

# ***The Other Trifecta – Prisons, Parole and Programs***

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## OVERVIEW

This paper intends to highlight resources relevant to your clients' incarceration that can assist practitioners appearing in the Local and District Courts, as well as to provide an outline of the current parole jurisdiction in NSW and examine parole issues relevant for advocates appearing in these Courts.

Solicitors appearing in the criminal jurisdiction should have an understanding of parole provisions and the procedures of the State Parole Authority (the Parole Authority) in order to adequately advise their clients, particularly at sentencing as to the prospects of obtaining parole, and upon a client's return to custody on fresh matters where a parole revocation warrant has also been issued by the Parole Authority.

A lack of knowledge by practitioners and judges of parole provisions and procedures, combined with a view that it is the poor cousin of sentencing, leads to inadequate advice to our clients, and can often result in our clients' release on parole being unnecessarily delayed.

## RELEVANT LAW

The relevant legislation is:

- *Crimes (Administration of Sentences) Act 1999*, Part 6 ([ss 125-161](#)), Part 7 ([ss 162-182](#)) and Part 8 ([ss 183-194](#)); and
- *Crimes (Administration of Sentences) Regulation 2008*, Part 10 ([cl 185-189](#)), Part 11 ([cl 190-193](#)), and Part 14 ([cl 214-232](#)).

All legislative references are to this Act or Regulation unless otherwise stated. The law is stated as at 31 July 2017.

## PRISONS

### Classification and Placement

#### *What is classification?*

An inmate's classification is a determination as to the level of security needed to house a particular inmate. It determines the degree of the inmate's confinement. [Part 3](#) of the *Crimes (Administration of Sentences) Regulations* sets out the relevant classifications. [Clause 12](#) establishes the following classifications for male inmates – AA, A1, A2, B, C1, C2 and C3. For female inmates, the relevant provision is [cl 13](#) – Cat 5, 4, 3, 2, and 1. [Clause 14](#) also establishes classifications for inmates with a history of escape.

## NSW Custodial Classifications

	<i>Male</i>	<i>Female</i>
<i>Maximum</i>	AA, A1, A2, E1	Cat 5, 4, 3, E1
<i>Medium</i>	B, E2	E2
<i>Minimum</i>	C1, C2 and C3	Cat 2, 1

Classification is required to occur as soon as a person enters custody and at least once every 12 months thereafter ([clause 11](#)). An inmate is likely to receive a remand classification. Once convicted and sentenced they will be subject to a further classification.

An inmate's classification will affect their eligibility and access to programs. For example, an inmate in maximum security cannot participate in certain programs when they are facilitated only in minimum security areas of a Correctional Centre. An inmate's protection designation or status can also impact upon their access to programs. Material regarding your client's protection status is important information to be presented on sentence, no matter which Court you are appearing in.

On the other hand, when an inmate does not complete a program they are unlikely to progress in classification. This can be particularly frustrating when treatment places in programs are offered according to an inmate's earliest possible release date, their earliest possible release date is fast approaching or has passed and they are otherwise willing to participate.

When parole is determined by the Parole Authority, classification can impact upon the likelihood of parole being granted. This is particularly the case for 'serious offenders' where reintegration into the community is a primary consideration. A 'serious offender' is defined as an offender who is serving at least 12 years in custody before eligible for release, a life sentence, or a sentence for murder: [s 3](#).

A C3 or Cat 1 classification can allow an inmate to go out of the gaol for external employment (works release), to study (educational leave) or with approved family members or friends for the day (day leave) or overnight during a weekend (weekend leave). If a serious offender has been unable to secure a C3 or Cat 1 classification and therefore unable to participate in external leave into the community before release, their parole is unlikely to be supported by the Serious Offenders Review Council (SORC) and unlikely to be granted by the Parole Authority. It is important to note that recommendations for classification progression for serious offenders are subject to the guidelines and approval Commissioner for Corrective Services NSW (CS NSW).

### **Placement**

Factors relevant to an inmate's placement (or location in custody) are listed in [clause 20\(1\)](#). They include an inmate's classification, the remarks on sentence, the health care needs of the

inmate, if they are likely to be deported, the proximity to the inmate's family members, and the availability of appropriate services and programs at the Correctional Centre.

### ***How do I find out my client's classification and placement?***

The CS NSW Offender Integrated Management System (OIMS) Conviction, Sentence and Appeal report is a useful starting point. The "Classification History Details" portion of the report will show,

1. If the inmate has been classified since entering custody;
2. Their classification and goal of classification or placement;
3. Matters relevant to their classification, including their protection status (SMAP, PRLA or PRNA), whether they have a history of mental illness, their behaviour in custody and any disability alerts.

The classification history details are not extensive, but can provide a useful overview about your client and their history in custody, as well as an indication to other material you may need to obtain. CS NSW use a broad range of acronyms in these reports which can often prove difficult to decipher. Attached to the paper are some of the acronyms regularly used in these reports.

The CS NSW Offender Integrated Management System (OIMS) Parole Authority Offender report also shows whether a classification is active or pending. This is useful where a client is subject to a classification progression or regression, and the new classification has yet to be confirmed. The results of various assessments, for example, the LSIR are also listed in this report.

## **Correctional Centre Offences**

When preparing a District Court appeal or sentence the last thing you want to see in the Conviction, Sentence and Appeal report to be tendered by the Crown is a list of Correctional Centre offences that your client has committed since they came into custody. If that is what you are faced with it is important to know the context and significance of these offences, as well as where to find material to explain or overcome these.

If your client has an offence of Fail Prescribed Drug Test on this report, it is because they have supplied a sample of urine for testing and it has been returned positive for an illicit substance or non-prescribed medication, for example, buprenorphine. If your client has an offence of Refuse Prescribed Drug Test, they have not been able to provide a sample or outright refused to provide a sample when requested. It is important to seek instructions to establish the distinction. Reviewing a Parole Authority Offender Report can help you establish:

1. What the urinalysis sample was positive for. This is helpful when your client returns a sample positive for a medication that they were prescribed prior to entering custody but have not had access to in custody, or for medication they have been prescribed

since the offence. Justice Health records can verify details regarding any prescription medication; and

2. Whether your client has been subject to urinalysis which have returned a negative result. These are not shown on the Conviction, Sentence and Appeal report. This information can support your client's instructions that their use of drugs was a one off or that they have maintained abstinence since their completion of a program or receipt of a prescription medication.

If there is a urinalysis result but no corresponding Correctional Centre offence, then it is most likely that your client is prescribed that medication. This is helpful when you are unsure of client's diagnosis and / or they are guarded in what information they give to you.

If you are faced with a number of Correctional Centres, consider the type of offence, the hearing process, the maximum penalty and the penalty imposed. [Division 3 of Part 6](#) of the *Regulation* set out particular Correctional Centre offences. These include intimidation ([cl 138](#)), general property offences ([cl 142](#)), Correctional Centre property offences ([cl 145](#)) and possession of drugs ([cl 149](#)). The hearing of these offences can occur one of two ways. They can be heard by the governor of the Correctional Centre ([s 52](#)), or if the governor considers that, "because of the serious nature of the offence", a Visiting Magistrate ([ss 54- 55](#)).

It is far more common for Correctional Centre offences to be heard by the governor of the Correctional Centre. For this reason it is important to consider the available penalties when an offence is dealt with by a governor, which are set out in [s 53](#). If a governor is satisfied beyond reasonable doubt of an inmate's guilt for an offence, they can consider imposing one of the following:

- A reprimand and caution, being the lowest penalty in hierarchy of penalties that can be imposed;
- Up to 56 days deprivation of "withdrawable privileges" which include buy ups, telephone access and contact visits;
- Up to seven days of cellular confinement, with or without deprivation of withdrawable privileges; or
- Cancellation of any payments, including Correctional Centre wages over and above the base level of payment for up to 14 days.

Where satisfied of guilt but that no penalty should be imposed, the Governor can also dismiss the charge or impose a requirement of good behaviour for specified period of up to two months and dismiss the charge subsequently.

## **GIPAA Applications**

### ***What is GIPAA?***

The *Government Information (Public Access) Act* 2009 replaced the *Freedom of Information Act* 1989. It is useful mechanism to obtain information from any Government department,

including Corrective Services NSW. If you have time to obtain the information, it is often a more preferable approach than subpoenas simply because the Crown won't be on notice as to the material you are seeking and won't have access to the information you receive. You or your client can make the application.

Like most Government departments, Corrective Services NSW have a form that can be used to obtain the relevant information. For Prisoners Legal Service, we find this form restrictive given the type of GIPAA applications we make and prefer to draft a letter. An example of our GIPAA request is attached to this paper.

### ***What should I ask for?***

What you request in your GIPAA application will depend on the type of information you are looking for. The type of material you can request are:

- CS NSW Case notes – entered by custodial based and community based CS NSW staff regarding behaviour, case plan, employment and programs and contact with Community Corrections;
- All documentation relating to the inmate's participation in custodial programs. This will include case notes from program facilitators about your client's participation, copies of certificates of completion / participation and any treatment or discharge reports for therapeutic programs such as VOTP or CUBIT;
- All documentation relating to the inmate's custodial employment. This will include case notes from the custodial overseer responsible for the area where your client is employed;
- All documentation relating to the inmate's educational studies. This will include case notes from educational staff about your client's educational activities. For example, some Correctional Centres have Intensive Learning Centres (ILC), where inmates attend full-time to improve their literacy and numeracy as an alternative to gaol employment. This material could support your client's instructions / evidence as to their efforts to improve their literacy while in custody;
- All documentation relating to breaches of Correctional Centre discipline during your client's current incarceration. This will include the charges papers with an outline of the facts of any offence and your client's response including their plea and explanation;
- All psychology progress notes which detail the occasions when the inmate has seen a psychologist. Where a client has participated in CUBIT Maintenance at Forensic Psychology Services in the community this material will detail each session; and
- All documentation relating to your client's classification, including:
  - Recommendations from the Case Management Team and the General Manager;
  - Material relating to their protection designation;
  - When your client is a serious offender, the minutes and recommendation from the Serious Offenders Review Council;
  - When your client has an escape classification, any records of the Escape Review Committee;

- When your client is a public interest or PRLC inmate, any records of the Pre Release Leave Committee; and
- Any records of the Commissioner's decisions.

