



NSW State Parole Authority



Letter to the Minister

*The Hon. Greg Smith SC MP
Attorney General
Minister for Justice
Governor Macquarie Tower
Level 31, 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 2011 to 31 December 2011.

Yours faithfully



I H PIKE AM
Chairperson
30 June 2012

NSW STATE PAROLE AUTHORITY

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Chairperson's Foreword

To those who work in the Criminal Justice system, the beneficial effects of parole to the community are obvious.

If there were no system of parole, there would be no motivation for inmates to undertake programs to address their offending behaviour or to behave themselves while in custody. Prisons would possibly become unmanageable.

Without a system of parole, inmates would be released at the end of their sentence without any supervision or approved accommodation and be left to their own resources to make their own way in the world. It requires little thought to realise how quickly the vast majority would return to crime - vastly more than the present recidivism rate.

Yet aided by many in the media, a great many members of the public believe that parole is some form of 'early release' rather than a normal part of the sentencing process intended by the sentencing judge.

'If there were no system of parole, there would be no motivation for inmates to undertake programs to address their offending behaviour or to behave themselves while in custody. Prisons would possibly become unmanageable.'

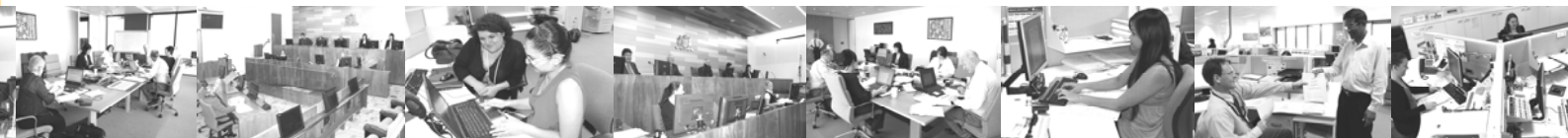
Inmates live a form of institutionalised life which ill-equips them for life in the community. They spend the term of their sentence strictly living a regimented lifestyle, being told when to eat, when to shower, when to leave their cell and when to return to it. By the time their sentence ends, many will have rarely made a decision for themselves.

By the gradual reduction of an inmate's classification, by the completion of programs to address their offending behaviour and by accessing external leave programs of day leave, weekend leave and work release, the inmate becomes fitted for that last stage of his or her sentence, parole.

Throughout this process we regularly see something which many members of the public do not - the capacity for an individual to change. Sadly not all do. But many do change sufficiently to become normal law-abiding citizens. One has only to note the low recidivism rates amongst Serious Offenders after release to parole to understand this.

The Authority is constantly appreciative of the professional services rendered by the Probation and Parole Officers and Community Compliance and Monitoring Group Officers - the former for their reports and recommendations and the latter for assisting in the supervision of more high-risk parolees. The Authority again notes the excellent work carried out by Corrective Services in the provision of its various therapeutic, custodial and educational programs. The Authority would wish that there were more resources available so that this work could be expanded.

During 2011, the State Parole Authority again carried out its duties efficiently managing a demanding caseload. During the year under review, the Authority met on 284 occasions to consider 11,093 cases. Once more it was encouraging to see how efficiently the workload was managed with the technological advances made in recent years. With continuing advances by the end of the year under review, we were all but ready to move to the next phase where USB memory sticks are to be replaced with wireless internet and members can download all their material from home with the receipt of agendas by email.



‘ *Throughout this process we regularly see something which many members of the public do not - the capacity for an individual to change. Sadly not all do. But many do change sufficiently to become normal law-abiding citizens.* ,

Once more I acknowledge the contribution made by the judicial members, Terry Christie and Paul Cloran. I also thank the contribution made by our official members (our Police and Probation and Parole representatives) for the conscientious manner in which they discharge their duties.

I also express my personal appreciation to all the community members for their contribution to our decision making and their assistance in enabling us to meet our objectives.

None of this would be possible without the enthusiasm with which the members have grappled with the new technology, the assistance provide by the Secretariat staff and the vision and driving force of our Director and Secretary, Robert Cosman.

In my experience it is rare to see a section of the Public Service which demonstrates such commitment, hard work and high morale as does the staff of the Secretariat. They work incredibly hard and cheerfully under the benevolent eye of our Director and Secretary and the Acting Deputy, Amy Manuell.

Special mention should be made of the efficiency with which our review hearings in Court 7 operate. This is due to the effectiveness of our court staff who have to compete for video time with every other court in NSW with AVL facilities.

During 2011 we farewelled community member Marion Dawson. She was a very popular member and very generous at Christmas time in dispensing gifts of her husband's home-made liqueur. We wished her well with a cake and good wishes on her last sitting day.

During the year I led a contingent of SPA members and members of the Secretariat to the International Parole Conference on the Gold Coast, hosted by the Queensland Parole Board. It was a very valuable conference which opened up a useful exchange of ideas.



Mr Ian Pike AM
Chairperson



Function

What is the Purpose of Parole?

Parole is the release of an offender from custody to serve the balance of their sentence in the community.

The purpose of parole is to supervise and support the reintegration of offenders before the end of their total sentence while providing a continuing measure of protection to the community.

Parole does not mean that offenders are free without supervision. Whilst on parole, the offender is still considered to be under sentence. It is not leniency or a reward for good behaviour, but an extension of the sentence that provides the opportunity to assist and monitor adaptation to a normal, lawful community life.

As a bridge between custody and liberty, parole is a form of conditional release that involves a thorough review of information and assessment of risk. Parolees must abide by the conditions of their release. If the conditions of parole are not met, parole may be revoked and the offender returned to custody.

Parole serves the public interest by ensuring offenders are supervised and supported during reintegration, and reducing the likelihood of recidivism. It provides a more effective way of protecting the public than would a more sudden release of offenders, at sentence expiry, without assistance and supervision.

State Parole Authority vs Court Based Parole Orders

A non-parole period is a minimum term of imprisonment during which an offender is not eligible to be released from prison to parole.

The SPA considers the release to parole of all offenders who have total sentences of more than three years with a non-parole period specified by the Court.

The *Crimes (Sentencing Procedures) Act 1999* permits a court which sentences an offender to a term of imprisonment of three years or less to also set a non-parole period that entitles the offender to be 'automatically' released from custody (dependent on appropriate post release plans and arrangements being made by the Probation and Parole Service).

Key to Common Acronyms

CSNSW	–	Corrective Services NSW
SPA	–	NSW State Parole Authority
SORC	–	Serious Offenders Review Council
P&P	–	Probation and Parole Service
CCMG	–	Community Compliance and Monitoring Group
ICO	–	Intensive Correction Order
VCSS	–	Video Conferencing Scheduling System



Victims' Interests

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

A registered victim of a serious offender also has an opportunity to make verbal submissions to the SPA about the offender before it is decided if the offender should be released on parole.

A victim may also register when the offender is serving a sentence by way of an Intensive Correction Order (ICO) or Home Detention.

Manifest Injustice

Early consideration of a case may occur in circumstances prescribed by Clause 233 of the *Crimes (Administration of Sentences) Regulation 2001* as constituting manifest injustice. These include a decision to refuse parole being based on incorrect or incomplete information, or requirements being met that were previously beyond the offender's control such as the availability of relevant programs, external leave, suitable accommodation, health services or the withdrawing of further charges.

Serious Offenders

If an offender is managed by the Serious Offenders Review Council (SORC), a representative of the State of New South Wales and any Registered Victims of crime are also able to make submissions to the SPA before it makes its final decision. According to Section 135 of the Act, except in exceptional circumstances, the SPA must not make a parole order for a serious offender unless SORC advises that it is appropriate.

Suspension of Parole Orders

If there is insufficient time to call a meeting of the SPA, the Commissioner of Corrective Services may apply to a judicial member to suspend an offender's parole order and issue a warrant for arrest. Such circumstances would occur when an offender has breached their parole and there is a serious and immediate risk that the offender will abscond, harm another person or commit an indictable offence.

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 allegations.

Abolition of Periodic Detention

From 1 October 2010, Periodic Detention ceased to be a sentencing option in NSW and a new community sentencing option called an Intensive Correction Order (ICO) became available. An ICO is a court sentence of two years or less which is served by way of intensive correction in the community under the strict supervision of Corrective Services NSW rather than in full-time custody in a correctional centre.

An offender, who was sentenced to a Periodic Detention Order prior to 1 October 2010, continues to serve this order until it is completed.



