing written submissions for the closed meeting.*
>
> *Should the State Parole Authority form an intention to refuse parole, I can indicate that Ms Lane would request a hearing and we would ask that all information considered in the closed meeting be provided so that submissions can be prepared for the hearing.*

25. The reference to the Authority forming "an intention to refuse parole" was seemingly a reference to the regime provided for in Subdivision 3 generally, and to s 144 of the CAS Act in particular.

26. In light of that response, the Secretary of the Authority wrote to the offender's Solicitor on 14 March 2024, drawing her attention to s 135A of the CAS Act, and inviting her to provide submissions to the Authority in respect of the application of that provision to the case of the offender. A copy of the report prepared by police pursuant to s 135A(4) was provided.

27. On 19 March 2024 the Authority received submissions from Counsel for the offender. In those submissions,[11] Counsel expressly accepted that Tegan's body had not been located, and further submitted that:

[11] At [13].

1. the report provided by the police was *"not determinative on [sic] the question before the Authority";*
2. the Authority was required, by s 135A(5)(a)(ii), to have regard to the offender's capacity to give co-operation; and
3. it was open to the Authority to have regard, under s 135A(5)(b) to any other relevant information.[12]

28. The Authority takes no issue with any of these three propositions.

29. That said, having been provided with a copy of the report compiled by police for the purposes of s 135A(4), Counsel raised no issue in relation to any part of its contents, including the opinions expressed in it regarding whether the offender had satisfactorily co-operated to identify the location of Tegan's body.

30. Counsel submitted[13] that the structure of s 135A *envisaged "a broader spectrum of considerations beyond what is contained in the Commissioner's report"*, and required *"consideration of additional extrinsic material, including other material before the Authority that, at this stage, has not yet been provided to the offender"*. Counsel then said:[14]

> *At this stage, the offender is not in a position to provide assistance on either of these two questions and urges that the Authority hold a hearing to have these matters properly ventilated, and, upon setting them matter down for hearing, the offender seeks that all documentation relevant to the Authority's consideration be provided to the offender.*

31. Counsel's submissions did not specify under what provision within the CAS Act the Authority would "hold a hearing". Moreover, other than the provision of such submissions, the offender has not availed herself of the opportunities which have been

[12] At [17].
[13] At [17](c).
[14] At [17](d).

provided to her, through her representatives, to furnish the Authority with any material which she seeks be considered by the Authority in making its determination.

THE THRESHOLD ISSUE

32. Given the references by the offender's Solicitor to a hearing in the event that the Authority formed an intention to refuse parole, and given similar references in Counsel's submissions, the Authority has inferred that it is the offender's position that consideration of her release on parole is to be addressed by following the regime for which provision is made in Subdivision 3, and which applies to serious offenders. If that is, in fact, the offender's position, a threshold question emerges, namely whether, as a matter of statutory construction, s 135A should be read as:

    (a) creating a separate and distinct regime to be followed by the Authority in the case of an offender to whom it applies, without reference to Subdivision 3; or

    (b) forming a part of the regime provided for in Subdivision 3 in respect of a serious offender.

33. For the reasons that follow, it is the Authority's view that the first of those interpretations is the correct one.

34. First, in the present case the offender is a serious offender to which Subdivision 3 applies. She is also an offender serving a term of imprisonment for a homicide offence, where the body of the victim of her offending has not been located and is thus an offender to whom s 135A applies. where legislation includes provisions which relate to similar matters in different terms, it may be reasonably assumed that there was a deliberate intention on the part of the Parliament to deal with such matters differently.[15] In the present case, that intended difference is reflected in the fact that, unlike

[15] *Statutory Interpretation in Australia (10th Edition) – D C Pearce* at [4.62].

Subdivision 3, s 135A makes no reference to the Authority forming any intention, be it to grant or refuse parole. Rather, s 135A mandates that the Authority is not to make an order for parole unless it is satisfied of the offender's satisfactory co-operation in police investigations or other actions in respect of the identification of the location of the victim's body. In the Authority's view, all of these matters support the proposition that a serious offender to whom s 135A also applies is to be dealt with solely by reference to s 135A, and not by reference to the regime in Subdivision 3. If that is correct, then questions of forming an intention to grant or refuse parole, and (in the latter case) granting a review hearing, do not arise.

