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LETTER TO THE MINISTER

The Hon Tony Kelly MLC
Minister for Justice,
Minister for Juvenile Justice
Minister for Emergency Services
Minister for Lands, and
Minister for Rural Affairs,
Level 34 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Minister

In accordance with Section 192 of *the Crimes (Administration of Sentences) Act* 1999, I have pleasure in submitting to you, for the information of Parliament, the report of the State Parole Authority of NSW for the period 1 January 2005 to 31 December 2005.

Yours faithfully

I H PIKE AM
Chairperson
24 March 2006

PROFILE

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

In summary, the Authority:

- decides which inmates, whose sentence includes a non-parole period, will be released to parole;
- sets the conditions of release;
- determines if and how a parole order should be revoked;
- determines if and how a home detention or periodic detention order should be revoked, substituted or reinstated.

The Authority considers the release to parole of inmates who have sentences of more than three years with a non-parole period. A non-parole period is a minimum term of imprisonment during which an offender is not eligible to be released from prison to parole.

When deciding whether to release an offender on parole, the Authority considers the interest of the community, the rights of the victim, the intentions of the sentencing authority and the needs of the offender. The Authority considers a broad range of material when deciding whether or not to release an inmate to parole and must have determined that it has sufficient reason to believe that the offender, if released from custody, would be able to adapt to normal lawful community life.

The principal purpose of granting parole is to serve the public interest by closely supervising the offender during his or her period of reintegration into the community. In all cases, strict conditions of parole are imposed and the Authority may also set additional conditions specifically tailored to address the underlying factors of an inmate's offending behaviour.

If a parolee fails to comply with the conditions of a parole order, it is the Authority's role to consider the revocation of parole orders, including those issued by courts. The Authority may also consider the revocation of a court-based parole order, before release, if the inmate shows an inability to adapt to normal, lawful community life.

Similarly, revocation of home detention orders, following breach of the conditions of an order, and revocation of periodic detention orders, following unauthorised absences or evidence of unsuitability for an order, are also responsibilities of the Authority. In some cases, this may involve the substitution of a home detention order, for a revoked periodic detention order, following assessment of suitability or the reinstatement of home detention or periodic detention orders, following three months in full time custody, and an assessment of suitability.

The Authority may also consider the release of an inmate before the expiry of a sentence or non-period if the offender is dying or there are other exceptional, extenuating circumstances.

YEAR AT A GLANCE

Items	2004	2005	%Change
Matters Considered	11,541	11,857	2.7
Board Meeting Days	301.5	304	1.1
Private	97	100	3.1
Public	201	200	0
Policy	3.5	4	(42.8)
Secretary Sittings	50	50	0
Matters Considered at Secretary Sittings	52	65	25
Parole Ordered - State Parole Authority	881	976	10.78
Parole Ordered - Court Based Orders		3691	n/a
Total Parole Releases		4662	n/a
Parole Orders Refused	480	568	18.3
Parole Orders Revoked	1503	1522	1.2
Revoked for failure to comply with conditions	943	652	(30.8)
Revoked for another conviction	513	668	30.2
Revoked for both		168	n/a
Revoked Prior to Release	47	34	(27.6)
Revocation Rescinded	45	34	(24.4)
Variations to Parole Orders	63	40	(36.5)
Authority Formal Warnings	454	495	9
Overseas Travel Approved	51	55	7.8
Victim/State Submissions		14	n/a
Interstate Transfers (to NSW)	23	69	200
Appeals	6	4	(33.3)
Appeals Upheld	0	0	0
Matters heard through Video Conference		2,138	n/a
Meetings of HD/PD Division	51	51	0
Matters heard by PD/HD Division	2225	2259	1.5
PD Revocation to stand	366	284	(22.4)
PD Order re-instated	144	90	(37.5)
PD Order not re-instated	85	82	(3.5)
PD Section 162 Inquiries (Attend court to explain absence/incident)		93	n/a
PD Application to revoke refused (defective S72 Notice)		18	n/a
PD Application to revoke refused (sick leave granted)		202	n/a
PD Revocation rescinded (not AWOL)		22	n/a

Key Highlights:

- The Authority met on 305 occasions and considered 11,857 matters which represented an increase of 2.7%.

- Staff member Ms Laurie Sobhi received NSW Corrections Award "Administrative Officer of the Year 2005".

- Revised and re-issued Members' Operational Guidelines and Code of Conduct.

- Introduced new automated submission format for both private reviews and court hearings.

- The number of parole orders granted by the SPA increased by 10.2%.

- The number of parole orders refused increased by 18.3%.

- The number of parole orders revoked increased by 1.2% and the number of revocations rescinded decreased by 24.4%.

- Minister for Justice gave approval for the Authority to host the National Conference of Parole Boards and Parole Authorities in May 2006.

- Finalised the recruitment process for the new staffing structure.

- Conducted two successful policy meetings.

- The Authority moved to improved accommodation on Level 9 of Roden Cutler House.

- Implemented significant software developments to the Parole Authority module of the Offender Integrated Management System (OIMS).

- The Chairperson presented a paper on "Parole in New South Wales" at the New Zealand Parole Board Conference in November 2005.

CHAIRPERSON'S MESSAGE

The size and complexity of the NSW Correction System means that the NSW Parole Authority has the most significant caseload in Australia. In addition to those offenders sentenced by NSW and ACT courts, it also deals with those convicted of federal offences and a significant number of inmates who have transferred to NSW after being convicted elsewhere. These challenges are augmented by the continuing and sizeable increase in the number of offenders, both in custody and being supervised in the community, and the impact of legislative change on the Authority's workload.

2005 saw ministerial enhancements to the Authority through the enacting of amendments to the *Crimes (Administration of Sentences) Act* 1999 which reconstituted the former Parole Board as the NSW State Parole Authority.

These legislative amendments were, in part, a response to concerns regarding high levels of recidivism and consequently removed an offender's automatic right to a review hearing. As a result, if the Authority forms an initial intention to refuse parole, it must determine whether there will be a review hearing or, alternately, that a hearing will be reliant on a formal application by the offender that satisfies the Authority that it is, indeed, warranted. The period in which the Authority can re-examine a matter when parole is refused or revoked has also been defined. In each case, it is stipulated that there is to be a twelve month period before the Authority can once again consider the offender for the purposes of release to parole and any reconsideration is also dependent on application to the Authority for review.

Certainly, the adoption of a case management role with regard to individual offenders, who exhibit a range of complex needs and issues, serves the community's interest in reducing the risk of recidivism. In relation to this, a number of issues are creating concern for the Authority, namely, ensuring reasonable access to offender management programs and the identification of appropriate accommodation. This is of particular concern when dealing with sexual or violent offenders coming before the Authority for consideration of parole.

Pleasingly, there is now reasonable access to the exemplary Nagara Nura Drug and Alcohol Program and there have been some improvements to access for the Violent Offenders Treatment Program. However, of significant concern, is the availability of sexual offender programs, such as Cubit, conducted by the Department of Corrective Services. Many sexual offenders have come before the Authority in the last twelve months that remain untreated and unable to address their offending behaviour often through no direct fault of their own. The necessity for these offenders to obtain an adequate level of access to treatment programs is paramount to the interests of the community. Indeed, the current situation presents an adverse predicament for the Authority in discharging its duties and meeting its legislative obligations to serve the public interest while still carrying out the sentencing requirements of the courts.

The identification of appropriate accommodation presents additional challenges to the Authority particularly in the case of homeless and destitute offenders with mental and physical disabilities or a combination of these. Obtaining supported accommodation for such persons is vital in protecting the community since it reduces the risk of re-offending. However, the difficulties that are presented in securing accommodation for these often complex, individual needs has meant that many offenders are being kept past their expiry dates, once again, through no fault of their own. Similarly, the Authority has been placed in the position where it must revoke court based parole orders prior to release principally due to the unavailability of appropriate accommodation.

Also, of note, is the comparison of court based and Authority parole orders. Of the 4,662 offenders released to parole in 2005, only 20.8% were the consequences of directions issued by the Parole Authority with the remaining 3,691 offenders subject to automatic court based parole orders. This is representative of the fact that 72% of parole revocations this year have, in fact, been related to court based parole orders.

The Authority has enthusiastically embraced the Cross Justice Video Conferencing system to assist with the effective discharge of its onerous duties and is the first court in Australia to undertake 100% of its hearing agenda via a video conferencing link. With 2,138 SPA matters dealt with via the video conferencing network in 2005, this represents considerable savings and increased efficiencies avoiding the costs associated with transport and escort, and reducing the risk of escapes during external movements.

Of great assistance also have been a number of successful policy meetings which enabled the revision of the *Operating Guidelines* and *Code of Conduct* in response to legislative changes. These define the specific duties of Authority members, and how these duties should be most effectively carried out, which has greatly assisted members in making their determinations. The Authority's members are drawn from a diverse background enabling a wide breadth of experience and depth of knowledge and we look forward to the completion of the current recruitment process and the appointment of a new Community Member for Victim's Interests to join the Authority in 2006.

The benefits of sharing information with other jurisdictions has been highlighted by the opportunity afforded to the Authority in 2005 to welcome a number of overseas delegates from the Malaysian Prisons Department, the Parole Board for England and Wales and the New Zealand Parole Board. Representatives of the Authority were also invited to present a paper in Nelson, New Zealand by the New Zealand Parole Board where they had the opportunity to observe its operations and meet with judicial and community members. This enabled the identification and discussion of mutual concerns such as the assessment of sexual and violent offenders, the challenges of providing the public with clear information on revocation decisions and the granting of parole to offenders subject to deportation orders. These meetings have provided a useful exchange of views and have greatly assisted better case management with a number of work practices being changed as a result.

Consequently, the Authority is looking forward to hosting the Australian Conference of Parole Boards and Parole Authorities in May 2006 and hopes that such events become more regular occurrences as we seek to involve both the Australian jurisdictions, and those of our neighbours in South East Asia and the Pacific, to share relevant issues and expand communal knowledge.

The Authority acknowledges the valuable support of the varied government and community organisations that have assisted with its work during the year. In particular, the consistent commitment of the Probation and Parole Officers of the NSW Corrective Services, for contributing essential services to the Authority's operation, and to the Secretariat and administrative staff, who have worked diligently through a period of immense change. I would also like to personally express my appreciation for the continuing enthusiastic support received from the Authority members and for the invaluable individual contributions they make to the Parole Authority in meeting its objectives.

