

NSW
STATE
PAROLE
AUTHORITY
ANNUAL
REPORT
2019

The Hon. Anthony Roberts MP
Minister for Counter Terrorism and 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 2019 to 31 December 2019.

Yours faithfully



DAVID FREARSON, SC
Chairperson
11 November 2020

NSW State Parole Authority

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Table of Contents

Function _____	4	Serious Offenders	16
Who We Are	4	Appeals	17
What We Do	4	Reintegrated Home Detention	18
SPA vs Statutory Orders	4	Intensive Correction Orders	19
How We Do It	5		
What We Consider	5	Membership _____	20
Victims	6	Judicial	20-21
Serious Offenders	6	Community	22-25
Manifest Injustice	7	Official	25
Suspension of Parole Order	7	The Secretariat	26
Parole Supervision	8		
How Orders are Revoked	8	Corporate Governance _____	27
2019 Snapshot _____	9		
Activity _____	10		
Cases Considered	10		
Parole Ordered	11		
Parole Refused	11		
Parole Revoked	12		
Parole - Other Matters	13 –15		

CSNSW

Corrective Services NSW

SPA

State Parole Authority

SORC

Serious Offenders Review Council

ICO

Intensive Correction Order

RHD

Reintegration Home Detention

Who we are

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

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

What we do

The SPA's role is the protection of the community through determining whether offenders can be safely released into, or remain in, the community. The Parole Authority make decisions in relation to:

- ◆ the supervised, conditional release of offenders from custody on parole, only where the sentence is greater than three years with a non parole period
- ◆ the conditions of release for these offenders
- ◆ the revoking of any NSW parole orders
- ◆ the revoking, substituting or reinstating of intensive correction orders

State Parole Authority Parole 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 offender is not eligible to be released from a correctional centre.

The State Parole Authority considers the release to parole of all inmates who have total sentences of more than three years and a non-parole period, as specified by the Court.

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.

Subject to appropriate post release plans approved by Community Corrections, the inmate will be released from custody 'automatically', i.e. at the expiration of the non-parole period.

How we do it

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 and one day.

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".

The SPA conducts closed meetings to determine whether an offender should be released on parole. This decision is based on a range of documents provided by the relevant authorities.

If parole is granted, a parole order is issued and the offender is released on their eligibility date. In the case of Serious Offenders, the matter is adjourned to a public hearing to provide the opportunity for registered victims and the State to make submissions before a final decision is made by the Authority.

If parole is refused, the offender is able to apply for a public hearing to review the decision not to be released to parole. Offenders can appear by audio-video link and be legally represented. If the offender declines a hearing, or does not convince the SPA that a hearing is warranted, the decision to refuse parole is confirmed.

When specifying reasons for refusing parole, great care is taken to include all the issues and concerns at the time of consideration so the offender and their representative can address those issues at a public hearing.

The next occasion the offender is eligible for parole is the anniversary date of the earliest release date. If there is less than 12 months remaining on the offender's sentence, they will be released on the date the total sentence expires. Offenders may apply to have their case considered earlier under the provisions of manifest injustice.

In rare cases, the release of an offender before the expiry of a sentence or non-parole period may also be considered if the offender is dying or there are other exceptional circumstances.

What we consider

In reaching decisions, the SPA considers the safety of the community, matters that impact the victims of the crime, factors that affect the offender and the intentions of the Sentencing Court.

It takes into account a broad range of material to determine if the offender is suitable to be released to parole in the community. This includes the:

- ◆ Nature of the offence/s
- ◆ Sentencing Court's comments
- ◆ Offender's history
- ◆ Risk to the community if the offender is to be released now or at a later time
- ◆ Post-release plans
- ◆ Reports and recommendations from medical practitioners, psychiatrists and psychologists, if available
- ◆ Reports and recommendations from Community Corrections
- ◆ Representations made by any Registered Victims or persons representing victim/s
- ◆ Submissions by the offender's support network (family/friends/potential employers or other relevant individuals)
- ◆ Representations made by the offender
- ◆ Submissions by the Commissioner of Corrective Services NSW, the State of NSW and/or the Serious Offenders Review Council, if applicable

In all cases, strict conditions are imposed on the offender and additional conditions may be included to specifically address the management of the parolee in the community. These may include:

- ◆ Assessment, treatment and testing for alcohol or drug addiction
- ◆ Assessment, treatment and counselling for medical, psychiatric or psychological issues
- ◆ Restricted contact with individuals
- ◆ Restrictions on places the offender is able to frequent or visit
- ◆ Attendance at personal development programs
- ◆ Electronic monitoring

Victims

It is a fundamental belief of the NSW Government that victims of crime should be treated with courtesy, compassion and respect for their rights and dignity as victims.