Who We Are

The NSW State Parole Authority (SPA) is an independent statutory authority governed primarily by the *Crimes (Administration of Sentences) Act 1999*. The SPA considers the release to parole of offenders who have total sentences of more than three years with a non-parole period.

What We Do

The SPA's role is the protection of the community through risk assessing offenders to decide whether they can be safely released into the community.

We make independent and appropriate decisions in relation to:

- the supervised, conditional release of offenders from custody
- the conditions of release
- the revoking of parole orders for non-compliance and return to custody
- the revoking, substituting or reinstating of home detention, periodic detention or intensive correction orders

How We Do It

Release to parole is not an automatic right at the end of the non-parole period. Section 135(1) of the *Crimes (Administration of Sentences) Act 1999* 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".

The SPA considers at a private meeting whether or not an offender should be released on parole based on the written material provided by the relevant authorities.

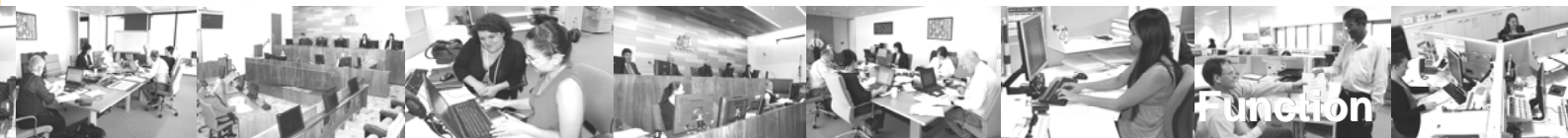
If parole is granted, a parole order is issued and the offender is released on the due date. In the case of serious offenders, the matter is adjourned to a public hearing to provide the opportunity for registered victims and the State to make submissions before a final decision is made.

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

When specifying reasons for intending to refuse parole, great care is taken to include all the issues and concerns at the time of consideration so that the offender or their representative can fully address those issues at a public hearing. Should additional issues of concern be identified during a public hearing, parole refusal will be confirmed until the new issues are also resolved.

The next time the offender is eligible for parole is the anniversary date of the earliest release date. If there is less than 12 months remaining on the offender's sentence, they will be released on the date the sentence expires.

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



What We Consider

In reaching its decisions, the SPA considers the safety of the community, matters that affect the victims of the crime committed, factors that affect the offender and the intentions of the sentencing court.

It takes into account a broad range of material to determine if the offender is able to adapt to normal lawful community life.

This includes:

- Nature of the offence
- Sentencing authority comments
- Offender's criminal/supervision history
- Potential risk to the community and the offender
- Post-release plans
- Reports and recommendations from medical practitioners, psychiatrists and psychologists
- Reports and recommendations from probation & parole officers
- Representations made by the victim or by persons related to the victim
- Submissions by the offender's family, friends and potential employers or any other relevant individuals
- Representations made by the offender or others with an interest in the case

In all cases, strict conditions are imposed on the offender and additional conditions may be specifically tailored to address the underlying factors causing their offending behaviour.

These may include;

- Assessment and treatment for alcohol or drug addiction
- Assessment and treatment for medical, psychiatric or psychological issues
- Abstinence from alcohol
- Random substance testing
- Satisfaction of criteria for a place of residence
- Restricted contact with certain individuals
- Restrictions on places the parolee is able to visit
- Attendance at personal development programs

How Parole is Revoked

The SPA considers the revocation of parole orders, including those issued by courts, if parolees fail to comply with conditions of their order.

It may consider the revocation of a court-based parole order before release if the offender applies to have the order revoked, shows an inability to adapt to normal lawful community life or does not have suitable post release accommodation. It is also responsible for revocation of home detention orders upon breaches of conditions and revocation of periodic detention orders upon unauthorised absences or evidence of unsuitability.

If an order is revoked, a public hearing is held to review the decision. When the revocation of a parole order is confirmed, the offender is not eligible for re-release for 12 months, or at the end of the sentence if the balance of parole remaining is less than 12 months.

When the revocation of a home detention, periodic detention or intensive correction order is confirmed, the detainee remains in fulltime custody but can be reinstated, subject to a suitable assessment, after serving at least three months in the case of periodic detention and home detention orders and one month for intensive correction orders. Alternatively, the balance of periodic detention or intensive correction orders may be served, if approved, by way of home detention.



Secretary's Review

I am pleased to present the Secretary's Report for 2011.

Once again I acknowledge the contribution and efficiency of the staff of the Secretariat. It is a privilege to work with this team who capably manage a high volume workload with commitment and cheerfulness.

In particular, I would like to thank Ms Amy Manuell, who has supported me in her role as the Acting Deputy Director and Assistant Secretary. Her assistance in managing our team of dependable people is sincerely appreciated. Amy, in turn, has been supported by the team leaders, Marisol Machna, Michelle Hudson and Sharon Mizzi. I am grateful for their valuable contribution, which has made the introduction of new initiatives successful and worthwhile.

I continue to admire the outstanding work of the members of the Parole Authority and thank Mr Ian Pike AM, the Chairperson, for his ongoing support to me in particular and the Secretariat in general. The Authority fulfils its obligations in a professional and judicious manner. The members are well informed and prepared, and set about their important tasks objectively and responsibly.

The Authority fulfils its obligations in a professional and judicious manner. The members are well informed and prepared, and set about their important tasks objectively and responsibly.

The members are committed to the concept of parole and public safety. They share a common belief that offenders can change and reintegrate safely into the community with good quality support from that community and professional support and supervision from their supervising officers.

The membership of the State Parole Authority was almost unchanged for 2011. Ms Marion Dawson left the Authority after her term expired on 21 October 2011. Ms Christie Lanza was appointed as a Probation and Parole Representative on 7 November 2011. Ms Lanza replaced Ms Amy Manuell whose term as a Probation and Parole Representative expired on 10 October 2011. The Authority membership may well change in 2012 when the terms of appointment of eleven judicial and community members expire during the year.

I also acknowledge the valuable assistance to the Secretariat by the staff of the Sentence Administration Branch of Corrective Services NSW. Their expertise, prompt assistance and advice are of significant benefit to staff of the Secretariat and members of the Parole Authority.

The year saw a change of government in New South Wales and the incoming Attorney-General and Minister for Justice, Greg Smith SC MP, kindly accepted an invitation to visit the Parole Authority on 30 June 2011. He met the staff of the Secretariat, and the Chairperson and members of the Authority.

There were seven appeals to the Supreme Court of NSW and one to the High Court of Australia by offenders during 2011 against decisions made by the Parole Authority. A further two matters were carried over from 2010. Of these ten, three were not finalised and carried over to 2012. Of the remaining seven, one was abandoned and six dealt with by the Authority after being referred back to the Authority by the Court.

Of the matters referred back to the Authority, one was the matter of Davison. The Supreme Court found against the Commissioner of Corrective Services New South Wales and the Serious Offenders Review Council. A finding against the State Parole Authority was not reached as the Authority was acting on advice from the Serious Offenders Review Council. However, this matter had substantial ramifications for the Authority as there were criticisms regarding the way reasons for decisions were recorded.



The members are committed to the concept of parole and public safety. They share a common belief that offenders can change and reintegrate safely into the community with good quality support from that community and professional support and supervision from their supervising officers.

Therefore we have embarked on improving our relevant processes, particularly the reasons for refusing parole. Changes to our procedures have begun to be put in place and this implementation will continue into 2012.

Of the three matters that were not finalised and have been adjourned to 2012, one was the appeal of Kevin Garry Crump to the High Court of Australia. Crump is challenging the NSW legislation that prohibits the Authority considering his parole at this stage.

This year saw ongoing progress and continued interest in our electronic management of members' papers. A delegation from the Victorian Adult Parole Board and Corrections Victoria, led by the General Manager, David Provan, visited in February 2011 for a presentation about our project.

The project was also presented again to the NSW Parole Authority members at a training day on 11 April 2011. The members' training day also included a presentation from Dr Michael Grewcock, Faculty of Law, University of NSW. The presentation was about deportation of offenders released to parole.

A large contingent of Parole Authority members attended the Australasian Parole Board Conference in Queensland during October 2011. The theme of the conference was 'Re-connecting with the community...challenges and initiatives' and relevant topics included the Indigenous Perspective, Mental Health Perspective and High Risk Offenders.

The year also saw the implementation of a tri-partite Deed of Agreement between the Parole Authority, Corrective Services NSW and the Administration of Norfolk Island. Under this agreement, offenders from Norfolk Island, who are in custody in NSW correctional centres, can be released on parole by the Parole Authority and serve their orders on Norfolk Island.

