

# Safe Way Home - Parole Assistance Kit

This Parole Assistance Kit is designed to help prisoners who are eligible to apply for **parole**.

Parole is the re-entry to the community following a period of incarceration and replaces Post Prison Community Based Release Orders and options such as Home Detention, Remission and Conditional Release.

The following information will let you know **when** and **how** to apply for parole.

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## Who Should Use This Kit?

- **All prisoners** eligible to be considered for parole at the date set by the sentencing court, **OR** after serving half the term specified.
- **All prisoners** sentenced to a term of **more than three years imprisonment for a state offence after 28 August 2006**.
- For prisoners who do not have court ordered parole and classified as a **serious violent offender** or **sexual offender**.
- **Prisoners who have a Serious Violent Offence declaration** who have served at least **80%** of their sentence.
- **Prisoners sentenced to eight years or more.**
- **Prisoners who have had their Court Ordered Parole cancelled.**
- **Prisoners serving life, sentenced after 29 August 2012**
  - Who have served at least **15 years** or if convicted of a murder **20 years** or if convicted of a murder of a police officer **25 years** or if convicted of a double murder or more **30 years**.
  - Prisoners serving a term of imprisonment for **life for a repeat serious child sex offence** who have served at least **20 years**.
- **Life Sentenced Prisoners sentenced prior to 29 August 2012**
  - Please refer to the superseded Act you were originally sentenced under. Life sentenced prisoners have differing parole eligibility dates depending on the date of sentence and the specific type of crime warranting a punishment of life. For further legal advice regarding your individual circumstance, please contact us.

## Parole Timeline

<u>Activity</u>	<u>Time (From when application was submitted)</u>
You can submit your parole application to Sentence Management Unit (SMU) up to 6 months prior to your parole eligibility date (PED).	
SMU enters application into IOMS, and starts the relevant processes such as: <ul style="list-style-type: none"> <li>- Request a Home Assessment to be conducted by the district probation and parole office. Your home assessment form will be forwarded to the relevant office. Make sure the person at the address knows you have put them down and that they are aware of your criminal history.</li> <li>- Forwards a copy of the application to the relevant Parole Board.</li> </ul>	Should be organised upon receipt of the parole application.
The Home Assessment is forwarded to SMU and entered into IOMS.	Within 3 weeks (guideline only)
SMU will arrange a time for a panel interview to be conducted. It is important to attend this interview as the content of the interview goes into the Parole Board Report.	Within 4 weeks (guideline only)
The Parole Board Report is finalised by your correctional centre and verified by general manager.	Within 8 weeks (guideline only)
The Parole Board Report and all other relevant information and attachments are sent to the Parole Board. A Parole Board hearing is scheduled.	Within 9 weeks (guideline only)
Considered by Parole Board.	Within 10-11 weeks (guideline only) Please note that under the <i>Corrective Services Act 2006</i> the Board does have 180 days to reach a final decision and can defer out to 210 days
Upon consideration of your matter the Parole Board will make a determination, to either grant or refuse parole. If they are considering refusing your application they will write to you informing you of this and giving you the opportunity to respond.	
If you receive a letter from the Parole Board, we recommend you respond to the Parole Boards concerns. You will be provided with 14 days to do so.	
The Parole Board will consider any further submissions and then reach a final decision	Within 6 months or 7 months if the matter was deferred

## Which Parole Board Decides?

There is a '**Queensland Board**' that will handle applications for **parole** for prisoners serving **eight years and over**.

There are also two '**Regional** **Boards** which will hear applications for parole for prisoners serving over **three years** and less than **eight years**, as well as serious violent offenders and sex offenders serving up to eight years. If you are returned on a breach of automatic parole, this board will also hear any further applications. The two regional Boards are:

- **Southern Queensland Regional Parole Board** – Covers prisoners located in Wolston, Brisbane, Brisbane Women's, Palen Creek, Woodford, Southern Queensland, Numinbah and Helena Jones Correctional Centres.
- **Northern and Central Queensland Regional Parole Board** – Covers prisoners in Maryborough, Capricornia, Townsville and Lotus Glen Correctional Centres.