### ***Any tips?***

If you are writing a letter to request information regarding a client in custody, include the following:

- Your client's MIN;
- Their last location;  
The timeframe for which you are seeking the documents;
- If you do not object to the exclusion of third party material. This will include references to other inmates and even family members of the inmate. It will save time to let CS NSW know at the outset that you don't object to this as it will likely be redacted anyway; and
- Any objection to the publication in the Department of Attorney General and Justice Disclosure log of all information concerning your application.

## **CS NSW Website**

The Corrective Services website also contains a number of useful links to policies and documents. The link below, <http://www.correctiveservices.justice.nsw.gov.au/related-links/open-access-information/policies-defined-gipa-act> provides links to the following:

- [Custodial Corrections - Operations Procedures Manual](#);
- [Offender Classification and Case Management Policy and Procedures Manual](#);

The [Compendium of Offender Behaviour Change Programs in New South Wales](#) sets out the programs available to our clients in custody and in the community. The compendium provides detail regarding the eligibility criteria and the length of each program.

## **PAROLE and PROGRAMS**

### **The State Parole Authority**

The State Parole Authority (hereafter "the Parole Authority") is constituted by [s 183](#). The functions of the Authority are set out in [s 185](#). In summary, the Parole Authority has exclusive jurisdiction to determine the following:

1. Release on parole of inmates serving sentences longer than three years;
2. Revocations of parole for inmates before an inmate is released, including those serving sentences of three years or less;
3. Revocations of all parole orders after an inmate has been released to parole;

4. Revocations of intensive corrections orders (ICOs);
5. Revocations of home detention orders; and
6. Revocations of periodic detention orders.

This jurisdiction extends over NSW sentences, not Commonwealth sentences.

In 2014, the Parole Authority considered a total of 13, 760 matters. By 2016 that number had increased to 19, 775. Of that number in 2016, 1, 188 were orders for parole. It revoked 2,838 parole orders and rescinded only 455. For Intensive Corrections Orders, it revoked 445 and reinstated 214.

Following the execution of a Parole Authority warrant for revocation, bail cannot be granted because other courts do not have jurisdiction in relation to any of these warrants. This is why Parole Authority warrants are noted on a person's criminal history as "prison" warrants. Any revocation warrant issued by the Parole Authority is an order to return a parolee to prison to serve the balance of their sentence. Even when a parole order, ICO or home detention sentence has finished, the Parole Authority is empowered to revoke an order retrospectively if a breach has occurred during the term of the sentence: [s 182](#).

The Parole Authority's members consists of judicial members, Police, Community Corrections (formerly referred to as the Probation and Parole Service) and community members. The pool of members must consist of at least four judicial members, one from Police, one from Community Corrections, and 10 community members "who reflect as closely as possible the composition of the community at large". At least one of the community members must be a person who has an appreciation or understanding of the interests of victims of crime. The Chairperson of the Parole Authority is a judicial member of the Parole Authority.

A Division of the Parole Authority is convened at any one time by one judicial member, at least one community member, and one or more official members: [s 184](#). For most hearings, the Parole Authority sits as a tribunal of five members. A decision supported by a majority of votes is the decision of the Parole Authority, and in the case of an equal number of votes, the judicial member has the casting vote: [cl 17 Schedule 1](#). Any questions of fact or law, or of mixed law and fact, are to be decided by the presiding judicial member alone: [cl 22A Schedule 1](#).

The Parole Authority is, "*not bound by the rules of evidence by may inform itself of any matter in such manner as it thinks appropriate*" and "*proceedings are not be conducted in an adversarial manner*": [cl 11 Schedule 1](#).

The threshold for the Parole Authority's decision making is the balance of probabilities: [s 135](#), for example, in relation to release on parole. This relatively low threshold is illustrated in [Holschier v State Parole Authority \[2009\] NSWSC 916](#). Notwithstanding good evidence to the contrary, this decision upheld a revocation of parole based on voice identification evidence



which placed the parolee in a location where he should not have been. For discussion of this threshold and voice identification, see [34]-[35] and [37]-[38] of the judgment.

All decisions of the Parole Authority are made either at a private meeting or a public review hearing. A private meeting occurs in the absence of the inmate, their family members, their legal representative and their Community Corrections Officer. All public review hearings are conducted by AVL to the inmate's custodial location. From 2003 onwards the option to appear before the Parole Authority in person was removed. An inmate may appear at any review by AVL or not: [cl 11A, Schedule 1](#). They can also choose to be legally represented, or not. Prisoners Legal Service is the only legal aid provider that appears before the Parole Authority. Community Corrections Officers, psychologists and any other Corrective Services NSW staff who are required to give evidence do so by telephone.

## **Parole for Sentences Longer Than Three Years**

For sentences of more than three years for which a non-parole period has been set, an order for release on parole must be made by the Parole Authority: [s 134](#). Importantly, if there are accumulated sentences, it is the length of the individual sentences which is the determining factor, not the accumulative length of the sentences. Where an aggregate sentence is imposed, the length of that sentence is the determining factor, not that of the indicative sentences. This is important advice you should give your client following sentencing so they are aware that the Parole Authority must make a parole in order for them to be released.

The Parole Authority automatically considers an inmate's release on parole when they first become eligible for parole, that is, at the expiry of their non-parole period. The process of parole consideration takes at least six weeks because, in accordance with [ss 135](#) and [135A](#), Community Corrections submit a Pre-Release Report including a post-release plan and a recommendation for or against parole. A report is also prepared for the Parole Authority by the SORC if the inmate is a 'serious offender'.

Parole can also be considered following an application for parole consideration on the grounds of manifest injustice: [s 137B](#) (non-serious offenders) and [s 143B](#) (serious offenders). Such an application can be made at any time after the initial parole consideration and refusal. Regulation [223](#) prescribes eight matters which can constitute manifest injustice. These include, for example, where due to circumstances beyond the inmate's control, they had not previously completed a program, but do not include a general subjective / compassionate situation.

Parole consideration is undertaken at a private meeting of the Parole Authority. This private meeting is convened at least 60 days before the expiry of the non-parole period (or within 90 days of the anniversary of that expiry, in subsequent years): [s 137](#) or [s 137A](#) (non-serious offenders); [s 143](#) or [s 143A](#) (serious offenders).

The Parole Authority must not make a parole order *unless it is satisfied, on the balance of probabilities, that the release of the offender is appropriate in the public interest*: [s 135](#). The public interest is not defined but s 135(2) lists matters (a) to (k) which the Parole Authority must have regard to in determining what is appropriate in the public interest and whether or not to grant parole. Section [135A](#) prescribes the matters which Community Corrections must address in any Pre-Release Report.

The duty of the Parole Authority and the meaning of the public interest were discussed in the decision of [Esho v Parole Board \[2006\] NSWSC 304](#). At [55], his Honour Justice Rothman stated:

*...the function of the Parole Authority in determining the question before it under s 135 is not to determine what would be the most optimum basis upon which the claimant could be released into the community. It is to consider, the likelihood of the offending being able to adapt to normal lawful community life.*

Put simply the Parole Authority requires more than good behaviour. Guideline 2.3 of the Parole Authority's 'Operating Guidelines' is a useful starting point as to what an inmate will be required to achieve before being granted for parole. These include:

- i A recommendation for release by the Probation and Parole Service;
- ii 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;
- iii Satisfactory completion of programs and courses aimed at reducing their offending behaviour;
- iv 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;
- v A willingness and demonstrated ability and / or a realistic prospect of compliance with the conditions of parole;
- vi 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; and
- vii 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.

Many parolees are released on parole where their risk is assessed as medium or higher. This is often because they have sought to address their offending behaviour by completing a relevant course. For example, for sex offenders the completion of CORE or CUBIT is often a prerequisite for parole. For serious violent offenders, completion of the Violent Offenders Therapeutic Program (VOTP) is often a prerequisite for parole.

By virtue of s 135(3), the Parole Authority must not make a parole order for a serious offender unless the SORC advises that it is appropriate for the offender to be considered for release on parole. What constitutes exceptional circumstances is not prescribed.

### ***Parole Granted***

If parole is granted at the private meeting for a non-serious offender, the inmate will then be released on the date their non-parole period expires (or the anniversary of that date, if parole is granted at a later parole consideration). This is subject to [s 138](#). If an inmate is considered under the provisions of manifest injustice, then they are ordinarily released within 7 days of the decision to grant parole.

Section [141A](#) allows the Commissioner to make submissions concerning any inmate's release on parole. If the inmate is of interest to the Commissioner of Corrective Services, referred to as a 'special interest inmate', the Parole Authority will make a provisional decision to grant parole at the private meeting. The matter is then adjourned to a public review hearing for any submissions to be made on behalf of the Commissioner, and for the inmate to appear by AVL, and be legally represented or not. The review hearing date can be set at any time, including after the expiry of the non-parole period, but is ordinarily fixed for a date approximately six weeks after the private meeting.

For a serious offender, if the Parole Authority has determined at a private meeting that the release of a serious offender is appropriate, a Notice of an Intention to Grant Parole will be issued, together with the reasons for the decision and the proposed parole conditions. The matter will then be adjourned to a public review hearing, for any submissions to be made on behalf of the State and / or any registered victims. Again, the review hearing date can be set at any time, including after the expiry of the non-parole period, but is ordinarily fixed for a date approximately 6 weeks after the private meeting.

Any registered victims are given notice of the hearing, and an opportunity to attend and make representations at the hearing: [s 145](#). The State is also permitted to make submissions to the Parole Authority concerning the release of a serious offender on parole: [s 153](#). If no submissions are made following an intention to grant, the intention will simply be confirmed at the public hearing and an order for the inmate's release made. Any order for release is subject to [s 151](#). Ordinarily an order for release of serious offender allows for their release no earlier than 14 days, and no later than 21 days after the order is made.

### ***Parole Not Granted***

If parole is not granted at the private meeting, the Parole Authority will issue a notice of their decision. For a non-serious offender, it is a Notice of a Decision to Refuse Parole: [s 139](#). For a serious offender, it is a Notice of an Intention to Refuse Parole: [s 146](#).

The Notice will set out the reasons for refusal which can include any of the following:

- Need to address offending behaviour (violent offending / sexual offending)
- 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 (and nominate the program);
- Unlikely to adapt to normal community life;
- Need to reduce classification;
- Need for all reports;
- Need to undertake external leave; and
- Not supported by SORC (for serious offenders).

A review of a parole refusal is not automatic. The Parole Authority has discretion as to whether a public review of the decision to parole will be held: [s 139\(1\)\(b\)](#) (non-serious offenders); [s 146\(1\)\(b\)](#) (serious offenders).

