

Parole Board Queensland Decision-Making

Your questions answered

Julie Sharp, Deputy President



**YOU KNOW NOTHING OF THE
DARK ARTS...**



AND CRAFTS

Power, Precedent and Guidance

- Corrective Services Act 2006 – Chapter 5
- Decisions of the Supreme Court and Court of Appeal
- Ministerial Guidelines
- Internal guidelines and practise directions

Types of Decisions

- Applications for a parole order
- Applications for an exceptional circumstances parole order
- Requests by Community Corrections to suspend a parole order
- Request to amend parole orders
- Decisions to re-release a person whose parole order is suspended
- Decisions to cancel a parole order
- No body, no parole declarations
- Restricted prisoner declarations

Hearing and deciding parole applications: Division 2

Includes provision for a prisoner, or their agent, to appear before the Board

Section 192: Parole board not bound by sentencing court's parole eligibility date

- When deciding whether to grant a parole order, a parole board is not bound by the recommendation of the sentencing court or the parole eligibility date fixed by the court under the *Penalties and Sentences Act 1992*, part 9, division 3 **if** the Board—
- (a) receives information about the prisoner that was not before the court at the time of sentencing; and
 - *Example—*
 - *a psychologist's report obtained during the prisoner's period of imprisonment*
- (b) after considering the information, considers that the prisoner is not suitable for parole at the time recommended or fixed by the court.

“Section 192 clearly implies that a parole board is bound to make a parole order if there is no relevant information before it which was not before the sentencing judge.”⁵

⁵*Sweeney v Queensland Parole Board* [2011] QSC 223

“But in the absence of such information placing the Board in a better position to make a judgement on this question than the sentencing judge, there is cause to question whether the refusal by the Board to grant parole **at or about the time recommended** is the result of some error by it which would justify a review of its decision.”⁶

⁶*Williams v Qld Community Corrections Brd* [2000] QCA 75 at [25]

“If this court recommends that the applicant be eligible for release on parole after having served two years of his term, **the reasonable expectation** thereby created cannot be defeated by imposing upon him a high security classification on the basis of factors considered by the court and then refusing an application for parole at the recommended time on the basis of the classification.”⁷

⁷*R v Maxfield* [2000] QCA 320

Sources of evidence

Parole Suitability
Assessment

Accommodation
Review

Reporting Services
Tools – behaviour,
employment etc

Sentence
Calculation /
Criminal history/
VJRs

Sentencing
transcripts from
Courts

Prison Mental
Health Service /
QCS psychologists

Prisoner Health and
Wellbeing in
applications for EC
parole orders / RPs

Forensic risk
assessments –
independent or
through SCS

Information about
programs

Legal/Advocacy
submissions

Prisoner and
independent
submissions / VC

Victim Submissions



Parole conditions

- In addition to standard conditions prescribed by s200 CSA
- Aim to mitigate risk and assist management by Community Corrections
- Tailored to the parolee
 - Published on website but under review
 - Include, for example: abstinence, geographical restrictions, prohibition on contact with victims or co-accused, internet monitoring, employment restrictions, child protection conditions
 - Applications to amend COP orders: 891 FYTD at 29.02.24

Requests for Immediate Suspension

Sections 208B and 205(2)

A request for immediate suspension is made by Community Corrections - Advice to Parole Board Report (APB) - which is provided to a Prescribed Board Member (available 24/7) outlining the reasons for the request.

Prescribed Board Members must consider this request as soon as practicable and decide whether or not to suspend the parole order;

- *A decision to suspend is considered by the full Board within two (2) business days.*

