

Parole Determination Mark William Standen

17 May 2024

STATE PAROLE AUTHORITY OF NEW SOUTH WALES

RE: MARK WILLIAM STANDEN

REASONS FOR DETERMINATION

The Honourable G J Bellew SC – Chairperson

Ms M Bostock – Community Corrections Representative

Mr C Stinson – NSW Police Representative

Ms M Jabour – Community Member

Mr L Walker – Community Member

BACKGROUND

1. On 11 August 2011, Mark William Standen (the offender) was found guilty by a jury of the following offences:
 - (i) conspiracy to import a large commercial quantity of a border-controlled precursor, contrary to ss 11.5 and 307.11 of the *Criminal Code 1995* (Cth) (“the conspiracy offence”);
 - (ii) knowingly taking part in the supply of a prohibited drug, contrary to s 25(2) of the *Drug Misuse and Trafficking Act 1985* (NSW) (“the supply offence”); and
 - (iii) conspiracy to pervert the course of justice in respect of the judicial power of the Commonwealth, contrary to s 43 of the *Crimes Act 1914* (Cth) (“the pervert offence”).

2. On 8 December 2011, the offender was sentenced by James J in the Supreme Court of New South Wales (*R v Standen* [2011] NSWSC 1422) as follows:
 - (i) in respect of the conspiracy offence – imprisonment for 18 years to date from 2 June 2008, with a non-parole period of 12 years to date from 2 June 2008, such that the earliest date on which the offender would be eligible for release was 1 June 2020;

- (ii) in respect of the supply offence – imprisonment for 22 years to date from 2 June 2008, with a non-parole period of 16 years, such that the offender is eligible for release on 1 June 2024;
 - (iii) in respect of the pervert offence – imprisonment for 3 years and 6 months to date from 2 June 2008.
3. An appeal by the offender to the Court of Criminal Appeal was dismissed: *Standen v R* [2015] NSWCCA 211.
4. It will be apparent from the structure of these sentences that the offender:
 - (i) has served the entirety of the sentence imposed for the pervert offence;
 - (ii) has been eligible for release in respect of the sentence imposed for the conspiracy offence since 1 June 2020;
 - (iii) has remained in custody on account of the sentence imposed in respect of the supply offence and is eligible for release in respect of that sentence on 1 June 2024.
5. In circumstances where the conspiracy offence was contrary to a law of the Commonwealth, and where the offender continues to serve the remainder of that sentence (which does not expire until 1 June 2026), It is emphasised that the orders made by the Authority which are set out below, and the reasons for those orders, extend only to the sentence imposed in respect of the supply offence. Whether the offender will, despite the Authority’s orders, remain in custody in respect of the unexpired portion of the sentence imposed for the conspiracy offence will be a matter for the Commonwealth authorities to determine.

THE OFFENDING

6. Shortly put, the offender was the Assistant Director (Investigations) at the New South Wales Crime Commission at the time of the offending. The Crown alleged that he was engaged in dealings with two other persons, Bakos Jalalaty and James Henry Kinch which had, as their focus, the importation of a large quantity of pseudoephedrine. The Crown alleged that the offender’s role was to use his law enforcement expertise to help his co-offenders avoid detection and

prosecution. A combination of these circumstances gave rise to the charges against the offender, of which the jury found him guilty after a lengthy trial.

7. The sentencing Judge described the offender as having had a “deep involvement” in the dealings giving rise to the charges (at [145]). He found that the offender’s prospects of rehabilitation were good and that it was “most unlikely” that he would reoffend (at [178]). His Honour also found that the offending was committed for financial gain (at [184]) and that the offender had demonstrated no remorse (at [186]). Finally, his Honour made a finding of special circumstances (at [205]) to allow the offender a longer period on parole.

REPORTS AVAILABLE TO THE AUTHORITY

8. For the purposes of making its determination, the Authority has had three reports made available to it.
9. The first is a report of the Serious Offenders Review Council (the Council) dated 5 March 2024. In concluding that the offender’s release to parole was appropriate, the Council referred to the offender’s favourable progress in custody, and the absence of any serious mental health issues of concern which might weigh against his release. The Council also noted that the offender had been employed in custody and had received positive work reports and had strong family support.
10. The second is a Pre-Release report prepared by Community Corrections dated 18 March 2024. That report also made note of the offender’s strong family support, his willingness to accept interventions to support his reintegration into the community, his completion of the EQUIPS Foundation program and his completion of a Degree in Law. The report noted that suitable accommodation had been confirmed and that the offender had been assessed at a low risk of re-offending. A supervision plan was outlined, and his release was recommended.
11. The third is a supplementary report of the Community Corrections of 1 May 2024 in which the recommendation that the offender be released was confirmed.