SECRETARY'S MESSAGE

During the 2005 calendar year the Parole Authority Secretariat was successful in meeting most of its business objectives identified in the 2004 Annual Report. In particular, the review of work practices, procedures and systems was successful in reducing workload in many areas with the introduction of a "system" generated submission from the Offender Integrated Management System (OIMS) significantly reducing the time spent by the Submission and Review Officers in preparing the agendas for the Private Meeting and public Review Hearings.

The recruitment process, following a staffing re-structure which commenced in 2004, was completed early in the year and has enabled the Secretariat to improve its overall performance and the level of services provided to the Authority. The most significant improvement has been the introduction of specific controls in the preparation and checking of work going into the meetings and, most importantly, with the completeness and accuracy of data entry into OIMS following decisions by the Parole Authority.

Software specifications were also developed to augment the data capture capabilities of the Parole Board module of OIMS. These enhancements have significantly improved the capacity for the Secretariat to analyse decisions and trends and to provide more meaningful statistics and information to the Commissioner and Minister. It will also facilitate the development of a tailored statistical report to the Chairman and Parole Authority members.

Further software enhancements to our "module" have been developed and are currently being assessed and processed by the Information Management and Technology Branch.

The improvements to the video-conferencing and other systems utilised at the Authority's court location have proved to be very beneficial as has a further enhancement to the microphone and recording system at court that has greatly eliminated the "audio blank spots" that were previously appearing in the transcripts.

Interestingly, after successfully meeting the challenges of a total refurbishment exercise in 2004, in December 2005 the Secretariat was required to move from Level 15 of Roden Cutler House to Level 9 of the same building when the Department of Corrective Services moved to new accommodation. A big thank you must again go to the staff who met all their normal work obligations whilst moving and settling into the new arrangements.

The move has been particularly positive as the Board Room and the Secretariat are now back together on the same floor.

On 10th October 2005 the new parole amendments officially commenced. The requirements of the new legislative amendments have increased the amount of documentation that must now be prepared in the Secretariat and forwarded to offenders in the correctional centres. There is also a corresponding need to track the documentation to ensure offenders are not disadvantaged by not receiving notifications in a timely manner. Further, obligations also exist to record and track

the "anniversary" date when parole is refused and the "parole eligibility" date when parole is revoked and to send out the appropriate notification documentation to the offender 90 days prior to these dates. These requirements have also necessitated a request for a further enhancement to the Parole Authority module on OIMS.

The Secretariat's specific business objective to move its records management function over to TRIM was not achieved. A combination of business requirements, that could not immediately be addressed, and technical difficulties contributed to the project being placed on hold.

Specific business objectives for 2006 will include:

1) Planning and hosting the 2006 Australasian Parole Board Conference
2) Finalise planning for the State Parole Authority's relocation to the Parramatta Justice Precinct
3) Re-activating the TRIM Project
4) Developing and implementing a new Correctional Centre Report
5) Initiating a program of training and development opportunities for staff
6) Developing a "Resource Manual" for members

A particular highlight for the Parole Authority Secretariat was the presentation of a NSW Corrections Award to Ms Laurie Sobhi. Ms Sobhi's outstanding contributions to the efficiency and effectiveness of the Secretariat were recognised in her selection by the Board of Management for the Department of Corrective Services as the "Administrative Officer of the Year – 2005". Congratulations Laurie.

In conclusion, it is appropriate that I take this opportunity to express my appreciation to all the members of the State Parole Authority for their ongoing support to management and staff over the past year. I also wish to convey my particular thanks and appreciation to the staff of the Parole Authority Secretariat whose dedicated actions and commitment contributed to a very productive and successful twelve months.

GOVERNANCE

Legislative Mandate

The Parole Authority was established, in its present form, as the Offenders Review Board, pursuant to the provisions of the *Sentencing Act* (1989), which was proclaimed on the 25th September 1989. A later amendment to the Act changed the name to the Parole Board. A further amendment to the Act which commenced on 10th October 2005 changed the name of the Board to the NSW State Parole Authority. There has been a Parole Board/Parole Authority in New South Wales since the middle of the 20th century.

On the 3rd April 2000, the *Crimes (Administration of Sentences) Act* 1999, replaced all the previous legislation, which governed the operation of the Authority. The *Crimes Legislation Amendment (Parole) Act* 2003 commenced on the 1st July 2003 in order make amendments to the *Crimes (Administration of Sentences) Act* 1999.

New Legislation

On 10th December 2004 the *Crimes (Administration of Sentences) Act Amendment (Parole) Bill* was passed by Parliament. This amendment commenced operations on 10th October 2005.

One specific change introduced by the amending legislation was to reconstitute the Parole Board to the NSW State Parole Authority (SPA). The State Parole Authority exercises the same powers and authorities as the Parole Board used to do.

As part of the transitional arrangements, any matter that was pending before the former Parole Board before the amending Act commenced operation, including any matter that the former Parole Board had started to consider (under sections 137 or 143), is being continued, until a final decision is reached, as if the amending Act had not commenced operation. As such, all matters listed for consideration up until Friday 9th December 2005 are being dealt with as if the amending Act had not commenced.

The New Parole Amendments – How It Works

What happens when an inmate's non-parole period is about to expire?

Under the new legislation (as in the past) the SPA automatically considers whether or not an offender should be released on parole when the offender's non-parole period is about to expire.

The SPA first considers the offender's case at a Private Meeting. The offender does not attend the meeting. The SPA will either grant parole or form an intention to refuse parole. In the case of a serious offender, as identified by the Act, the SPA will form an intention to either grant parole or refuse parole. When the SPA forms an intention to refuse parole the offender will receive written notice of the SPA's decision.

If the SPA forms an initial intention to refuse to release an offender on parole it must then determine whether there will be a review hearing or alternately there will only be a hearing if the offender requests a hearing and the SPA is satisfied that a hearing is warranted.

Offenders no longer have an automatic right to a hearing.

The offender is therefore sent a 'Notification' in respect of the SPA's initial intention and an 'Application' form that can be used by the offender to apply to the SPA to look at the case again. The notice of intention to refuse parole that is sent to an offender, will be delivered by a probation and parole officer.

If the SPA decides to hold a hearing to reconsider the offender's case, the offender will usually appear before the SPA by way of audio-visual link from a correctional centre. The offender can be represented at the hearing by a solicitor, barrister or some other person.

Where the SPA determines that 'there will be a hearing', a date (usually four weeks hence) is set for the review hearing and this date is indicated on both the 'Notification' and the 'Application' forms. Obviously, if the 'Application' is not returned to the Secretary, the SPA would formally refuse parole at the review hearing.

It is expected that in the majority of cases the SPA will decide to hold a Public Review Hearing.

However, in a small number of cases, the SPA may decide the offender needs to convince it that the offender's case warrants a hearing. If this happens, the offender will be required to provide written reasons in an application outlining why s/he should be given a hearing. The offender may ask the correctional centre's Manager Offender Services and Programs/Employment (MOSPE) to be given assistance to complete the necessary application form, giving reasons why a hearing should be granted.

If the SPA decides not to give the offender a hearing, it will still reconsider the inmate's case at a subsequent private meeting. The offender can lodge a written submission to support his/her case for consideration by the SPA at a subsequent meeting.

Decision of the Parole Authority

The SPA will either confirm its initial intention at the review hearing or subsequent private meeting where it will further consider the case and may change its intention. The decision at the hearing or subsequent meeting is generally the SPA's final decision.

The SPA is now able to delay releasing an offender for up to 35 days after its decision to grant parole. The 35 day period provides flexibility and will enable the SPA to ensure that an offender is released into an appropriate post-release plan. The SPA is now required to delay releasing serious offenders for at least 14 days. The 14 day period allows time for an application to be made to the Supreme Court by the Attorney General or Director of Public Prosecutions for a review of the SPA's decision to grant parole. Such action would be taken if the applicants were of the view that the decision of the SPA was made on the basis of false, misleading or irrelevant information.

What happens if the offender is refused parole?

In some cases, after an offender has been refused parole, it is possible for an offender's case to be considered again before the offender's annual review for parole and without the need for an application so as to avoid manifest injustice. Early consideration of a case will only occur in the circumstances prescribed by Clause 219 of the *Crimes (Administration of Sentences) Regulation* 2001 as constituting manifest injustice. The circumstances include:

- on the basis of false, misleading or irrelevant information
- because the offender had not completed a program, due to circumstances beyond the offender's control, and the offender subsequently completes the program satisfactorily
- because suitable post-release accommodation was not available, due to circumstances beyond the offender's control, and the accommodation subsequently becomes available
- because the offender had not completed a period of external leave, due to circumstances beyond the offender's control, and the offender subsequently completes the period of external leave satisfactorily
- because a medical, psychiatric or psychological report required by the SPA was not available, due to circumstances beyond the control of the offender, and the report subsequently becomes available and indicates that the offender is suitable to be considered for parole
- because information or material reasonably required by the SPA was not available, due to circumstances beyond the offender's control, and that information or material subsequently becomes available
- because an appropriate community health service that the offender required was not available, due to circumstances beyond the offender's control, and the service subsequently becomes available
- because the offender was charged with further offence(s) and the charge is subsequently withdrawn or dismissed.

If the SPA decides not to release an offender on parole, and none of the above circumstances relate to the offender, the offender will be able to apply for parole at the anniversary of the offender's parole eligibility date (i.e. non parole period expiry date). The offender will receive an application form just before the offender is eligible to apply.

<u>Serious offenders</u>

If an offender is a serious offender managed by the Serious Offenders Review Council (SORC), a representative of the State of New South Wales and any Registered Victims of crime (i.e. on the Victims Register) are able to make submissions to the SPA before it makes its final decision on whether or not to release the offender on parole.

The Commissioner or any other authority of the state, may exercise the power of the state to make a submission. Submissions can be made irrespective of whether the initial intention made by the SPA is to release the offender or to refuse the offender release on parole.

A further change has been made to section 135 of the Act in respect of serious offenders. The following provision now applies:

S135 (3) "Except in exceptional circumstances, the Parole Authority must not make a parole order for a serious offender unless the Serious Offenders Review Council advises that it is appropriate for the offender to be considered for release on parole".

Meeting Procedures

When the Authority considers release to parole, it meets in a private session and makes a decision 'on the papers', that is with only written material before it. If the Authority decides to order release, it issues the order immediately and the inmate is released on the eligible date.