The New South Wales Government enacted the *Victims Rights Act 1996* to establish the Charter of Victims Rights. This requires State agencies to have regard to the Charter in the administration of justice and other relevant affairs of the State.

The NSW Government also enacted legislation in the *Crimes (Administration of Sentences) Act 1999* to establish the Victims Register which requires that victim submissions be taken into account when considering the release of an offender to parole.

Written notice is given to victims registered on the Victims Register prior to the preliminary consideration of an offender's release. This is coordinated through the Victims Support Unit, part of CSNSW.

Victims are able to obtain support and advice about writing a submission and having input into the decision making process undertaken by the SPA. This then allows the submission to be considered in the closed meeting of the SPA.

A Registered Victim of a Serious Offender also has an opportunity to make verbal or written submissions to the SPA at the public review hearing, before a final decision is made about the Serious Offender's release to parole.

Registered Victims of Serious Offenders are also entitled to access modified documents regarding the Serious Offender's efforts to address their offending behavior.

Serious offenders

Section 3(1) of the *Crimes (Administration of Sentences) Act 1999* defines Serious Offenders.

Serious Offenders include:

- ◆ inmates serving a sentence with a non-parole period of at least 12 years,
- ◆ inmates convicted of murder, or
- ◆ inmates the Commissioner of CSNSW has determined that designation of *serious offender* is appropriate.

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 of Serious Offenders as they become eligible for release. 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.

If the SPA forms an intention to grant parole the matter must be listed for a public hearing.

The public hearing allows for the State of New South Wales and any Registered Victims to make submissions regarding the release of the offender before the SPA makes a final decision to either grant or refuse parole.

Manifest injustice

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.*

The provisions of *manifest injustice* previously only applied to offenders in custody who had been refused parole. The legislative change enacted in July 2017 enables manifest injustice circumstances to apply where a parole order has been revoked, as well as where there has been a decision to refuse parole.

Clause 223 of the *Crimes (Administration of Sentences) Regulation 2014* detail the matters that constitute manifest injustice. Manifest injustice circumstances may apply where parole has been refused or revoked and:

- ◆ It becomes apparent that the decision to refuse or revoke 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 or revoke parole is no longer relevant
- ◆ It becomes apparent that a matter that was relevant to the decision to refuse or revoke parole has been addressed in a way that warrants reconsideration of the decision or can be addressed by imposing additional conditions of parole.

The regulation also allows Community Corrections to make application to the SPA and request reconsideration of a decision to refuse or revoke parole, other than where parole was revoked because the offender committed an offence.

Alternatively Community Corrections may make application to the SPA and request that a matter is reconsidered where parole was revoked because while on release on parole the offender committed an offence for which any of the following sentences was imposed:

- A non-custodial sentence
- A sentence with a non-parole period of less than 12 months
- A sentence with a fixed term of less than 12 months.

Suspension of parole

If circumstances exist where a division of the SPA need to meet on a matter requiring urgent attention however, are unable to be convened, the Commissioner of CSNSW may apply to a Judicial Member of the SPA to suspend an offender's 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 offender will abscond, harm another person or commit a serious offence.

A suspension order remains in force for up to 28 days after the offender is returned to custody. During this time, a full division of the SPA has the opportunity to review the offender's situation and determine whether it is appropriate to revoke the parole order or allow time for an inquiry to be conducted into the allegations that led to the suspension of the parole order.

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.

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.

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.

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.

How orders are revoked

The SPA is also tasked with consideration of the revocation of all parole orders, including those issued by courts, if parolees fail to comply with the conditions of the parole order.

A breach of parole occurs when an offender fails to comply with any of the conditions of their parole order.

The Parole Authority is notified of breaches of parole through reports prepared by Community Corrections. The report outlines the breach of parole conditions, the parolee's response to supervision and a recommendation as to the type of action Community Corrections believe is appropriate for the Parole Authority to take.

Revoking a parole order and issuing a warrant for an offender's arrest and return to custody is the most severe penalty the Authority can take in response to a breach of parole.

When determining that revocation of the parole order is the most appropriate response to the breach, the Authority must choose an effective of revocation and identify the conditions on the parole order the offender has breached.

A warrant for an offender's arrest and return to custody is then created by the Secretariat, signed and forwarded to NSW Police. This warrant remains active until it is executed (the parolee arrested) and the parolee is returned to a correctional centre.

The warrant will outline the reasons for the revocation of parole (conditions breached), the date at which parole revocation was effective (the date parole ceased) and the remaining balance of parole an parolee is required to serve (the time between the date of revocation and order expiry).

Once returned to custody, the parolee is not eligible for bail on the revocation of parole, however, is eligible to appear at a public review hearing, so long as the balance of parole is greater than 28 days.