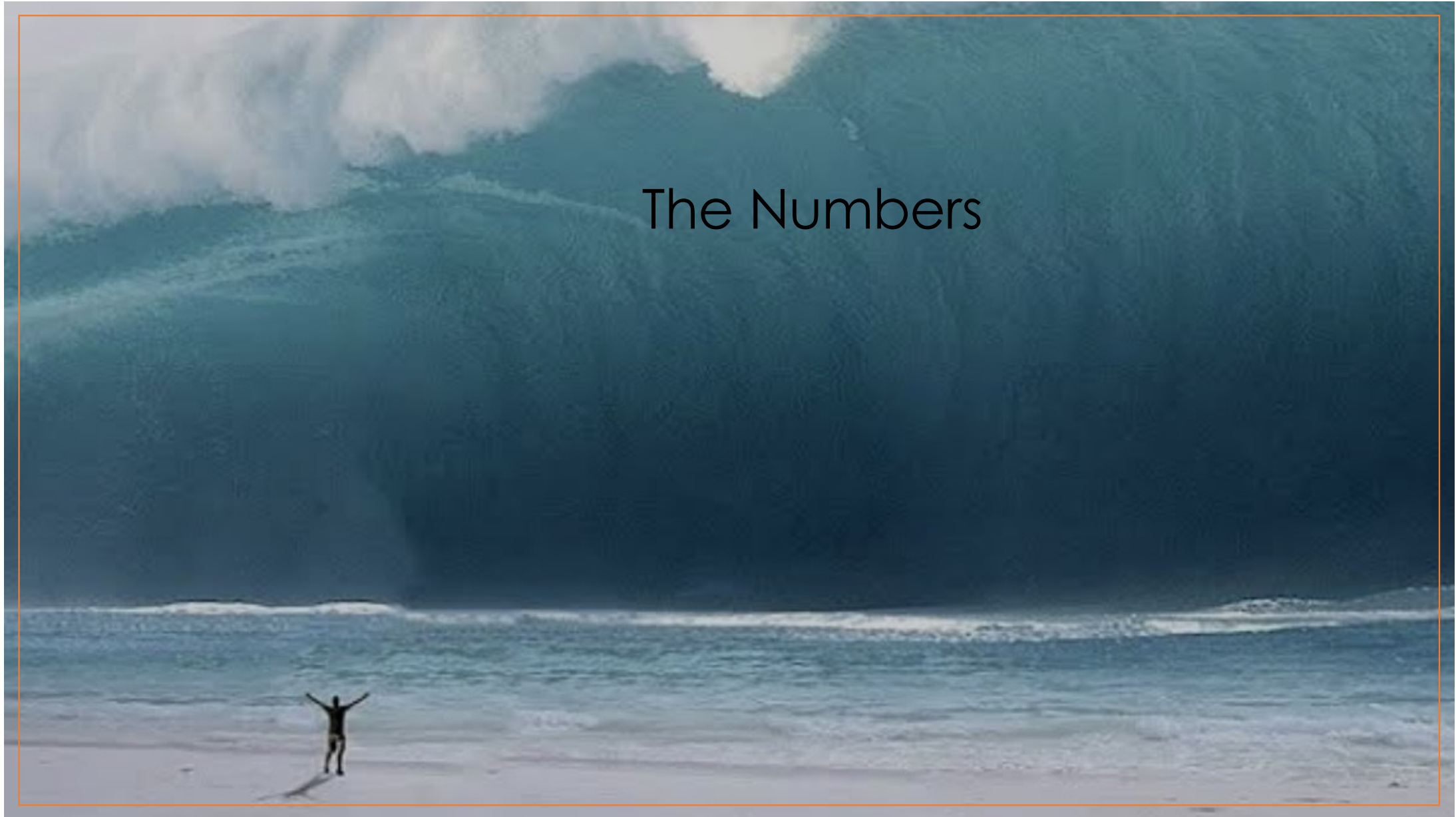
The decision to suspend is confirmed or set aside by the full Board when the matter is reconsidered. The Board also has the power to consider a request for immediate suspension in the first instance and may suspend or cancel the order.

The Board may suspend or cancel a parole order when a parolee:

See s 208B(5):

- Fails to comply with the parole order; or
- Poses a serious and immediate risk of harm to another person; or
- Poses an unacceptable risk of committing an offence; or
- Is preparing to leave the State, other than under a written order granting the prisoner leave to travel interstate or overseas; or
- Poses a risk of carrying out a terrorist act.