International visitors during 2011 included a delegation of officials from China's Ministry of Justice and the Australian Human Rights Commission.

I look forward to the meeting the challenges in 2012 with the continued support and outstanding contribution made by the staff of the Secretariat whom I thank again for their efforts. I also look forward to working next year with the judicial, official and community members of the State Parole Authority.



Mr Robert Cosman
Secretary

Minister Pays Personal Visit to State Parole Authority

On 30 June 2011, the Attorney General and Minister for Justice, Greg Smith accepted an invitation from SPA Secretary, Robert Cosman to visit the Authority and Secretariat at the Parramatta Justice Precinct.

The visit presented the invaluable opportunity for all members of the SPA team to meet and talk informally with the person who is ultimately responsible for the administration and development of the state's legal system, of which the Parole Authority plays a vital part.

The Minister was initially introduced to Secretariat staff and displayed considerable interest by listening intently to what individual staff members had to say with regard to their roles, and asking additional questions to further his understanding.

The chance to chat casually was appreciated by both the Minister and staff members.



X.D'Souza, N. Lloyd, The Hon. G. Smith, L. Sobhi and R. Cosman

The SPA's judicial, official and community members also welcomed the opportunity of becoming personally acquainted with the Minister and familiarising him with their responsibilities.

Chair Ian Pike explained to the Minister the workings of the private and public hearings and spoke highly of the Authority.

"The Parole Authority is proud of its transparency and I can vouch for the team's conscientiousness," Mr Pike said.

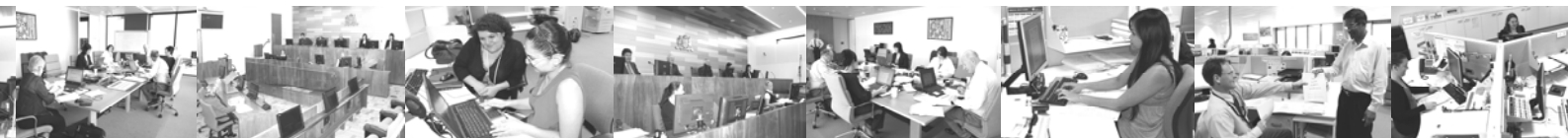
The Minister agreed with the chair's assessment and expressed his high regard for the work carried out. "The community benefits from the community members' involvement in these matters, it is not a closed room, you are all here because of your expertise and I'm keen to learn more from you," Mr Smith responded.

Before departing, Minister Smith expressed his appreciation for the important work carried out by the SPA and commended the whole team on their achievements.

SPA Secretary, Mr Cosman believes the visit was a worthwhile experience for all involved and was pleased that the Minister agreed to visit and meet the team. "The Minister showed a keen interest in the functions of the Authority and it was a morale booster for all staff to meet him".



Back Row: A. Manuell, L. Easterbrook, J. Stapleton, P. Walsh, G. Vyse, L. Walker, R. Cosman, H. Bagaie
Front Row: M. Jabour, I. Pike, The Hon. G. Smith, T. Christie, N. Cleary



Items	2009	2010	2011	% Change
Matters Considered	11,703	11,657	11,093	- 4.8
SPA Meeting Days	295	291	284	- 2.7
- Private	98	98	97	- 2.0
- Public	197	193	187	- 3.1
- Policy	3	4	2	- 50.0
- Secretary Sitings	50	51	50	- 1.9
Total Parole Releases	5,542	5,687	5,447	- 4.2
- SPA	924	951	1,036	8.9
- Court-based Orders	4,618	4,736	4,411	- 6.9
Total Parole Orders Refused	309	290	254	- 12.4
Total Parole Orders Revoked	2,242	2,246	2,059	- 8.3
- SPA	453	444	493	11.0
- Court-based Orders	1,789	1,802	1,566	- 13.0
- Prior to Release	194	227	286	30.0
Total Revocations Rescinded	345	446	336	- 24.7
Variations to Parole Orders	266	264	255	- 3.4
SPA Formal Warnings	1,117	1,277	1,829	43.2
Overseas Travel	38	42	48	14.3
State Submissions	18	13	8	- 38.5
Victim Submissions	43	32	64	100
Interstate Transfers (to NSW)	49	56	22	- 60.7
Matters heard via Video Conference	2,761	2,809	2,905	3.4
Appeals	9	5	10	50.0
Meetings of HD/ICO/PD Division	50	48	47	- 2.0
HD/ICO/PD Matters Considered	1,673	1,599	919	- 42.5
HD - Revoked	58	37	20	45.9
HD - Reinstatement Ordered	9	6	2	- 66.7
HD - Reinstatement Declined	8	5	1	- 80.0
ICO - Revoked	n/a	n/a	67	n/a
ICO - Reinstatement Ordered	n/a	n/a	8	n/a
ICO - Reinstatement Declined	n/a	n/a	10	n/a
ICO - Section 162 Inquiries	n/a	n/a	1	n/a
PD - Revoked	383	388	50	- 87.1
PD - Reinstatement Ordered	107	105	43	- 59.0
PD - Reinstatement Declined	78	57	8	- 86.9
PD - Section 162 Inquiries	4	0	3	300.0

2011 Snapshot



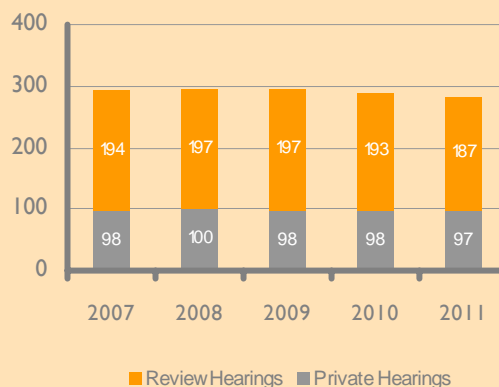
Cases Considered

The SPA met on six occasions each week to deal with its significant workload. Each week there were two private meetings (for consideration of release to parole and revocation of parole) and four public review hearings (to review decisions). During 2011, the SPA met on 284 occasions to consider 11,093 cases.

A single matter is often considered on more than one occasion. This is particularly the case with public review hearings for the refusal or revocation of parole, and also where a matter is held over for the receipt of additional reports or to await the finalisation of ongoing court matters.

There were also 50 secretary sittings to make various administrative decisions for cases under consideration. Examples of these include the registration of interstate parole orders and standing a case over to a future date to allow for a report submission or the finalisation of court results.

Parole Authority Meetings 2007 - 2011



Parole Authority Volume 2007 - 2011

	2007	2008	2009	2010	2011
Cases Considered	11,364	11,622	11,703	11,657	11,093
Meeting Days	295	299	295	291	284

Parole Ordered

Parole was ordered in 1,036 cases in 2011. Of these, 41 were serious offenders and one was pursuant to Section 160 of the *Crimes (Administration of Sentences) Act 1999* which permits parole to be ordered before the expiry of the non-parole period if the offender is dying or there are other exceptional extenuating circumstances.

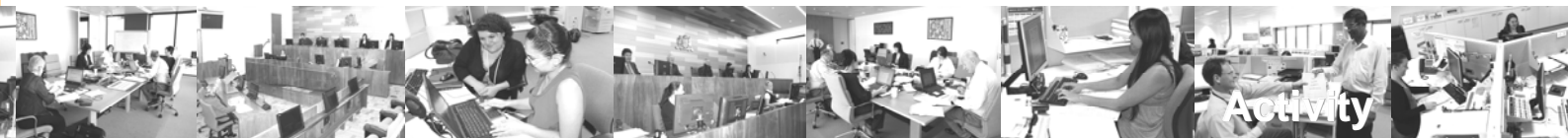
The 1,036 offenders granted parole by the SPA represents 19% of the 5,447 offenders who were released to parole in the 2011 calendar year. The balance of 4,411 offenders were subject to automatic court-based orders.

Parole Ordered 2007 - 2011



Total Parole Ordered 2007 - 2011

Year	2007	2008	2009	2010	2011
Total	880	887	924	951	1,036



Parole Revoked

The SPA revoked a total of 2,059 parole orders in 2011 of which 74.8% were court-based orders.