If the Authority comes to the view that parole should be refused, before it makes a decision, it must determine "there will be a hearing" or alternately "that there will be a hearing only if the offender requests a hearing and the Parole Authority is satisfied that a hearing is warranted". The legislation no longer provides an automatic right for an offender to appear at a review hearing.

Where the Authority determines that there will be a hearing, a date usually four weeks hence is set for the review hearing and this date is indicated on both the "Notification" form and the "Application" form. These forms are sent to the offender and are usually delivered by a Probation and Parole Officer. On receipt of the offender's application, the review hearing can proceed as normal. The inmate may be represented by a lawyer at the hearing. After hearing submissions, the Authority decides whether to order or refuse parole. In about half of the matters brought to review, parole is ordered. If parole is refused, that is the end of the matter and the offender must await their "anniversary date" (i.e. twelve months after their non parole period expiry date) before their case can again be considered.

In some cases, after an offender has been refused parole, it is possible for an offender's case to be considered again before the offender's annual review for parole and without the need for an application so as to avoid manifest injustice. Early consideration of a case will only occur in the circumstances prescribed by Clause 219 of the *Crimes (Administration of Sentences) Regulation* 2001 as constituting manifest injustice.

However, if the SPA determines that the offender has not "addressed his/her offending behaviour" and is therefore still a risk to the community, it will determine that a hearing is not warranted and that the offender will need to make an application and provide reasons as to why a hearing should be granted. A "Notification" form and "Application" form are sent to the offender in the usual manner. The offender may ask the correctional centre's Manager, Offender Services and Programs/Employment (MOSPE) for assistance in completing the form and in giving reasons why a hearing should be granted. In all such cases the "Application" form is returned and is considered at the next private meeting. If the Authority is still not convinced that a hearing is warranted, parole is formally refused at this meeting. The offender is notified of this decision and is further notified of the "anniversary date" when a further review can take place.

The same requirements also apply to serious offenders. However, where the Authority is of the view that parole could be granted to a serious offender, it forms an "intention to grant parole" and stands the case over to a review hearing where it must give any registered victim the opportunity to make a written or oral submission at a public hearing. The State may also make a submission to the Authority at this hearing.

If the Authority revokes a parole, home detention or periodic detention order, the Authority invites the person affected to appear before the Authority at a public hearing to make submissions about the breach of the order. The person may be represented by a lawyer. This hearing takes place between four and six weeks after the person, whose order has been revoked,

has returned to custody.

If the breach is established the Authority cannot again consider the offenders case until the "parole eligibility date" (i.e. following revocation, the date occurring 12 months after the date on which the offender was returned to custody).

Composition of the Parole Authority

The Authority is constituted under the provisions of Section 183 of the *Crimes (Administration of Sentences) Act* 1999. At least four of the appointed members are to be judicial members and at least 10 are to reflect, as closely as possible, the composition of the community at large.

Judicial members may be judges or retired judges of a New South Wales or Federal Court, magistrates or retired magistrates, or persons qualified to be appointed as a judge of a New South Wales Court.

At least 10 community members may be appointed, though only four may sit at any meeting of the Authority. The other three members do not require appointment to the Authority by the Governor. These are a member of the New South Wales Police nominated by the Commissioner for Police and an officer of the Probation and Parole Service nominated by the Commissioner of Corrective Services. The Secretary of the State Parole Authority is prescribed under the Act as a non judicial member and is appointed by the Chairperson to dispose of routine business of the Parole Authority.

As of 31st December 2005, there were four judicial members, 13 community members and four official members serving on the Parole Authority.

Suspension of Parole Orders

The Commissioner is able to now apply to a judicial member of the SPA for an order suspending an offender's parole order and, if necessary, a warrant for the offender's arrest.

Such an order will only be made if the judicial member is satisfied that the Commissioner has reasonable grounds for believing that the offender is in breach of the parole order or that there is a serious and immediate risk that the offender will leave the state in contravention of the conditions of the parole order, harm another person or commit an indictable offence and there is insufficient time to call a meeting of the SPA to deal with the matter.

A suspension order remains in force for up to 28 days after the offender is returned to custody, to allow time for an inquiry to be conducted into those allegations.

Appeals

S155 of Part 6 of the *Crimes (Administration of Sentences) Act* 1999 provided for appeals the NSW Court of Criminal Appeal against decisions of the Parole Authority not to release offenders on parole and the offender alleges that the decision of the Parole Board has been made on the basis of false, misleading or irrelevant information.

There were four appeals to the Court of Criminal Appeal in 2005. One against a decision not to set a parole consideration date; (Abandoned), one against the date set to consider parole after revocation and court results; (Dismissed) and two against refusal of parole; (Dismissed).

S156 provides for applications by the State to the Criminal Court of Appeal in respect to decisions regarding serious offenders. There were no such appeals in 2005.

The *Crimes (Administration of Sentences) Amendment (Parole) Bill* 2004 was passed in December 2004. Included in the Act was an amendment changing all references to the Court of Criminal Appeal to the Supreme Court. Therefore, from 10 October 2005, when the Act commenced, appeals will reviewed by a single judge in the Common Law Division of the Supreme Court.

OUR PERFORMANCE

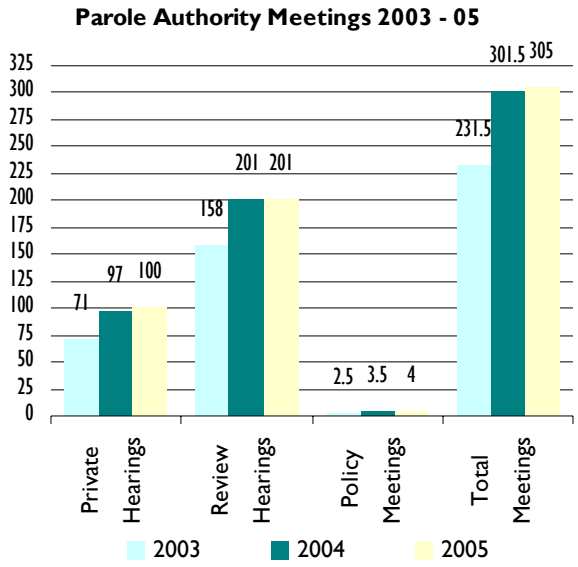
Cases Considered

The workload of the Parole Authority has increased significantly over the past four years which is both a reflection of the increased number of offenders in custody and being supervised in the community and the impact of legislative change.

As a consequence of this workload, in late 2004 the Parole Authority increased the number of sitting days each week. There are currently two private meetings and four public review hearings that take place each week.

During 2005, the Authority met on 305 occasions compared to 301.5 in 2004. The total number of cases considered by the Authority in all meetings of the 2005 calendar year was 11,857. It is quite common for a single case to be considered on more than one occasion, particularly as the Authority must schedule a review hearing when it evokes or refuses parole, and also where the Authority needs to stand a matter over for additional reports or to ascertain the result of other court matters.

There were also 50 'Secretary Sittings' in the 2005 calendar year. In these meetings, the Secretary makes various administrative decisions regarding a case that is under consideration by the Authority. Matters considered include the registration of interstate parole orders and taking a decision to stand a case over to a date in the future to follow court results. The Secretary considered an average of 65 matters at each of these meetings compared with an average of 52 in 2004.



	2004	2005
Total Cases Considered	11,541	11,857
Total Meeting Days	301.5	305

Parole Ordered

The principal purpose of granting parole is to serve the public interest by closely supervising the offender during his or her period of reintegration into the community. In all cases, strict conditions of parole are imposed and the Authority may also set additional conditions specifically tailored to address the underlying factors of an inmate's offending behaviour.

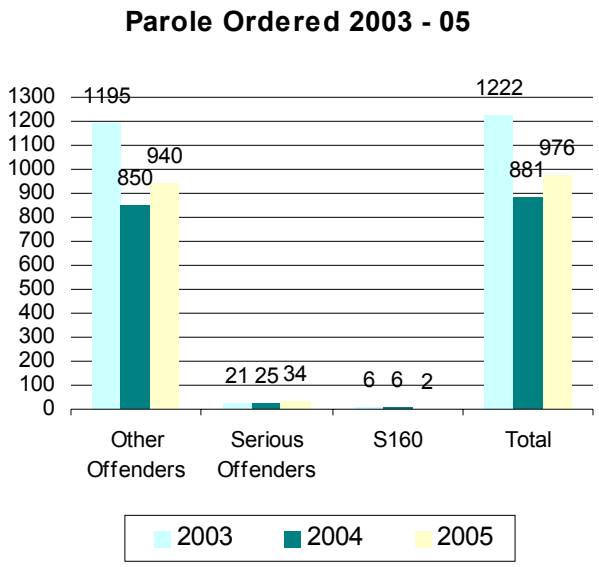
When the Authority does order that an inmate be released on parole, it does not always do so immediately as the inmate becomes eligible. Parole may be ordered after one or more earlier refusals.

Parole was ordered in 976 cases in the 2005 calendar year, 34 of these were serious offenders and two were pursuant to Section 160 of the *Crimes (Administration of Sentences) Act 2000* which permits the Authority to order parole before the expiry of the non-parole period if the offender is dying or there are other exceptional extenuating circumstances.

The 976 offenders granted parole by the Authority represents 20.9% of the total of 4,667 offenders who were released to parole in the 2005 calendar year. The balance of 3,691 offenders were all subject to automatic court based orders.

CASE STUDY – PAROLE ORDERED

Lee C. had a history of drug use when sentenced for serious robbery offences. He experienced mixed success in addressing the criminogenic factors relating to his behaviour whilst in custody. He had originally progressed well using his time in custody to attend educational courses and developed insight into his drug use through counselling expressing a willingness to address these issues. However, in the later stages of his sentence, he incurred internal charges for drug use and had his classification regressed. As a result, the Authority refused parole indicating that the inmate needed to further address his AOD issues. At the Intention to Refuse Parole Hearing, the strong support of Lee C.'s family, stable accommodation and offer of secure employment was highlighted and the Authority confirmed that adequate assessment and treatment could be provided in a community setting and granted him parole.



