

**DETERMINATION OF THE APPLICATION FOR PAROLE BY
MILTON ORKOPOULOS (MIN: 413928)**

Date determination handed down: 6 December 2019

1. This matter comes before the Authority, today, by way of a review of the formation by the Authority, on 11 October 2019, of an intention to release the offender to parole. As noted here under, the Serious Offenders Review Council and Community Corrections have provided reports supporting the offender's release, and the Commissioner of Corrective Services NSW has filed a submission on the behalf of the State advising that release to parole should be approached with a high degree of caution.

HISTORY OF PAROLE CONSIDERATION

2. The history of parole consideration in this case is somewhat extensive, but is worthy of a brief summary:
3. a) On 16 December 2016, the offender's application for parole first came before the Authority for consideration in a private meeting. The Authority determined to refuse parole, stating that the offender needed to complete a program to address his sex offending behaviour and noting that he lacked suitable post release accommodation.
4. b) On 17 February 2017, the Authority declined to grant a review hearing.
5. c) On 12 January 2018, the offender's application for parole was reviewed in anticipation of the anniversary of his earliest parole release date. At a private meeting on 16 March 2018, the Authority determined to refuse parole, reiterating that the offender needed to complete a program to address his sex offending behaviour, and needed structured post release and/or accommodation plans to be finalised. The Authority also noted that the Serious Offenders Review Council (SORC) did not consider the offender's release appropriate.
6. d) On 28 May 2018, the offender lodged an application for reconsideration of parole pursuant to the *manifest injustice* provisions, noting that he had recently completed the CORE Moderate Program to address his sex offending behaviour.
7. e) On 3 August 2018, the Authority declined to consider the offender's application for parole on the basis of the recommendation in a supplementary SORC report that the offender should participate in external leave programs prior to release to parole.
8. f) On 10 October 2018 the offender lodged a further application for reconsideration of parole pursuant to the manifest injustice provisions, again noting that he had completed the CORE Moderate Program. On 19 October 2018 the Authority declined parole consideration for the same reasons as in August 2018.

9. g) On 10 December 2018, the offender applied for anniversary consideration of parole. In advance of the anniversary consideration, SORC prepared a supplementary report advising that the offender's release to parole was not appropriate, notwithstanding that he had completed his rehabilitation program pathway, as the offender had not yet participated in external leave programs. SORC expressed the view that there was sufficient time remaining on the offender's head sentence for him to participate in external leave prior to release while preserving a meaningful period of supervision on parole.
10. h) On 12 December 2018, Community Corrections completed a Pre Release Report recommending that the offender be released on parole subject to certain conditions, on the basis that the offender had completed offence targeted interventions and would benefit from an extended period of supervised release, notwithstanding the lack of participation in external leave programs. Parole consideration was stood over for further reports.
11. i) On 29 March 2019, the offender lodged an application under manifest injustice provisions for parole consideration. At this time, the offender's matter was listed for consideration on 31 May 2019.
12. j) On 8 April 2019, Community Corrections completed a Pre Release Report maintaining its recommendation that the offender be released on parole.
13. k) On 7 May 2019, SORC completed a supplementary report requesting that the matter be stood over pending further information. This report noted that, with 29 months remaining on the offender's head sentence, the balance of the interest in protecting the public may lie in releasing the offender on parole under supervision over requiring participation in external leave programs.
14. l) On 22 May 2019 Community Corrections completed a further Pre Release Report maintaining its recommendation that the offender be released on parole.
15. m) On 31 May 2019 the offender's matter was stood over to 16 August 2019 and a supplementary Pre Release Report addressing post release accommodation was requested.
16. n) On 25 July 2019 Community Corrections completed a Pre Release Report maintaining its recommendation that the offender be released on parole.
17. o) On 30 July 2019, SORC completed a supplementary report recommending that the offender be released on parole, on the basis that the time remaining on the head sentence would not allow for him to participate in external leave and then engage in a meaningful period of release under supervision, in circumstances where the offender had completed all custodial therapeutic program pathways.
18. p) On 16 August 2019, the matter was stood over to 11 October 2019 for further reports.