2019 Snapshot

Items	2017	2018	2019	%
Matters considered	20,127	20,875	27,290	30.73
SPA Meeting Days	349	379	422	11.35
- Private	131	143	142	0.70
- Public	138	140	138	1.42
- Secretary Sitting	51	50	52	4.00
- ICO Division	29	46	90	95.65
ICO Revoked	497	618	1,774	187.05
Reinstatement Ordered	231	309	469	51.78
Reinstatement Declined	2	2	2	0
Total Parole Releases	8,308	11,109	9,033	-18.69
- SPA Orders	1,249	1,480	1,413	-4.53
- Statutory Orders	7,059	9,629	7,620	-20.86
Total Parole Refused	210	229	233	0.87
Total Parole Orders Revoked	2,859	2,995	2,996	0.03
- SPA Orders	466	542	585	7.93
- Court Based Orders	2,380	2,453	2,405	-1.97
Total Revocations Rescinded	512	559	545	-2.05
SPA Formal Warnings	824	655	669	2.13
State Submissions	28	29	48	65.52
Victim's Submissions	107	111	92	-17.11
Overseas Travel Approved	10	15	19	26.67
Interstate Transfers to NSW	60	36	68	88.89
Appeals	5	2	7	250

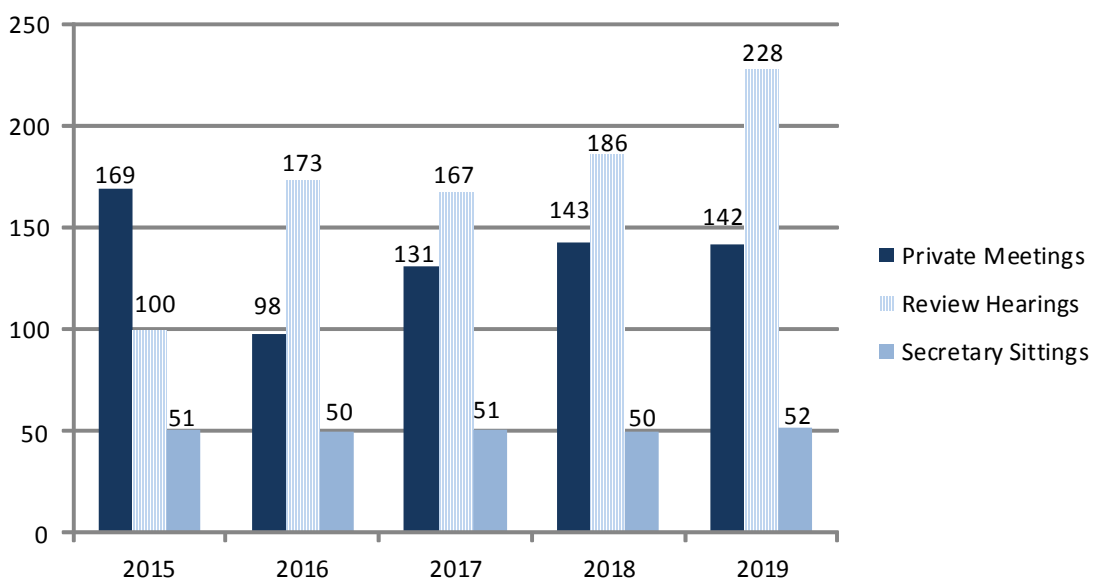
Cases considered by the SPA

The SPA meets weekly in divisions of five members to deal with its significant workload. Each week there are four private 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).

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 for reading and consideration. Members then attend their designated meeting to come together and determine the outcome of each matter.

A single matter may be considered on more than one occasion. This is most clearly understood given the holding of public review hearings for the refusal or revocation of parole; noting all matters commence initial consideration in a private 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.

27,290 matters were considered over 422 meetings and hearings in 2019. This total included 14, 423 matters considered in 52 *Secretary Sittings*. These sittings are for the purpose of dealing with various administrative decisions for cases under consideration. 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 2015 - 2019

	2015	2016	2017	2018	2019
Cases Considered	15,601	19,775	20,127	20, 875	27,290
Meeting days	319	321	349	379	422

Parole ordered

The SPA ordered release to parole in 1,413 cases in 2019, representing approximately 19% of all parole releases.

Of the 1,413 matters, one offender 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 7,620 releases from custody were statutory orders subject to an automatic release from custody and were not considered by the Parole Authority for release.