The Numbers



As at 29
February
2024

- 3179 parole applications (FYTD)
- 393 parole applications per month (Av FY 2023-2024)
- 4125 requests for immediate suspension (FYTD)
 - 68% COP / 32% BOP





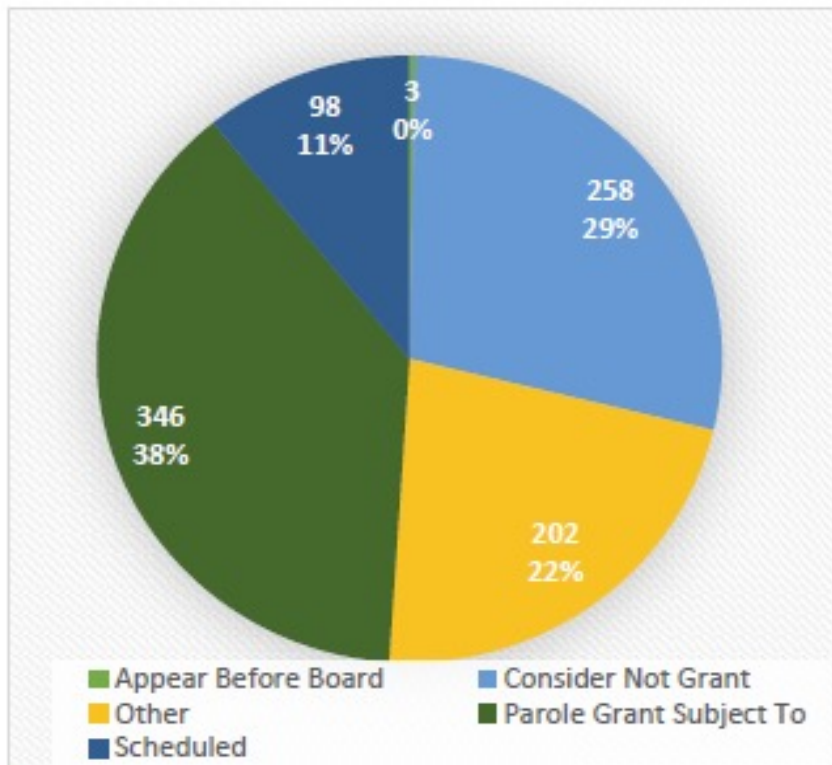
The backlog is cleared

- All applications are being first considered well within the 120-day timeframe
- Deferred applications are mostly considered well within the 150-day time frame (average currently is 118d)

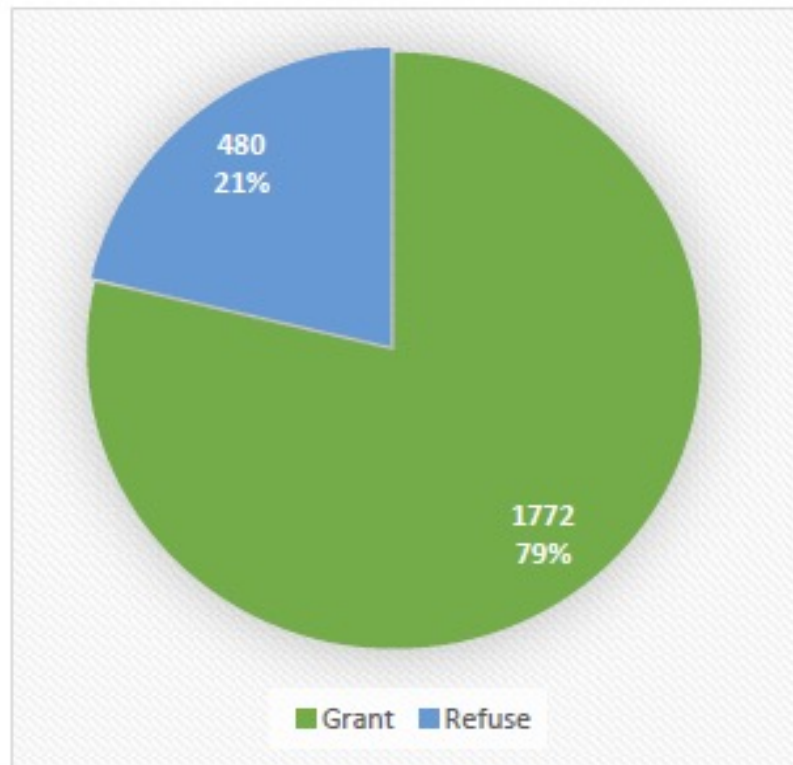
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Everyone loves pie