When the Parole Authority decides a review will be held only on application, the onus is upon the inmate to persuade the Parole Authority that a review is appropriate, by completing a Parole Authority-issued 2b(r) form addressing the following:

- The information given to the Parole Authority with which they do not agree;
- How their post-release plans are different from the Pre-Release Report;
- If they have completed a program since the Pre-Release Report;
- If they intend to undertake a program(s) in the community; and
- Anything else they would like the Parole Authority to consider.

The time frame for making applications is short and the expected return date of the application is noted on the form. This return date however is not fixed. Any application for a review hearing is considered at a private meeting. If the application is refused, there is no appeal from a refusal to grant a review hearing. If a review is considered warranted, a hearing will be held approximately six weeks after the application is considered.

An inmate may appear at the review hearing by AVL or not, and be legally represented or not. The inmate's nominated legal representative is provided with the papers a week before the review hearing, in just enough time to obtain instructions. These papers include copies of Pre-Release and Pre-Sentence Reports prepared by Community Corrections, Remarks on Sentence for the index offence, the inmate's Conviction, Sentences and Appeals report, the

inmate's Criminal History, Correctional Centre Reports, and any available psychological and / or psychiatric reports.

At the review hearing, the Parole Authority will reconsider parole. The inmate and a Community Corrections Officer, (usually the author of the Pre-Release Report or their Unit Leader) will give evidence. If relevant, family members or others who support the inmate's parole can also give evidence. At the end of the hearing, the Parole Authority retires briefly and returns with a decision that parole is refused or granted: [ss 141](#) and [149](#).

If parole is refused, an inmate can only be considered for parole after serving a further twelve months: [s 137A](#) (non-serious offenders); [s 143A](#) (serious offenders). This is subject, of course, to the manifest injustice provisions. Parole in subsequent years is not automatically considered. The inmate must make an application to be considered for parole at the anniversary of their eligibility date.

### ***Parole Conditions***

In making a parole order the Parole Authority can make that order subject to a number of standard and additional conditions, which always include supervision by Community Corrections: [s 128](#). The standard conditions are set out in [cl 214](#). The conditions of parole supervision are set out in [cl 219](#).

As of 1 July 2017 the Parole Authority introduced amended additional conditions. Additional conditions of parole can include any of the following:

- Condition 15 – The offender must submit to electronic monitoring and comply with all instructions given by the Officer in relation to the operation of monitoring systems.
- Condition 20 – The offender must comply with all directions of the mental health team, including treatment and medication (and if applicable, the conditions of a Community Treatment Order).
- Condition 27 – The offender must comply with all conditions and requirements of the Child Protection Register.

A copy of the Additional Parole Authority Conditions are attached to the end of this paper.

### **Revocations of Parole before Release**

If parole has been granted by the Parole Authority, the Parole Authority can, before an inmate is released, revoke its parole order: [s 130](#). This must be for proper reasons, not simply because the Parole Authority changes its mind.

The decision in [Lim v State Parole Authority \[2010\] NSWSC 93; 76 NSWLR 452](#) dealt with circumstances where, following intense media pressure, the Parole Authority vacated the

parole order it had made for this serious offender, and permitted the State to appear and oppose parole when the State had earlier advised the Parole Authority it did not oppose the offender's release. Mr Lim had been convicted and serving a sentence for the murder of Dr Victor Chang.

For sentences of three years or less that have a non-parole period, the sentencing court must make an order directing release on parole at the end of the non-parole period: [s 50](#), *Crimes (Sentencing Procedure) Act* 1999). Accordingly, parole for sentences imposed in the Local Court and often the District Court is usually automatic, but not always.

The sentencing Court is empowered to determine the conditions of parole: [s 51](#), *Crimes (Sentencing Procedure) Act*). Of note, by virtue of [s 51\(1AA\)](#), *Crimes (Sentencing Procedure) Act*, the parole order is taken to include a condition that the offender is subject to supervision unless the Court expressly states otherwise. This provision was inserted in 2003, and prior to then, most court based parole orders did not include supervision. A sentencing court can expressly state the parolee will not be subject to parole supervision on release. If the sentencing court decides this is appropriate the parolee will be subject only to the condition to be of good behaviour.

Notwithstanding the Court based parole order, the Parole Authority has the power to revoke such a parole order before release by virtue of [s 130](#). The circumstances in which the Parole Authority can revoke prior to release are set out in [r 222](#). These are as follows:

- (i) The offender would not be able to adapt to normal lawful community life;  
and / or
- (ii) Satisfactory post-release plans or accommodation are not in place.

An inability to adapt can be due to bad behaviour in custody, positive urinalysis or a failure to complete appropriate offence related courses. A lack of appropriate post-release plans often arises, for example, in circumstances where a placement in a residential rehabilitation centre has been included as a condition of parole by the sentencing Judge or Magistrate, and / or there has been insufficient time between sentencing and the expiry of the non-parole period for these plans to be put in place. This is particularly important where a Magistrate or Judge imposes a sentence of effectively time served. An inmate can also request that their parole order be revoked.

Procedurally, a Community Corrections Officer notifies the Parole Authority by way of a report seeking revocation before release. The report and any order revoking parole prior to release is made at a private meeting of the Parole Authority and will be the subject of review at a public hearing of the Parole Authority held some four to six weeks later. An inmate may appear at the review by AVL or not, and be legally represented or not. Inmates are provided with a form to indicate their choices which will be returned to the Parole Authority's Secretariat.

## Revocations of Parole after Release

The circumstances in which a parole order may be revoked are set out in [s 170](#). Most commonly this occurs where a parolee has breached any condition(s) of their parole order, including where the parolee has been charged with further offences which are alleged to have occurred while they were on parole. This occurs where they are yet to be convicted and may have bail for the new matters.

Typically the supervision conditions which are breached are,

- Reporting to a supervising Community Corrections Officer as directed;
- Living at their approved parole address; and
- Obeying all reasonable directions of supervising Community Corrections Officer.

Other conditions of parole which are often breached include conditions to attend and complete a residential rehabilitation centre program, attend for urinalysis as directed, or be abstinent from alcohol.

A parolee's supervising Community Corrections Officer will notify the Parole Authority of the alleged breaches by way of a breach report. In considering whether to revoke parole, the Parole Authority will examine this report and where new charges are relevant, the Parole Authority will have, at least, a copy of the Police Facts Sheet. This can occur as quickly as the same day the Breach Report has been submitted or weeks after the submission of the Report.

Procedurally, the decisions by the Parole Authority to revoke are made at a private meeting. Correspondence can be sent on behalf of a parolee to the Parole Authority for its consideration at the private meeting. In some instances this correspondence has been successful in deferring revocation or in having an updated report from Community Corrections sought, before a final decision has been made.

Guideline 6 of the Parole Authority's Operating Guidelines deals with revocations of parole. Guideline 6.2 states, 'the Parole Authority should exercise discretion for or against revocation on the individual merits of each case'. The matters to be considered in determining whether or not to revoke are set out in Guideline 6.3. Significantly, Guideline 6.4 states:

*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.*

It is now commonplace for the Parole Authority to revoke parole solely due to "outstanding charges". In 2013, the Parole Authority ordered revocation for outstanding charges (or further convictions) for 543 paroles. By 2015, that number had increased to 617. The Parole Authority will rely on a breach of standard condition (b) – the offender must, while on release on parole,



be of good behaviour: [cl 214](#). This is often determined by considering the Police Facts Sheet. Revocation can be ordered regardless of whether bail has been granted on the fresh charges.

The date of revocation, which is the date the Parole Authority makes the revocation order, is not necessarily the effective date of revocation or 'breach date'. The Parole Authority has a broad discretion to determine the breach date: [s 171\(1\) and \(2\)](#). The revoked order stops running from the breach date. The balance of parole required to be served is calculated from the breach date. Where a parolee has their parole revoked but they remain "on the run", the time they spend in the community after the breach date until arrest will be deemed to be "street time". This will not be counted as time served towards their parole order and the sentence is extended by the number of days the person is at large after the breach date: [s 171\(3\)](#). This can also occur where a parolee is granted bail by Police or the Local Court and the Parole Authority is notified sometime after by Community Corrections.

The revocation can only be reconsidered at a public review hearing of the Parole Authority. These usually take place between six to eight weeks after a parolee has been returned to custody. At the review an inmate may appear by AVL or not, and be legally represented or not. The Parole Authority will hear whether the parolee disputes or admits the breach(es) and will determine whether the revocation should be rescinded or confirmed, and the breach date varied or confirmed: [s 175](#). A rescission order restores the original parole order as if it had not been revoked and the inmate is released no later than 4 pm the following day.

It is commonplace that the Parole Authority will not reconsider the revocation until any fresh charges have been finalised. The Local Court will often want the Parole Authority to determine first whether or not the revocation will be rescinded. The Parole Authority will not do this. The Parole Authority will want to know if the person has pleaded or been found guilty, and any sentencing outcome, particularly if the parolee has received a sentence of imprisonment. For this reason, it is important not to unnecessarily adjourn Local Court matters. Rather if there is to be a guilty plea, enter the plea and have the matter finalised.

The Parole Authority's approach to revocations where a new custodial sentence has been imposed has been to not rescind the revocation. When appearing on sentence, consider making submissions regarding the likely consequences of a custodial penalty, which are that your client will have to serve the balance of their parole or 12 months in custody. A section 12 bond is not available by virtue of [s 12\(2\)](#), *Crimes (Sentencing Procedure) Act*. Ideally a section 9 good behaviour bond or a fine being imposed will assist your client when they return to the Parole Authority. Notwithstanding an Intensive Corrections Order being a sentence of imprisonment there is no prohibition upon an ICO being imposed as there is with suspended sentences. The Parole Authority does rescind revocations where a new ICO had been imposed, noting that the sentence is not one of *full-time* imprisonment. Consideration in appropriate matters should also be given to the imposition of a [s 10A](#) conviction, *taking into account* the time already served and the probable consequences for a balance of parole if "time served" is imposed.



More recently, the Parole Authority has rescinded revocations in circumstances where a custodial sentence has been imposed. These cases have involved,

- Parolees with intellectual disabilities;
- Short fixed term sentences;
- Sentences of “time served”; and / or
- Where the proposed post-release plan includes acceptance to and participation in a residential rehabilitation or supported accommodation program.