Parole ordered by SPA Totals 2015 - 2019

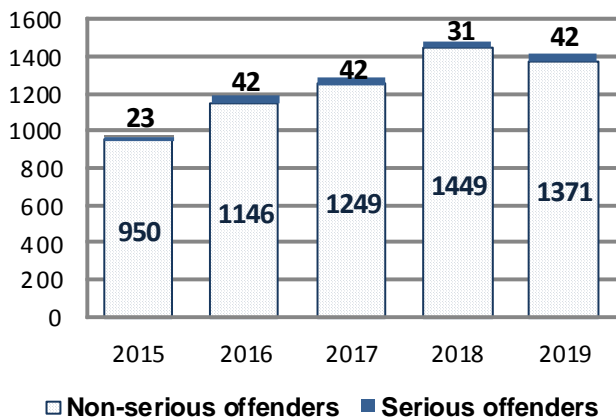
2015	2016	2017	2018	2019
973	1,188	1,249	1,480	1,413

Serious offenders

Of the 1,413 parole orders determined by SPA in 2019, 42 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

Parole ordered 2015 - 2019



Parole refused

The SPA does not automatically release offenders to parole at the end of the non-parole period for sentences of more than three years.

Three principal matters need to be considered before releasing an offender

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 2019, parole was refused in 233 cases.

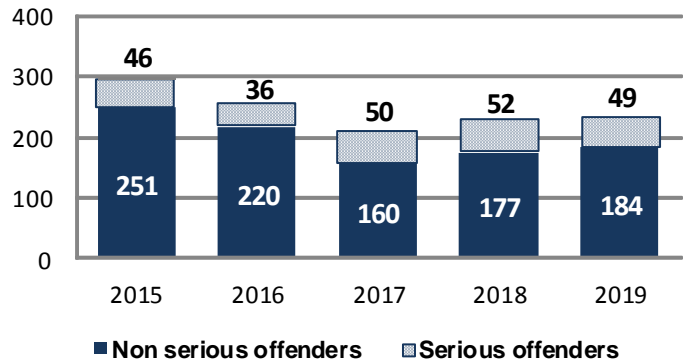
Parole refused 2015 - 2019

2015	2016	2017	2018	2019
297	256	210	229	233

Serious offenders

Of the 233 parole matters refused by SPA in 2019, 49 cases were related to serious offenders.

Parole refused 2015 - 2019



Parole revocation

The SPA revoked a total of 2,996 parole orders in 2019 of which approximately 80% were parole orders made by the court, statutory orders.

Of all revocations, 729 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 1,494. While 773 revocations were for both a breach of conditions and further conviction/s.

Serious offenders

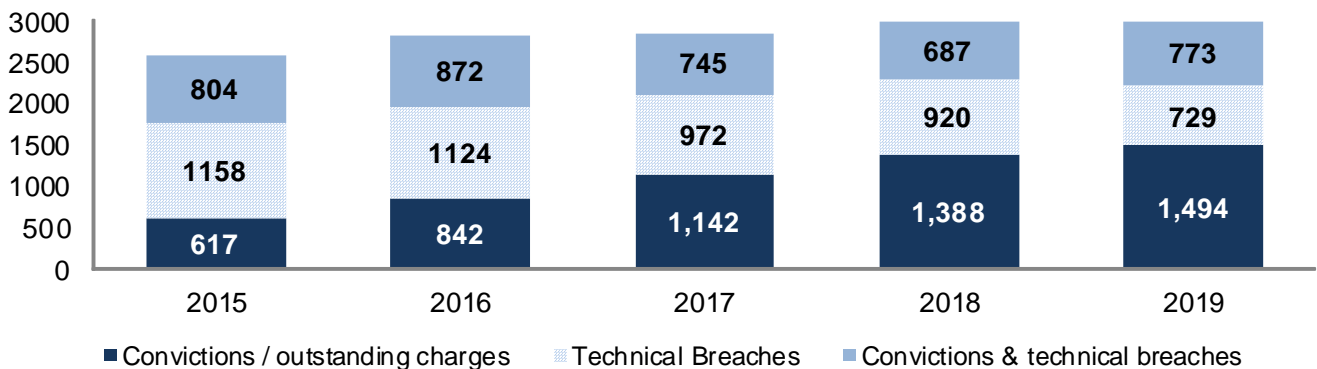
Six serious offenders had their parole revoked in 2019.

In 2019 two serious offenders had their parole order revoked for breach of conditions that were not related to re-offending.

Three serious offenders had their parole order revoked for outstanding charges.

Of the 773 offenders that were revoked for breach of supervision conditions and further conviction/s, one was a serious offenders.

**Revocation of Parole Orders - all offenders
2015 - 2019**



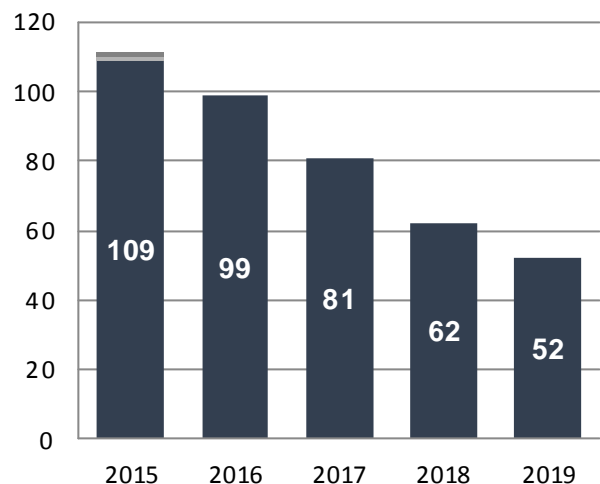
Parole revocations prior to release

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 2019, SPA revoked 52 parole orders prior to release, 47 of which were statutory orders.