Total Number of Parole Releases 2005		
Court Based Orders	SPA Orders	Total
3691	976	4,667

Parole Ordered - SPA		
2003	2004	2005
1222	881	976

CASE STUDY – Parole Ordered

Joseph A. was sentenced to gaol for drug supply matters and had a history of drug use himself. His conduct whilst in custody was considered excellent; he undertook employment, vocational courses and sought assistance in addressing his drug use. The inmate progressed through the classification system appropriately to a point that he was able to successfully complete a number of day leaves and weekend leaves before being considered by the Authority. Joseph A.'s parents remained supportive and he intended to reside with them once released. The Authority took into account his borderline intellectual disability, his attempts to address his offending behaviour and the good reports he received from the Probation and Parole Service. He was granted parole with conditions for further AOD support, urinalysis and psychological counselling.

Parole Revoked

If a parolee fails to comply with the conditions of a parole order, the supervising Parole Officer prepares a report for the Authority's consideration setting out the circumstances of the breach and the Authority has the power to revoke the parole order.

The Authority revoked a total of 1522 parole orders in the 2005 calendar year. Of these, 652 were the result of a breach of conditions, other than the commission of another crime. 7 serious offenders were revoked for failing to comply with the conditions of his/her parole order.

Breaches included the failure to maintain contact with the supervising Probation and Parole Officer, changing address without permission, leaving the state without permission, failure to attend a drug and alcohol rehabilitation centre and failure to abstain from alcohol.

668 revocations were the result of another conviction of which one was a serious offender.

168 offenders were revoked for both a breach of conditions and a further conviction/s. There were no serious offenders who fell into this category.

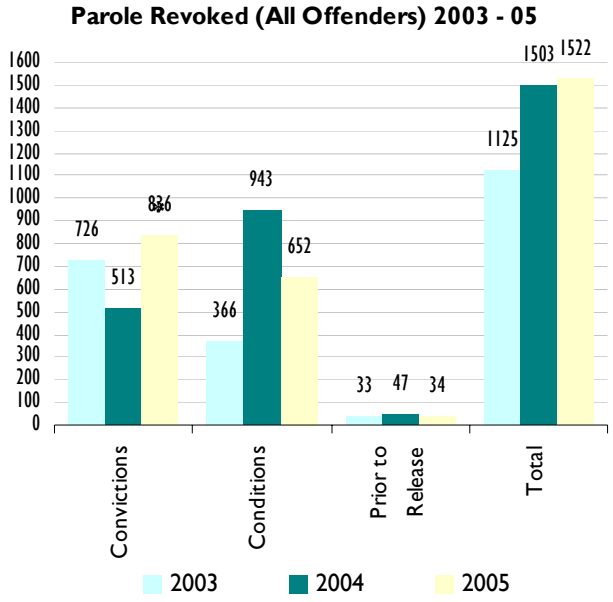
The Authority also revoked 34 offenders subject to a court based parole order prior to release.

Revocation of court based orders represented 72% of all revocation decisions made by the SPA.

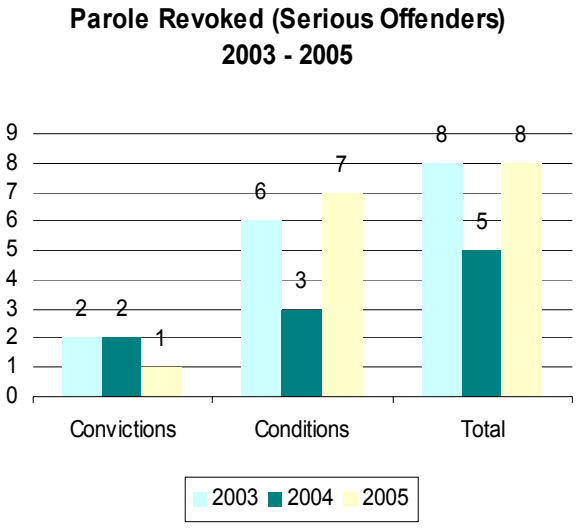
CASE STUDY – Periodic Detention Completed/Revoked

Whilst attending weekend Periodic Detention, Leo N. was subject to an assault by two fellow detainees and sustained bruising to his body and a fractured jaw. A report regarding the

assailants, Aaron L. and Omar K., was immediately submitted to the State Parole Authority by custodial officers for consideration of revocation. Both detainees were revoked and warrants were issued for their arrest and return to fulltime custody. Immediately after the assault occurred, a home visit was conducted by Probation and Parole Officer to assess Leo N.'s physical and psychological condition. He had chosen not to press charges as he feared for his, and his family's safety and it was apparent that he was reticent to return to Periodic Detention. Leo N. was granted a medical clearance for 6 weeks and home visits continued during his sick leave. Despite being advised that the two assailants were now in custody, and posed no ongoing threat to him, Leo N. still displayed anxiety with regard to his return. To assist Leo N. in satisfying his Periodic Detention Order, a management plan commenced which involved a transfer to mid week detention and placement in safe management cells away from the main population. Leo N. agreed to return under this plan and was supported through weekly contact visits. Leo N. went on to successfully complete his Periodic Detention Order. Aaron L. and Omar K. applied for the reinstatement of their Periodic Detention Orders but were assessed as unsuitable.



* includes figures for both convictions and breach of conditions



Parole Revoked 2005

	Further Conviction	Breach of Conditions	Both Conviction & Breach	Revoke Prior to Release	Total
SPA (Serious Offender) Parole Order	1	7	0	0	8
SPA (Other) Parole Order	173	210	37	0	420
Court Based Parole Order	494	435	131	34	1094
Total	**668**	**652**	**168**	**34**	**1522**

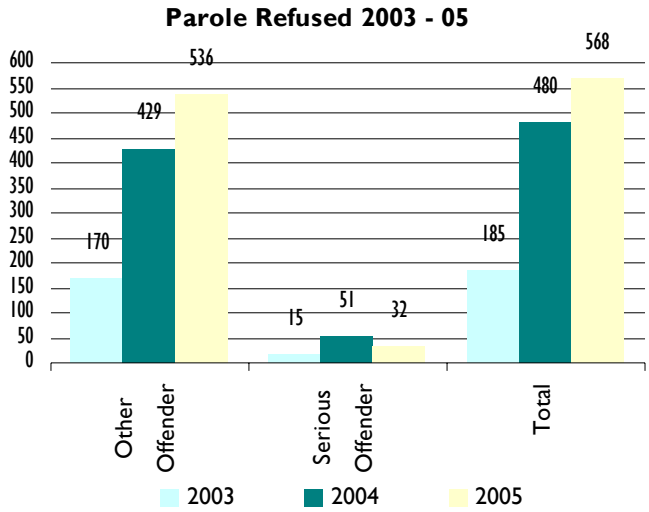
Parole Refused

Release to parole is not an automatic right at the end of the non-parole period and when granted

is required to be in the interests of the community. This principle is supported by Section 135(1) of the *Crimes (Administration of Sentences) Act* 1999 which states that "the Parole Authority must not make a parole order for an offender unless it is satisfied, on the balance of probabilities, that the release of the offender is appropriate in the public interest".

When specifying its reasons for intending to refuse parole (IRP), the Authority takes great care to include all the issues and concerns at the time of consideration so that the inmate or their representative can fully address those issues at a review hearing. Should an inmate address the original IRP grounds but additional issues of concern are identified during the review hearing, the Authority will confirm parole refusal until the new issues are resolved. 'Not in the public interest' (NIPI) is reason enough to confirm refusal of parole. The Parole Authority may decline to consider an offender's case for up to three years after it last considered the grant of parole to the offender.

Parole was refused in 568 cases in the 2005 calendar year of which 32 were serious offenders.



Parole Refused - SPA		
2003	2004	2005
185	480	568

Parole – Other Matters

Revocation Rescinded

If the Authority determines to revoke parole, the offender is invited to attend a review hearing to argue why they should not have their parole revoked four weeks after they have returned to custody. Although mindful of the Authority's duty in regard to decisions to revoke parole, it is accepted that injustices can occur where a mistake has been made over the evidence relied upon as a result of the Authority following its usual procedure. In such cases, the Authority will review its decision to avoid injustices in those cases where it is acting on incorrect information.

A total of 34 revocation orders were rescinded in 2005.

Vary Parole Orders

In some instances it is necessary to vary the conditions pertaining to a parole order such as the case where an automatic court based order includes reference to a development program that is no longer accessible or where a more suitable one could be substituted. 40 variations to parole orders were made in 2005.

Warnings

Formal warnings are issued by the Parole Authority to borderline parolees who are at risk of breaching their parole conditions. Warnings are an effective tool for assisting Probation and Parole Officers to individually case manage offenders in the community and to encourage improved performance. In such circumstances, the warning is regarded as strengthening the officer's supervisory role as well as placing the parolee firmly on notice that continued failure to comply will result in revocation. 495 Authority warnings were delivered in 2005.

Overseas Travel

Applications for travel from parolees, who qualify for consideration, should be supported by the Probation & Parole Service with evidence provided of the need to travel overseas. In general, excessive travel or travel for recreational purposes is not approved by the Authority. Approval is not given until the Authority is confident that the parolee is stable and has adapted to lawful community living as demonstrated by regular contact with the Probation and Parole Service, compliance with the conditions of the parole order and stable accommodation and/or employment. It is unlikely that such stability could be satisfactorily demonstrated in less than six months from the date of release. 55 approvals for overseas travel were granted in 2005.

Victim and State Submissions

The *Crimes (Administration of Sentences) Act* 1999 gives victims of a crime the right to make submissions to the Parole Authority when it is considering making a decision about a serious offender that could result in the offender being released on parole, to work release or to a similar program. Before a serious offender's minimum term expires, the Authority will give preliminary consideration as to whether the inmate should be released on parole and will give notice of its intention to any victim of the inmate, who has registered his or her name on the Victims' Register. Generally the victim is given a minimum of 14 days to lodge notice of an intention to make a submission.

The Act also provides that the State may make a submission to the Authority when it considers there is other information that could be helpful to the Authority in its deliberations. 14 such submissions were made in 2005.

Interstate Transfers

Complementary state and territory legislation and protocols provide for the transfer of state and territory parole orders through a system of interstate transfer, registration and enforcement. The transfer scheme was developed to allow offenders released on parole to transfer to another jurisdiction for reasons such as family responsibilities or to pursue work or study opportunities. Under the complementary scheme, the parole order, once registered, ceases to have effect in the original state or territory, as does the related sentence of imprisonment. The laws of the receiving state or territory then apply as if the sentence of imprisonment had been imposed and served, and the parole order made, in that jurisdiction. Where the state or territory offender breaches the conditions of parole, the order can be legally enforced in the receiving jurisdiction.