If the sentencing court expresses an intention to give the parolee a further period of supervision on parole and structures its sentence accordingly, ask for those remarks to be noted on the papers. These remarks can be persuasive to the Parole Authority.

The CCA decision in [Morrison v Regina \[2009\] NSWCCA 211; 197 A Crim R 103](#) is also relevant when appearing for clients in this situation. The Court held that an offence committed after parole had been revoked (and before the warrant was executed) was not committed while on conditional liberty and therefore not an aggravating factor on sentence. The breach of parole is likely to be relevant to, for example, an assessment of a parolee's prospects of rehabilitation. Refer to specifically [34]-[46].

Notwithstanding this interaction between new sentences and balances of parole, it is important to note that a sentencing court cannot accumulate a new sentence onto a balance of parole. By virtue of [ss 47\(1\) and \(2\)](#), *Crimes (Sentencing Procedure) Act*, a sentence must commence on the day it is imposed unless the court directs that it commence before or after. Most relevant for clients with revoked balances of parole, the effect of [ss 47\(5\) and 55\(4\)](#) is such that any accumulation must be onto the non-parole period of another sentence, and cannot be imposed in circumstances where the non-parole period of the other sentence has expired. Firstly, if a parolee has been released and had their parole subsequently revoked, logically the non-parole period of their sentence has expired. Secondly, their return to custody to serve a balance of parole should not remove the prohibitions. The CCA decisions of [Thompson-Davis v R \[2013\] NSWCCA 75](#) and [Matthews v R \[2014\] NSWCCA 185](#) are relevant here.

### ***Revocations before 10 October 2005***

Prior to 10 October 2005, the Parole Board (as it was then) was empowered to fix a future date for consideration of re-parole. There was no mandatory 12 month deferral as there exists now. The pre-2005 process for fixing a future date for parole consideration still applies to revocations of parole that were made by the Parole Authority prior to 10 October 2005.

## Revocations of Intensive Correction Orders

Periodic detention was replaced with the community based Intensive Correction Orders (ICO). The Parole Authority has exclusive jurisdiction to revoke an ICO: [s 163](#). A breach of the conditions of an ICO can lead to revocation. The standard conditions of an ICO are set out in [cl 186](#). A sentencing Court can also impose additional conditions as part of an ICO: [cl 187](#).

There is an automatic entitlement to a public review hearing. These usually take place between six to eight weeks after the person has been returned to custody. At the review an inmate may appear by AVL or not, and be legally represented or not.

After serving one month imprisonment an inmate is eligible to seek reinstatement of their revoked ICO: [s 165](#). The Parole Authority will adjourn the review hearing for a suitability assessment report to be prepared by the Community Corrections. This ordinarily involves the inmate explaining what they have done or are doing to ensure a further breach will not occur if the ICO is reinstated. The original sentence will only be reinstated if there is a positive assessment from Community Corrections for suitability.

Section [165A](#) allows the inmate to apply to serve the balance of their sentence by way of home detention. If an application for home detention is made, the Parole Authority will adjourn the review hearing for an initial assessment of the proposed address, co-residents and likely suitability. This usually takes two to three weeks. If this is positive, the Parole Authority will grant a Temporary Release Order releasing the detainee and then further adjourn for a period of six weeks for a detailed suitability assessment and for the person to appear in person before the Parole Authority. A detailed suitability assessment report is prepared by Community Corrections, the same as when an order for a home detention assessment is ordered by a Local Court. If the deemed suitable, an order is then made by the Parole Authority for home detention.

The eligibility criteria for home detention set out in [Part 6 Division 2, Crimes \(Sentencing Procedure\) Act](#) still apply. These include that the balance of the sentence must not be longer than 18 months: [s 79](#), and certain offence histories are precluded, for example, a prior offence of stalk / intimidate: [s 77](#).

## Revocations of Home Detention Orders

A home detention order is ordinarily revoked because of a positive urinalysis or breath analysis, frequent unauthorised absences, or the alleged commission of further offences. Section [167\(1\)](#) sets out the basis upon which a home detention order can be revoked. The standard conditions of a home detention order are set out in [cl 190](#).

A detainee, who has had their home detention sentence revoked and has been returned to custody is automatically entitled to a public review hearing. They have the option to appear before the Parole Authority by AVL or not, and be legally represented or not.

[Section 168A](#) sets out the options for a detainee who has had their home detention sentence revoked. A detainee can apply for reinstatement of their home detention after serving three months custody full-time: [s 168A\(1\)\(b\)](#). If the now revoked home detention was ordered following the revocation of an intensive correction order, then reinstatement of the original intensive correction order may also be sought. The detainee may also serve the remaining balance of their home detention sentence in custody.

If an application for reinstatement is made, the Parole Authority will adjourn the review hearing for a suitability assessment report to be prepared by Community Corrections. The original sentence or an intensive correction order will only be reinstated if there is a positive assessment for suitability.

## **Revocations of Periodic Detention Orders**

Notwithstanding the abolition of periodic detention as a sentencing option from 1 October 2010, there are still a number of detainees completing their periodic detention sentences which were imposed prior to the abolition. Since the abolition sentences of periodic detention are served by way of community service which was formerly known as Stage Two of periodic detention. There also remain a number of outstanding revocation warrants yet to be executed.

A detainee who has had their periodic detention sentence revoked and has been returned to custody is automatically entitled to a public review hearing. They have the option to appear before the Parole Authority by AVL or not, and be legally represented or not.

A detainee can apply for reinstatement of their periodic detention after serving three months in custody. If an application for reinstatement is made, the Parole Authority will adjourn the review hearing for a suitability assessment report to be prepared by Community Corrections. The original sentence will only be reinstated if there is a positive assessment for suitability.

A detainee may also apply to serve the balance of their sentence by way of home detention. The assessment process is the same as that outlined in relation to revocations of ICOs.

For a detainee to seeking home detention, the balance of their sentence must not be greater than 18 months and they must satisfy the eligibility criteria for home detention set out in [Part 6 Division 2, Crimes \(Sentencing Procedure\) Act](#). A positive assessment for suitability is necessary before the Parole Authority will order home detention.

## Other Matters

### Section 194

The Parole Authority's Secretariat compiles the paperwork which is considered by the Parole Authority members in making their initial determination. Ordinarily copies of this material are provided to an inmate and their legal representative. In certain circumstances the Parole Authority can however refuse to provide a copy of a document. The circumstances set out in [s 194](#). In 2014 the operation of this provision was extended by the introduction of subsection 1A.

Prior to subsection 1A, the Parole Authority regularly took the view that if it invoked s 194, the existence of material withheld under this provision did not have to be mentioned. Guideline 7 of the Parole Authority's 'Operating Guidelines' outlined this approach. The Parole Authority's approach is contrary to the Supreme Court decision in [Dib v Parole Authority of NSW \[2009\] NSWSC 575](#) which held that this was a denial of procedural fairness where the Parole Authority made no mention of the existence and nature of material withheld under s 194. His Honour Acting Justice Patten noted:

*It is difficult to conceive that the public interest required the Authority to say absolutely nothing about the nature or quality of the material it proposed to rely on, but, in any event, the Plaintiff was entitled to some reasons for the approach the Authority took.*

The Court endorsed an approach whereby an offender should be told that a copy of the material has not been provided, and given an outline of the content or substance of the material so they have an opportunity to respond.

The Parole Authority regularly invokes s 194 in relation to letters received from victims and their families, as well as intelligence reports received from Police and Corrective Services. The effect of s 194 is simply that the Parole Authority can take into account prejudicial material of which the inmate and their representative have no knowledge and therefore, no opportunity to respond.

### **Appealing Parole Authority Decisions**

An appeal is not available from the Parole Authority's refusal of parole or revocation. There is however a limited right of review whereby an inmate can apply to a single judge of the Supreme Court for a direction to be given to the Parole Authority that the Parole Authority's decision was made on the basis of false, misleading or irrelevant information: [s 155](#) (parole refusal) and [s 176](#) (revocations of home detention, parole and ICOs).

The process is relatively useless as it is difficult to establish and it does not mean an inmate will be released. If an application is successful, the effect is that the matter is referred back to the Parole Authority with a direction to reconsider the matter.

Notwithstanding [s 193C\(4\)](#) provides that a decision of the Parole Authority is final, it is accepted that the Supreme Court has jurisdiction under [s 69](#), *Supreme Court Act* to consider an application for prerogative relief. This is not a rehearing of the merits. It must be demonstrated that the Parole Authority made an error of law.

### ***Early Parole***

An application for release on parole before the expiry of an inmate's non-parole period can be made to the Parole Authority or to the Executive.

The Parole Authority may make an early parole order when an inmate is dying or release is necessary because of exceptional extenuating circumstances: [s 160](#). Life sentences are excluded. Procedurally, a written application is forwarded to the Parole Authority along with supporting medical material, for it to be considered at a private meeting of the Parole Authority. The Commissioner may, and usually does make submissions regarding the release of an inmate pursuant to s 160: [s 160AA](#). Depending upon the circumstances the application may be considered within a short time frame. Understandably the threshold for these applications is high, and it is rare for applications to be granted.

While [s 270](#) preserves the prerogative of mercy, these applications are comparatively rare, cumbersome and very slow.

## **Information**

### ***Has my client had their parole revoked?***

There are a few simple ways to establish if your client has had their parole revoked. If you are appearing as a duty solicitor for a client in custody who has been charged with a new offence when a Parole Authority warrant has been executed you may be fortunate to be given a copy of the Parole Authority warrant. Examining your client's criminal history will also show if there are any "prison" warrant entries. The relevant H number(s) for these warrants will correspond to the H number(s) for the offences for which your client is on parole.

For in-house practitioners, you can contact Prisoners Legal Service and request a Parole Authority Offender Report. Accessing CASES will also show any Prisoners Legal Service duty files and for more recent matters, will have the Parole Authority file saved under "Court documents". For Aboriginal Legal Service and private practitioners, you can contact the Parole Authority Secretariat by telephoning 8688 3635 or emailing [Secretary.ParoleBoard@justice.nsw.gov.au](mailto:Secretary.ParoleBoard@justice.nsw.gov.au).

### ***Why was my client's parole revoked?***

As noted above, a Parole Authority Offender Report will set out the reasons for the revocation, but not the details. A breach of supervision condition a) or condition 4 – fail to obey all reasonable directions of supervising Community Corrections Officer may be listed.

This could encompass a failure to attend for urinalysis, a failure to see GP for a mental health care plan or a failure to give to their supervising Community Corrections Officers the details of the parolee's new temporary accommodation.