19. q) On 27 September 2019, Community Corrections prepared a Pre Release Report maintaining its recommendation that the offender be released on parole, noting that he had been accepted and allocated a bed at XXXXX.
20. r) On 11 October 2019, at a private meeting, the Authority formed an intention to grant parole subject to the standard conditions and the following additional conditions:
 - the offender must not use a prohibited drug or substance, except those that have been prescribed to him; the offender must, if so directed by a Community Corrections Officer, participate in Forensic Psychology Services maintenance;
 - The offender must not contact, communicate with, watch, stalk, harass or intimidate the victims or their family;
 - The offender must not be in the company of a person under the age of 16 years unless accompanied by a responsible adult, as determined by a Community Corrections officer;
 - The offender must comply with all conditions and requirements of the Child Protection Register; and
 - The offender must not frequent or visit the Lake Macquarie and City Of Newcastle Local Government Area.
21. Its assessments and reasons were recorded in the review letters dated 30 of October 2019
22. s) On the same date the matter was stood over for a review hearing and for any submissions on behalf of the State and/or victims.
23. t) On 12 November 2019 Community Corrections completed a supplementary Pre Release Report confirming its recommendation for release, noting that the post release plan remained unchanged and that the already established community supervision plan is able to facilitate his continued intervention regarding the offender's reintegration, substance abuse, mental health and sex offending
24. u) On 13 November 2019 the Commissioner for Corrective Services NSW filed a submission opposing parole
25. The Authority has taken into account each of these reports and submissions along with the documents listed in the several letters for the intention to grant and refuse parole, as well as a letter from the Lake Macquarie City Council concerning a motion that was passed on 28 October 2019 recording its opposition to the release of the offender to parole.
26. The Authority has given particular attention to the remarks of the Sentencing Judge and of the NSW Court of Criminal Appeal, so far as they disclose the context in which the offending occurred and the nature and circumstances giving rise to the separate counts of which the offender was convicted. In this respect it notes that he

pleaded guilty to one count of *supply prohibited drug* (count 35) and one count of *possess child pornography* (count 36). Three counts were finalised by way of a directed not guilty verdict (count 14, 15 and 29), not guilty verdicts were returned by the jury in relation to counts 7 and 25, and no verdict was taken in relation to the alternate count 6. The offender was found guilty by the jury of the remaining 28 counts, and as a consequence he was sentenced in relation to 30 counts comprising:

- *supply prohibited drug - cannabis* -13 counts
- *supply prohibited drug - heroin* - 4 counts
- *indecent assault* - 2 counts (i.e. counts 22 and 34)
- *aggravated indecent assault* - 1 count (i.e. count 33)
- *possess child pornography* - 1 count (i.e. count 36)
- *sexual intercourse with a male aged between 10 and 18 years* - 8 counts (i.e. 6, 10, 11, 18, 24, 26, 28 and 31) – S78K Crimes Act 1900 (now repealed)
- *sexual intercourse without consent* - 1 count (count 5) – s61I Crimes Act 1900

27. The various offences were committed between 1995 and 2006, and involved three male victims, who so as to protect their privacy, are referred to as D, M and F. They were aged between 15 and 20 years. During the period of offending, the offender was a Councillor of the Lake Macquarie City Council (1995-1999), and a member of the NSW Parliament (1999-2005), holding office in 2005 as the Minister for Aboriginal Affairs.
28. The effective overall sentence for the sentences, after adjustment by the Court of Criminal Appeal, was one of imprisonment for 13 years and eight months expiring on 18 October 2021 with a non-parole period of 9 years expiring on 18 February 2017.

THE OFFENDER'S CUSTODIAL RECORD

29. During the offender's time in custody he has incurred four institutional misconduct charges, inclusive of failing drug tests on two occasions on 21 February 2019 and 8 December 2015, possess/create prohibited goods on 20 August 2013 and on 17 October 2009 receiving an unauthorised article from a visitor. Despite the most recent infraction of failing a drug test on 21 February 2019 the offender has maintained the C3 classification rating he achieved on 7 June 2018. The most recent failed test related to his use of Buprenorphine.
30. In discussing this failed drug test, the offender admitted that it was both disappointing and embarrassing, especially given what he had learnt during the programs he had completed. The offender attributed such use to anxiety regarding

his lack of release. The following urinalysis sample on 29 April 2019 provided a negative result for substance use.