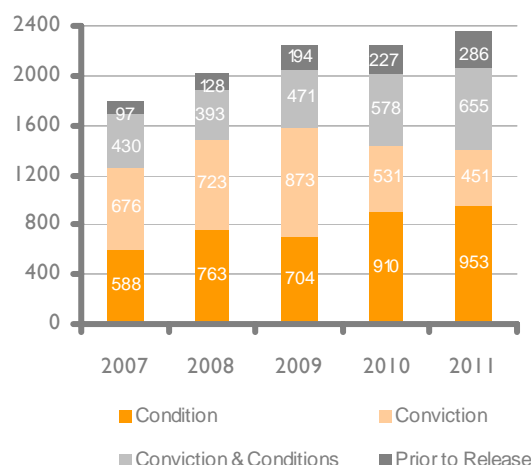
Of these, 953 were the result of a breach of conditions other than the commission of another crime including nine serious offenders. Breaches included the failure to maintain contact with the supervising Probation and Parole Officer, changing address without permission, leaving the state without permission, failure to attend a drug and alcohol rehabilitation centre and failure to abstain from drug and alcohol use.

451 revocations, of which two were serious offenders, were the result of outstanding charges or further conviction.

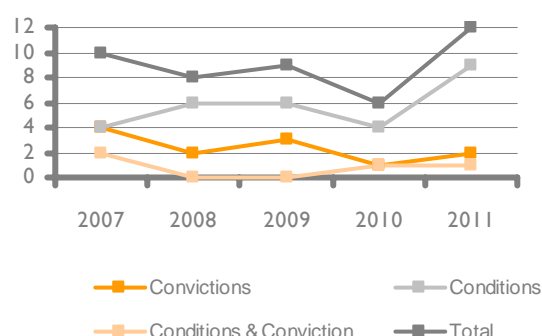
655 offenders were revoked for both a breach of conditions and a further conviction/s. There was one serious offender in this category.

The SPA also revoked 286 orders prior to release. Revocation of court-based orders represented 93.4% of these revocation decisions.

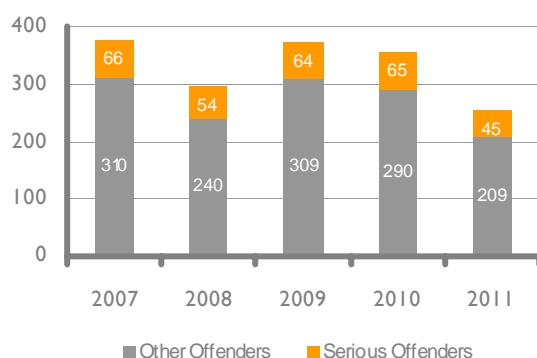
Parole Revoked 2007 - 2011



Parole Revoked Serious Offenders 2007 - 2011



Parole Refused 2007 - 2011



Parole Refused

Parole was refused in 254 cases in 2011 of which 45 were serious offenders.

The SPA does not automatically release offenders to parole at the end of the non-parole period for sentences in excess of three years. Section 135(1) of the *Crimes (Administration of Sentences) Act 1999* 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".

Total Parole Refused 2007 - 2011					
Year	2007	2008	2009	2010	2011
Total	376	294	309	290	254



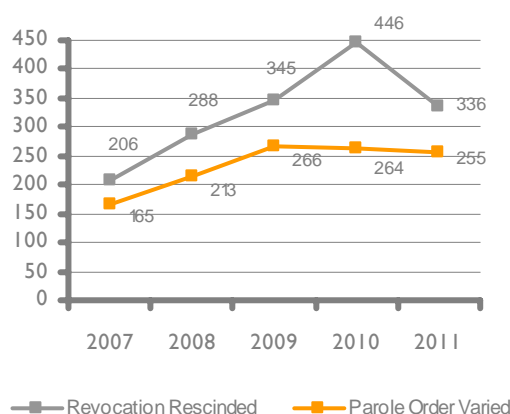
Parole - Other Matters

Revocation Rescinded

If the SPA revokes an offender's parole, the offender has a right of review of that decision once they are returned to custody. This provides the opportunity to determine whether incorrect information was relied upon in the initial consideration of the case or whether extenuating circumstances exist that warrant rescission. A decision to rescind the revocation order may be made to avoid the possibility of an injustice occurring.

In 2011, 336 matters were rescinded of which five related to serious offenders.

Amendments 2007 - 2011



Vary Parole Orders

In some instances, it is necessary to vary the conditions of a parole order to ensure the conditions are relevant and appropriate to the offender, or to assist with the supervision of a parolee. In most cases, the Probation and Parole Service request that the conditions of a court-based parole order be varied in relation to attendance at relevant development programs. Orders can also be varied to restrict contact between offenders and victims to ensure compliance with the Child Protection Register.

255 variations to parole orders were made in 2011 of which three related to serious offenders. 67.8% of parole order variations related to court-based parole orders.

Serious Offenders

According to Section 135 of the Act, except in exceptional circumstances, the SPA must not make a parole order for a serious offender unless SORC advises that it is appropriate. In 2011, 4% of all offenders granted parole were serious offenders. In comparison, 17.7% of offenders who were refused parole were serious offenders. Of the 2,059 offenders who had their parole revoked after release for breaches of conditions and/or further convictions, 12 were serious offenders.

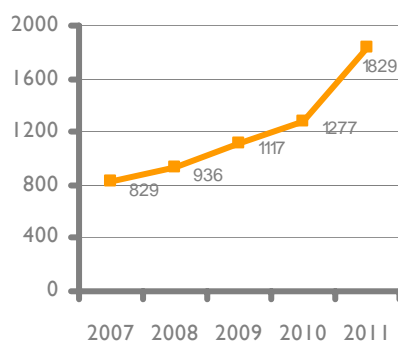
Warnings

Formal warnings are issued to parolees who are at risk of having their parole orders revoked for breaching their conditions. Warnings from the SPA can assist officers from Probation and Parole and the Community Compliance and Monitoring Group in effective case management by emphasising the need to comply with the conditions of parole and to adhere to the supervising officer's directions.

Parolees are advised in writing by the SPA that their continued failure to comply with the conditions of parole may result in revocation of their parole order.

1,829 SPA warnings were delivered in 2011 with 20 of these being given to serious offenders.

Authority Warnings 2007 - 2011





Victim & State Submissions

The *Crimes (Administration of Sentences) Act 1999* gives victims of a crime the right to make submissions to the SPA when it is considering a decision about an offender that could result in release on parole. Written notice is given to any victims registered on the Victims' Register prior to the preliminary consideration of an offender's release. Victims are then able to lodge a notice of an intention to make a submission.

64 submissions were received from registered victims in 2011. Nine were from victims of serious offenders.

The Act also enables the State to make submissions to the SPA at any time concerning the release on parole of a serious offender. Eight such submissions were made in 2011.

Commissioner's Submissions

Section 160 AA of the *Crimes (Administration of Sentences) Act 1999* provides the opportunity for the Commissioner of CSNSW to make a submission concerning the release on parole of any offender where there is other information that could assist the SPA in its deliberations.

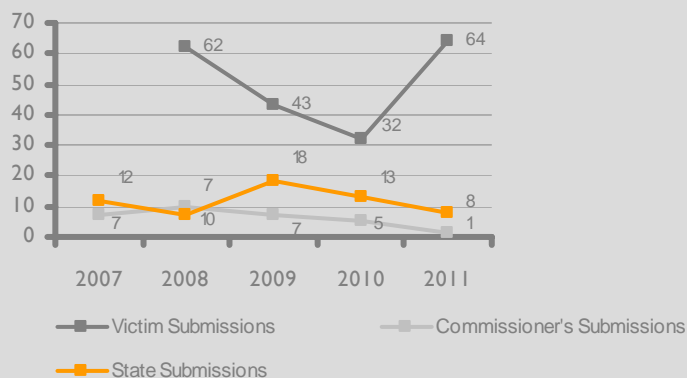
There was one such submission made in 2011.

Victims' Document Access

Section 193(A)(2) of the *Crimes (Administration of Sentences) Act 1999* allows the victim of a serious offender to access certain documents held by the SPA concerning the measures the offender has undertaken to address the offending behaviour.

During the year, the SPA provided eight victims with access to such documentation.

Submissions 2007 - 2011



Parole - Other Matters 2007 - 2011

Year	Revocation Rescinded	Order Varied	Authority Warning	Overseas Travel	Interstate Orders	State Submission	Commis. Submission	Victim Submission
2007	206	165	829	39	61	12	7	n/a
2008	288	213	936	28	64	7	10	62
2009	345	266	1,117	38	49	18	7	43
2010	446	264	1,277	42	56	13	5	32
2011	336	255	1,829	48	22	9	1	64



Overseas Travel

Parolees must seek approval from the SPA prior to travelling overseas providing evidence for the reason. Applications for travel should also be supported by a report from the Probation & Parole Service indicating the parolee's compliance with parole conditions and stable accommodation and/or employment.