For in-house practitioners, accessing the Parole Authority file via CASES will provide you with a copy of the Breach of Parole Report(s) prepared by Community Corrections which set out the details of revocation and background material. For Aboriginal Legal Service or private practitioners, Prisoners Legal Service can forward you this material provided we have a signed authority to release from your client. Alternatively you can contact the Parole Authority Secretariat and request this material.

## **PRISONERS LEGAL SERVICE**

The Prisoners Legal Service of Legal Aid NSW has been operating since 1986 as a specialist unit within the Criminal Law Division of Legal Aid NSW. Legal Aid NSW is the only legal aid service in Australia that operates a specialist legal service for prisoners.

The PLS provides representation, minor assistance and advice to prisoners about parole and other matters relating to their incarceration. Our criminal law solicitors appear before the Parole Authority each sitting day. In addition to our criminal law solicitors, we have a civil law solicitor and a family law solicitor who provide advice and minor assistance regarding civil and family law matters. Our solicitors visit metropolitan Correctional Centres to conduct advice and outreach clinics, and provide advice by telephone and AVL to inmates in Correctional Centres outside metropolitan Sydney.

To contact Prisoners Legal Service or to refer a client, you can email: [pls@legalaid.nsw.gov.au](mailto:pls@legalaid.nsw.gov.au).

Keppie Waters  
Solicitor in Charge  
Prisoners Legal Service

1 August 2017

Inmate's Full  
NameInmate's  
MIN-----  
OFFENDER DETAILS  
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MIN	Surname	First Name	Middle Name	Sex	Date of Birth
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				M	
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\* This person has multiple identities. See also

Alias

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SENTENCES SUMMARY  
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## Current Sentence Details

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Jur	Type	Term	Commence	Time	Expire	Time
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NSW	Balance of Parole	7m	20/05/2017		19/12/2017	
NSW	Sentence	7m	20/05/2017		19/12/2017	
NSW	Non Parole Period	3m	20/05/2017		19/08/2017	

## Aggregate Sentence / Release Date Details

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Total Sentence Period : 7M  
Parole Review Date :  
Earliest Possible Release Date : 19/12/2017  
Parole Date :

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CURRENT - CONVICTIONS SENTENCES AND APPEALS DETAILS  
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## Conviction Details

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JusticeLink  
Reference

Info Number :  
Date Convicted : 30/06/2017 State : NSW  
Court Location : CENTRAL LOCAL COURT  
Judge Name :

Seq	Offence/s	Jur	Type	Term	Imposed	Commence	Time	Expire	Time	AP	PS	ST
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8		NSW	Sentence	7m	30/06/2017	20/05/2017		19/12/2017			Y	A
8		NSW	Non Parole	3m	30/06/2017	20/05/2017		19/08/2017			Y	A



Stalk/intimidate intend fear physical etc harm (personal)-T2 (201700152138001)

Conviction Details

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Info Number : BOP  
Date Convicted : 14/06/2017 State : NSW  
Court Location : STATE PAROLE AUTHORITY  
Judge Name :

Seq Offence/s	Jur Type	Term	Imposed	Commence	Time	Expire	Time	AP	PS	ST
7	NSW Balance of	7m	14/06/2017	20/05/2017		19/12/2017	00:00		N	A
Revocation of Parole - Warrant - NSW Parole Authority				(BOP)						

HISTORICAL - CONVICTIONS SENTENCES AND APPEALS DETAILS

Conviction Details

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Info Number : BOP  
Date Convicted : 26/06/2008 State : NSW  
Court Location : STATE PAROLE AUTHORITY  
Judge Name :

Seq Offence/s	Jur Type	Term	Imposed	Commence	Time	Expire	Time	AP	PS	ST
1	NSW Balance of	2m18d	26/06/2008	20/12/2016		09/03/2017	00:00		N	H
Revocation of Parole - Warrant - NSW Parole Authority				(61819546)						

Conviction Details

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Info Number : [REDACTED]  
Date Convicted : 04/05/2017 State : NSW  
Court Location : NEWTOWN LOCAL COURT  
Judge Name :  
Comment Text : S10A Conviction- no penalty imposed

Seq Offence/s	Jur Type	Term	Imposed	Commence	Time	Expire	Time	AP	PS	ST
2	NSW Sentence	12m	04/05/2017	20/12/2016		19/12/2017			Y	H
2	NSW Non Parole	4m	04/05/2017	20/12/2016		19/04/2017			Y	H
Use etc offensive weapon to prevent lawful detention etc-T1				(201600381975005)						
3	NSW Fixed Sente	4m	04/05/2017	20/12/2016		19/04/2017			N	H
Assault officer in execution of duty-T2				(201600381975002)						

Conviction Details

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Info Number : CONV\_SENT  
Date Convicted : 02/03/2007  
Court Location : CENTRAL LOCAL COURT  
Judge Name :

State : NSW

Seq	Offence/s	Jur Type	Term	Imposed	Commence	Time	Expire	Time	AP	PS	ST
1	POSSESS IMP ENTER CONVEYANCE (CONV2011~001)	NSW Fixed Sente	6m	02/03/2007	20/11/2007		19/05/2008			N	I
2		NSW Sentence	9m	02/03/2007	20/11/2007		19/08/2008			Y	I
2	ASSAULT OFFICER EXECUTION DUTY (CONV2011~002)	NSW Non Parole	6m	02/03/2007	20/11/2007		19/05/2008			Y	I
	ASSAULT OFFICER EXECUTION DUTY (CONV2011_02)										
3	DISHONEST OBTAIN MON DECEPTION (CONV2011~003)	NSW Fixed Sente	6m	02/03/2007	21/02/2007		20/08/2007			N	I
4		NSW Sentence	12m	02/03/2007	21/02/2007		20/02/2008			Y	I
4	MAL DAMAGE PROPERTY BY FIRE/EXPLOSIVE VALUE =<\$2000 (CONV2011~004)	NSW Non Parole	9m	02/03/2007	21/02/2007		20/11/2007			Y	I
5		NSW Fixed Sente	6m	02/03/2007	21/02/2007		20/08/2007			N	I
	DRIVE VEHICLE FURIOUSLY/RECKLESSLY (CONV2011~005)										
6		NSW Fixed Sente	9m	02/03/2007	21/02/2007		20/11/2007			N	I
	DRIVE OR PASSENGER CONVEYANCE TAKEN W/O CONSENT (CONV2011~006)										
7		NSW Fixed Sente	9m	02/03/2007	21/02/2007		20/11/2007			N	I
	RECEIVE DISPOSE STOLEN PROPERT (CONV2011~007)										
8		NSW Fixed Sente	6m	02/03/2007	21/02/2007		20/08/2007			N	I
	DRIVE UNDER INFLUENCE ALCOHOL (CONV2011~008)										
9		NSW Fixed Sente	9m	02/03/2007	21/02/2007		20/11/2007			N	I
	DRIVE VEHICLE FURIOUSLY/RECKLESSLY (CONV2011~009)										

Conviction Details  
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Info Number : CONV\_SENT  
Date Convicted : 27/02/2007  
Court Location : ACT PAROLE BOARD  
Judge Name :

State : ACT

Seq	Offence/s	Jur Type	Term	Imposed	Commence	Time	Expire	Time	AP	PS	ST
10	PAROLE ORDER REVOKED (CONV2011)	ACT Balance of	1y1m6d	27/02/2007	27/02/2007		01/04/2008			N	I

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MOVEMENT DETAILS  
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Rsn	From	To	Movement Date
ADM	MRR - METRO REMAND A	MSP - METROPOLITAN S	23/06/2017
TRN	MRR - METRO REMAND A	MSP - METROPOLITAN S	23/06/2017

ADM	SCC - SURRY HILLS CO	MRR - METRO REMAND A	21/05/2017
TRN	SCC - SURRY HILLS CO	MRR - METRO REMAND A	21/05/2017
ADM	ADMISSION	SCC - SURRY HILLS CO	21/05/2017
REL	PKA - PARKLEA CC	PAROLE ORDER	04/05/2017
ADM	MRR - METRO REMAND A	PKA - PARKLEA CC	28/03/2017
TRN	MRR - METRO REMAND A	PKA - PARKLEA CC	28/03/2017
ADM	OMPC - OUTER METRO M	MRR - METRO REMAND A	22/02/2017
TRN	OMPC - OUTER METRO M	MRR - METRO REMAND A	22/02/2017
ADM	MRR - METRO REMAND A	OMPC - OUTER METRO M	17/02/2017
TRN	MRR - METRO REMAND A	OMPC - OUTER METRO M	17/02/2017
ADM	JM1 - JOHN MORONY 1	MRR - METRO REMAND A	12/02/2017
TRN	JM1 - JOHN MORONY 1	MRR - METRO REMAND A	12/02/2017
ADM	OMPC - OUTER METRO M	JM1 - JOHN MORONY 1	12/02/2017
TRN	OMPC - OUTER METRO M	JM1 - JOHN MORONY 1	12/02/2017
ADM	MRR - METRO REMAND A	OMPC - OUTER METRO M	10/01/2017
TRN	MRR - METRO REMAND A	OMPC - OUTER METRO M	10/01/2017
ADM	BOP - PAROLE BOARD C	MRR - METRO REMAND A	20/12/2016
REL	GLB - GOULBURN CC	PAROLE ORDER	19/05/2008
ADM	COO - COOMA CC	GLB - GOULBURN CC	29/03/2008
TRN	COO - COOMA CC	GLB - GOULBURN CC	29/03/2008
ADM	PKA - PARKLEA CC	COO - COOMA CC	16/02/2008
TRN	PKA - PARKLEA CC	COO - COOMA CC	16/02/2008
ADM	JUN - JUNE CC	PKA - PARKLEA CC	15/01/2007
TRN	JUN - JUNE CC	PKA - PARKLEA CC	15/01/2007
ADM	MRR - METRO REMAND A	JUN - JUNE CC	27/01/2007
TRN	MRR - METRO REMAND A	JUN - JUNE CC	27/01/2007
ADM	JM1 - JOHN MORONY 1	MRR - METRO REMAND A	26/03/2007
TRN	JM1 - JOHN MORONY 1	MRR - METRO REMAND A	26/03/2007
ADM	JM2 - JOHN MORONY 2	JM1 - JOHN MORONY 1	12/03/2007
TRN	JM2 - JOHN MORONY 2	JM1 - JOHN MORONY 1	12/03/2007
ADM	MRR - METRO REMAND A	JM2 - JOHN MORONY 2	06/03/2007
TRN	MRR - METRO REMAND A	JM2 - JOHN MORONY 2	06/03/2007
ADM	ADMISSION	MRR - METRO REMAND A	22/02/2007