**Parole re vocation prior to release
2015 - 2019**



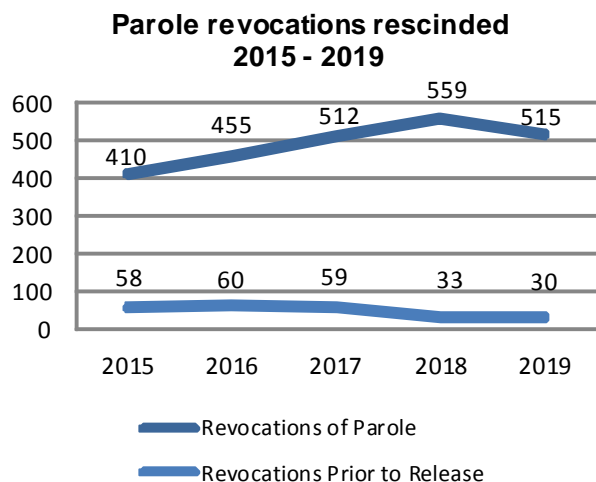
Parole revocations rescinded

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 2019, 515 parole revocations were rescinded and a further 30 revocations of parole prior to release were also rescinded.

Of the 545 parole rescissions, four of these related to serious offenders.



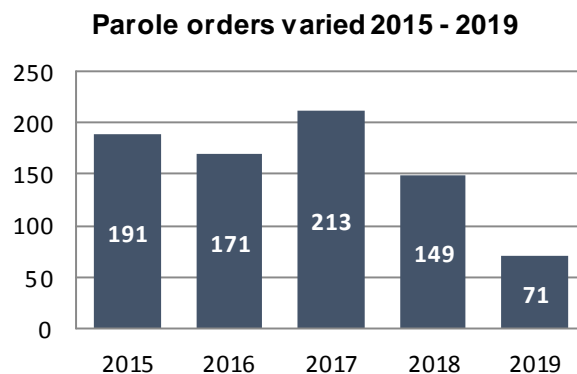
Variations to parole orders

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 71 parole orders varied in 2019.

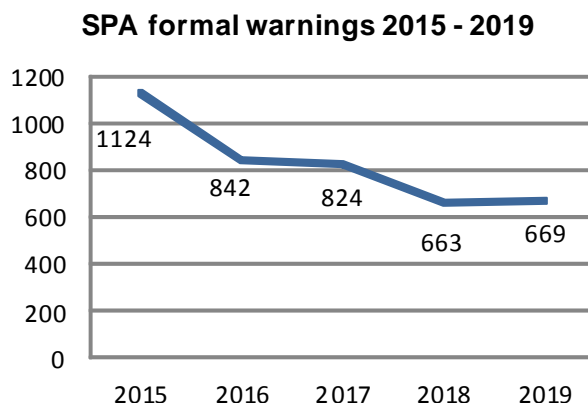


Warnings

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.

669 SPA warnings were issued in 2019. Three of the 669 warnings were issued to serious offenders.



Overseas travel

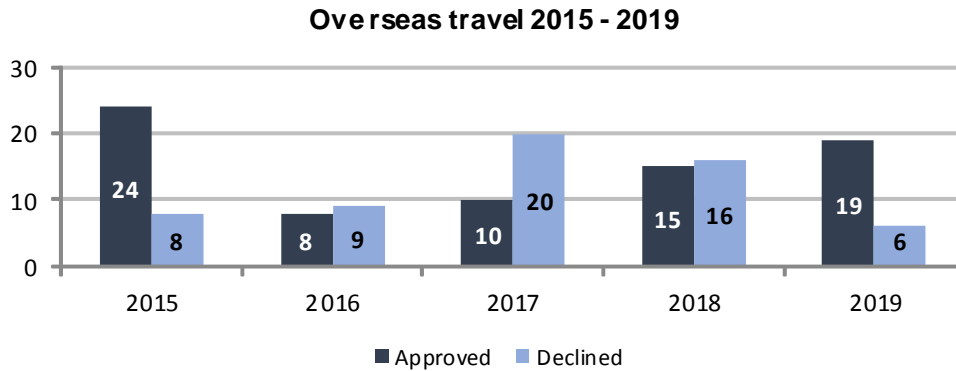
Parolees must seek approval from the SPA prior to travelling overseas and must provide evidence as to the reason for the request. Applications for travel must also be supported by a report from Community Corrections indicating the parolee's compliance with the parole conditions and stability in the community.