In general, excessive travel or travel for recreational purposes such as family holidays or honeymoons is not approved.

48 parolees were approved to travel overseas in 2011 of which three were serious offenders. Reasons for travel included the need to visit a dying family member, to attend a funeral or to complete business on behalf of an employer.

Interstate Transfers

Complementary state and territory legislation and protocols provide for the transfer of state and territory parole orders 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.

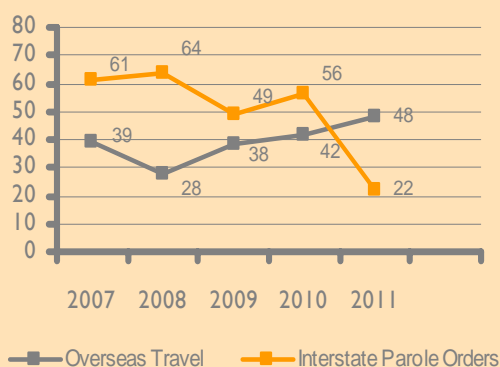
There were 22 registrations of interstate parole orders in NSW in 2011.

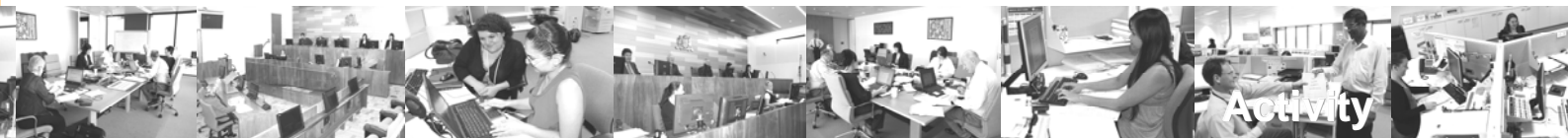
Video Conferencing

The SPA is a participant in the Cross Justice Video Conferencing system. The system is a joint initiative between CSNSW, the NSW Attorney General's Department, NSW Police Force and the Department of Juvenile Justice and was introduced to avoid transport and escort costs and reduce the risk of escapes during external movements. 27 video conferencing studios are available in 22 correctional centres across the State. The SPA 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 2011, there were a total of 30,721 CSNSW matters dealt with via the video conferencing network. There were 2,905 matters dealt with by the SPA which represents 9.5% of overall system usage.

Movement 2007 - 2011





Home Detention, Periodic Detention and Intensive Correction Orders

Home Detention, Intensive Correction and Periodic Detention Division

A division of the SPA dedicates a separate day each week to deal specifically with cases arising from home detention and intensive correction orders. This division also deals with the remaining periodic detention orders still to be served since its abolition as a sentencing option in October 2010.

In 2011, this division held 47 meetings.

Home Detention

Home detention is a rigorously monitored, community supervision program aimed at the diversion of offenders from incarceration in prison. The decision to allow an offender on the home detention program is based on the nature and circumstances of the offence, the degree of risk an offender 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. Community Compliance and Monitoring Group Officers monitor offenders' compliance with 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 in a correctional centre. The SPA 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 Community Compliance and Monitoring Group Officer prepares a breach report for the SPA's consideration. Where the circumstances of a breach are confirmed, the SPA has the power to revoke the home detention order.

In 2011, 20 detainees had their home detention order revoked.

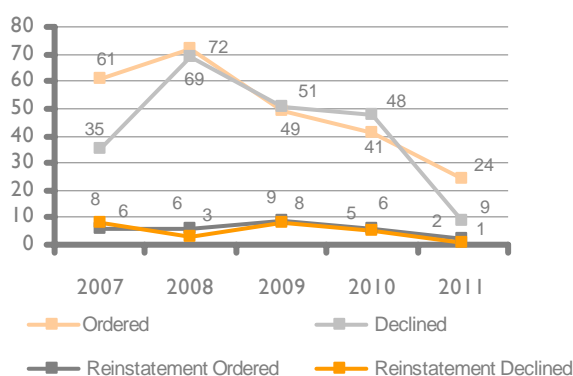
Home Detention Assessments

The SPA may issue a home detention order following application from an offender who is either currently serving an intensive correction or periodic detention order or whose intensive correction, periodic detention or home detention order has been revoked.

A home detention order is only considered where the offender has been assessed as suitable by the Community Compliance and Monitoring Group. The offender must meet the eligibility criteria specified in the legislation and have the nominated accommodation assessed and found to be suitable.

38 home detention assessments were made in 2011 for the SPA after revocation of orders.

Home Detention Decisions 2007 - 2011





Intensive Correction Orders (ICO)

An ICO is a court sentence of two years or less which is served by way of intensive correction in the community under the strict supervision of CSNSW rather than in full-time custody in a correctional centre. An ICO is for a fixed period and does not have a non-parole period. The Court can sentence an offender to an ICO once an assessment for suitability has been undertaken.

ICOs consist of a supervision/case management component and a compulsory community work component. The offender has to report to Community Offender Services, perform 32 hours of community service a month, attend rehabilitative programs where required and are also subject to drug and alcohol testing. There is also provision for the offender to be electronically monitored.

The Community Compliance and Monitoring Group are responsible for the administration of these orders. If an offender does not comply with their order, a report is prepared and considered by the ICO Management Committee who can either take action on the non-compliance or refer matters to the SPA.

The ICO Management Committee consists of five officers of CSNSW appointed by the Commissioner. Their function is to ensure consistency and fairness in the application of the orders, provide warnings to offenders and impose more stringent application of conditions, as well as providing advice and recommendations to the SPA.

Once an offender's non-compliance is referred, the SPA may issue a letter of warning to the offender, impose sanctions on the order including seven days home detention or revoke the ICO.

ICO Revocations

If an offender's ICO is revoked, the offender can apply for reinstatement of their ICO upon serving a month in custody. They must satisfy the SPA that they can successfully complete the remaining period on their ICO and their reinstatement assessment report must deem them suitable. Alternatively, an offender could seek conversion of the remaining ICO order to home detention.

In 2011, 67 detainees had their ICO revoked.

ICO 2011	
Ordered by Courts	630
Revoked	67
Revocation Rescinded	0
Reinstatement Ordered	8
Reinstatement Declined	10

Periodic Detention

Prior to 1 October 2010, where an offender was sentenced to a term of imprisonment which exceeded three months but was less than three years, the sentence could be served by way of periodic detention which generally required the offender to remain in custody for two consecutive days of each week for the duration of the sentence. This allowed offenders to maintain their ties to the community by remaining in employment and living with their families while also contributing to the community through work. In order to assess suitability, the Probation and Parole Service was required to prepare a report to consider any factors which may affect an offender's ability to attend regularly, including ability to travel, transport costs, medical conditions and employment.

Periodic Detention ceased to be a sentencing option from 1 October 2010.

Periodic Detention Revocations

The SPA 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, a warrant may be issued for the apprehension of the offender to serve the remainder of the sentence in full time custody or another action may be determined such as having the offender assessed for suitability for a home detention order.

In 2011, 50 detainees had their periodic detention order revoked.



Appeals

The legislation permits an offender to appeal a decision of the SPA. Prior to the legislative amendments that came into effect on 10th October 2005, all appeals were made to the Court of Criminal Appeal.

However, as a consequence of an amendment to Section 155 of Part 6 of the *Crimes (Administration of Sentences) Act 1999*, appeals are now made to a single judge sitting in the Administrative Division of the NSW Supreme Court. In such appeals, the offender usually alleges that the decision has been made on the basis of false, misleading or irrelevant information.

There were two appeals carried over from the previous year, seven appeals to the Supreme Court of NSW and one to the High Court of Australia resulting in a total of ten appeals in 2011.

Section 156 provides for applications by the State to the Supreme Court in respect of decisions regarding serious offenders. There were no such appeals in 2011.

Offender Challenges Sentencing Laws in Quest for Release

Offender Kevin Garry Crump is subject to two life sentences commencing on 20 June 1974 after being found guilty of conspiracy to murder and murder. At the time of sentencing, the presiding judge, Justice Taylor recommended that Crump never be released.