A really useful  
starting point before  
speaking to your  
client

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CLASSIFICATION HISTORY DETAILS  
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Date	Committee	App.Sec	Placement	Comment
24/07/2017	MDMCP	B	JUN	SMAP INMATE WITH POOR CUSTODY HX, OICS AND REGRESSION L AST EPISODE, ASSOCIATION ALERTS NOTED, SERVING A BOP TO EXP 19.12.2017, CMT COMMENTS NOTED REGARDING REMAND AS SESSMENT, HX OF SH AND BEHAVIOUR ALERT TO BE NOTED, INM ATE TO COMPLY AND MAINT COMPLIANCE AT ALL TIMES,
21/02/2017	MDMCP	B	JUN	EPRD 09.03.2017, UNSCHEDULED SENT REVIEW FOR REGRESSION AS RECOMMENDED AND SUPPORTED BY CENTRE MANAGEMENT, IRM - 157885 AND 157880 IN RELATION TO THIS INCIDENT NOTED, SPITTING ON MEDICAL AND OTHER OFFICIALS AND ATTEMPTED

Date	Program	Level	Offence	Description
09/01/2017	MDMCP	C1	OMPC	TO ASSAULT OFFICERS WITH A RAZOR BLADE, NOT SUITABLE TO ABORIGINAL INMATE, PREV CUSTODY HX, SERVING A BOP TO EX P 09.03.2017 WITH FURTHER COURTS AT NEWTOWN LC ON 12.01.2017, JH HX AND RECENT CLEARANCE FROM RIT TO BE NOTED, TO BE REV WHEN CLR OF COURTS, INMATE TO BE COMPLIANT , AND BE MONITORED AT ALL TIMES,
28/03/2008	MDMCP	B	GLB	INMATE TO REFER TO PSYCH AT GOC - MAY BENEFIT FROM ANGE R MAN. PSYCH AOD TO ASSESS & INMATE TO PARTICIPATE IN N OMINATED OTP AT GOC. COMPLY CC ROUTINE/RULES.
31/01/2008	CPO	C1	COO	OBTAIN & MAINTAIN EMPLOYMENT. COMPLY CC ROUTINE/RULES. MAINTAIN CURRENT CASE PLAN
17/01/2008	MDMCP	C1	JUN	INMATE OBTAIN & MAINTAIN EMPLOYMENT. SELF REFER PSYCH/AO D AS REQUIRED. UNDERTAKE ALL PROGRAMS NOMINATED BY CMT/ MOSP. COMPLY CC ROUTINE/RULES
25/07/2007	CCG	C1	JUN	EPRD 19.5.08. NOT SUITABLE CAMP ENV CURRENTLY, POOR BEH AVIOUR AND INMATE HAS ESCAPE ALERT UNDER MIN 400426, RI SK ASSESS PRIOR TO C2 IN OPEN AREA. HAS BEEN REMOVED FR OM EMPLOYMENT AND IS NOT COMPLYING WITH CASE PLAN. RECE NT OIC'S NOTED.
15/03/2007	CCG	C1	JUN	3 MTH RV FOR C2 DEPENDENT ON BEHAVIOUR AND COMPLIANCE W ITH CASE PLAN AND CC ROUTINE. STABLE AT JM. COMPLY SET CASE PLAN AND CC ROUTINE.
05/03/2007	MDMCP	C2	OBE	EPRD 19/5/07. FUTURE ORIENTATED TO UNDERTAKING YAOP AND STAGE 3 OBERON PROGRAM. SEEKS WORK AVAILABLE. FAMILY S UPPORT IN CANBERRA. COMPLY WITH PROGRAM PATHWAY AND CEN TRE ROUTINES

PUNISHMENT DETAILS

Inc. Date	Rep. Date	Hear. Date	Offence (Sentence / Compensation)
18/07/2017	21/07/2017	20/07/2017	MISUSE OF BELL HOOTER SIREN WHISTLE (42) 14d Off amenities
15/07/2017	20/07/2017	17/07/2017	INTIMIDATION (138) 14d Off Buy-Ups
22/05/2017	31/05/2017	30/05/2017	CREATE POSSESS PROHIBITED GOODS(45) 14d Off Buy-Ups
11/02/2017	22/02/2017	21/02/2017	INTIMIDATION (138) 5d Cells
11/02/2017	22/02/2017	21/02/2017	POSSESS OFFENSIVE WEAPON/INSTR (137) 5d Cells
28/03/2008	28/03/2008	28/03/2008	FIGHT OR OTHER COMBAT (130) 3d Cells
21/11/2007	30/11/2007	22/11/2007	POSSESS DRUG (138) 3d Cells
02/08/2007	20/08/2007	06/08/2007	FIGHT OR OTHER COMBAT (130) 1d Cells
27/06/2007	06/08/2007	04/07/2007	PREPARE, MANUF ALCOHOL (137) 2d Cells

All the inmate's  
internal gaol  
charges and  
penalties

NSW Department of Corrective Services  
PAROLE AUTHORITY OFFENDER REPORT

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MIN:		CNI:	
NAME:			
DATE OF BIRTH:		AGE:	30
PLACE OF BIRTH:	KEMPSEY		
COUNTRY OF BIRTH:	AUS - NEW S	GENDER:	M
ADDRESS:			
	LOCATION: OUTSIDE		

"Active" or  
"Pending  
Classification is  
shown here

FORENSIC:	NO
SORC:	NO
ABORIGINAL:	NO
CLASSIFICATION:	A2 - ACTIVE
VICTIMS REGISTER:	No
PUBLIC INTEREST:	No

ALIAS		
LAST NAME	NAMES	DATE OF BIRTH

PHYSICAL MARKINGS				
MARK TYPE	BODY PART	SIDE	PART ORIENT.	MARK DESCRIPTION
SCAR	HAND	RIGHT	LOWER	4" Scar
SCAR	HAND	RIGHT	LOWER	4" Scar

SENTENCE SUMMARY

CURRENT SENTENCES

Jur	Type	Term	Commence	Time	Expire	Time
NSW	Non Parole Period	4y6m	08/07/2012		07/01/2017	
NSW	Sentence	7y6m	08/07/2012		07/01/2020	

Aggregate Sentence / Release Date Details

Total Sentence Period	8 Y 6 M 1 D
Parole Review Date	
Earliest Possible Release Date	07/01/2017
Parole Date	
Pos. Release Date	

PAROLE HEARING

Hearing Date	Hearing Type	Hearing Reason	L
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PB MEETING DOCUMENT:

Seq	Document Type	Description	Date Sent	Date	Received
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OUTSTANDING CHARGE

Date	Court	Charge	Bail
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PAROLE OFFICER

Future Court  
dates are  
listed here



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**Officer Name :** STRETTON, SHARON - CESSNOCK COMMUNITY CORRECTIONS  
KLEINMEULMAN, CATHERINE - NOWRA COMMUNITY CORRECTIONS  
, - WELLINGTON COMMUNITY CORRECTIONS  
EDWARDS, HUGHEN - LAKE MACQUARIE COMMUNITY CORRECTIONS  
WILSON, MELISSA - CESSNOCK COMMUNITY CORRECTIONS  
, - CITY COMMUNITY CORRECTIONS

**LEGAL COUNSEL**

**Legal Counsel :**

**PAROLE BOARD DECISIONS INDIVIDUAL REPORT**

Date	Decision	Comment	S/o date
14/07/2017	Parole ordered inmate	Offender to be released on 17/07/2017. Conditions 1-14, 16(b)(c), 18 (Adele House), 22, 24 (victim/s) and 28 (co-offender/s).	
23/06/2017	Stand over for Probation and Parole Officer's supplementary report	Stand over for a supplementary Community Corrections Officer's report regarding availability of a bed at Adele House, and for further review.	14/07/2017
23/06/2017	Re-list earlier if appropriate		
19/05/2017	Stand over for Probation and Parole Officer's supplementary report	Stand over for a supplementary Community Corrections Officer's report regarding entry into Adele House and for further review.	23/06/2017
31/03/2017	Stand over for Probation and Parole Officer's supplementary report	Stand over for a supplementary Community Corrections Officer's report regarding entry into Adele House, and for further review.	19/05/2017
24/02/2017	Stand over for Probation and Parole Officer's supplementary report	Stand over for a supplementary Community Corrections Officer's report regarding entry into Adele House, and for further review.	31/03/2017
27/01/2017	Stand over for Probation and Parole Officer's supplementary report	Stand over for a supplementary Community Corrections Officer's report regarding entry into Adele House, and for further review.	24/02/2017
02/12/2016	Decision to refuse parole - review hearing approved	Reasons: Need to complete a program to address offending behaviour of alcohol and other drugs and Need for structured post release plans and/or accommodation to be finalised [residential rehabilitation program].	27/01/2017
04/11/2016	Stand over for Probation and Parole Officer's supplementary report	Stand over for supplementary Community Corrections Officer's report regarding progress in EQUIPS Addiction, start date and entry in VOTP, program pathway in the community including Adele House.	02/12/2016
01/04/2011	Report noted	SPA notes Probation and Parole Officer's report dated 21/03/2011.	
04/02/2011	Parole Authority warning	SPA warning re: drug use.	