There were 69 registrations of interstate parole orders in NSW in 2005.

Video Conferencing

The NSW State Parole Authority is a participant in the Cross Justice Video Conferencing system. The system is a joint initiative between the Department of Corrective Services, the NSW Attorney General's Department, NSW Police and the Department of Juvenile Justice and was introduced to avoid transport and escort costs and reduce the risk of escapes during external movements. Video conferencing studios are available in 12 correctional centres across the State.

The Authority has enthusiastically embraced the use of this technology and was the first court in Australia to undertake 100% of its hearing agenda via a video conferencing link.

In the 2005 calendar year there were a total of 16,862 Department of Corrective Services matters dealt with via the video conferencing network. There were 2,138 matters dealt with by the State Parole Authority. This represents 12.68% of overall system usage.

Parole - Other Matters 2003 - 05

Year	Revocation Rescinded	Parole Order Varied	Board Warning	Overseas Travel	Interstate Orders	State Submissions
2003	n/a	n/a	595	n/a	n/a	n/a
2004	45	63	454	51	23	n/a
2005	34	40	495	55	69	14

Periodic and Home Detention

Role of the Periodic and Home Detention Division (SPA)

A division of the Authority, consisting of a quorum of members including one judicial member, one official member and at least two other members, dedicates a separate day each week to deal specifically with cases arising from periodic detention and home detention.

During 2005 the Periodic and Home Detention Division met on 51 occasions. The total number of cases considered by the Authority in 2005 was 2259.

The Authority undertakes two specific functions at each meeting. The first is to consider in "private session" all submissions from the Commissioner of Corrective Services for inquiries under Section 162 and revocations under Sections 163 and 179 of the *Crimes (Administration of Sentences) Act* 1999. In general, the Commissioner may seek to have an offender's periodic detention order revoked if they e.g. "fail to report on three or more occasions "or "introduce drugs into the centre", etc.

The second function is to manage the normal public review hearing agenda at Court in respect of those periodic detainees who have had their order revoked or both periodic and home detainees who are seeking to have their revoked order re-instated. As is the case with offenders on parole, all detainees who have had their orders revoked must have their cases reviewed after being taken into custody.

At the public review hearing the Authority will also consider applications to re-instate a periodic detention order that has been revoked, if the offender has served three months in full time custody, and has been assessed as suitable to return to the periodic detention program.

On average the Authority considered 26.8 cases at each "private session" and 17.4 cases at each public review hearing.

Periodic Detention - Overview of Program

In New South Wales, where an offender is sentenced to a term of imprisonment which exceeds three months but is less than three years, the sentence may be served by way of periodic detention which generally requires the offender to remain in custody for two consecutive days of each week for the duration of the sentence. This permits offenders to maintain their ties to the community by remaining in employment and living with their families for the greater part of each week, and contributing to the community through community work. Periodic detention is also a more cost-effective sentencing option than full-time imprisonment.

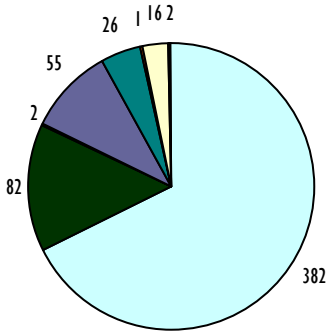
In order to assess the suitability of the offender for periodic detention, the Probation and Parole Service is required to prepare a report to consider any factors which may affect the offender's ability to attend regularly, including the offender's ability to travel, transport costs, medical condition, and employment.

Periodic Detention Revocations

The Authority may revoke an order for periodic detention in a number of circumstances, including where an offender has not attended or failed to report for three detention periods without a reasonable excuse. If the order is revoked, the Authority may issue a warrant for the apprehension of the offender to serve the remainder of the sentence in full time custody or may determine another action such as having the offender assessed for suitability for home detention.

Periodic Detention – Other Decisions		
	2004	2005
Revocation to stand	366	284
PD order reinstated	144	90
PD order not reinstated	85	82
Section 162 Inquiries (attend court to explain absence/incident)	n/a	93
Application to revoke refused (defective S72 Notice)	n/a	18
Application to revoke refused (sick leave granted)	n/a	202
Revocation rescinded (deemed not AWOL)	n/a	22
Revocation rescinded (defective S72 Notice)	n/a	18
Revocation rescinded (other)	n/a	60
Temporary release order granted (interim home detention assessment suitable)	n/a	73

Periodic Dentention - Reasons for Revocation 2005



- S163 2(a) Fail to report (3) occasions
- S163 1(a) Fail to comply with obligations
- S163 (1A) Application to Commissioner on health/compassionate reasons
- S163 2(b) Fail to report following re-instatement
- S163 1(c) Offender applied for order to be revoked (HD consideration)
- S163 (1C) Re-instated order - offender sentenced
- S179 1(b) Sentenced to more than (1) month imprisonment
- S179 (1)(a) Revocation of consecutive periodic detention order

Periodic Detention - Reasons for Revocation		
	2004	2005
S163 2(a) Fail to report (3) occasions	383	382
S163 1(a) Fail to comply with obligations	87	82
S163 (1A) Application to Commissioner on health/compassionate reasons	9	2
S163 2(b) Fail to report following re-instatement	20	55
S163 1(c) Offender applied for order to be revoked (HD consideration)	33	26
S163 (1C) Re-instated order - offender sentenced		1
S179 1(b) Sentenced to more than (1) month imprisonment	18	16
S179 (1)(a) Revocation of consecutive periodic detention order		2
Total	**550**	**566**

Home Detention - Overview of Program

Home detention is a rigorously monitored, community supervision program aimed at the diversion of offenders from incarceration in prison. The decision to allow home detention is based on the nature and circumstances of the offence, the degree of risk a prisoner poses to the community, and the suitability of the residence where the home detention will be served.

A home detention order is still a prison sentence and strict guidelines apply. Offenders are required to remain within their residences unless undertaking approved activities and may be required to perform community service, enter treatment programs, submit to urinalysis and breath analysis and seek and maintain employment. Probation and Parole Officers monitor offenders' compliance with home detention conditions on a 24 hour-a-day basis utilising electronic means. Breaches of conditions, further offences or unauthorised absences may result in revocation of the home detention order and imprisonment. The Authority has the capacity to respond to a breach at any time and can arrange the execution of a warrant on a 24 hour basis.

Home Detention Revocations

If a detainee fails to comply with the conditions of their home detention order; including being absent from their home without authorisation or where they have been charged with a further offence, the supervising Probation and Parole Officer prepares a breach report for the Authority's consideration. Where the circumstances of a breach are confirmed the State Parole Authority has the power to revoke the home detention order.

In the 2005 calendar year 71 detainees had their home detention order revoked.

Home Detention Revoked 2003 - 05			
Year	2003	2004	2005
	85	84	71

Home Detention Assessments

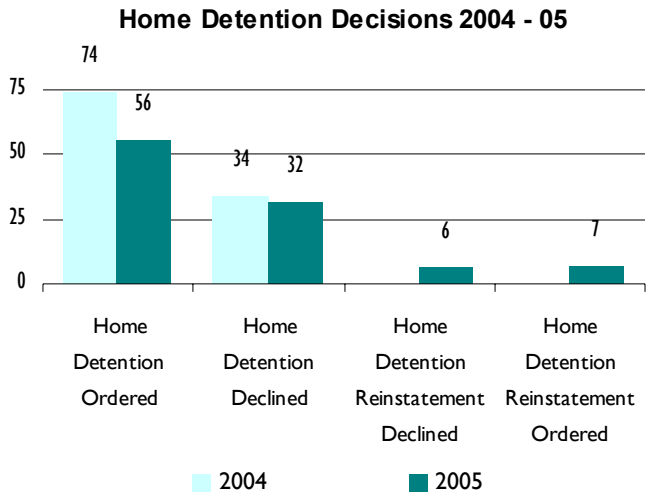
In accordance with the provisions of the Act, the State Parole Authority may issue a home detention order following receipt of an application from an offender who is either currently serving a periodic detention order or whose periodic detention or home detention order has been recently revoked by the Authority.

Applications to be considered for the home detention program generally fall into three categories. The first includes offenders currently serving a periodic detention order, who due to personal health issues, urgent family issues or other exceptional circumstances seek to "self revoke" their order so as to facilitate consideration for the home detention program.

The second category are those offenders who have had their periodic detention order revoked, are currently in custody and apply to be considered for the home detention program instead of returning to the periodic detention program.

The third category relates to those home detainees who are currently in custody following the revocation of their order, have served 3 months in full time custody and are again eligible to apply for the re-instatement of their home detention order.

A home detention order is only considered by the State Parole Authority where the offender has been assessed by the Probation and Parole Service and a recommendation for home detention is made. The offender must meet the eligibility criteria specified in the legislation and have the nominated accommodation checked and found to be suitable.



CASE STUDY – Home Detention Completed

At the time Frank D. was assessed for Home Detention he was recovering from a knee injury and was unable to work due to compensation issues. Frank was a beer drinker who was considerably overweight due to his lifestyle choices. One of the positive benefits for Frank while he was on Home Detention was that he was unable to consume alcohol and was regularly breath tested to ensure compliance. The restrictions of Home Detention gave him the discipline to make changes to his lifestyle in a supportive environment. He embarked upon a "Fit for Life" program which consisted of a diet and exercise regime and he lost over 30 kilos. Frank claimed that Home Detention gave him the motivation to change his lifestyle that he never would have achieved otherwise. Since successfully completing his Home Detention Order, Frank maintains his diet regime and no longer drinks alcohol.

OUR PEOPLE

Judicial Members

Mr Ian Pike AM, served as Acting Deputy Chairperson from the 2nd September 2002, until being appointed as Chairperson on the 1st January 2003. Mr Pike was appointed as a magistrate in 1970 and retired as Chief Magistrate in NSW in 1977. Since his retirement he has acted as a consultant with the Judicial Commission of NSW. He has also acted as a consultant for AusAID carrying out judicial training and education in Sri Lanka and Papua New Guinea.

The Hon Terence Christie Q.C**.,** was appointed to the position of Deputy Chairperson on the 15th December 2003. Judge Christie was appointed as a Judge of the District Court in NSW in 1993.

The Hon Deirdre Frances O'Connor, was appointed to the position of Alternate Chairperson on the 3rd May 2004. As a judge of the Federal Court of Australia, she served as President of the Commonwealth Administrative Appeals Tribunal and Australian Industrial Relations Commission. She is also a member of the Consumer, Trader and Tenancy Tribunal Peer Review Panel.