It is unlikely that such stability could be demonstrated in less than six months from the date of release to parole and in general, travel for recreational purposes is not approved.

In 2019 the SPA considered 25 applications for overseas travel, with 6 applications being declined. The 19 parolees approved for overseas travel reported as directed upon their return to New South Wales.

Serious offenders and overseas travel

Of the 30 applications for overseas travel received by the SPA no serious offenders applied for overseas travel.

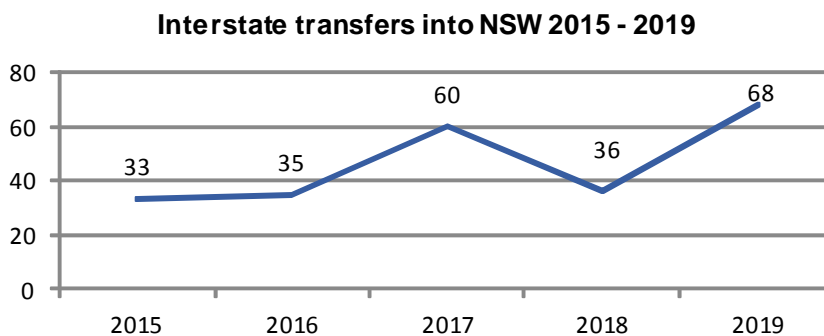


Interstate transfer of parole

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 2019 there were 68 registrations of interstate parole orders in NSW in 2019.



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 were 48 submissions received by the State for 30 serious offenders in 2019.

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 87 submissions received from the Commissioner for 61 offenders in 2019.

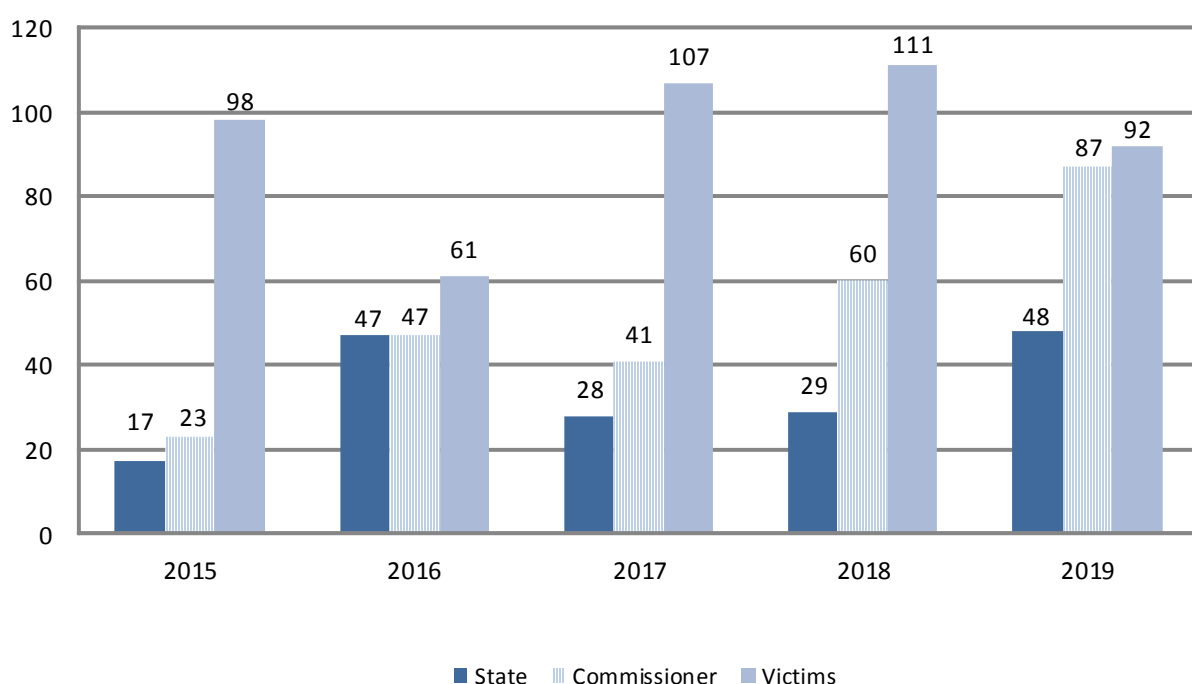
Victim submissions

The *Crimes (Administration of Sentences) Act 1999* gives 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 2019, the SPA received 92 submissions from Registered Victims, 15 were in relation to 13 serious offenders.

Submissions 2015 - 2019



Serious offenders

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 1,413 parole orders determined by the SPA in 2019, 42 of these related to serious offenders. Of all offenders granted parole by the SPA, 3% were serious offenders.