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## When Can You Apply for Parole?

A Form 29 parole application may be submitted **no more than 180 days (6 months)** prior to your parole eligibility date.

**OR**

When advised by the Parole Board but usually no more than 6 months after you have been given a final parole refusal notice from the Parole Board.

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## Exceptional Circumstances Parole

On very rare occasions the Parole Board may consider granting an **exceptional circumstances parole order**, such as when a prisoner is seriously ill or their partner who they are the sole carer of a spouse who contracts a chronic disease requiring constant attention. You can apply for an exceptional circumstances parole order **at any time**.

To apply you should submit a **Form 28** to the Parole Board or Regional Parole Board. Aside from gathering medical or other evidence to prove exceptional circumstances you still need to convince the Board that you will not be a risk to the community. Accordingly, the information below on what to include in an ordinary parole application should also be considered.

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## How Do You Apply?

An application for parole should be made on a **Form 29** (See Form 29 Plan another PLS Publication), together with **supporting documentation** and should be submitted to Sentence Management at your prison. The application will then be sent via facsimile to the relevant Parole Board.

## What to Include in Your Application

As part of this application, you should provide information to show the Parole Board that you will **not be a risk to the community** if released on parole.

The completion of a program that has a **relapse prevention plan** and **transitions assistance** may help you to identify this information.

Guidelines for supporting your Parole application are provided below and include an outline of your **Social Background, Relevant Attitudes and Future Plans**, as well as any references as to **Employment and Accommodation**.

### For Example:

#### **Relevant attitudes:**

*It is **important** that you show the Parole Assessment Panel and the Parole Board the steps you have taken to address your crime.*

***Do not** just list the courses you have done but try and **explain in your own words** how they have helped you address your crime. Where appropriate provide a detailed **Relapse Prevention Plan**.*

#### **Future Plans:**

*Make sure that you have adequate **accommodation**. If you are living with someone have them provide a letter of **reference and lodge the letter with your application**.*

*If you have a job, have your employer **provide a letter** outlining the type of employment, days and hours that you will work*

### Parole Board (Assessment) Report

After your application is submitted, Sentence Management will prepare an assessment report to be given to the Parole Board. In preparing the report, Sentence Management will consider all information in your custodial files. The report may also include information from **other staff, family or, any agency or organisation that you have been involved with during your imprisonment**.

It is **important** that you are prepared to **discuss** any of this material in detail during the panel interview.

For further detailed information on what to include in your parole application, please contact Safe Way Home / PLS for a free copy of the *Parole Application Handbook*.

## What Does the Parole Board Consider?

A set of **Ministerial Guidelines** provide the framework for decision-making by the Qld Parole Board, and the Qld Parole Board issues similar guidelines to the Regional Boards. Some of the guidelines are as follows:

*The highest priority for the Board should always be the **safety of the community**.*

*If a prisoner has been convicted of a **sexual offence** the Board should exercise extreme caution when determining the prisoner's suitability.*

*Prior to deciding whether to grant a prisoner parole, the board should be satisfied that the **prisoners residential and release plans are acceptable**, in light of the prisoners past offending behavior.*

*Ordinarily a prisoner should be classified as low security prior to parole being granted. However, at the Board's discretion, a prisoner may be approved for parole if a parole eligibility date has been set by a court or exceptional circumstances exist.*

*It is recommended that prisoners serving a period of imprisonment of eight years or more should spend at least 6 months in a low security environment.*

*Consideration for parole for a **prisoner who has failed to make a genuine effort** in undertaking available rehabilitation opportunities while in custody should be undertaken with extreme caution.*

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## The Board's Decision

By law, a Parole Board must either grant or refuse an application for parole. **The Board must make a decision within 180 days (6 months) of receiving your application. However**, the Board may decide to **defer a decision** until they obtain further information, such as a psychiatric evaluation or an exit report from a recommended program.

If the Board defers the decision, the timeframe for making a decision becomes **210 days (7 months)**.

If a Board refuses an application they must give the applicant **written reasons** for the refusal and they must set a date, **not more than six months after the refusal**, when they will consider a fresh application.

