



Parole hearing

Under section 21(1) of the Parole Act 2002

Rodney Michael PETRICEVIC

Hearing: 14 August 2015
via Video Conference at [REDACTED]
and NZ Parole Board, Wellington

Decision: 24 August 2015

Members of the Board: Hon. M A Frater (Panel Convenor)
Ms S Driver
Ms T Williams-Blyth

Support Person: [REDACTED]

RESERVED DECISION OF THE BOARD

1. Rodney Michael Petricevic, aged 66, is serving a total sentence of six years and 10 months imprisonment.
2. The first sentence of six and a half years was imposed in the High Court in Auckland on 26 April 2012 after he was found guilty on six counts under the Crimes Act 1961 of making false statements, two under the Companies Act 1993 of making false statements in directors certificates to Covenant Trustee Company Limited, and 10 counts under the Securities Act 1978 of distributing offer documents containing false statements.
3. He was later sentenced to a further four months cumulative term of imprisonment on two charges of making false statements, one of using a document for pecuniary advantage and one of theft by person in a special relationship.
4. Mr Petricevic became eligible for parole on 17 July 2014. His sentence ends on 4 February 2019.
5. This is a reserved decision.

6. Mr Petricevic appeared before the Board, accompanied by [REDACTED] and the PCO of his unit. He elected not to be represented by counsel. It was his third hearing. Once again he sought to be released on parole.
7. The Parole Act 2002 provides that the Board cannot release an offender unless we are satisfied that he will not pose an undue risk to the safety of the community during the remainder of his sentence.
8. However, although the safety of the community is the paramount consideration for the Board, the Act also provides that offenders must not be detained any longer, or be subjected to release conditions that are more onerous or last longer, than is consistent with the safety of the community.
9. Like previous Boards, the issues for us are to determine the nature of the risk that Mr Petricevic poses, what he has done to address that risk and whether his assessed risk can be managed in the community.
10. Mr Petricevic was managing director of Bridgecorp Limited and Bridgecorp Investments Limited.
11. These companies were placed in receivership and liquidation respectively in 2007, with substantial outstanding liabilities.
12. The High Court found that during the period leading up to the failure of these companies Mr Petricevic deliberately made false statements with the intention of inducing people to invest in Bridgecorp at a time when he knew that the company was in serious financial trouble.
13. The two previous Boards questioned him extensively about his understanding of this offending, and whether he acknowledged that his actions were wrong.
14. The Board which saw Mr Petricevic in June 2014, immediately after his parole eligibility date, was concerned that while he expressed remorse and appeared to have developed some degree of insight into his culpability, it was possible that he would not only provide advice, but would also become involved in the management of other people's assets and put those assets at risk.
15. They noted that, through no fault of his own, Mr Petricevic had not been the subject of any professional assessment or engaged in any rehabilitative programmes in custody. In the circumstances they sought a psychological assessment of his risk and guidance as to further interventions to address that.

16. A report by ██████████ a departmental psychologist, was available to the February 2015 Board.
17. Neither the contents of that report, nor Mr Petricevic's progress, allayed the Board's concerns.
18. Applying static risk factors only, Mr Petricevic falls within a group of people who pose a very low risk of re-offending. He does not pose a risk of general offending. ██████████ assessed Mr Petricevic's risk of future offending as low and said that if he were to re-offend,

"it would most likely be in the form of fraudulent or deceptive conduct related to financial gain or lifestyle benefits."

19. ██████████ observed that while,

"Mr Petricevic appeared to accept responsibility for the offences and for the losses suffered by Bridgecorp investors [he] did not accept that he had acted in a matter that was deliberately dishonest."

and that although he,

"displayed partial remorse, Mr Petricevic nevertheless maintained a degree of entitlement to act in the way that he did given what he said he knew at the time of the offending."

20. In the circumstances, the Board declined parole and recommended that Mr Petricevic engage in a brief programme of one-to-one psychological treatment,

"to see his offending in its proper perspective."

21. And he has done that, but not with a departmental psychologist. The Principal Psychologist advised that because of his assessed low risk, individual psychological treatment would not be made available to him through the Department, either in custody or in the community.

22. Instead, Mr Petricevic engaged in counselling with an experienced independent psychologist, ██████████ which he funded himself.

23. ██████████ report, dated 30 June 2015, is instructive and helpful. At the time of writing ██████████ had had three treatment sessions with him. ██████████ has since had another, and has offered to continue these in the community.

24. ██████████ reported that through counselling Mr Petricevic has been helped to better understand himself, his offending and the extent of his offending.

25. And Mr Petricevic confirmed that in his discussion with us. He accepted, unequivocally, the High Court Judge's findings. He acknowledged that the statements subject of the various charges were false and that what he did was wrong, and he seemed to express genuine remorse for his actions. He appeared chastened.
26. Mr Petricevic has not caused any problems in custody. He has maintained a minimum security classification and has not been mentioned in any incident or misconduct reports.
27. He has been housed in a reintegration unit for the past year or so. He has been working in the grounds maintenance team and has acquired horticulture knowledge and qualifications. He has a strong support network of both family and friends who visit him regularly.
28. Mr Petricevic says he has no intention of offering advice or being involved in any business enterprise following release. He will be retired.
29. While reiterating that he will continue to be subject to the ban under section 60E of the Securities Act 1998 until 2017, Mr Petricevic accepts the proposed special conditions of release precluding his participation in business activities and contact with co-offenders.
30. Given the apparent change in his understanding of his offending and his attitude generally, and the strength of his release plan which includes the ongoing access to psychological counselling, we are satisfied that Mr Petricevic's low risk of reoffending can be managed in the community during the remainder of his sentence if he is released now, subject to the conditions which we will impose.
31. Accordingly, he will be released on parole on 7 September 2015. He will be subject to the standard conditions set out in section 14 of the Parole Act 2002 and the following special conditions until his statutory release date.
32. We note that we have amended and expanded the proposed special condition prohibiting Mr Petricevic's involvement in business activities.

33. The special conditions are:

- (1) To attend an assessment for and complete any programme, directed by your Probation Officer to the satisfaction of your Probation Officer.
- (2) To reside at [REDACTED] and not to move from that or any other approved address without the prior written approval of a Probation Officer.
- (3) Not to engage in any employment or have any role in the affairs of any business, trust, company or voluntary organisation without the prior written approval of your Probation Officer.
- (4) Not to handle financial transactions for, or the money of, any other person without the prior written approval of your Probation Officer.
- (5) Not to give financial advice to any other person.
- (6) Not to associate or contact your co-offenders, directly or indirectly without the prior written consent of your Probation Officer.



Hon. M A Frater
Panel Convenor