**All decisions of the Parole Authority whether made at a public hearing or a private meeting shown here**

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CONVICTIONS, SENTENCES AND APPEALS DETAILS

Conviction Details

Info Number: [REDACTED]  
 Date Convicted: 29/01/2013  
 Court Location: NEWCASTLE DISTRICT COURT  
 Judge Name:  
 Appeal By: Offender  
 Date Lodged: 16/06/2014  
 Appeal Result Court  
 Appeal Result Date:

Comment: On 13.03.2015 Appeal Allowed in relation to 2011/219572-001, District Court Sentence Quashed and new sentence issued in lieu. Appeal not accepted in relation to 2011/277328-001 as its sentence expired 06/07/2014

Seq	Offence/s	Jur	Type	Term	Imposed	Commence	Expire	Time	AP	ST
4		NSW	Sentence	7y6m	29/01/2013	08/07/2012	07/01/2020	00:00		A
4		NSW	Non Parole Period	4y6m	29/01/2013	08/07/2012	07/01/2017	00:00		A
	SPECIAL AGG BREAK ENTER & COMMIT SERIOUS INDICT OFF - WEAPO					Cnt: 1			U	
1	(Original)	NSW	Sentence	12y6m	29/01/2013	08/07/2012	07/01/2025	00:00		DISA
1	(Original)	NSW	Non Parole Period	8y	29/01/2013	08/07/2012	07/07/2020	00:00		DISA
	SPECIAL AGG BREAK ENTER & COMMIT SERIOUS INDICT OFF - WEAPO					Cnt: 1			U	
2		NSW	Fixed Sentence	3y	29/01/2013	07/07/2011	06/07/2014	00:00		I
	BREAK & ENTER HOUSE ETC STEAL VALUE <=\$60,000 - T1					Cnt: 1			D	

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**Conviction Details**

**Info Number:** CONV\_SENT

**Date Convicted:** 10/09/2009

**Court Location:** NEWCASTLE DISTRICT COURT OF APPEAL

**State:** NSW

**Judge Name:**

**Appeal By:** Offender

**Date Lodged:** 23/06/2009

**Appeal Result Court**

**Appeal Result Date:**

Seq	Offence/s	Jur	Type	Term	Imposed	Commence	Expire	Time	AP	ST
1	BREAK ENTER BLDG COM SERIOUS INDICT OFFN	NSW	Fixed Sentence	12m	10/09/2009	23/06/2009	22/06/2010			I
										Cnt: 1
2	KNOWINGLY CARRIED IN STOLEN CONVEYANCE	NSW	Fixed Sentence	6m	10/09/2009	23/03/2010	22/09/2010			I
										Cnt: 1
4	DESTROY OR DAMAGE PROPERTY >\$ 2000 & <=\$ 5000 (DV)-T2	NSW	Fixed Sentence	6m	10/09/2009	23/03/2010	22/09/2010			I
										Cnt: 1
5	AFFRAY	NSW	Fixed Sentence	6m	10/09/2009	23/03/2010	22/09/2010			I
										Cnt: 1
7	MALICIOUSLY DESTROY PROPERTY	NSW	Fixed Sentence	6m	10/09/2009	23/03/2010	22/09/2010			I
										Cnt: 2
3	BREAK ENTER DWEL HOUSE & STEAL	NSW	Sentence	12m	10/09/2009	23/03/2010	22/03/2011			I
3		NSW	Non Parole Period	9m	10/09/2009	23/03/2010	22/12/2010			I
										Cnt: 2
6	AOABH	NSW	Fixed Sentence	9m	10/09/2009	23/03/2010				I

**CLASSIFICATION HISTORY**

DATE	CLASSIFICATION		
16/03/2017	ROC	A2	A2 MAX. SEC.
27/01/2017	ROC	B	B MEDIUM
09/02/2016	ROC	C1	C1 MINIMUM SEC.
29/10/2015	ROC	C1	C1 MINIMUM SEC.
06/05/2015	ROC	B	B MEDIUM
24/04/2015	COP1	B	B MEDIUM
03/07/2014	ROC	B	B MEDIUM
16/07/2013	ROC	B	B MEDIUM
31/01/2013	ICA	A2	A2 MAX. SEC.
21/01/2013	LSIR	MEDHI	Medium/High
16/08/2012	ROC	B_U	B_U Unsentenced B
02/05/2012	LSIR	MEDHI	Medium/High

**All classification changes and the results of risk assessments are listed here**

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CLASSIFICATION HISTORY

DATE	CLASSIFICATION		
14/07/2011	ICA	B_U	B_U Unsentenced B
30/03/2010	ROC	C3	C3 Min.Sec.(GM. to app. programmes)
05/11/2009	COP1	C2	C2 MINIMUM SECURITY
25/06/2009	ICA	C2	C2 MINIMUM SECURITY
17/06/2009	LSIR	MEDLO	Low/Medium
26/06/2006	LSIR	MEDLO	Low/Medium

An inmate's  
internal gaol  
charges listed per  
penalty imposed

INSTITUTIONAL BEHAVIOR - BREACHES OF DISCIPLINE

OFFENCE DATE	HEARING DATE	OFFENCE	SENTENCE/COMPENSATION
28/01/2017	09/03/2017	FAIL PRESCRIBED DRUG TEST (153)	42d Off Contact Visits (DIU & Fail/Refuse )
11/01/2017	31/01/2017	FAIL PRESCRIBED DRUG TEST (153)	168d Off Contact Visits (DIU & Fail/Refuse )
11/01/2017	31/01/2017	FAIL PRESCRIBED DRUG TEST (153)	56d Off Buy-ups (DIU & Fail/Refuse Supply)
21/05/2016	06/07/2016	FAIL PRESCRIBED DRUG TEST (153)	56d Off Buy-ups (DIU & Fail/Refuse Supply)
21/05/2016	06/07/2016	FAIL PRESCRIBED DRUG TEST (153)	126d Off Contact Visits (DIU & Fail/Refuse )
05/03/2016	19/04/2016	FAIL PRESCRIBED DRUG TEST (153)	126d Off Contact Visits (DIU & Fail/Refuse )
05/03/2016	19/04/2016	FAIL PRESCRIBED DRUG TEST (153)	56d Off Buy-Ups
15/11/2015	16/12/2015	FAIL PRESCRIBED DRUG TEST (153)	28d Off Buy-ups (DIU & Fail/Refuse Supply)
15/11/2015	16/12/2015	FAIL PRESCRIBED DRUG TEST (153)	84d Off Contact Visits (DIU & Fail/Refuse )
15/11/2015	17/11/2015	POSSESS DRUG (149)	28d Off Buy-Ups
26/04/2015	26/04/2015	UNLAW DELIVER/RECEIVE ARTICLE INMATE(44)	28d Partake at Leisure Time Activity
26/04/2015	26/04/2015	UNLAW DELIVER/RECEIVE ARTICLE INMATE(44)	28d Off amenities
26/04/2015	26/04/2015	UNLAW DELIVER/RECEIVE ARTICLE INMATE(44)	28d Off Television
26/04/2015	26/04/2015	UNLAW DELIVER/RECEIVE ARTICLE INMATE(44)	28d Off Buy-Ups
05/03/2015	06/03/2015	DISOBEY DIRECTION (130)	56d Off amenities
05/03/2015	06/03/2015	DISOBEY DIRECTION (130)	56d Off Television
05/03/2015	06/03/2015	DISOBEY DIRECTION (130)	56d Off Buy-Ups
28/11/2014	01/01/2015	FAIL PRESCRIBED DRUG TEST (153)	42d Off Amenities (DIU & Fail/Ref)
28/11/2014	01/01/2015	FAIL PRESCRIBED DRUG TEST (153)	42d Off Buy-ups (DIU & Fail/Ref)
28/11/2014	01/01/2015	FAIL PRESCRIBED DRUG TEST (153)	42d Off Television
28/11/2014	01/01/2015	FAIL PRESCRIBED DRUG TEST (153)	42d Off Contact Visits (DIU & F
21/08/2013	22/08/2013	FIGHT OR OTHER COMBAT (131)	3d Cells
01/08/2012	05/08/2012	POSS CREATE PROH GOODS (42)	\$35 COMPENSATION
07/06/2010	07/06/2010	INTER CORRECT CENT PROP (135)	14d Off Buy-Ups

Urinalysis  
results for  
the inmate  
regardless of  
the results

URINALYSIS HISTORY

TEST DEMAND DATE	TYPE OF TEST	COMPLIANCE	RESULT	DRUGS DETECTED
28/03/2010	PROGRAM	COMPLY	NEG	
16/03/2012	RANDOM	COMPLY	NEG	
16/12/2012	RANDOM	COMPLY	NEG	
28/11/2014	TARGET	COMPLY	POS	BUPRENORPHINE



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				METHADONE
				MORPHINE
				CODEINE
15/11/2015	TARGET	COMPLY	POS	BUPRENORPHINE
27/01/2016	PROGRAM	COMPLY	NOTEST	
05/03/2016	PROGRAM	COMPLY	POS	BUPRENORPHINE
19/05/2016	PROGRAM	COMPLY	POS	METHADONE
19/11/2016	PROGRAM	COMPLY	POS	BUPRENORPHINE
				CODEINE
28/01/2017	PROGRAM	COMPLY	POS	BUPRENORPHINE
20/05/2017	PROGRAM	COMPLY	NEG	

**Movements  
as per the  
Conviction,  
Sentence,  
Appeals report**

**MOVEMENTS**

DATE	MOVEMENT TYPE	REASON	FROM	TO
17/07/2017	REL	PAROL	MNC - MID NORTH COAST CORRECTIONAL CENTR	OUTSIDE
08/03/2017	ADM	INT	CES - CESSNOCK CC	MNC - MID NORTH COAST CORRECTIONAL CENTR
08/03/2017	TRN	INT	CES - CESSNOCK CC	MNC - MID NORTH COAST CORRECTIONAL CENTR
23/05/2015	ADM	INT	MRR - METRO REMAND AND RECEPTION CENTRE	CES - CESSNOCK CC
23/05/2015	TRN	INT	MRR - METRO REMAND AND RECEPTION CENTRE	CES - CESSNOCK CC
18/05/2015	ADM	INT	WEL - WELLINGTON CORRECTIONAL CENTRE	MRR - METRO REMAND AND RECEPTION CENTRE
18/05/2015	TRN	COMPA	WEL - WELLINGTON CORRECTIONAL CENTRE	MRR - METRO REMAND AND RECEPTION CENTRE
28/02/2013	ADM	INT	MRR - METRO REMAND AND RECEPTION CENTRE	WEL - WELLINGTON CORRECTIONAL CENTRE
28/02/2013	TRN	INT	MRR - METRO REMAND AND RECEPTION CENTRE	WEL - WELLINGTON CORRECTIONAL CENTRE
07/02/2013	ADM	INT	CES - CESSNOCK CC	MRR - METRO REMAND AND RECEPTION CENTRE
07/02/2013	TRN	CLASG	CES - CESSNOCK CC	MRR - METRO REMAND AND RECEPTION CENTRE
28/01/2013	ADM	INT	PKA - PARKLEA CC	CES - CESSNOCK CC
28/01/2013	TRN	INT	PKA - PARKLEA CC	CES - CESSNOCK CC
25/01/2013	ADM	INT	BTH - BATHURST CC	PKA - PARKLEA CC
25/01/2013	TRN	INT	BTH - BATHURST CC	PKA - PARKLEA CC
08/01/2013	ADM	INT	MSP - METROPOLITAN SPECIAL PROGRAMS CTR	BTH - BATHURST CC
08/01/2013	TRN	INT	MSP - METROPOLITAN SPECIAL PROGRAMS CTR	BTH - BATHURST CC
03/12/2012	ADM	INT	MRR - METRO REMAND AND RECEPTION CENTRE	MSP - METROPOLITAN SPECIAL PROGRAMS CTR
03/12/2012	TRN	INT	MRR - METRO REMAND AND RECEPTION CENTRE	MSP - METROPOLITAN SPECIAL PROGRAMS CTR
19/11/2012	ADM	INT	CES - CESSNOCK CC	MRR - METRO REMAND AND RECEPTION CENTRE
19/11/2012	TRN	CLASS	CES - CESSNOCK CC	MRR - METRO REMAND AND RECEPTION CENTRE
10/11/2012	ADM	INT	MRR - METRO REMAND AND RECEPTION CENTRE	CES - CESSNOCK CC