35. Secondly, s 135A applies to a particular class of offenders. That class includes those who (like the offender) are serving a term of imprisonment for a homicide offence where the body or remains of the victim cannot be located. That class of offenders is obviously narrower than the class of offenders to whom Subdivision 3 applies, namely serious offenders as defined in s 3 of the CAS Act. The proper approach in such a case is to regard the wider provision (in this case, Subdivision 3) as having no application to any offender who might also fall within the limited provision (in this case s 135A).[16] Applying that approach, any determination in respect of the offender's parole should not be made by reference to the regime in Subdivision 3. It should be made solely by reference to s 135A.

36. Thirdly, and consistent with the first two propositions, it is evident that the Parliament intended s 135A to be the operative provision governing the consideration of parole in respect of those offenders to whom it applies. It is also evident that the Parliament intended that in the event that the Authority cannot reach the prescribed state of satisfaction in relation to co-operation by an offender to whom s 135A applies, it will have no discretion to order that offender's release. Such intentions are clear from the

[16] See *No. 20 Cannon St Limited v Singer and Friedlander Limited* [1974] 1 Ch 229 at 235 per Megarry J.

contents of the Second Reading Speech in the Legislative Assembly in which s 135A was introduced. In the course of that speech, the Hon. Peter Poulos stated:

> *The bill will introduce stronger "No body, no parole" laws in New South Wales, similar to those already found in a number of other Australian jurisdictions. This will be achieved* ***by removing the SPA's discretion to grant parole unless the relevant offender has cooperated satisfactorily with authorities to identify the location of their victim's remains*** (emphasis added).

37. Fourthly, s 135A(2) is couched in mandatory terms and is expressed to operate *"despite section 135(1)"* which, as previously noted, contains a number of considerations to which the Authority must have regard in considering whether an offender ought to be released. The use of the words *"despite section 135(1)"* is a clear indication that if the Authority does not reach the prescribed state of satisfaction prescribed by s 135A regarding the offender's satisfactory co-operation, that is the end of the matter. Once that position is reached, no consideration can be given to s 135, and the Authority must not make an order for the offender's release.

38. Finally, had it been intended that the Authority follow the procedure provided for in Subdivision 3 in the case of an offender to whom s 135A applies, it would have been open to the Parliament to make that clear by expressly saying so, or by making s 135A part of Subdivision 3. The Parliament did not take either course, a clear indication that it intended s 135A to stand on its own.

39. For all of these reasons, it is the Authority's view that s 135A constitutes a specific provision, by sole reference to which it must consider the question of parole to any offender to which it applies. Needless to say, the Authority is obliged to apply s 135A in a manner consistent with what it regards as the Parliament's clear intention.

THE APPLICATION OF S 135A TO THE PRESENT OFFENDER

40. It has been conceded by Counsel for the offender that s 135A applies in the case of the offender. Accordingly, the precondition in s 135A(1) is met.

41. Section 135A(2) mandates that the Authority is not to make a parole order for the release of an offender to which the section applies unless it is satisfied that the offender has co-operated satisfactorily in police investigations or other actions to identify the victim's location. Section 135A(3) provides that such co-operation may have happened before or after the offender was sentenced.
42. For the purposes of determining whether the state of satisfaction prescribed by s 135A(2) has been reached, s 135A(5) provides that the Authority:

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

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

The report provided by Police – section 135A(5)(a)(i)

43. As to the first of the prescribed mandatory considerations,[17] the contents of the report have been set out above.[18]

44. Information in relation to Tegan was provided by the offender to police during the investigation, and thus in advance of her trial, conviction and sentence. Whilst s 135A(5) provides that co-operation may be provided before or after sentence, the offender has not provided any information at all since she was sentenced. What the offender effectively told police in the course of the investigation was that she was not responsible for Tegan's death. That was the basis on which she conducted her case at trial. At least some part(s) of the accounts the offender gave police were relied upon by the Crown in its case against her, on the basis that they were untruthful. Clearly, the jury accepted the Crown case and rejected the offender's case. Whilst the offender did

[17] Section 135A(5)(i).
[18] At [17]-[21].

provide information to the police prior to her trial, the provision of information which is rejected as untruthful cannot be regarded as satisfactory co-operation for the purposes of s 135A.