Magistrate Charles Gilmore, was appointed to the position of Deputy Chairperson on the 24th March 2000 and was re-appointed on the 24th March 2003. Magistrate Gilmore was formerly a Deputy Chief Magistrate of NSW. Since his retirement in 2000, he has acted as a part-time member of the Victims Compensation Tribunal.

Community Members

Professor Ross Fitzgerald, is the Emeritus Professor in History and Politics at Griffith University and serves as an academic, writer and broadcaster. He was a member of the Queensland Community Corrections Board. Professor Fitzgerald was appointed to the Authority on the 16th December 2002.

Mr John Whelan OAM, was the past President of the Labour Council of NSW and former Federal Vice-President, and life member, of the National Union of Workers. Mr Whelan was appointed to the Authority on the 20th March 2002.

Ms Shelley Reys, is Managing Director of Arrilla – Indigenous Consultants and Services, a Director of the National Australia Day Council, Deputy Chairperson of the Fred Hollows Foundation and Director of Reconciliation Australia. Ms Reys was appointed to the Authority on the 1st July 2003.

Mr Geoffrey McNeil, has an established career in school education culminating in his role as Principal of Randwick Boy's High School. Mr McNeil was appointed to the Authority on the 11th April 1997 and was re-appointed on the 11th April 2000 and 11th April 2003.

Dr Donald Saville, has a long career within NSW Agriculture including Chief, Division of Animal Industries, General Manager (Policy and Planning) and Director, Sustainable Agriculture

and Fisheries. He has undertaken a wide range of community service including the establishment of the first Community College in NSW. Dr Saville was appointed to the Authority on the 25th September 2002.

Ms Brenda Smith, was formerly an Assistant Commissioner with the Office of the Commissioner, Strategic Development and the Probation and Parole Service within the Department of Corrective Services. Ms Smith was appointed to the Authority on the 1st October 2002.

Mr Lloyd Walker, was Acting Coordinator for the Aboriginal Corporation for Homeless and Rehabilitation Community Services and was appointed Official Visitor of Lithgow Correctional Centre. He is a former Australian Wallaby player. Mr Walker was appointed to the Authority on the 1st July 2000 and was re-appointed on the 1st July 2003.

Mr John Haigh, has worked as a psychologist and advisor for the Department of Corrective Services, Department of Health and the Criminal Law Review Division of the Department of the Attorney General. Mr Haigh was appointed to the Authority on the 8th August 1997 and was re-appointed on the 8th August 1999 and 8th August 2002.

Dr Jennifer Anne Sefton, was a medical practitioner for 38 years, with special interest in sexual and reproductive health, before retirement in 2003. From 1993 to 2002, she was Director of Women's Health for Corrections Health Service (now Justice Health). She was a member of the Department of Corrective Services Women's Advisory Committee from 1999 to 2005. Dr Sefton was appointed to the Authority on the 14th January 2003 and re-appointed on the 14th January 2006.

Ms Yiah Chan, holds a MSc in Criminal Justice Policy and has served as a Research Officer for the Queensland Criminal Justice Commission. Ms Chan was a member of the Classification Board of the Office of Film and Literature Classification and has also been a consultant for online and telecommunications content regulation. Ms Chan was appointed to the Authority on the 1st September 2003.

Ms Maritsa Eftimiou, is a member of the Migration Review Tribunal, the Refugee Review Tribunal and the Consumer Trader and Tenancy Tribunal. She has been admitted as a barrister and solicitor to the Supreme Court of NSW. Ms Eftimiou was appointed to the Authority on the 1st September 2003.

The Rev. Peter Walker, has served as a Prison Chaplain for the Department of Juvenile Justice and as an Aboriginal Christian Welfare Officer culminating in his position as Managing Director of Australian Indigenous Christian Ministries, Sydney. Pastor Walker was appointed to the Authority on the 1st September 2003.

The Hon Faye Lo Po' AM, has served the NSW Parliament for a period of 12 years as the member for Penrith. Her ministries have included Community Services, Aging, Juvenile Justice, Disability Services, Women and Fair Trading. Ms Lo Po' was appointed to the Authority on the 15th December 2003.

Mr Peter Walsh APM was formerly the Senior Assistant Commissioner of the NSW Police Force after completing 36 years with the Service. He was awarded the Centenary Medal in 2000 for Service to the community and the Australian Police Medal for distinguished Police Service in 1996. He has served in 10 locations throughout NSW with the majority of his service in country NSW. He was appointed to the State Parole Authority on the 17 January 2005.

Mr Robert Inkster OAM APM was appointed to the State Parole Authority as a community member on the 17 January 2005. He retired from the NSW Police in October 2004 at the rank of Detective Chief Superintendent having served 38 years. He is also Chairman of the Board of the Tow Truck Authority of NSW.

Official Members

NSW Probation and Parole Service:

Mr Robert Cosman was appointed as Probation and Parole Representative with effect from the 3rd September 2001 and completed his duties on the 30th January 2005. Ms Linda Burridge was appointed on the 31st Jan 2005 until the 7th August 2005 whereupon Ms Mandy Thomas was appointed on the 8th August 2005. Ms Jan Nichols was appointed as the second Probation and Parole Representative on the 22th November 2004. Mr Tom Harsas acted as deputy during leave by official appointees.

NSW Police Service:

Inspector Christopher Whitehall, is the official Police Representative. Senior Sergeant Yvette Johnson, is the official Deputy Police Member. Detective Inspector Linda Howlett, Inspector Bernadette Beard and Sergeant Anthony Astley acted as relieving police representatives during leave by official appointees.

Secretary of Parole Authority:

Mr Paul Byrnes

Departing Members

During the year, the appointment of NSW Probation and Parole Service member, Mr Robert Cosman, expired. The Board wishes to thank Mr Cosman for his outstanding efforts and contribution to the Authority.

Visitors

The Authority was please to welcome overseas delegates Mr Hassan bin Sakimon, Mr Thang Ah Yong, Mr Ibrisham bin Abd. Rahman, Mr Subramaniam a/l Muniandy and Mr Ajidin bin Hj. Salleh - Senior Correctional Administrators from the Malaysian Prisons Department; Ms Kyrie James - Solicitor Advocate Member from the Parole Board for England and Wales; and Judge David Caruthers - Chairperson of the New Zealand Parole Board.

Secretariat

Legislation provides for a Secretary, who is ably supported by a secretariat of 22 officers. All Secretariat staff members are Officers of the Department of Corrective Services and are situated in the Department's main office in Roden Cutler House at 24 Campbell Street, Sydney.

Acknowledgements

The Authority wishes to place on record its appreciation of the efforts and services provided by: Department of Corrective Services staff, in particular Probation and Parole Service Officers, Psychologists, Alcohol and Other Drug Workers, Corrections Health Service staff, Correctional Centre Officers, Sentence Administration Unit staff, Crown Solicitor's Office, Police Service staff and the Parole Authority Secretariat.

NSW State Parole Authority
Operating Guidelines

These guidelines developed by the Parole Authority are intended to assist Authority members in making their determinations. They are not intended to outweigh the objective evidence placed before the Authority or to inhibit Authority members in exercising their discretion

Issued April 2005

1. Public Interest

1.1 When considering whether a prisoner should be released from custody on parole, the highest priority for the Parole Authority should be the **safety** of the community and the need to maintain public confidence in the administration of justice.

1.2 Release to parole is not an automatic right at the end of the non-parole period and when granted is required to be in the interests of the community. This principle is supported by Section 135(1) of the *Crimes (Administration of Sentences) Act* 1999 which states that "the Parole Authority **must not** make a parole order for an offender unless it is satisfied, on the balance of probabilities, that the release of the offender is appropriate in the public interest.

2. Parole Consideration

2.1 Section 135(2) of the Act covers the matters that the Authority must have regard to in considering the grant of parole:

(a) The need to protect the safety of the community,

(b) The need to maintain public confidence in the administration of justice,

(c) The nature and circumstances of the offence to which the offender's sentence relates,

(d) Any relevant comments made by the sentencing court,

(e) The offender's criminal history,

(f) The likelihood of the offender being able to adapt to normal lawful community life,

(g) The likely effect on any victim of the offender, and on any such victim's family, of the offender being released on parole,

(h) Any report in relation to the granting of parole to the offender that has been prepared by or on behalf of the Review Council, the Commissioner, the Probation and Parole Service or any other authority of the State,

(i) Such guidelines as are in force under section 185A,

(j) Such other matters, as the Parole Authority considers relevant.

2.2 Appendix 1 details some of the documents that may be provided to the Authority and relevant information contained in those documents that assist in the decision making process.

2.3 While there will be exceptions, in principle an inmate should achieve the following before being granted parole:

(a) a recommendation for release by the Probation and Parole Service,

(b) a low level of prison classification indicating acceptable behaviour and progress in custody and a satisfactory record of conduct in custody, particularly with regard to violence and substance abuse. (Appendix 2 outlines the various prison classifications and definitions);

(c) satisfactory completion of programs and courses aimed at reducing their offending behaviour;

(d) suitable post release plans which relate to their assessed requirements on parole, including family or other support, employment, suitable accommodation and access to necessary programs in the community;

(e) a willingness and demonstrated ability and/or a realistic prospect of compliance with the conditions of parole;

(f) be assessed as a low risk of committing serious offences on parole, particularly sexual or violent offences, and have good prospects of successfully completing the parole supervision period;

(g) in the case of Serious offenders and other long term inmates, participation in external leave programs and a recommendation for release by the Review Council.

In accordance with the provisions of section 193C of the Act the Parole Authority must record its reason for granting parole.

Where the Authority decides not to accept the recommendations of the Probation and Parole Service the Authority should clearly indicate its reasons for doing so.

NB. Except in exceptional circumstances, the Parole Authority must not make a parole order for a serious offender unless the Review Council advises that it is appropriate for the offender to be considered for release on parole.

2.4 Serious offenders:

2.4.1 Serious offenders are defined in Section 3 of the *Crimes (Administration of Sentences) Act* 1999. A Serious offender is an offender who meets one or more of the following criteria:

- Is serving a sentence of penal servitude for life
- Is serving a former life sentence which has been redetermined
- Is serving a minimum term of 12 years or more
- Has been determined by the Commissioner of Corrective Services Parole Authority or a sentencing court to be managed as a Serious offender
- Has been convicted of murder and has a minimum and an additional term, or a fixed term
- Is one of a class of offenders prescribed by regulations as serious offenders

2.4.2 The Review Council (THE SERIOUS OFFENDERS REVIEW COUNCIL) is an independent statutory body responsible for the management of serious offenders in custody.