31. Custodial staff have advised that the offender has not presented as a managerial problem, while work reports from the Overseer advise that the offender follows directions, works well in a team environment and overall has a positive demeanour. His current employment is in a trusted buy-ups position at the MSPC.
32. The offender has completed Managing Emotions, Getting SMART and SMART Recovery. RUSH and CORE Moderate programs were also completed on 28 May 2018. The offender claims to have acquired a benefit from these programs, citing he has a better understanding of patience, effective communication styles, active listening and an overall appreciation for his sense of self.
33. The CORE Moderate Treatment Report dated 13 July 2018 outlines that the offender is in the average risk range for committing a further sexual offence, taking into account both static and dynamic risk factors. This report indicates that the offender initially presented as resentful, fearful of exposing vulnerability and uncertain of his role in the treatment or the group. This is reported to have changed, with him being described as a valuable group member who was able to take perspective and empathise, while also having an intellectual understanding of treatment concepts and being able to identify unhelpful or risk behaviours in others. The treatment report further opined that the offender was able to identify and understand the problematic behaviour he engaged in, the function of this behaviour and how it was linked to his sexual offending. The treatment report also stated that the offender made improvements in his ability to manage his problems and emotions, however, his ability to do this independently and for intervention remains an area requiring further support and skill development. A number of recommendations were made to assist both the offender and his supervisors in managing the risk of reoffending.
34. The offender claimed accountability for his actions and is said to have accepted the inappropriateness of his behaviour and his desire to place his own sexual gratification before the harm to his victims. The offender acknowledges that he is still learning and practising the skills despite completion of the program and acts as a mentor to new participants. The offender was not found suitable for any further custodial offence targeted programs subsequent to the completion of CORE Moderate.
35. Following completion of the CORE Moderate program, the offender's level of risk of sexual recidivism was reassessed. Using the STATIC-99R actuarial risk assessment he was placed in the "average" risk range. The offender's dynamic risk factors were assessed using the STABLE-2007 which suggested a "high" density of criminogenic needs relative to other male sexual offenders. His composite level of risk of sexual recidivism has been assessed as "average". The offender's dynamic risk factors were identified as general self-regulation, sexual self-regulation, intimacy deficits, significant social influences and cooperation with supervision.

36. He has made steady progress in classification achieving a C3 classification in August 2018 (extended leave programs at the discretion of the Governor). On 22 November 2018 the Commissioner suspended him from participating in external leave programs. His access to extended leave has not been reinstated, and as a consequence he has not participated in any form of external leave, even though he has a sponsor who is willing to accept the responsibility attached to the role.
37. The offender has maintained the support of his family even though they have not been visiting him on a regular basis during his period of incarceration. Upon release, the offender will reside in transitional accommodation provided to him by Corrective Services NSW, located away from the area where the offences occurred.

PAROLE CONSIDERATION

38. The Authority cannot make a parole release order unless it is satisfied that it is in the interests of the safety of the community to do so [S135(1) *Crimes (Administration of Sentences) Act 1999*], (the CAS Act).
39. In considering that issue, it must have regard to each of the matters referred to in S135 (2)-(8) of the CAS Act that are relevant for the case. In particular when determining whether it is in the interests of the safety of the community to release an offender, the Authority must have regard to the three principal matters referred to in S135(2) and to the additional matters referred to in S135(3) of the CAS Act.
40. It is noted that subsection (4) does not arise for consideration; subsection (5) is satisfied since the SORC has advised that it is appropriate for the offender to be released to parole; and that subsection (6) has been satisfied in that Community Corrections provided reports to the Authority that address the matters prescribed by the Regulation.

SECTION 135(3) MATTERS

41. It is convenient to commence with the S135 (3) matters that have yet to be addressed in these reasons:

(a) The nature and circumstance of the offences

The only current sentence is that in relation to count 5, namely an offence of *sexual intercourse without consent* contrary to S61 I of the *Crimes Act 1900 (NSW)* involving victim D. However, by reason of the way in which the sentences were accumulated, and by reason of the tendency evidence which was received, consideration of that offence must be considered in the broader context of the remaining offences and of the manner in which the offender came into contact with each of the victims, and thereafter dealt with them, in the supply of drugs or alcohol, and engaged in unlawful sexual activity with them.