45. Whilst the Authority acknowledges that the police report is not determinative of its decision, it is a factor to which the Authority must have regard. For the reasons set out, its contents tend completely against a conclusion that the offender has co-operated satisfactorily in the manner contemplated by s 135A.

Information as to the offender's capacity to give co-operation: s 135A(5)(a)(ii)

46. As to the second mandatory consideration,[19] Section 135A(5)(a)(ii) provides no indication of the nature of the information to which the Authority must have regard in relation to an offender's capacity to co-operate. Equally, the section imposes no restrictions upon such information.

47. The Authority has no *direct* information before it as to the offender's capacity to give the co-operation to which s 135A refers. That said, the jury found the offender guilty of murder on the basis of the Crown case as has been set out. Consistent with that case, the sentencing Judge found that the offender had intentionally killed Tegan and had disposed of her body. Those findings were made in conformity with the approach formulated by the Court of Criminal Appeal in *R v* Isaacs[20], namely that it is the duty of a sentencing Judge to find facts relevant to sentence in terms which are consistent with the jury's verdict. Such an approach reflects the inscrutability of such verdict.

48. The Authority takes the view that it must approach its evaluation of the offender's capacity to co-operate in the same way, that is, in a manner consistent with both the jury's verdict, and the findings of the sentencing Judge following that verdict. This is so for two reasons.

[19] Section 135A(5)(a)(ii).
[20] (1997) 41 NSWLR 374 at 380; see also *Cheung v The Queen* (2001) 200 CLR 1; [2000] HCA 67 at [14]; [169].

49. The first, is that to approach its evaluation in a contrary way would, in the Authority's view, be tantamount to undermining the jury's verdict.

50. The second, is that part of the basis on which s 135A of the CAS Act applies to the offender is that she is serving a term of imprisonment for a homicide offence. That term of imprisonment was imposed following the jury's guilty verdict. In those circumstances, an approach to the application of s 135A which was inconsistent with that verdict would be contrary to both the tenor of s 135A generally, and part of the very basis on which s 135A applies to the offender in particular.

51. It has already been noted that the offender's case at trial, in which she sought to exculpate herself from any involvement in Tegan's death, was rejected by the jury. The offender has provided no information regarding Tegan's whereabouts since being sentenced. In the Authority's view, the verdict of the jury, the acceptance of the Crown case and the rejection of the offender's case which are reflected in that verdict, and the findings of the sentencing Judge which are consistent with such verdict, constitute information going to the issue of the offender's capacity to provide co-operation. It is thus information to which s 135A(5)(ii) applies, and to which the Authority is bound to have regard. Such information is consistent with the offender having the capacity to co-operate in the sense contemplated by s 135A, at the very least since being sentenced. That capacity has not been utilised by the offender.

52. As is the case with the police report, all of these matters similarly tend against the Authority being satisfied that the offender has co-operated satisfactorily in police investigations or other actions to identify Tegan's location.

Any other relevant information – s 135A(5)(b)

53. It is open to the Authority to have regard to any other information that it considers relevant in determining whether the offender has co-operated satisfactorily. The only

information in the Authority's possession which the Authority considers relevant to its determination is the report of the Police, and the sentencing judgment of Whealy JA. Nothing else has been taken into account. The offender has not drawn the Authority's attention to, and has exercised her right not to provide, any other material.

54. It follows that there is no other relevant information falling within s 135A(5)(b) which the Authority may consider.

CONCLUSION

55. For the reasons given, the Authority is not satisfied that the offender has co-operated satisfactorily in police investigations or other actions to identify the location of Tegan. Accordingly, having regard to s 135A(2) of the CAS Act, the Authority must not make a parole order directing the release of the offender.

22 March 2024