The Council does this by making recommendations to the Commissioner of Corrective Services on the prisoner's progress in custody and at the time of parole consideration makes recommendations to the Parole Authority as to whether or not, in its opinion, the inmate should be considered for release to parole.

2.4.3 Except in exceptional circumstances, the Parole Authority must not make a parole order in respect of a serious offender unless the Review Council advises that it is appropriate for the offender to be considered for release on parole.

2.4.4 If the Parole Authority seeks re-consideration of the Review Council's advice concerning the release on parole of a serious offender, the Authority must state its reasons in writing. Some of those reasons might include:

- Offender's post release plan compensates for any inadequacy in addressing offending behaviour

- The desirability of the offender completing day or weekend leave can be compensated by the strength of the community and/or family support available to the offender in assisting with integration into the community

- A strong employment program would be more beneficial to the offender and in the community's interest than further time spent in custody.

The Authority must also have regard to the provisions of section 198 (2A) of the Crimes (Administration of Sentences) Act 1999 when formulating its reasons. The matters to be considered are as follows:

(a) The public interest

(b) The offender's classification history

(c) The offender's conduct while in custody, both in relation to sentences currently being served and in relation to earlier sentences

(d) The offender's willingness to participate in rehabilitation programs, and the success or otherwise of his or her participation in such programs

(e) Any relevant reports (including any medical, psychiatric or psychological reports) that are available to the Authority in relation to the offender

(f) Any other matter that the Authority considers to be relevant

2.4.5 If the Parole Authority forms an intention to grant parole it is required to give notice of its intention to registered victims of the offender. The names of registered victims are recorded in the Victims Register maintained by the Department of Corrective Services. Victims have at least 14 days from the date

an intention to grant parole is made to notify the Authority that they seek to have the matter reconsidered.

2.4.6 Intentions to grant parole where victims are involved and intentions to refuse parole are listed at a review hearing at which the offender and the victim may make submissions.

2.4.7 At review hearings victims are invited to make a submission either orally or in writing. This submission is generally made immediately prior to the final submission on behalf of the inmate. The victim's submission is taken into account in deliberations by the Authority as to whether or not a parole order should be made.

2.4.8 The State or the Commissioner for Corrective Services may at any time make submissions to the Parole Authority concerning the release of a serious offender. The Parole Authority is not to make a final decision concerning the release of the offender until it has taken such submissions into account. Such State submissions should be dealt with at a public hearing of the Parole Authority.

If the State or the Commissioner of Corrective Services makes a submission after the Authority has made a final decision for release to parole, the Authority must consider whether or not it should exercise its power to revoke prior to release (see section 130).

2.5 Inability of inmates to access programs in custody:

An inmate's inability to access programs because of prison location, protection status, gaps in service provision or any other reason may not solely be used to justify release to parole. In such situations, parole should only be granted where relevant factors in 2.3 are met and the Authority is of the view that having regard to Section 135 of the *Crimes (Administration of Sentences) Act* 1999 it is appropriate to make a parole order:

2.6 Inmates nearing completion of full time sentence:

In cases where an inmate has been consistently refused parole for poor performance and/or refusal to address offending behaviour etc. and is nearing completion of the sentence, the interests of the community can sometimes be served by releasing the inmate on parole for the balance of the sentence to monitor the offender's behaviour and provide assistance with reintegration into the community.

Factors for consideration before proceeding to grant parole include:

(a) The likelihood of the inmate accepting and complying with parole supervision requirements;

(b) The risk of re-offending during the supervision period;

(c) The benefits to the community, if any, of granting parole for a short period.

Where an inmate is considered a high risk of re-offending, is a high impact offender (particularly sex offenders and violent offenders) and is unlikely to accept assistance and comply with supervision requirements, the interests of the community are unlikely to be served by release on parole, even for a short period of time. Release to parole in these circumstances could render the Authority liable to justified community concern.

2.7. Deportation:

The Parole Authority will consider each case on its merits.

Factors to consider before granting parole:

(a) whether a definite decision has been made by the Department of Immigration;

(b) whether the offender has adequately addressed the offending behaviour;

(c) whether the offender would otherwise be released to parole in Australia if not subject to deportation;

(d) the seriousness of the offence;

(e) the risk to the community in the country of deportation;

(f) the post release plans in the country to which the offender is to be deported;

(g) the duration of the period to be served on parole;

(h) the fact that supervision of the parole order is highly unlikely to occur;

(i) whether or not the offender entered the country specifically to commit the crime for which he/she has been sentenced.

3. Parole Refusal

3.1 In stating reasons for refusing parole the Authority should bear in mind the principle of 'public interest' contained in section 135 of the *Crimes (Administration of Sentences) Act* 1999 and referred to in 1.1 above.

3.2 When indicating an Intention to Refuse Parole (IRP) the reasons stated should commence with the overarching statement that 'it is not considered in the public interest to grant parole.'

For example, the papers could show:

Intention to Refuse Parole (IRP). Not in public interest (NIPI) because of:

- need to address offending behaviour;
- need for further alcohol & other drug counselling;
- unsuitable, unconfirmed or no post release plans/accommodation
- risk of re-offending
- need for psychological assessment re risk

- need for psychiatric assessment re diagnosis and treatment
- poor prison performance
- past failures on conditional liberty
- need to complete programs
- unlikely to adapt to normal community living
- outstanding criminal charges
- need for all reports
- such other reason as is appropriate.

3.3 In specifying reasons, care should be taken that the reasons stated for refusal include all the issues and concerns of the Authority at the time of consideration so that the inmate or their representative can fully address those issues at the review hearing.

3.4 Section 137C provides *inter alia* that for the purpose of its consideration of an offender's case, the Parole Authority may (but need not) examine the offender.

4. Review Hearings

4.1 Decision to hold a review hearing:

Section 139 of the *Crimes (Administration of Sentences) Act* 1999 provides that the Authority shall determine:

(i) if there will be a hearing whether or not the offender requests a hearing, or
(ii) that there will be a hearing only if the offender requests a hearing and the Authority is satisfied that a hearing is warranted.

4.2 The review hearing:

While the entire division of the Parole Authority presides at a review hearing, the judicial member controls the proceedings. It should always be remembered that a review hearing is not adversarial in nature and courtesy should be extended to all witnesses (including the inmate) and legal representatives at all times. In particular:

- Questions should not be asked aggressively and should be relevant to the issues
- Witnesses should be allowed sufficient time to answer a question before the next one is asked
- No community or official member should ever rebuke a witness or legal representative
- The legal representative should generally not be interrupted during his/her examination of witnesses or in the making of submissions
- No Authority member should foreshadow what the Authority's intention might be

- Board members should not use the review as a platform to express personal opinions or political views.
- Witnesses (including Probation and Parole Officers) should not be asked to comment on matters not within their area of expertise.
- Members should not ask a question similar to one already asked by another member or ask a question that indicates an opinion at variance with a question already asked. Such different views should be discussed privately.
- All protocol guidelines (as set out in the Parole Authority Code of Conduct and Protocol Guidelines) should be observed.

4.3 Review of intention to refuse parole:

4.3.1 All the reasons specified at the time the Authority indicated an intention to refuse parole should be reviewed at the hearing,

4.3.2 Parole should only be granted if the Authority is satisfied that all the reasons stated against parole being granted are no longer valid or can be managed All the reasons specified at the time the Authority indicated an post release without substantial risk to the community and the Authority is satisfied that the requirements of section 135 have been complied with..

4.3.3 Additional issues of concern may emerge during the review hearing. Should an inmate otherwise address the original IRP grounds but new issues are identified, the Authority should confirm parole refusal until the new issues are resolved. Not in public interest (NIPI) is reason enough to confirm refusal of parole.

4.3.4 Where 'poor prison performance' has been given as a reason for parole refusal, improved performance over a sustained period of time should be achieved by the inmate before parole is granted. Recent improvement in behaviour (following an IRP) is generally an insufficient response to justify granting parole.

4.3.5 If it is proposed to grant parole to an address not previously assessed by the Probation and Parole Service, adequate time should be allowed for this to be done before parole is granted. A standover period of at least three weeks should be allowed. A lesser standover period should only be permitted with the agreement of the Probation & Parole Authority member.

4.4 Review of Revocation of Parole:

4.4.1 At review hearings, the Authority sometimes becomes aware that a revoked parolee has been convicted of another offence, which was not evident at the time the parole order was revoked.

4.4.2 In such cases, if the offence was committed before the date that the order was revoked (not the date from which the order was revoked), the offender's record can be adjusted to include the new conviction as an additional reason for revocation.

4.4.3 If the new offence was committed after the date that the order was revoked it cannot constitute a breach of the parole order as the order no longer exists once it has been revoked. In such cases the records can be noted that a new offence

has been committed but it cannot be used as an additional reason for revocation.

4.4.4 There is value in recording this information for use in future parole decisions.

4.5 Setting dates for re-parole consideration

4.5.1 Section 137A of the *Act* provides that an offender may apply to be released on parole within 90 days before the offender's eligibility date and upon receipt of such application the Parole Authority must consider whether or not the offender should be released on parole. However in any case the Parole Authority may decline to consider an offender's case for up to 3 years at a time after it last considered the grant of parole to the offender.

4.5.2 Section 137B provides that the Parole Authority may consider an offender's case at any time after the offender's parole eligibility date, and without the need for an application, in such circumstances as may be prescribed by the regulations.

5. Inmate Management

The Parole Authority may at any time make recommendations to the Commissioner for Corrective Services concerning the preparation of offenders for release on parole, either generally or in relation to any particular offender or class of offenders. The Commissioner must have regard to, but is not bound by, any such recommendation.

6. Revoking Parole

The Authority acknowledges that parolees are on conditional liberty. When substantive doubt arises concerning their compliance with conditions of parole and in particular whether or not they are leading a law-abiding life, e.g. being charged with further offences, then revocation should be considered.

6.1 Parole may be revoked for breaches against any of the conditions of the parole order.

6.2 Where a parolee has been charged with a further offence punishable by a term of imprisonment but has not yet been convicted, the Authority should exercise discretion for or against revocation on the individual merits of each case.