Parole refused - of the 233 offenders refused parole by the SPA in 2019, 49 cases were related to serious offenders and this represents 21% of all offenders refused parole.

Victim submissions - the SPA received submissions for 15 serious offenders during 2019.

State submissions - the SPA considered 48 State submissions in relation to 30 serious offenders in 2019.

Revocation of parole - six serious offenders had their parole revoked in 2019.

Warnings - serious offenders accounted for three of the 669 warnings issued in 2019.

Variation to parole conditions - variations made to three parole orders for serious offenders in 2019.

Appeals

The legislation permits an offender to appeal a decision of the SPA.

Appeals are made to a single judge sitting in the Administrative Division of the NSW Supreme Court. This legislation does not give the Supreme Court jurisdiction to consider the merits of the decision or the release of an offender to parole. The court may provide directions for the SPA to reconsider the matter.

In such appeals the offender generally alleges that a decision was made on the basis of false, misleading or irrelevant information.

In 2019 there were 7 appeals to the Supreme Court.

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 2019.

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 earliest release 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 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, a Pre Release Report is provided 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 choose to revoke the RHD order, SPA must also consider whether it is appropriate to revoke the parole order prior to release (whether statutory or SPA). In 2019, seven RHD orders of the 127 RHD orders made were revoked, while only one parole order was revoked prior to release.

Reintegrated Home Detention consideration in 2019

	Applications	Granted	Declined	RHD Order Revoked	Parole revoked prior to release
Statutory parole	45	32	13	2	0
SPA parole	104	95	9	5	1

Intensive Correction Orders (ICO)

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

In 2019, the SPA conducted 46 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. 1,774 Intensive Correction Orders were revoked in 2019.

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 469 Intensive Correction Orders were reinstated in 2019.

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

Intensive Correction Orders 2015 - 2019

Year	Revoked	Rescinded	Reinstatement Ordered	Reinstatement Declined	Conversion to Home Detention
2015	443	20	182	16	7
2016	445	15	214	13	2
2017	497	26	231	2	1
2018	618	34	309	2	1
2019	1,774	71	469	2	Not applicable

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 2019, there were eight judicial officers, 16 community members and eight official members serving on the SPA.

Judicial Officers

Justice James Wood AO, QC **SPA Chairperson 2013 to 2019**

A highly respected Justice of the Supreme Court of NSW for an illustrious 21 years before retiring from the Bench, Justice Wood was appointed the SPA Chairperson in 2013 before stepping down in December 2019.

In a long and distinguished career, he held numerous appointments, among which was Chief Judge of Common Law, Royal Commissioner leading the inquiry into corruption within the New South Wales Police Force and Pedophilia; and Chairperson of the New South Wales Law Reform Commission.

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.

The Honourable Graham Russell Barr, QC

Justice Barr was a renowned Deputy Senior Crown Prosecutor and Deputy Crown Advocate before his appointment to the Supreme Court of NSW. Following his retirement from that office in 2009, he was appointed as Acting Judge and in 2013, Inspector of the New South Wales Crime Commission. Justice Barr was first appointed as a Judicial Member of the SPA on 17 December 2014.

Judicial Officers continued...

Judge Colin Charteris SC

An Acting Judge of the NSW District Court he was formerly a Prosecutor and Defense Counsel appearing in many significant criminal trials across all NSW Court jurisdictions. Since his appointment to the bench in 2003, he has presided over criminal and civil trials in Sydney, as well as 26 regional NSW District Courts. He was appointed to the SPA in June 2018.

Mr John Bailey was appointed 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 Shaughan McCosker was 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 was 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.

Community Members

Jay Bacik, a retired Christian Minister who has held several leadership positions with a number of charities including Sydney City Mission Foundation. He has more than 35 years experience in broadcasting and radio and regularly hosts late night talkback on radio 2GB. Mr Bacik was appointed in December 2018

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 for 12 years working with juvenile offenders. He also represented the Probation and Parole Service, now Community Corrections, as the representative to the then Parole Board. Mr Cosman was appointed on 16 March 2016.

Ms Peta Drake has an LLB from the University of WA and an LLM from the University of Sydney. She worked for some 20 years as a solicitor in private practice and in-house at energy companies in Sydney and London. After a period of maternity leave, Peta established a retail home textiles brand in Australia. In 2012 she was appointed to the NSW Administrative Decisions Tribunal. Ms Drake has also volunteered for the Australian Red Cross' Immigration Detention Monitoring Program. Ms Drake was first appointed to the SPA on 20 October 2015.

Wayne Gleeson retired from the NSW Department of Education in 2016. He commenced his teaching career in 1978 after attaining a Bachelor of Commerce (Economics) and a Diploma of Education from the University of NSW. He has held several key teaching positions at Riverside Girls High School, Liverpool Girls High School and Deputy Principal at Bass High School and Woollooware High School. He was the driving force behind the implementation of Legal Studies as part of the Higher School Certificate in 1991. He was awarded the first Professional Teachers Council Outstanding Service Award for Legal Education in 2007. Mr Gleeson was appointed on 25 October 2018.