42. In summary, noting the exhaustive account of the offending contained in the Judge's Sentencing Remarks and in the decision of the NSW Court of Criminal Appeal, the following may be noted in relation to each victim.

Victim D

43. This victim was introduced to the offender by his grandparents at a Labor Party function. He later dated the offender's stepdaughter and came to meet the offender from time to time, on which occasion the offender supplied him with cannabis (counts 1, 2, 3, 8, 12 and 16) and on other occasions supplied or injected him with heroin (count 4, 9, 13 and 17).
44. On several occasions, the victim and offender went to a park, and following the supply of wine, or cannabis or heroin, the several sexual assaults occurred - including fellatio (counts 5 and 10) and anal intercourse (counts 11 and 18).

Victim M

45. This victim met the offender while waiting at a bus stop after finishing a shift at McDonalds Restaurant. He was offered a lift home by the offender. On the way home and subsequently the offender offered him cannabis (counts 19, 20, 21, 23, 27 and 30).
46. On one occasion they went to a lookout together where they smoked cannabis before the offender unzipped the victim's trousers and fondled his penis (count 22 - indecent assault). Some weeks later this victim went to the offender's office where after smoking some cannabis (count 23 mentioned above) the offender massaged his shoulders and engaged in fellatio (count 24) before penetrating his anus digitally and with his penis (count 26).
47. On another occasion when the victim went to the offender's office, he was given cannabis (count 27 - mentioned above) and subjected to fellatio (count 28). A further act of fellatio occurred when the offender took the victim, who was still in Year 10, to a bush track in Swansea South (count 31). He was given cannabis (count 30) and money. The offender had an intermittent sexual relationship or contact, with this victim over the ensuing years, in the course of which drugs and money were supplied, but which ultimately broke down in some degree of acrimony. Nothing over that period gave rise to further charges, yet its existence was established in evidence.

Victim B

48. Victim B met the offender in November 2003 when having experienced an interest in politics, he was offered work experience at the offender's Electorate Office and was subsequently invited to accompany the offender to the ALP National Conference in January-February 2004. He was given some cannabis to smoke in the offender's Parliamentary office on the night before the conference (count 32). During the conference they stayed at a hotel in Woolloomooloo, where the offender having said,

"I would love to have you", rubbed the victim's neck and chest (count 33 - aggravated indecent assault). This contact was repeated two years later when the victim attended the offender's office to collect his pay (count 34 - indecent assault).

49. The remaining counts were unrelated to these victims. Count 35 was a charge of supply cannabis to a young person who visited the offender at Parliament house; while count 36 involved the offender's possession of a document downloaded by the offender from a website called "Men in Boys".

50. *b) Any relevant comments by the sentencing judge*

The sentencing judge described the offences against D as "very serious", noting that "at a time when the offender was still at school, the offender many years his senior, introduced him to both cannabis and heroin and supplied him with alcohol". His conduct was described as "premeditated predatory and manipulative" and the effects on D were assessed as "profound and far reaching".

51. The offences against M were also described as "very serious", noting that the offender "started to prey upon the victim when the victim was still at school and only 15 years of age". Again his conduct was described as "premeditated predatory and manipulative", with "far-reaching effects".

52. Two of the offences against B were described, as having "involved a gross breach of trust", in circumstances where his parents had placed him in the care of the offender, and in which his "intention was to supply him with drugs and, ultimately, hopefully to have sex with him". They were described as "serious" for those reasons and because of the emotional harm that one would naturally expect to occur when the victim, who was evidently keen on politics, and initially an admirer of the offender, was treated by him in such a way.

53. The other offence concerning the supply of cannabis to the fourth person, being a school boy, was also assessed as serious not only because of the fact of the supply but also because it had occurred at Parliament House.

54. Similarly His Honour observed that the offence of *possess child pornography*, (in this case a book containing graphic details of sexual activity between an adult male and a 16 year old boy and between the 16 year old boy and 12 year old boy) by a person who was a law maker of the State and who acknowledged the illegality of having it, must be regarded with seriousness.

55. His Honour made reference to the victim impact statements which were tendered, noting that they were taken into account in the way permitted by law. The nature of that impact is sufficiently set out in the reasons for sentence, and need not be repeated here, lest it be cause for further victimisation and an unnecessary intrusion into the privacy of the victims. Suffice it to say that in the case of one victim, there was a serious impact on his schooling, a loss of friends and continued resort to drug use. In the case of another victim, there was a lengthy period of shame, embarrassment and loss of confidence as well as resort to drugs and social

withdrawal. In the case of another victim there was similarly a deterioration in school performance and ability to work, depression and feelings of betrayal of trust.