In 1997, the Supreme Court of NSW re-determined Crump's life sentences under 'truth in sentencing' requirements. The offender, in respect of the conviction of conspiracy to murder, was sentenced to 25 years imprisonment commencing on 13 November 1974 and expiring on 12 November 1998. His conviction for murder was re-determined to a minimum of 30 years to expire on 12 November 2012, and an additional term 'for the remainder of his natural life' from 13 November 2003 during which he could be released to parole.

In 2003, the offender made an application for parole to the NSW State Parole Authority.

offender was not eligible for parole. Crump has subsequently made an application to the High Court of Australia to be considered for parole.

On 10 May 2011, the Prisoners Legal Service filed a writ of summons and statements against the State of NSW and the State Parole Authority claiming the offender's right to have his parole application considered. Crump's case is legally complex and much of the legal argument centres on the original non-release recommendation. Crump is one of ten inmates in NSW who have had their files marked this way.

On 16 November 2011, a 'special leave' application was heard by Justice Virginia Bell in the High Court of Australia. Her Honour has referred the matter to a hearing of the Full Bench of the High Court to determine whether the offender may have a parole application considered by the NSW State Parole Authority. The matter is expected to be heard in 2012.

It should be noted that, in addition to the offences Crump has been convicted of in New South Wales, the offender faces further outstanding charges, for which warrants for his arrest have been issued in Queensland.

Appeals 2007 - 2011

Year	Number of Appeals	Abated	Dismissed	Withdrawn	Referred Back to SPA	Finding Against SPA	Ongoing
2007	14	0	6	7	0	1	0
2008	14	0	3	7	0	0	4
2009	13	0	4	3	4	0	2
2010	5	2	1	1	0	0	1
2011	10	1	0	0	6	0	3

People

Membership

The SPA is constituted under the provisions of Section 183 of the *Crimes (Administration of Sentences) Act 1999*. At least four of the appointed members are judicial members; acting or retired magistrates or judges of a New South Wales or Federal Court. At least ten community members are appointed to reflect the community at large although only two may sit at any meeting.

The other three members do not require appointment by the Governor. They are a member of the New South Wales Police Force nominated by the Commissioner for Police, an officer of the Probation and Parole Service nominated by the Commissioner of CSNSW and the Secretary of the SPA appointed by the Chairperson to dispose of routine business.

As of 31 December 2011, there were four judicial members, twelve community members and four official members serving on the SPA.

Judicial Members



Mr Ian Pike AM served as Acting Deputy Chairperson from 2 September 2002, until being appointed as Chairperson on 1 January 2003 and was reappointed on 1 January 2006, 12 December 2008, 12 December 2009, 12 December 2010 and 12 December 2011 for a 12 month period. Mr Pike was appointed as a Magistrate in 1970 and retired as Chief Magistrate of NSW in 1997. 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.

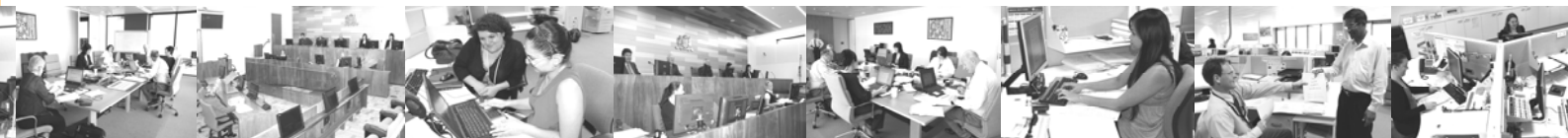
Judge Terence Christie QC was appointed to the position of Deputy Chairperson on 15 December 2003 and was reappointed on 15 December 2006, 15 December 2009 and 15 December 2010. Judge Christie was appointed as a Judge of the District Court of NSW in 1993. On 11 October 2006, Judge Christie was appointed to the Mental Health Review Tribunal as a part-time Deputy President and part-time member.



Judge Paul Cloran was appointed to the position of Deputy Chairperson on 15 July 2010. Judge Cloran had been appointed a magistrate in 1987 before retiring Deputy Chief Magistrate of NSW in July 2010. Since this time, Judge Cloran was appointed an Acting Judge of the District Court and Judge of the Drug Court in July 2010. He currently also presides at the Hunter Drug Court at Toronto.

The Hon Deirdre Frances O'Connor was appointed to the position of Alternate Chairperson on 3 May 2004 and was reappointed on 3 May 2007 and 3 May 2010. As a Judge of the Federal Court of Australia, she served as President of the Commonwealth Administrative Appeals Tribunal and the Australian Industrial Relations Commission. She is also a member of the Consumer, Trader and Tenancy Tribunal Peer Review Panel.





Community Members

Mr Robert Inkster OAM APM retired from the NSW Police in October 2004 at the rank of Detective Chief Superintendent having served 38 years. 34 of these years were served in criminal investigation. Mr Inkster was appointed on 17 January 2005 and was reappointed on 17 January 2008 and 17 January 2011.

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

Mr Barry John Kilby JP QS is a Board Member of the victims' support group VOCAL and the Community Aid Panel (CAP) at Newcastle and has also been a Supervisor for Community Service through the Newcastle Police (CAP) for the past three years. He has held the position of a Scout/Venturer Leader at the Teralba Sea Scouts for the past fifteen years. He has been appointed the Regional Leader for Venturer Scouts in both the Lake Macquarie and Newcastle Zones and assists in the running of Scout training courses. Mr Kilby was appointed on 11 October 2006 and was reappointed on 21 October 2009.

Ms Gowan Vyse has a long history working in the human services field and with people with disabilities. She currently holds the position of Regional Manager, Public Guardian, Department of Justice and Attorney General. Ms Vyse was appointed as Community Member (victim's interests) on 3 April 2006 and was reappointed on 13 May 2009.

Professor Ross Fitzgerald is Emeritus Professor in History and Politics at Griffith University; a member of the Administrative Decisions Tribunal and the NSW Government Expert Advisory Group on Alcohol and Other Drugs. Professor Fitzgerald serves as an academic, writer and broadcaster. He has also been a member of the Queensland Community Corrections Board. Professor Fitzgerald was appointed on 16 December 2002 and was reappointed on 16 December 2005 and again on 17 December 2008 and 17 December 2009.

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 on 25 September 2002 and was reappointed on 25 September 2005 and 13 May 2009.

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 on 1 October 2002 and was reappointed on 1 October 2005 and 13 May 2009.

Ms Martha Jabour is Executive Director, Homicide Victims Support Group (Aust.) Inc., a position she has held since 1993. She represents the Homicide Victims Support Group and the community on the Victims Advisory Board, the Homicide Squad Advisory Council, the Sentencing Council of NSW, the Conduct Division of the Judicial Commission of NSW and the Domestic Violence Death Review Team. Her interests are to further promote victims' rights and needs, with a special focus on crime prevention, particularly in the areas of domestic violence, mental health and juvenile justice. Ms Jabour was appointed on 4 October 2006 and was reappointed on 21 October 2009.

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 on 1 July 2000 and was reappointed on 1 July 2003, 1 July 2006 and 1 July 2009.

Mr Noel Beddoe was principal in high schools in New South Wales for twenty years. Between 1995 and 2007 he visited towns in rural and isolated communities to provide advice concerning the development of structures for the education of Aboriginal students and to assist principals resolve conflicts which had arisen between schools and their Aboriginal communities. He was awarded life membership of the NSW Secondary Principals Council in 1999. Mr Beddoe was appointed on 1 July 2009.



Official Members

Mr Ken Moroney AO APM retired as the Commissioner, NSW Police Force, on 31 August 2007 after completing 42 years service as a police officer. He is a recipient of both the National Medal with First and Second Class Clasps and the Australian Police Medal for Distinguished Service. He was made an Officer of the Order of Australia in 2007 for his services to law enforcement and national security. He was highly commended on several occasions for his service to the people of NSW. His other appointments include membership of a number of Boards including St Johns Ambulance (NSW), NSW Police Legacy and the Kid's Cancer Project (Oncology Children's Foundation). He is also a member of the World Bank/UN Project of Global Road Safety. Mr Moroney is Chairperson of the NSW Police Credit Union and representative of the Conduct Division of the Judicial Commission of NSW. Mr Moroney was appointed on 19 September 2007 and was reappointed on 19 September 2010.