## Acronyms Used by Corrective Services NSW

ACRONYM	Meaning
AA	Alcoholics Anonymous
ADHC	Ageing Disability and Home Care
AOD	Alcohol and Other Drugs
ASU	Additional Support Unit, CSNSW
AVO	Apprehended Violence Order
BOCSAR	Bureau of Crime Statistics and Research
BOP	Balance of parole
BPD	Borderline Personality Disorder
C/N	Case note(s)
CBT	Cognitive Behaviour Therapy
CC	Correctional Centre
CCAP	CS NSW Child Contact Assessment Policy which places restrictions on inmates contact with children
CCG	Classification Consultative Group
CCO	Community Corrections Officer
CDTCC	Compulsory Drug Treatment Correctional Centre, CSNSW
CIA	Community Impact Assessment – an assessment tool used to complement the LSIR or STATIC 99R by introducing additional questions to measure the consequence of re-offence
CLR of CRT	Clear of Court
CMT	Case Management Team
CORE	CUBIT Outreach Program
CSNSW	Corrective Services NSW
CUBIT	Custody-based Intensive Treatment Program
DIU	Drugs in urine
EDOR	Earliest day of release
EPRD	Earliest Possible Release Date
EQUIPS	Explore, Question, Understand, Investigate, Practise to Succeed, with separate programs of EQUIPS Foundation, Aggression, Addiction or Domestic Abuse
ERC	Escape Review Committee – a division of SORC to which inmates with escape classifications apply for removal of their escape designation
ERD	Earliest Release Date
ESC	Escape history or escapee
ESO	Extended Supervision Order
FPS	Forensic Psychology Services
GA	Gamblers Anonymous
GM	General Manager

GOC	Gaol of Classification
HRMU	High Risk Management Unit, CSNSW
HX	History
HX of MH	History of Mental health issues
HX of SH	History of Self-Harm
IDATP	Intensive Drug and Alcohol Treatment Program
ILC	Intensive Learning Centre
JH HX	Justice Health History
LSIR	Level Of Service Inventory Revised
MAAD	Mothering at a Distance
MOS	Manager of Security
MOSP	Manager of Services and Programs
MSPC	Metropolitan Special Programs Centres, Long Bay Correctional Complex
NA	Narcotics Anonymous
NA	Non-Association
NEXUS	Pre-release program
NPP	Non-parole period
OIC	Offences in custody
OIMS	Offender Integrated Management System
OMCG	Outlaw Motor Cycle Gang
OMMPCC	Outer Metropolitan Multipurpose Correctional Centre
OSP	Offender Services and Programs
PBDU	Personality Behavioural Disorder Unit, CSNSW
PRLA	Protection Limited Association Area
PRLC	Pre-Release Leave Committee – a division of SORC to which public interest inmates are referred for consideration of progression to C3 classification
PRNA	Protection Limited Non Association Area
RAPO	Regional Aboriginal Programs Officer
RIT	Risk Intervention Team
RUSH	Real Understanding of Self-Help
RV or R/V	Review
SAPO	Services and Programs Officer
SDS	Statewide Disability Services
SHHX	Self-harm history
SMAP	Special Management Area Placement
SOP	Sex Offender Program
SOP–PREP	Preparatory Program for Sexual Offenders
SORC	Serious Offenders Review Council
SPC	Special Purpose Centre, Long Bay Correctional Complex
SRP – SO	Self-Regulation Program for Sex Offending
SRP – VO	Self-Regulation Program for Violent Offending

STABLE-2007	An instrument that measures dynamic risk factors which are potentially changeable but endure for months or years; consists of a guided interview process covering 13 major areas of stable dynamic risk for sexual offenders
STATIC99R	A ten item actuarial sex offender risk assessment instrument
SVOTP	Sex & Violent Offender Therapeutic Programs staff
VOTP	Violent Offender Therapeutic Program
YAO	Young Adult Offender
YAOP	Young Adult Offender Program based at Oberon CC

Our Ref: kw: [REDACTED]

**PRISONERS LEGAL SERVICE**

Level 1  
160 Marsden Street  
Parramatta NSW 2124

DX: 8283 Parramatta  
TEL: (02) 8688 3888  
FAX: (02) 8688 3895

[REDACTED]  
Information Access & Privacy  
Department of Justice  
GPO Box 31  
SYDNEY NSW 2001

**By Email Only:** [infoandprivacy@justice.nsw.gov.au](mailto:infoandprivacy@justice.nsw.gov.au)

Dear Madam / Sir,

[REDACTED] – MIN [REDACTED]

Prisoners Legal Service acts Mr [REDACTED].

This is an application for access to government information under the *Government Information (Public Access) Act*.

On behalf of Mr [REDACTED], I am requesting copies of the following:

1. All documentation relating to reviews of Mr [REDACTED]'s classification since 2 May 2015, including, but by no means limited to:
  - recommendations from the CMT and the General Manager;
  - minutes and recommendation from the Serious Offenders Review Council;
  - record of the Commissioner's decision;
2. All Corrective Services NSW case notes regarding Mr [REDACTED] for the period, 1 March 2015 to the present, inclusive; and
3. All Corrective Services NSW psychology case notes regarding Mr [REDACTED] for the period, 21 November 2014 to the present, inclusive.

In view of the fact that Mr [REDACTED] is in custody and Prisoners Legal Services acts pro bono, I am seeking a fifty percent reduction in the fee. The fee of \$15.00 will be paid by electronic transfer.

Further, I object on Mr [REDACTED]'s behalf to the publication in the Department of Attorney General and Justice disclosure log of all information concerning this application.

Should you require any further information regarding this request, please do not hesitate to contact me on ph. [REDACTED] or by email: [keppie.waters@legalaid.nsw.gov.au](mailto:keppie.waters@legalaid.nsw.gov.au).

Thank you for your assistance with this request.

Yours faithfully,

## ADDITIONAL PAROLE AUTHORITY CONDITIONS

### ELECTRONIC MONITORING

15. The offender must submit to electronic monitoring and comply with all instructions given by the Officer in relation to the operation of monitoring systems.

*INSTRUCTIONS: SPA MEMBERS: If electronic monitoring is for exclusion zones only, this must be specified at the time of making the order. Wording will read, "for the purposes of exclusions zones only, there are to be no schedules".*

*COMMUNITY CORRECTIONS: If indicating that electronic monitoring is required, please identify whether schedules are required or whether it should be for exclusion zones only.*

### ADDICTIONS

16. The offender must;

- a) abstain from alcohol; and/or
- b) not use or be in possession of a prohibited drug or substance, except those that have been prescribed for the offender;

and must at the direction of the Officer undertake testing for alcohol and/or drugs where facilities are available.

- c) The offender must also undertake and maintain AOD programs or counselling if directed to do so. If such a direction is given, the offender must authorise in writing that his/her treating health services provider make available to the Officer, a report on his or her medical and/or other conditions at all reasonable times.

*INSTRUCTIONS: COMMUNITY CORRECTIONS: It needs to be indicated whether you are recommending alcohol abstinence (16a), drug abstinence (16b) or both (16ab) and/or whether further intervention and counselling is required (16abc).*

17. The offender must refrain entirely from gambling and must, if so directed by the Officer, seek assistance/counselling in controlling his or her gambling.

18. The offender must enter the [*specify 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.

#### MENTAL HEALTH

19. The offender must if so directed by the Officer, participate in mental health intervention. Further, the offender must authorise in writing that his/her treating health service provider make available to the Officer, a report on his or her medical and/or other conditions at all reasonable times.

20. The offender must comply with all directions of the mental health team, including treatment and medication (and if applicable, the conditions of a Community Treatment Order).

#### FINANCES

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

#### PROHIBITED WEAPONS

22. The offender must not possess or use any prohibited weapon including but not limited to firearms and ammunition.

#### DRUG COURT

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

#### VICTIMS

24. The offender must not contact, communicate with, watch, stalk, harass or intimidate victim/s and/or victims' family.

25. The offender must not contact or communicate with the victim/s and/or victim/s families without the express prior approval of the Officer.

#### CHILD PROTECTION

26. The offender must not be in the company of a person under the age of 16 years unless accompanied by a responsible adult, as determined by the Officer and must not engage in written or electronic communication (including through social media) with any person under the age of 16, other than with those approved by the Officer.

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

#### CO-OFFENDERS / OMCGs / OCNs

28. The offender must not contact, communicate or associate with co-offender/s, without the express prior approval of the Officer.

29. The offender must not contact or communicate with Outlaw Motorcycle Gang (OMCG) and Organised Criminal Network (OCN) members or associates; without the express prior approval of the Officer. The offender must not visit or frequent any OMCG and OCN club houses or premises frequented by members and associates of OMCGs and OCNs.

#### LOCATION

30. The offender must not frequent or visit [*specify place, suburb or LGA*].

#### TRANSFER/DEPORTATION

31. The offender must submit to the supervision of Community Corrections in New South Wales pending registration of the parole order in [*specify relevant State or Territory jurisdiction*].

Upon formal arrangements being made to transfer the parole, in accordance with the provisions of the *Parole Orders (Transfer) Act 1983*, the offender must reside in [*specify relevant State or Territory jurisdiction*].

32. The offender must submit to the supervision of Community Corrections in New South Wales, until such time as the offender has been removed/deported. If the offender is released from Immigration detention or returns to Australia before the expiry of his/her parole order, the offender must report to Community Corrections in New South Wales within seven days.