56. Reference was made by the sentencing judge to a report from Dr Bruce Westmore, forensic psychiatrist, in which he opined that the offender suffered principally from psychiatric issues arising in the area of sexuality suffering he believed, from the condition of eco-dystonic homosexuality. The offender's homosexual activities he observed appeared to be directed exclusively towards adolescent boys. The offender remaining confused in relation to his sexuality and risk of reoffending. Dr Westmore determined that this could be significantly reduced if he received appropriate psychiatric and psychological care.
57. Particularly based on the opinions of Dr Westmore, there was found to be some prospects of rehabilitation. In respect to remorse, no evidence could be found. Special circumstances were found accepting the offender has and would suffer additional punishment via shame and humiliation and loss of entitlements as a Member of Parliament, although only a small allowance was made for this, in adjusting the statutory ratio between the overall aggregate non-parole period and aggregate full term.
58. The Court of Criminal Appeal made some adjustments in relation to the S78K offences and consequently to the commencement date of the individual sentences so as to result in an appropriate overall term and non-parole period, but did not otherwise question the assessment by the sentencing judge of the seriousness of the offending.
59. *c) The offender's criminal history*

It is noted that this is the only entry on the offender's criminal history

60. *d) Likely effect of parole release on any victim or victims' family*

The Authority has considered the impact that the release of the offender on parole is likely to have on the victims and their families. As noted earlier the breach of trust and misuse of the position that the offender held in the community was egregious and has had a serious and profound impact on the confidence and security of all involved, which might well be revived by knowledge of his release. It is entirely understandable if they preferred that he not be released, however any decision as to parole release must be made in the context of the sentence that comes to an end in October 2021 and that made provision for a potential period of release on parole prior to its end date.

61. So far as the victims and their families are concerned, the Authority intends to impose non-contact and area restrictions, to be reinforced by electronic monitoring to avoid any unintended or inadvertent contact, or any attempts to re-enter their lives.
62. In relation to any concerns they may hold as to the risk of the offender reoffending, in relation to other potential victims, this will be addressed through conditions requiring

non-association with persons under the age of 16 years, and compliance with the restrictions and obligations arising under the Child Protection Register.

63. Otherwise the Authority is required, when deciding whether or not to grant parole, to give consideration to the paramount interests of protecting the safety of the general community. As discussed later, release at the end of the sentence, without the opportunity of a supportive transition to the community through a period of parole supervision, is only likely to increase the risk to the community safety.

64. *f) Failure to disclose the location of the remains of the victim*

This is not applicable.

65. *g) Reports from Community Corrections*

Community Corrections have assessed that the offender is now suitable for release to parole and have determined that his risk can be appropriately managed during the period of parole supervision. A risk mitigation plan has been developed to this end, advising that he is able to access appropriate counselling and support if and when required. That plan includes:

- Suitable supported accommodation
- Reporting to a community corrections officer at least every week with home visits with the officer within the first two weeks and, after the first six weeks, visits every eight weeks;
- Referral to the Corrective Services NSW Cluster Psychologist for assessment and recommendation as to continue treatment options;
- A referral to a treatment centre for substance-abuse relapse prevention and intervention;
- Compliance with the requirements of the NSW Child Protection Register; and
- Participation in the Practice Guide for Intervention exercises.

66. Community Corrections has noted that, should the Authority place area restrictions on the offender, an additional condition for electronic monitoring would assist in managing the offender's supervision in the community.