6.3 Factors relevant to the exercise of discretion whether or not to revoke may include:

- The public interest and perceived risk to the community.
- The seriousness and circumstances surrounding the commission of the alleged offence.
- The similarity of the alleged offence to the parolee's past offending behaviour.
- The strength or otherwise of the evidence against the parolee contained in the police facts covering the alleged offence.

- The parolee's response to supervision to date.
- The parolee's stability in the community.
- Recommendation from Probation & Parole regarding revocation.

6.4 Bail refusal or grant of bail should not be an overriding factor. Such status is liable to change at every court attendance. It should be noted that the Parole Authority generally has more information available to it as to the current status and conduct of the offender than does the court.

6.5 Where a parolee has been convicted of a new offence and sentenced to a term of imprisonment revocation is usually straightforward and will take effect from the date the new offence was committed.

6.6 The question of revocation where there has been a new conviction resulting in a community based order, Periodic Detention or Home Detention, rather than a term of imprisonment, is based on the considerations referred to in 6.3.

6.7 Failure to comply with conditions involving participation in programs or entry into a rehabilitation centre where such participation has been a significant factor in determining release to parole should be viewed seriously.

6.8 Consistent failure to keep appointments with the Probation & Parole Service should be viewed seriously given that effective supervision cannot occur without regular contact.

6.9 While substance abuse and charges should be considered seriously, reports from Probation and Parole of dirty urines may not necessarily result in revocation. Discretion may be applied, particularly if the offender is being open with the Probation and Parole Officer and is genuinely endeavouring to address his/her substance abuse.

6.10 Failure to provide the Probation and Parole Service with an address, which results in the Service being unaware of the parolee's whereabouts, must result in revocation. The parolee has effectively removed himself/herself from supervision.

6.11 Where a parolee commits an offence and is admitted to the Drug Court Program or the MERIT program, agreed protocols should be followed.

6.12 Revocation of Home Detention:

Section 167 of the *Crimes (Administration of Sentences) Act* 1999 provides the Parole Authority with the power to revoke a home detention order under various circumstances.

A person serving home detention is considered to be in custody (albeit in their own home). Consequently, the effective revocation date of a home detention order is taken to be the date that the revocation order was made.

The exception to this is where a home detainee has effectively removed himself/herself from the program by removing the electronic surveillance equipment and/or absconding. In such circumstances the revocation date should operate from the date that effective removal from the program occurred.

6.13 Revocation of parole prior to release.

The following matters, subject to Regulation 219(1), are to be taken into account before revocation action is taken:

- Inmate does not seek parole;
- The inmate is unable to adapt to a normal lawful community life.
- On application by the Commissioner of Corrective Services

6.14 Revoke No Warrant

- The Authority will sometimes revoke an order without issue of a warrant where the order has expired and the parolee has been otherwise in custody during the order.
- Where the Authority receives a report of a breach of condition of parole and such a breach would normally result in revocation, the Authority in its discretion might revoke but not issue a warrant if the parole order has expired.
- Under no circumstances will the Authority revoke and not issue a warrant prior to the expiry of the parole period.

7. Security of Certain Information

Section 194 of the *Crimes (Administration of Sentences) Act* 1999 provides that certain information given to the Authority should be endorsed under that section if in the opinion of the judicial member it would disclose the contents of any offender's medical, psychiatric or psychological report or would adversely affect the supervision of any offender, the security, discipline or good order of a Correctional Centre, or endangers any person, or jeopardises the conduct of a lawful investigation, or prejudices the public interest.

Information prejudicial to the public interest includes issues relating to privacy and third-party references and material.

Such information may not be provided to the offender or his/her lawyer, nor may it be referred to in the course of a review hearing. However, it must be taken into account when the Authority makes it's determination.

8. Authority Warnings

While there is no statutory or regulatory provision for Authority warnings, many Probation and Parole officers recommend the issue of a warning rather than immediate revocation.

In such circumstances the warning is regarded as strengthening the officer's supervisory role as well as placing the parolee firmly on notice that continued failure to comply will result in revocation.

9. Overseas Travel

9.1 In principle, approval should not be given until confidence can be held that the parolee is stable and has adapted to lawful community living as demonstrated by regular contact with the Probation and Parole Service, compliance with the conditions of the parole order and stable accommodation and/or employment.

9.2 It is unlikely that such stability could be satisfactorily demonstrated in less than six months from the date of release.

9.3 Unless exceptional circumstances are proved to exist, approvals for overseas travel within the six-month period should be refused.

9.4 Applications for travel from parolees who qualify for consideration should be supported by the Probation & Parole Service and evidence provided of the need to travel overseas. In general, travel for recreational purposes alone should not be approved. Periods of travel should not be excessive, e.g. more than four weeks.

9.5 Parolees who are approved to travel overseas must provide the Probation and Parole Service with details of their itinerary including departure and return dates.

9.6 In certain cases, particularly if there has been a history of drug importation, and for compelling reasons approval for travel is given, the Authority may consider it appropriate to notify customs authorities of the parolee's travel dates.

9.7 Generally, unless exceptional circumstances exist, offenders on parole for drug importation offences would be refused permission to travel overseas.

Terms and Conditions

ATTACHMENT 2

The standard terms and conditions of parole are: -

1. The offender is to be of good behaviour and must not, during the term of the order, commit any offence.

2. The order may be revoked if the offender contravenes any of the terms and conditions of the order.

3. The order may be revoked if the Board determines that it has sufficient reason to believe that the offender, having been released from custody, has not adapted to normal lawful community life.

4. The offender must, *until the order ceases to have effect or for a period of 3 years from the date of release (whichever is the lesser); *until supervision ceases in accordance with condition 9; submit to the supervision and guidance of the Probation and Parole Service Officer assigned for the supervision of the offender for the time being and obey all reasonable directions of that officer and, in particular, the offender -

    a) is to report to the Probation and Parole Service Officer or another person nominated by that officer in the manner and at the times directed and be available for interview at such times and places as that Officer or nominee may from time to time direct; and

    b) is to reside at an address agreed upon by the Probation and Parole Service Officer and receive visits at that address by the Probation and Parole Service Officer on such occasions as the Probation and Parole Service Officer considers necessary; and

    c) is not to travel outside the boundaries of the State of New South Wales without the express approval of the Officer-in-Charge of the District Office of the NSW Probation and Parole Service to which the Probation and Parole Officer is attached; and

    d) is not to leave Australia without the permission of the Parole Board.

5. The offender is to enter into employment arranged or agreed on by the Probation and Parole Service Officer or make himself or herself available for employment as instructed by that Officer; and

6. The offender is to notify the Probation and Parole Service Officer of any intention to change his or her employment, if practicable before such change occurs, or otherwise at his or her next interview by the Probation and Parole Service Officer.

7. The offender is not to associate with any person or persons specified by the Probation and Parole Service Officer.

8. The offender is not to frequent or visit any place or district designated by the Probation and Parole Service Officer.

9. The offender shall not change residence without the approval of the supervising officer.

10. The terms and conditions of this order relating to supervision by the Probation and Parole Service Officer shall cease to have effect after .... if the Probation and Parole Service Officer has notified the offender, in writing with the concurrence of the Officer-in-Charge of the District Office of the NSW Probation Service to which the Probation Officer is attached, that the offender is not required to be subject to supervision.

11. The offender shall totally abstain from intoxicating liquor.

12. The offender shall, if so directed by his/her Probation and Parole Service Officer, seek assistance in controlling his/her abuse of alcoholic liquor.

    The offender will, in writing, authorise and direct all his/her medical, and other professional and/or technical advisers or consultants to make available to the New South Wales Probation and Parole Service a relevant report on his/her medical, and/or other conditions at all reasonable times.

13. The offender shall, following his/her release, undertake and maintain a program directed towards controlling his/her abuse of alcoholic liquor which has been or shall be arranged by his/her Probation and Parole Service Officer.

14. The offender shall, if so directed by his/her Probation and Parole Service Officer, seek assistance in controlling his/her abuse of drugs.

    The offender will, in writing, authorise and direct all his/her medical, and other professional and/or technical advisers or consultants to make available to the New South Wales Probation and Parole Service a relevant report on his/her medical, and/or other conditions at all reasonable times.

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

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

17. The offender must totally abstain from alcohol.

18. The offender must, if so directed by the supervising probation and parole officer, seek assistance in controlling his or her abuse of drugs and/or alcohol and must authorise in writing that his or her medical and other professional and/or technical advisors or consultants make available to the supervising probation and parole officer a report on his or her medical, and/or other conditions at all reasonable times.

19. The offender must undertake and maintain a program directed towards controlling his or her abuse of drugs and/or alcohol arranged by the supervising probation and parole officer.

20. The offender must not use, or be in possession of, a prohibited drug or substance.

21. The offender must undertake urinalysis, where facilities are available, at the direction of the supervising probation and parole officer.

22. The offender must refrain entirely from gambling.

23. The offender must, if so directed by the supervising probation and parole officer, seek assistance in controlling his or her gambling.

24. The offender must, if so directed by the supervising probation and parole officer, enter a residential rehabilitation centre and must not discharge himself or herself without the approval of the officer.

25. The offender must enter the [name of centre] residential rehabilitation centre, must satisfactorily complete the program offered at that centre, and must not discharge himself or herself without the approval of the supervising probation and parole officer.

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

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

28. The offender must submit to the supervision of the [name of parole service] and must, if the offender returns to New South Wales before the expiry of his or her parole order, report to the NSW Probation and Parole Service within 7 days of his or her return to New South Wales.

29. The offender must reside in [name of relevant state or territory jurisdiction] pending formal arrangements being made to transfer the offender's parole order to that jurisdiction in accordance with the provisions of the Parole Orders (Transfer) Act 1983.

30. The offender must not contact, communicate with, watch, stalk, harass or intimidate [name of person].

31. The offender must not contact or communicate with [name of person] without the express prior approval of the supervising probation and parole officer.

32. The offender must submit to supervision by the New South Wales Probation and Parole Service until such time as the offender has been deported. If the offender returns to Australia before the expiry of his or her parole order, the offender must report to the New South Wales Probation and Parole Service within 7 days of his or her return to New South Wales.

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

34. The offender must not engage in any activity, paid or unpaid, involving the control of money or assets of other people or organisations.

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

36. The offender must comply with all conditions of a Drug Court order.

37. The offender must not associate with [specified person].

38. The offender must not enter, frequent or visit [specified place or district] or environs.

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