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 Corrective Services NSW and the NSW Police Force. Mr Harvey was first appointed to the SPA in 2012.

Community Members continued...

Stuart Hemmings FACE, GAICD, JP has a background as a secondary school teacher of agriculture and science. Mr Hemmings is a non-executive Director of the Primary Industries Education Foundation Australia and also works part-time as an education consultant (including an Associate role with Cambridge Education). Prior to this he held a number of senior positions in the NSW Department of Education in both rural and metropolitan settings, most recently as Director of Policy, Planning and Reporting in the NSW Public Schools portfolio. He has also worked extensively for the NSW Board of Studies. He is a member of the Australian College of Educators and was awarded Fellowship of the College in 2014. Mr Hemmings was appointed in October 2015.

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. Ms Jabour was first appointed to the SPA in 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. Ms Lindley was appointed on 21 December 2018

Peter Lucas is a Chartered Accountant, Chartered Secretary, and Fellow of the Australian Institute of Company Directors. Since semi-retiring he has undertaken environmental, operational and financial risk management activities as an Independent Chair or member of several Audit & Risk Committees for NSW Government entities, and for a Not-for-Profit charity involved in food security for less privileged Australians. He is a Justice of the Peace in NSW, holds a Bachelor of Commence from the University of New South Wales and has held senior financial roles in private sector Merchant Banks, Financial institutions and within the NSW Public Sector. Mr Lucas was appointed on 25 October 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. Mr Mennilli was appointed on 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. Ms McComish was first appointed in January 2013.

Donald McDonald AC, AO, has a distinguished career in the Arts, including being the Chief Executive of Opera Australia (1987-1996), General Manager of Sydney Theatre Company (1980-1986) and earlier of Musica Viva Australia. The Chairman of the ABC for from 1996-2006, he then commenced a six year appointment as Director of the Australian Classification Board in 2007. Mr McDonald was a director of Sydney Organising Committee of the Olympic Games and previously of the Sydney Olympic Bid; Chairman of the Constitutional Centenary Foundation; a Fellow of the Senate of the University of Sydney; a director of University of New South Wales Foundation; a Visiting Fellow of the University of Edinburgh; Chairman of The Australiana Fund for 12 years until 2017. Mr McDonald was appointed on 21 December 2018.

Andrew Nattress began his career as a police officer in the United Kingdom before joining the Royal Hong Kong Police Force as an Inspector, then as investigator with the Hong Kong Independent Commission Against Corruption (ICAC) before his departure in 1987 as a Chief Investigator with ICAC. Mr Nattress moved to Australia to join the then National Crime Authority as an Assistant Director in charge of the fledgling telecommunications interception branch. Subsequently appointed the National Director of Intelligence he left in 1996 to join the newly created New South Wales Police Integrity Commission as the Director of Operations. On retirement in 2013, he was an Assistant Commissioner and Director of Operations of the Police Integrity Commission. Mr Nattress was appointed in 2014.

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. Mr Sword was first appointed on 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.

Community Members continued...

Mr Peter Walsh APM was formerly the Senior Assistant Commissioner of the NSW Police Force after 38 years within the Force. Awarded both the Centenary Medal in 2000 for Service to the Community and the Australian Police Medal in 1996 for distinguished police service, he completed the majority of his service throughout country NSW. Mr Walsh was appointed to the SPA on 17 January 2005 and was reappointed on 17 January 2008, 17 January 2011, 22 January 2014 and 26 February 2017.

Official Members

Community Corrections Representatives

Ms Joanne Moore was appointed as a Community Corrections Representative on 24 May 2018.

Ms Ingrid Pedersen was appointed as a Community Corrections Representative on 28 May 2018.

Ms Amy Ticehurst was appointed as a Community Corrections Representative on 2 July 2018

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

Chief Inspector Hamed Baqaie, Senior Sergeant Pettina Anderson, Detective Sergeant Jason Wills, Sergeant Joanne Sinclair and Sergeant Kathleen Kelly are the appointed Police Representatives. Senior Constable Kelly Green acted as the deputy during leave by the police representatives.

Secretary

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 objectives.

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

- Considered 27,290 cases.
- Conducted 142 private meetings, 138 public hearings and 90 ICO meetings.
- Conducted 52 Secretary sittings.
- Issued 1,413 parole orders.
- Revoked 2,996 Parole Orders and 1,774 Intensive Correction Orders.

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

- Tabled 2018 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.
- 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: 29

- 28% are female (8 members)
- One indigenous member
- 6% have a CALD - culturally and linguistically diverse (2 members)
- 6% live in country locations (2 members)