67. *g) Continued – Reports from the Serious Offenders Review Council (SORC)*

SORC has advised in its Supplementary Report of 30 August 2019:

Since a Supplementary Report on 7 May 2019, the offender's classification remains C3 External Leave Programs, but which has been suspended by the Commissioner since 22 November 2018. He now has some twenty four (24) months remaining on his Additional Term. On 4 June 2019, we had effectively recommended that Day Leave only be reinstated. However, the Commissioner did not accept our recommendation because parole will be opposed. We are somewhat perplexed by that determination, as in the ordinary case, it is the failure to have participated in external leave that leads

us and the Authority, to oppose or refuse released to parole. He has since returned a negative urinalysis on 29 April 2019 and has not incurred any further institutional offences. He continues to work in Buy-ups with positive reports. We note that the Pre Release Report of 16 May 2019, recommends release to parole with an established community supervision plan. We share the concerns about his maladaptive coping strategy, by resorting to illicit substance abuse. With only some twenty four (24) months remaining on his additional term, we must proceed on the basis that the offender will now not be able to participate in any constructive period of external leave that would allow a meaningful period on supervision on parole. We must also consider the prospect that he will be released, at the expiration of his sentence, without any supervised conditions. That outcome is the worst for the protection of the public. As he has completed his therapeutic program pathway, release to parole with high level drug intervention and strict monitoring in the community, is the only viable option for the protection of the community. We advise that released to parole is appropriate.

68. *h) Drug court declines to make order*

This is not applicable.

69. *i) Application made but not determined for an ESO/CDO*

This is not applicable

70. *j) Any other material*

No other matter is applicable.

SUBSECTION 135(2) AND CRITICAL ISSUES

71. Section 135(2) provides:

In considering whether it is in the interests of the safety of the community to release an offender, the Parole Authority must have regard to the following principal matters—

(a) the risk to the safety of members of the community of releasing the offender on parole,

(b) whether the release of the offender on parole is likely to address the risk of the offender re-offending,

(c) 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.

72. The Commissioner has submitted that the offender should not be released to parole, asserting that he continues to pose a significant risk to the safety of the community, noting in particular the following:

a) the index offences are very serious, and represent a prolonged period of criminal conduct against three separate victims in circumstances where the offender used his position of esteem in the community to gain the trust of the victims;

b) the offender has not participated in any Alcohol and Drug intervention since relapsing in February 2019, in circumstances where drug use was a key aspect of his offending; and

c) The offender has not participated in external leave programs to assist his reintegration into the community.

73. The Authority acknowledges that the offences were very serious and that they occurred in a context where the offender maintained a false facade of being a law-abiding and senior member of the community, while abusing three young boys and supplying them with drugs and alcohol. Without question, at the time of their commission, the offender posed a significant risk to the safety of the community. However the question before the Authority today, is whether he currently poses such a risk as to require refusal of parole.
74. That question has to be determined by reference to the fact that he has now served 12 years and 7 months in continuous custody for the offences, has demonstrated a satisfactory record for custodial conduct, has progressed to and held a C3 classification since June 2018, has completed all programs required of him with positive reports, and has a comprehensive potential post release plan. He has served in full 29 of the 30 sentences that were imposed, has just under two years left on the one sentence remaining and his detention has continued for a period of two years nine months past his earliest possible date for release to parole.
75. It is true that he failed a drug test in February 2019, but balanced against that is the fact that over the period of 11 years 6 months that he has been in custody, he has only incurred two internal misconduct infractions that have been drug related, and his most recent urinalysis on 29 April 2019 was negative, save for prescribed medication. The proposed post release plan makes provision for referral to a treatment service for substance-abuse relapse prevention, and the proposed conditions of parole include a prohibition on the use of any prohibited drug. Utilised together, the Authority is satisfied that this plan and the parole condition will effectively address any risk of a further relapse into drug use. It is noted that he has not been referred to EQUIPS Addiction in custody. That program is, however, available in the community, and Community Corrections are able to direct his participation in that program or any other drug relapse program, at any time that it is considered appropriate.
76. Otherwise the proposed plan and conditions are in the view of the Authority, well capable of addressing any risk of the offender re-offending sexually. They include referral to a Corrective Services New South Wales Cluster Psychologist or Forensic Psychology Services (FPS) which can deal with any residual self-regulation or insight issues. In that respect, it is noted that there is no prospect or plan for any further

custodial based intervention. The proposed conditions will also require compliance with the NSW Child Protection Register and a restriction on being in the company of a person under the age of 16 years. Additionally, so far as any contact with the victims or their families is concerned this will be prohibited by non-contact and area restrictions.