Ms Maritsa Eftimiou has a legal career that spans 25 years in which she has represented clients in criminal, civil and administrative legal matters. Ms Eftimiou has extensive legal experience working with culturally and linguistically diverse communities and particularly refugees both as a private practitioner and as a Tribunal member on the Refugee Review Tribunal and the Migration Review Tribunal. She is a former member of the Refugee Resettlement Council of Australia and is currently a member of the Consumer Trader and Tenancy Tribunal. Ms Eftimiou was appointed on 1 September 2003 and was reappointed on 1 September 2006 and 21 October 2009.

Ms Marion Dawson has undertaken a wide range of community service including 17 years in local government as both a Councillor and as a Deputy Mayor. She has served on indigenous, youth and aged committees and was also a member of the Macquarie Area Health Board for 6 years. She is in her 26th year as a Trustee of Mount Arthur Reserve Trust. Ms Dawson was appointed on 6 September 2006 and was reappointed on 21 October 2009. Ms Dawson retired on the expiration of her appointment on 20 October 2011.

Probation and Parole Representative

Ms Amy Manuell was appointed as the Probation and Parole Representative on 9 June 2009 and her term expired on 10 October 2011 with Ms Christie Lanza being appointed on 7 November 2011 to replace Ms Manuell. Ms Nicole Cleary was appointed on 12 April 2010 as the second Probation and Parole Representative. Ms Christie Lanza, Mr Steven Morris, Mr Malcolm Pearse, Ms Kerry Lawson, Ms Jillian Hume, Ms Jo-Anne Stapleton and Mr Tom Harsas act as deputies during leave by official appointees.

Police Representative

Senior Sergeant Pettina Anderson was appointed as the Police Representative on 2 June 2009 and Chief Inspector Hamed Baqaie was appointed as the second Police Representative on 11 December 2009. Detective Inspector Linda Howlett, Inspector Helen Halcro, Senior Constable Greg Coulter, Senior Sergeant Catherine Urquhart, Sergeant Julia Titmuss and Sergeant Jason Wills act as deputies during leave by official appointees.

Secretary

Mr Robert Cosman, Director and Secretary
Ms Amy Manuell, Acting Deputy Director and Assistant Secretary



Staff

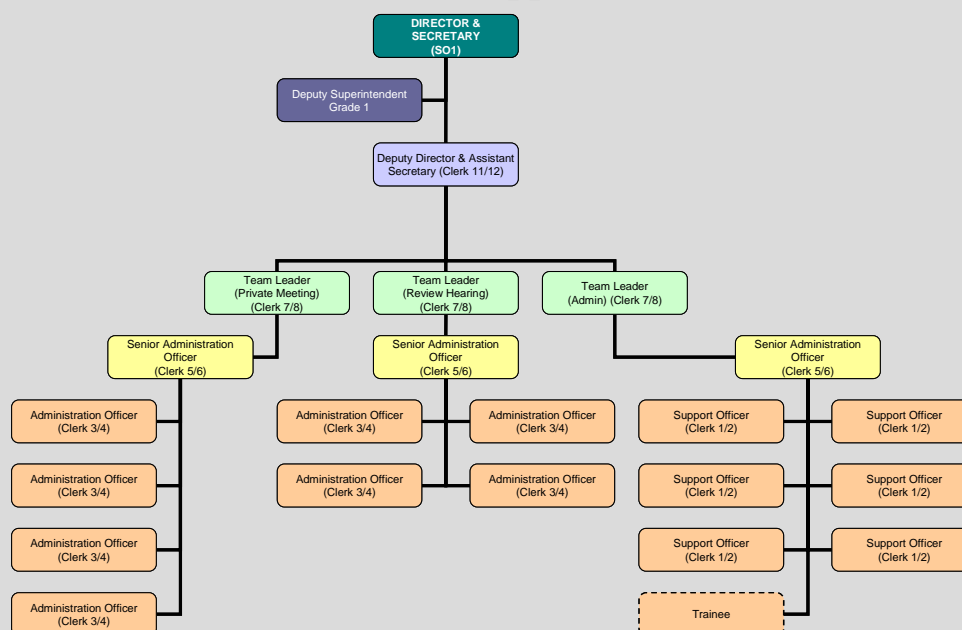
The SPA would not function without the hard work of the Secretariat. Staffed by officers from CSNSW, the Secretariat is made up of three interdependent teams; the Submissions, Reviews and Support Teams.

The Submissions Team consists of four Submissions Officers and a Senior Administration Officer led by the Submissions Officer Team Leader. Together, they are responsible for the preparation and collation of all matters that go before the private meetings. This preparation includes a wide range of tasks from requesting criminal histories, police facts and judge's sentencing remarks to coordinating the submission of reports from P&P Officers or CCMG Officers. Upon receipt of all necessary documents for an offender's case, they are filed on the electronic records management system, TRIM, ready for distribution to the members. Submissions Officers are also responsible for the preparation of warrants, orders, memorandums and correspondence.

The Reviews Team consists of four Reviews Officers and a Senior Administration Officer led by a Reviews Officer Team Leader. Together, they are responsible for the preparation and collation of all matters that go before the public review hearings at court. Preparation includes coordinating submission of updated reports, filing reports on TRIM, ensuring appropriate people are available to give evidence on the day (offenders, legal representatives or P&P/CCMG Officers) and the smooth running of the court hearing. Review Officers are also responsible for the preparation of warrants, orders, memorandums and correspondence.

The Support Team consists of six officers, a trainee and Senior Administration Officer that provide administrative support to the Secretariat, led by the Team Leader for Administration. This team is responsible for duties such as data entry into OIMS, preparation of memory sticks for SPA members, coordination of the VCSS, preparing requests for psychological and psychiatric reports and the preparation of documents to be forwarded to offenders and their legal representatives

SPA – Secretariat Approved Structure





Visitors

The SPA's private meetings are not open to public attendance, however, it welcomes the attendance of those visitors that have a special interest in the work the SPA completes at both their private meetings and review hearings. Prior to attendance, visitors receive an explanation of how the SPA executes its statutory obligations and responsibilities, and the importance of ensuring the confidentiality of matters discussed. Many visitors have expressed their admiration of the work the SPA completes and their gratitude for being given the opportunity to observe the SPA in action.

Visitors that attended the SPA in 2011 included:

- Attorney-General and Minister for Justice, Greg Smith SC MP

Representatives of the:

- Victorian Adult Parole Board, Corrections Victoria, led by the General Manager, David Provan,
- Ministry of Justice from China and the Australian Human Rights Commission
- Indonesian Directorate-General Corrections (DGC), the Centre for Detention Studies and the Asia Foundation

Management and/or Staff of:

- Corrective Services NSW, including the Probation and Parole Service (CSNSW), Community Compliance and Monitoring Group (CSNSW), Victims Register (CSNSW)

Students from:

- Macquarie University
- University of New South Wales

An International Perspective

The SPA is an experienced host in receiving international delegations to overview its operations and recognises the mutual benefits that such exchanges of information support.

In 2011, one such delegation to visit was from the neighbouring country of Indonesia. Both CSNSW and SPA welcomed ten, senior correctional officials from the Indonesian Directorate-General Corrections (DGC), the Centre for Detention Studies and The Asia Foundation (TAF).

The visit was organised by TAF, a non-government organisation in Jakarta which is developing a blueprint for reforming Indonesia's prison system.

The visitors were in Australia to gain information on new

approaches to managing offenders in the community in order to implement a community-based system as an alternative to imprisonment in Indonesia.

CSNSW has been working closely with the Indonesian DGC over the last three years to assist with its review of practices to develop modern correctional approaches. This includes the establishment of a Parole Board.

The visit was coordinated by staff from the Brush Farm Corrective Services Academy's International Program Unit and the international delegation was shown through the Metropolitan Remand and Reception Centre, Silverwater Parole Unit and the Parramatta Community Offenders Services District Office.

While visiting CSNSW, the group met with Judge Terry Christie QC and retired Deputy Chief Magistrate Paul Cloran from the SPA, who outlined the various factors SPA considers when granting parole.

Indonesian Corrections supervises 27,000 offenders in the community compared to the approximately 17,000 offenders supervised by CSNSW.

The visitors were impressed by the range and quality of CSNSW community corrections services and expressed their appreciation at the feedback received regarding how these could be applied within the reform of Indonesia's prison system.



Guiding Principles

Corporate Governance

Performance against corporate governance, service delivery and performance objectives;

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

- . Considered 11,093 cases.
- . Conducted 97 private meetings and 187 public hearings.
- . Issued 1,036 Parole Orders.
- . Revoked 2,059 Parole Orders, 67 Intensive Correction Orders, 20 Home Detention Orders and 50 Periodic Detention Orders.