Deferred Applications



Decided Applications

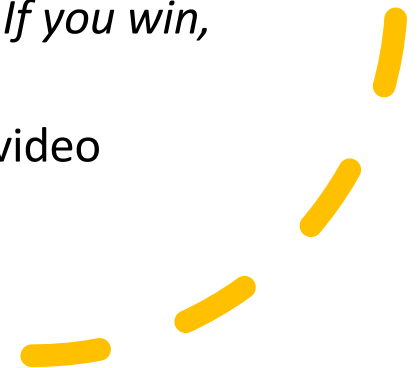


Culturally Engaged Release for Indigenous Prisoners - CERIP

- Information from, and consultation with Community Justice Groups
- Video conference held with the CJG and the applicant who proposes to return to a remote community
- Aims to improve outcomes for First Nations parolees

“No-one want to see you come back to jail. If you win, everyone wins!”

Me: every CERIP (in fact, just about every) video conference.





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Parole Board Queensland Meetings – Week * (Month) – ** (Month) 2024 to ** (Month) 2024

Function	Monday ** (MONTH) 2024	Tuesday ** (MONTH) 2024	Wednesday ** (MONTH) 2024	Thursday ** (MONTH) 2024	Friday ** (MONTH) 2024
BOOSTS	Team1	Team2	Team4	Team3	Team5
SESSION 1 APPLICATIONS Conference Room 1	Team 1 SBM – PBM – PSR – TBC QPS – CBM – TBC Associate: Advisor – TBC TERRORISM, LIFE and ECs (President – SBM)	Team 2 SBM – PSR – TBC QPS – CBM – TBC Associate: Advisor – TBC NBNP and SVOs	Team 4 PBM – PSR – TBC QPS – CBM – TBC Associate: Advisor – TBC	Team 3 SBM – PSR – TBC QPS – CBM – TBC Associate: Advisor – TBC NBNP and SVOs	Team 5 PBM – PSR – TBC QPS – CBM – TBC Associate: Advisor – TBC
SESSION 3 AMENDMENTS (Demand) and DEFERRED SUSPENSIONS Conference Room 1		Team 7A PBM – PSR – TBC QPS – CBM – TBC Advisor – TBC	Team 7B PBM – PSR – TBC QPS – CBM – TBC Advisor – TBC	Team 7C PBM – PSR – TBC QPS – CBM – TBC Advisor – TBC	
SESSION 2 AT LARGE SUSPENSIONS and APB SUSPENSIONS (Demand) Conference Room 2	Team 3 PBM – PSR – TBC QPS – Team 7C Advisor – TBC Files to be allocated to: Team 7A, 7B or 7C	Team 5 PBM – PSR – TBC QPS – Advisor – TBC Files to be allocated to: Team 7A, 7B or 7C	Team 1 PBM – PSR – TBC QPS – Advisor – TBC Files to be allocated to: Team 7A, 7B or 7C	Team 2 PBM – PSR – TBC QPS – Team 7A Advisor – TBC Files to be allocated to: Team 7A, 7B or 7C	Team 4 PBM – PSR – TBC QPS – Team 7B Advisor – TBC Files to be allocated to: Team 7A, 7B or 7C
IMMEDIATE SUSPENSIONS	PBM – 7C PBM – 7B (from 12.30pm)	PBM – 7C PBM – Complex (from 12.30pm)	PBM – 7A PBM – 7C (from 12.30pm)	PBM – 7B PBM – 7A (from 12.30pm)	PBM – 7A PBM – 7B
5:15pm-8am Mon-Thu 5:15pm-8am Fri-Mon ON-CALL SUSPENSIONS	PBM – 4 / (s2 PBM) SBM 3 – If no PBM available	PBM – 5/ PBM 7C	PBM – 7A / PBM 1	PBM – 7B / (T1 PBM) SBM 2 – If no PBM available	PBM – ?
Mon-Fri 8am-6pm QPS Information Officer	QPS –	QPS –	QPS –	QPS –	QPS –
Complex Parole Matters	NA	PBM – TBC	PBM – TBC	PBM – TBC	PBM – TBC

• Leave:



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We are one,
but we are
many: s234



Questions?