77. The opportunity for Community Corrections to detect and deal with any breach during the balance of the sentence, will be further reinforced by the conditions for electronic monitoring (exclusion zones), and for reporting to Community Corrections on a regular basis.
78. In addition, it is noted that the offender, who is now aged 62 years has family support and supported accommodation which will assist his reintegration. Further, it is noted that he is no longer holding, or is likely to hold, any public position which he might abuse.
79. Next, it is noted, in relation to external leave, that although the offender acquired, and has held the necessary classification since June 2018 and has a sponsor, his inability to participate in any form of leave has not been due to any custodial misconduct on his part. That has been the case despite the recommendation made by SORC that he engage in some period of leave to assist his reintegration, a recommendation which has not been accepted.
80. At this time there is no indication of any change being in contemplation, notwithstanding the obvious desirability of any offender who is serving a lengthy sentence, to have a period of exposure to, and supervision in, the community before the expiry of the sentence by way of external leave. This is important in the present case since there is no basis for continuation of the offender's detention after 18 October 2021.
81. As indicated above, the other matter of concern identified in the State's Submission was the absence of an electronic monitoring condition provided in the intention to grant parole decision. That will be added, as the Authority accepts that the addition of such a condition is desirable.
82. In these circumstances the Authority is satisfied that the release of the offender to parole will not pose an unacceptable risk to the safety of the members of the community [S135 (2)(a)]; and is further satisfied that his release on parole subject to the proposed plan and conditions is likely to address any risk of him reoffending [S135 (2)(b)].
83. Further, it is of the view as has been the advice of SORC, that 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 parole, is likely to be counter-productive to the risk to the community safety [S135 (2)(c)]. Having regard to the time spent in custody and in the absence of any plan for his participation in external leave, the only way in which he can have a supervised and assisted transition back into the community is via parole

release. Refusal or deferral of parole is likely to increase any risk of institutionalisation. It will also deprive the offender of the psychological support and other interventions which are unlikely to be provided to him in custody but are available in the community.

84. He will of course be subject to the sanction of revocation of parole if he reoffends, fails to comply with the Child Protection Register, or breaches any of the other conditions of his order.
85. In the circumstances, the Authority, having regard to the State's Submission, considers the community safety interest is better served by the benefits accruing from parole supervision.
86. Being satisfied, as required by S135 (1) of the CAS Act, that his released to parole is in the interests of the safety of the community, parole is granted.
87. The offender is to be released not earlier than 20 December 2019 and not later than 3 January 2020 subject to the following conditions

Standard conditions 1 to 11

15. You must submit to electronic monitoring and comply with all instructions given by your Officer in relation to the operation of monitoring systems (exclusion zones only)

16b. You must not use a prohibited drug or substance, except those that have been prescribed to you;

19. You must, if so directed by your Officer, participate in the following intervention (FPS/CNSW psychologist)

24. You must not contact, communicate with, watch, stalk, harass or intimidate the victim/s and the victims' families.

26. You must not be in the company of a person under the age of 16 years unless accompanied by a responsible adult, as determined by your Officer. You also must not engage in written or electronic communication (including through social media) with any person under the age of 16, other than with those approved by your Officer.

27. You must comply with all conditions and requirements of the Child Protection Register.

30 You must not frequent or visit the local government areas of Newcastle City and Lake Macquarie City.

88. In summary the reasons in shorthand are as follows:

2. The Judge found a need for an extended period of parole supervision

5. It is the offender's first period of adult incarceration
8. The Parole Authority, having regard to a submission prepared on behalf of the State considers the community interest is better served by the benefits accruing from parole supervision
9. Parole is recommended by Community Corrections in the Pre Release Report
10. The Serious Offender Review Council (SORC) advised that release to parole is appropriate
12. The offender has demonstrated satisfactory prison performance
17. The offender has participated in relevant programs/counselling to address his offending behaviour CORE Moderate, Managing Emotions Getting SMART, SMART Recovery, RUSH,
20. The offender has suitable post release plans in the community,
23. There are appropriate interventions for the offender to participate in upon release and the offender is willing to engage in them.
- 26b There is a need for the offender to have a period of parole supervision prior the expiry of the sentence to facilitate contact with appropriate community support services
- 27 The Authority considers that the risk to community safety is increased if the offender is to be released at the end of the sentence, without a period of supervised parole.
29. The offender's risk of re-offending can be addressed through parole supervision.
89. Stand over to 27 March 2020 for a Progress Report.