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

- . Tabled 2010 Annual Report in Parliament.
- . Achieved significant efficiencies and cost savings by facilitating 'paperless meetings'.
- . Introduced operational controls and procedures to facilitate the implementation of new legislative amendments.
- . Reviewed and amended Operating Guidelines, 'Code of Conduct' and Members' Handbook.
- . Conducted monthly operational/planning meetings and regularly issued policy/procedure directives to staff.

Develop strategic partnerships with stakeholders and improve public knowledge and awareness of the SPA:

- . Conducted meetings with victims and provided access to modified documents.
- . Continued to meet statutory obligations to victims and victim support groups by facilitating oral and written submissions at private meetings and public hearings.
- . Facilitated training for the Probation and Parole Service and Community Compliance and Monitoring Group.
- . Undertook redevelopment of the SPA website.
- . Facilitated an active 'observers program' for staff of the Corrective Services NSW.
- . Visited Probation & Parole District Offices and delivered presentations on work of SPA.
- . Contributed to training courses for Probation & Parole and custodial officers at the Corrective Services Academy.
- . Established communication protocols with the Mental Health Review Tribunal.
- . Maintained communication protocols with the Police Force on provision of information relevant to SPA determinations.

Develop a membership that embraces diversity and is reflective of the community:

- Total members: 21
- . 42.9% are female (9 members)
 - . 9.5% are indigenous (2 members)
 - . 14.3% have a NESB/cultural background (3 members)
 - . 28.6% live in country locations (6 members)



New Legislation

The *Crimes (Administration of Sentences) Amendment Act 2010* was assented to on 18 March 2010. The Act amended the *Crimes (Administration of Sentences) Act 1999* and other legislation with respect to the making of parole orders for Norfolk Island prisoners.

It conferred on the SPA functions relating to parole orders for Norfolk Island prisoners held in New South Wales.

Under the Act, the SPA is authorised to consider the release to parole and the setting of appropriate parole conditions for Norfolk Island inmates held in NSW correctional centres.

In 2011, a tri-partite Deed of Agreement was signed between SPA, CSNSW and the Administration of Norfolk Island. Under the Agreement, offenders from Norfolk Island, who are in custody in NSW correctional

centres, can be released on parole by SPA and serve their orders on Norfolk Island. The Agreement, in conjunction with Norfolk Island's Attorney General and Police Service, enables appropriate supervision arrangements to be put in place.

The need for the Agreement was escalated by one of the three Norfolk Island inmates in custody in NSW reaching parole.

Portal to Progress

The SPA has already been well recognised and awarded for its earlier adoption of a paperless or 'e' office with the electronic management of its documents and files. It has now taken its evolution one step further with the move towards replacement of its use of USB sticks with wireless internet through a newly developed website portal.

Under this improved system, SPA members will be issued with a Wireless Internet Card which they can use on their laptops to access a specially designed intranet site to download SPA meeting documents and information in a highly secure environment.

By going online, the secretariat staff will no longer need to upload information onto USB sticks and post these out to members. The latest innovation will bring further increases in financial savings, convenience, privacy, efficiency and security.

It will assist members to quickly obtain urgent and updated reports, as well as general news and information on policy changes.

Already well versed in electronic innovations, SPA members undertook training with the CSNSW Information, Communication and Technology (C&T) team on how to use the new portal to access and download meeting documents and information.

SPA Director and Secretary, Mr Robert Cosman said the SPA's e-office initiatives continue to attract interest from around the country and overseas as other parole boards move towards a paper-free environment. Parole authorities from New Zealand, the Northern Territory, Victoria and South Australia have expressed interest in how the

SPA captures, manages and delivers information electronically to its members.

SPA is also in the process of redesigning its website. The new site will enable victims of crime, the media and the general public to view upcoming cases. Additional information will be readily available including member profiles, meetings and extracts from judgements.

"In addition to forging stronger links with the community", Mr Cosman said, "we want the public to understand how the Authority operates, and the reasons for granting or refusing parole."



Front Row: D. Provan, K. Till (Dept of Justice, Victoria), R. Cosman, M. Milczarek (CSNSW)
Back Row : L. Sobhi (CSNSW), A. Vitalie, J. Kerr (Dept of Justice Victoria), P. Byrnes (CSNSW)



Operating Guidelines

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

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 Corrective Services NSW. 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.

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 and Citizenship;
- 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
- Authority 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 Operating 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/Community Compliance Group 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/Community Compliance Group 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 & Parole/Community Compliance Group 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 232(1), are to be taken into account before revocation action is taken:

- Offender does not seek parole;
- The offender is unable to adapt to a normal lawful community life;
- The offender does not have satisfactory accommodation or post-release plans;
- 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 its 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 & Parole/Community Compliance Group, 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

The standard terms and conditions of parole are:

1. The offender must, while on release on parole, be of good behaviour.
2. The offender must not, while on release on parole, commit any offence.
3. The offender must, while on release on parole, adapt 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), submit to the supervision and guidance of the Probation and Parole Officer and/or Compliance and Monitoring Officer (hereafter referred to as "the Officer") assigned to the supervision of the offender for the time being and obey all reasonable directions of that Officer.

An offender's supervising Officer may, with the concurrence of that Officer's Manager, direct that the conditions of the offender's parole order in relation to supervision are suspended. Such a direction takes effect when notice of the direction is given to the offender. This condition does not apply to an offender to whom section 128B of the Act applies.

5. The offender is to report to the Officer or to another person nominated by that Officer at such times and places as that Officer or nominee may from time to time direct.
6. The offender is to be available for interview at such times and places as the Officer (or the Officer's nominee) may from time to time direct.
- 7a. The offender is to reside at an address approved by the Officer.
- 7b. The offender is to permit the Officer to visit the offender at the offender's residential address at any time and, for that purpose, to enter the premises at that address.
8. The offender is not to leave New South Wales without the permission of the Officer's Manager.
9. The offender is not to leave Australia without the permission of the Parole Authority.
10. The offender, if unemployed, is to enter employment arranged or agreed on by the Officer or make himself or herself available for employment, training or participation in a personal development program as instructed by the Officer.
11. The offender is to notify the Officer of any intention to change his or her employment if practicable before the change occurs or otherwise, at his or her next interview with the Officer.
12. The offender is not to associate with any person or persons specified by the Officer.
13. The offender is not to frequent or visit any place or district designated by the Officer.
14. The offender is not to use prohibited drugs, obtain drugs unlawfully or abuse drugs lawfully obtained.

The additional conditions of parole that may be determined by the SPA and placed on an offender's order are:

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 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 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 advisers or consultants make available to the 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 Officer.
20. The offender must not use, or be in possession of, a prohibited drug or substance.
21. The offender must undertake testing for drug and/or alcohol use, where facilities are available, at the direction of the Officer.



22. The offender must refrain entirely from gambling.
23. The offender must, if so directed by the Officer, seek assistance in controlling his or her gambling.
24. The offender must, if so directed by the Officer, enter a residential rehabilitation centre and must not discharge himself or herself without the approval of that 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 Officer.
26. The offender must, if so directed by the Officer, undergo psychological assessment and counselling at a place or places determined by that Officer and must authorise in writing that his or her medical and other professional and/or technical advisers or consultants make available to the Officer a report on such assessment and counselling at all reasonable times.
27. The offender must, if so directed by the Officer, undergo psychiatric assessment, psychiatric counselling, 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 Officer a report on such assessment, counselling or treatment at all reasonable times.
28. The offender must submit to the supervision of the NSW Probation and Parole Service pending registration of the parole order in [name of relevant State or Territory jurisdiction].
29. The offender must reside in [name of relevant State or Territory jurisdiction] after formal arrangements are 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 [specified person].
31. The offender must not contact or communicate with [specified person] without the express prior approval of the 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 frequent or visit [specified place or district] or environs.
39. The offender must comply with all conditions and requirements of the Child Protection Register.
40. The offender must not possess or use any firearm.
41. The offender must comply with all conditions of a Community Treatment Order.
42. The offender must not communicate with any person under the age of 16, other than those approved by the officer, by any means including SMS text messaging, the internet and written communication.

***Note.** The period of supervision specified in paragraph 4 must not be longer than the duration of the order or 3 years, whichever is the lesser. However, the period of supervision of a serious offender may be extended by an order of the State Parole Authority in accordance with the *Crimes (Administration of Sentences) Act 1999*.

