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JUSTICE PRECINCT OFFICES

160 MARSDEN STREET

PARRAMATTA NSW 2150

Ref: PB

19/02/2010

Ms Annika Burgess  
Producer – Afternoon Show  
2GB  
Level 1, Building C  
33-35 Saunders Street  
PYRMONT NSW 2009

Dear Ms Burgess

Re: Maddison Hall

I refer to your e-mail dated 19 February 2010 concerning the above case and your interest to invite Judge O'Connor onto your afternoon show.

As I am sure you are aware no judicial officer will make public comment regarding a case that they have considered let alone comment on a case that is still currently under consideration. Accordingly, it will not be possible to accept your invitation.

It would appear that your concern relates to the importance of victim submissions to the State Parole Authority. In this regard I am happy to make the following clarifications.

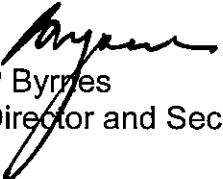
The first clarification I would make is that "Victim Impact Statements" are documents prepared for the Sentencing Court, which assist the sentencing Judge/Magistrate in constructing the sentence that will be imposed on the offender. By this I mean the length of time that the offender must serve in custody prior to the expiry of the non parole period. This period is sometimes referred to as the "punitive" component of the sentence. The Judge also sets an "additional term" which is sometimes referred to as the "rehabilitative" component of the sentence and is the period to be served after the expiry of the non parole period. One of the reasons that a Judge sets the "additional" term is to protect the public by ensuring the offender is released into a structured post release plan that is further supported by strict conditions and controls and into the supervision of the Probation and Parole Service.

The Parole Authority invites "victim's submissions" to be made in respect of those offenders coming up for parole consideration. When deciding whether or not it is in the public interest to release an offender, the Authority must have regard to the likely effect on any victim of the offender and any other family member, should the offender be released on parole. Therefore, submissions from victims are welcome and valuable in the decision making process.

The "victim submission" for the Parole Authority is therefore slightly different to an "impact statement". The Restorative Justice Unit of the Department of Corrective Services has a program where they contact and can assist the victims of a "serious offender" in making a victim submission. It is explained that the Authority is certainly concerned to hear about the impact that the offence has caused the family, but given that a stage in the sentence has been reached where release on parole is now under consideration, the victims are particularly asked to focus on any concerns that they have should the offender be released. Accordingly, victims are asked to provide specific advice as to any conditions that they would like included on the parole order. Obviously, all victims want conditions that prevent contact or any form of harassment by the offender and may also wish to have townships or other areas excluded, in terms of where the offender may live or visit.

Please assure your listeners that the Parole Authority encourages victims to write and tell us what their particular concerns and issues are. These letters are very helpful in the deliberations of the Authority and particularly when it comes time to consider adding conditions to the parole order. The letters are equally important to the Probation and Parole Service in their case management and supervision responsibilities of the offender when he/she is released into the community.

Yours faithfully



P Byrnes  
Director and Secretary