THE INTENTION TO GRANT PAROLE

12. At a meeting held on 28 March 2024, the Authority formed an intention to grant parole pursuant to s 144 of the *Crimes (Administration of Sentences) Act 1999* (NSW) (the Act). The Authority has since been informed that the Commissioner for Corrective Services does not propose to make

any submissions opposing the offender's release. That circumstance engages s 148(1)(a) of the Act which provides that in circumstances where there are no submissions contrary to release, and where (as in this case) the Authority is not required to seek submissions from any victim, the Authority is to make its final determination as to whether to make a parole order by reference to the principle that will confirm its initial intention.

CONSIDERATION

13. The Authority has considered the provisions of s 135(1) of the Act and is satisfied that it is in the interests of the safety of the community to make an order releasing the offender. In reaching that conclusion, and based upon the entirety of the material before it, the Authority has considered the mandatory factors (to the extent that they apply to the offender's case) in s 135(2) and (3), and is of the view that:

- (i) the risk to the safety of the community posed by the offender's release is low [s 135(2)(a)];
- (ii) the offender's release, and the supervision plan which has been formulated, are likely to address any risk of re-offending [s 135(2)(b)];
- (iii) a shorter period of parole, or no period of supervised parole at all, may have the capacity to increase the risk to the community, given the long period in which the offender has been in custody and his need for assistance in reintegrating into the community, particularly in circumstances where the sentencing Judge made a finding of special circumstances so as to allow for a longer period of parole; [s135(2)(c)];
- (iv) whilst the circumstances of the offending were obviously serious, the offender has been assessed at a low risk of re-offending and has completed the EQUIPS Foundation program to address his offending behaviour [s 135(3)(a)];
- (v) the observations made by the sentencing Judge as to the offender's prospects of rehabilitation were favourable [s135(3)(b)];
- (vi) the reports of Community Corrections unequivocally support the offender's release and a suitable post release plan has been formulated [s 135(3)(f)]; and
- (vii) the Council has similarly supported the offender's release [s 135(3)(g)].

ORDERS

14. The Authority orders that the offender be released on 1 June 2024. That release will be subject to the conditions annexed to these reasons.

MARK WILLIAM STANDEN – CONDITIONS OF RELEASE

While you are on parole:

1. You must be of good behaviour.
2. You must not commit any offences.
3. You must adapt to normal lawful community life.

When you are first released on parole:

4. You must report:
 - a) to a community corrections officer at a time and place directed, or
 - b) if you have not been given a direction, to a Community Corrections office within 7 days of your release.

While your parole is supervised:

5. You must report to a community corrections officer at the times and places directed by the officer*.
6. You must comply with all reasonable directions from a community corrections officer about:
 - a) the place where you will live
 - b) participating in programs, treatment, interventions, or other related activities
 - c) participating in employment, education, training, or other related activities
 - d) not undertaking specified employment, education, training, volunteer, leisure, or other activities
 - e) not associating with specified people
 - f) not visiting or frequenting specified places or areas
 - g) ceasing drug use
 - h) ceasing or reducing alcohol use
 - i) drug and alcohol testing
 - j) monitoring your compliance with the parole order
 - k) giving consent to third parties to provide information to the officer that is relevant to your compliance with the parole order.
7. You must comply with any other reasonable directions from a community corrections officer.
8. You must permit a community corrections officer to visit you at the place where you live at any time and permit the officer to enter the premises when they visit you.
9. You must notify a community corrections officer if you change your address, contact details or employment. You must do this before the change occurs if practicable, or within 7 days of the change occurring.
10. You must not leave New South Wales without permission from a community corrections manager.
11. You must not leave Australia without permission from the State Parole Authority.

ADDITIONAL CONDITIONS IMPOSED BY THE STATE PAROLE AUTHORITY:

28. You must not contact, communicate with or associate with your co-offenders without the express prior approval of your office