

**PAROLE DETERMINATION IN RESPECT OF TERRY JOHN  
WILLIAMSON.**

NSW STATE PAROLE AUTHORITY

PARRAMATTA

27 January 2012.

The inmate, Terry John Williamson, was sentenced by the Honourable Justice Loveday on 9 December 1991. He had pleaded guilty to nineteen charges of sexual assault, threaten actual bodily harm and enter dwelling with intent to have sexual intercourse between August 1989 and May 1990 at Bulli. The victims were 10 females aged between 5 and 43 and an 11 year old boy.

He was sentenced to various periods of imprisonment with a number being accumulated making a total period of penal servitude of twenty-four years expiring on 15 May 2014.

The non-parole period expired on 16 May 2004. When imposing the minimum term, his Honour said:

*“My reason for imposing the additional term of ten years, which of course is much in excess of that for which provision is made in the Sentencing Act, is to allow you adequate time to integrate into the community under supervision after a lengthy period of imprisonment”.*

After detailing the horrific nature of the inmate’s offences, his Honour said:

*“It is no exaggeration to say that for many months you terrorized a substantial area in the vicinity of Wollongong. You occupied the time of a large number of police and were responsible for the formation of a special task force which had as its objective your apprehension. This task force conducted a major enquiry over many months before finally arresting you and charging you with these offences. The task was made the more difficult by your use of a radio scanner tuned to police radio frequency”.*

Judging by the quality and number of submissions received from victims of the inmate’s crimes, that terror is still felt today.

The inmate was considered for parole in 2004, 2005, 2006, 2007, 2008 and 2009 and on each occasion an intention to refuse parole was formed and that was subsequently confirmed.

He was again considered for release to parole at a private meeting of the State Parole Authority on 9 April 2010. In its report of 2 March 2010 the Serious Offenders Review Council (SORC) stated, inter alia:

*“A substantial parole period was incorporated into this offender’s overall sentence (14 years); 4 years in effect remain. It seems to Council that strict supervision in the community can now be considered as an alternative to continued incarceration even at the present classification.*

*Accordingly, Council advises that it is appropriate for the State Parole Authority to give consideration to this offender’s release on parole”.*

The Authority notes that that the Supplementary Pre-Release Report of 10 March 2010 prepared by the Probation and Parole Service contained the following Assessment and Recommendation:

*“Mr Williamson was compliant and helpful during the preparation of this report. He was anxious to provide relevant and helpful information to this writer, as his new parole officer, being in the sixth year of his parole period. He has worked through the gaol processes and has proven to be a willing student and an excellent trusted worker.*

*As previously stated in the report of 2 April 2009:*

*‘Mr Williamson has addressed his offending behaviour through various programs, primarily the CUBIT program in 2001, which resulted in a reduction of his level of risk of sexually re-offending, from moderate-high to moderate’.*

*He has continued to reduce his dynamic risk factors by attendance at the maintenance groups held in Kirkconnell CC.*

*Mr Williamson has been compliant with his medical regime and noted a difference in his behaviour. He is fully aware that he will be conditioned to continue this medication should he be released to the community”.*

After noting that the inmate had suitable post release accommodation, the report went on to say:

*Given the abovementioned factors release to parole is recommended. It is respectfully requested that the following conditions form part of any parole order granted:*

*Electronic monitoring, psychological assessment and counseling, psychiatric assessment and counselling, supervised contact with children, compliance with treatment and medication and submission to regular urinalysis testing, restricted access to the Wollongong area subject to permission from the Community Offender Services Director”.*

After considering all the material in its possession, including the sentencing remarks, various pre-release reports, SORC reports, psychiatric and psychological reports the Authority formed an intention to grant parole and included all the recommended conditions in its proposed order.

It then adjourned the matter until 11 May 2010 to consider any State and Victims Submissions lodged.

### **The State Submissions.**

On 11 May 2010 Mr Lonergan of counsel (instructed by Mr Warren Abadee of the State Crown Solicitor’s Office) represented the State in presenting a submission dated 7 May 2010 opposing the grant of parole at this time.

On 27 August 2010 the Authority, having heard the submission together with a response from the inmate’s solicitor, refused parole for the need to participate in external leave. The authority however granted leave for the inmate to apply for parole under the grounds of manifest injustice when it was appropriate.

Following further listings before the Authority a determination on intention to grant parole was made on 2 September 2011. The Authority in that determination indicated appropriate conditions and then adjourned the proceedings for possible State or Victim’s submissions.

On 14 October 2011 Mr Lonergan of counsel instructed by the State Crown Solicitor presented a further submission opposing the grant of parole.

Ms Goodhand, solicitor, appeared for the inmate to respond to that submission.

In the State Submission Mr Lonergan raised a number of issues but the principal issue was the fact that it was not in the public interest for the inmate to be released to parole as he had not completed a period of unescorted external leave.

After hearing from Mr Lonergan and Ms Goodhand the Authority stood the matter over until today for further review. The Authority requested a supplementary Probation and Parole Report concerning the inmate's participation in unescorted external leave as well as a Justice Health Report concerning his compliance with anti-libidinal medication.

