



YOUR REFERENCE

DATE

1 November 2013

Paul McKnight  
Executive Director  
Law Reform Commission of New South Wales  
DX 1227 Sydney

Dear Mr McKnight

### **Parole Question Papers 1- 3**

Thank you for the opportunity to comment on the first three question papers issued in respect of your reference on Parole. As the ODPP has no practical experience in regard to the processes relating to parole, we are constrained in what we can make informed comment about. Accordingly we will limit our response to the following points:

#### **Question 1.1 – Objectives of Parole**

Yes, parole should be retained for at least the pragmatic reasons put forward in the question paper.

Our view is that parole should not be considered to be an act of executive clemency towards an offender. We prefer the position taken by the NZ Law Commission, that it is “a mechanism of reducing reoffending and enhancing public safety that is in the interests of the community”. We also think that parole operates as an important incentive for prisoners to undertake rehabilitation whilst in gaol.

The objectives of parole should be articulated in the *Crimes (Administration of Sentences) Act 1999*.

#### **Question 1.2 – Mixed parole**

The current mixed system of parole appears, from our limited perspective, to work well, even though the three year threshold is arbitrary. The risk assessment model discussed at 1.77 of the question paper would appear to be a more tailored approach. The resources required for parole or supervision for short sentences, appear to us to outweigh any benefit of providing for short term parole.

#### **Question 1.3 – Difficulties for accumulated and aggregate sentence**

We do not suggest any change, Judicial Officers should be aware of the parole consequences of their sentences, and accommodate this in passing sentence.

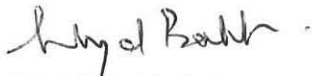
**Question 3.12 Crimes (High Risk Offenders) Act 2006 and Parole**

We agree with the suggestion that the interaction between this Act and parole could and should be improved, and one way of achieving this is by bringing forward the date at which the State can make an application under the Act.

**Question 3.19 – The Drug Court**

We support the continuation of the Drug Court as a parole decision maker.

Yours faithfully



**Lloyd Babb SC**  
**Director of Public Prosecutions**