In respect to the issue of medication Ms Dowling in her report of 24 August 2011 said, inter alia:

*“He (the inmate) has expressed a willingness to remain on the anti-libidinal medication and is fully aware that he will be conditioned to continue this medication should he be released to parole. In terms of community safety it would be considered preferable for Mr Williamson to have a lengthy period of supervision”.*

In fixing the non-parole period, Loveday pointed out that the earliest date on which he could be considered for release to parole was 16 May 2004. His Honour went on to say:

*“Before you are in fact granted parole I would expect the authorities would have to be satisfied that you do not pose any continuing threat to society”.*

The authority notes that as of May this year, 2012, the offender has only two years of parole remaining on his sentence. His entire sentence will expire on 4 May 2014. The authority agrees with Ms Dowling's statement quoted above that “in terms of community safety it would be considered preferable for Mr Williamson to have a lengthy period of supervision”. It would be contrary to the public interest that the offender not be released to a period of parole supervision.

By letter dated 25 January 2012 the State Crown Solicitor's Office advised that the Commissioner of Corrective Services would not be making any further submissions.

In a supplementary Pre-Release report dated 22 January 2012 Ms Dowling, District Manager of Wellington District Probation and Parole Office advised in the following terms:

*“Mr Williamson has continued to take appropriate steps to address his offending behavior and has now successfully participated in day leave and week-end leave as required”.*

She also advised that he has a comprehensive post-release plan in place and suitable post-release accommodation.

The Authority notes that the offender has addressed his offending behaviour through various programs, primarily the CUBIT program in 2001, which resulted in a reduction of his level of risk of sexually re-offending, from moderate-high to moderate. He has been carefully and appropriately managed by the Serious Offenders Review Council and its Chairperson, the Honourable David Levine has indicated under section 135(3) of the *Crimes (Administration of Sentences) Act 1999* that it is appropriate that the offender be considered for release to parole.

Ms Dowling in her report, noting inter alia that the inmate has appropriate post release accommodation has recommended release to parole with a carefully considered post-release plan. The Authority is confident that that plan will minimize any risk to the public. At the same time the offender will have just over two years of a phased release under supervision back into the community.

The Authority notes the many submissions lodged on behalf of the victims of his appalling offences. No words from this Authority could in any way minimize the terror inflicted upon them. We none the less extend to them our sympathy and express our gratitude for the courage they display in providing us with their submissions. The Authority has included in its order all the conditions requested by the various victims.

The Authority therefore grants parole not earlier than 10 February 2012 nor later than 17 February 2012 with the following conditions: 1-14, 15, 16, 21, 26, 27, 30 (Victims) 33, 35, 38 (The Illawarra region) 39 and 42.

These conditions are set out in detail on a copy of the Parole Order attached to this determination. The first fourteen conditions are standard parole conditions. The additional conditions are as follows:

15. The offender must submit to electronic monitoring of his compliance with the parole order.

16 The offender must comply with all instructions given by the officer in relation to the operation of monitoring systems.

21. The offender must undertake testing for drug and/or alcohol use, where facilities are available at the direction of the officer.

26. The offender must, if so directed by the officer, undergo psychological assessment and counselling at a place or places determined by that officer and must authorise in writing that his or her medical or other professional and/or technical advisers or consultants make available to the officer a report on such assessment and counselling at all reasonable times.

27. The offender must, if so directed by the officer, undergo psychiatric assessment, psychiatric counselling, and other medical assessment or other medical treatment at a place or places determined by that officer and must authorise in writing that his or her medical or other professional and/or technical advisers or consultants make available to the officer a report on such assessment and counselling at all reasonable times.

30. The offender must not contact, communicate with, watch, stalk, harass or intimidate the victims of his crimes.

33. The offender must not be in the company of any person under the age of 16 years unless accompanied by a responsible adult, as determined by the Officer.

35. The offender must comply with all directions of the mental health team, including treatment and medication.

38. The offender must not frequent or visit the Illawarra region and environs.

39. The offender must comply with all conditions and requirements of the Child Protection Register.

42. The offender must not communicate with any person under the age of 16 by any means including SMS text messaging, the internet and written communication.

In reaching this determination the Authority has also had regard to the following matters under section 135(2) of the *Crimes (Administration of Sentences) Act 1999*:

1. The sentencing judge set a non-parole period.
2. The offender has no prior history of offending.
3. It is the offender's first time in prison.
4. Release to parole is recommended by the Probation and Parole Officer in the Pre-Release Report.
5. The Serious Offenders Review Council has certified that it is appropriate for the offender to be considered for release to parole.
6. The offender has had a satisfactory prison performance.
7. The offender has achieved a low prison security classification and participated in external leave.

8. The offender participated in a relevant therapeutic program, namely Cubit.
9. The offender participated in Cubit maintenance.
10. The offender is undergoing ongoing psychiatric supervision and is stable on medication.
11. The offender is undertaking an ongoing supervised medical program to address is offending behaviour.
12. The offender has the support of his family and community support.
13. The offender has suitable post release plans.
14. The offender has access to and is willing to participate in relevant community counselling and programs upon release.
15. There is a need for the offender to have a period of parole supervision prior to the expiry of the sentence to:
  - (i) minimise the effects of institutionalization.
  - (ii) Facilitate contact with appropriate community support services eg the mental health team.

The proceedings are adjourned to 13 April 2012 for a progress report.