If the Board fails to make a decision within 180 days (or 210 days if deferred), it can continue to consider the application. The application is not deemed to be refused. For further information and advice about parole delays please contact PLS.

## What if the Parole Board Refuses your Parole?

The Parole Board may notify you of its **intention** to refuse your parole application. At this stage it is **not a final decision**. The Board, in this instance, is advising you they are **considering** refusing your application. They are giving you an opportunity to show cause/give reasons (based on their considerations) as to why your application should not be refused.

The Board will outline their main areas of concern in their letter. It is important that you address **only those concerns raised by the Board and address each consideration separately**. You usually have **14 days** from the day you received their show cause letter allowing you to provide further submissions to the Board.

If you require an extension of time to make further submissions **write** to the Board stating why you need the extension, for example: *waiting on further documents*.

**Decisions of Qld Parole Boards are subject to the *Judicial Review Act 1991*** and reasons for their decisions can be requested (*see Statement of Reasons Template, page 9*). If the Board refuses your application, you have **28 days** to request a statement of reasons. The Board will then have **28 days** to issue a statement of reasons, from the day they received your request.

Once you are in possession of the statement of reasons, you should seek legal advice as to the merit of a judicial review. There is a **28 day** limitation to file an application for judicial review from the date of receipt of a statement of reasons.

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## Appeals

Where a **Regional Board refuses three successive applications for parole** you are entitled to have the **third refusal** reviewed by the **Qld Parole Board**. An application for review must be made **within 7 days** of your receipt of written notice of the refusal.

Other Appeals – If you have been granted parole but are not satisfied with a condition, you can apply for this condition to be amended on the grounds that it is no longer necessary.

The contact details for the Parole Board, should you need to ask them a question about your matter, are as follows:

<b>Queensland Parole Board</b>  Phone: 07 3406 2418 GPO Box 1054, Brisbane Qld 4001	
<b>Southern Queensland Regional Parole Board</b>  Phone: 07 3406 2418 GPO Box 1054, Brisbane Qld 4001	<b>Central and Northern Queensland Regional Parole Board</b>  Phone: 07 4799 8427 PO Box 5574, Townsville Qld 4810

## Guidelines to Supporting Information to be Used by Applicants for Parole

Please refer to the Safe Way Home Parole Application Handbook, the Form 29 Plan or the Ministerial Guidelines to the parole boards which you can request directly from us (SWH / PLS). If you require further assistance please feel free to contact the Prisoners' Legal Service by letter (GPO Box 257, Brisbane Q 4001) or by phone on Tuesdays, Wednesdays or Thursdays 9:00 am to 1:00 pm (ARUNTA).



JUSTICE BEHIND BARS

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### Contact Prisoners' Legal Service:

Telephone Advice Line: Tuesday, Wednesday and Thursday, 9am to 1pm on the ARUNTA system

Postal Address: GPO Box 257, Brisbane QLD 4001

*This broadsheet is intended to provide legal information only and is no substitute for legal advice. If you wish to take any action arising from matters raised in this publication you should consult a lawyer immediately.*

*The information was current as at **23 January 2017.***

**[Insert Date Here]**

**SAMPLE LETTER ONLY: TO BE USED AS A GUIDE FOR WRITING A LETTER TO A  
DECISION MAKER TO ASK FOR REASONS FOR A DECISION**

**[INSERT HERE: ADDRESS  
DETAILS OF DECISION MAKER]**

Dear Sir/Madam

**RE: [INSERT HERE: WHAT THE DECISION WAS ABOUT, EG PAROLE]**

I refer to the **[INSERT HERE: DECISION MAKER]** decision of **[INSERT HERE: DATE OF DECISION]**, to **[INSERT HERE: DETAILS OF THE DECISION, EG REFUSE PAROLE]**.

So that I may be fully informed in relation to the decision, I respectfully request, pursuant to Section 32(1) of the *Judicial Review Act 1991*, that you provide the **[INSERT HERE: DECISION MAKER]** Statement of Reasons.

Thank you for your co-operation. I look forward to hearing from you within the 28 day time limitation prescribed by the Act.

Yours sincerely

**[SIGN HERE]  
[PRINT YOUR NAME HERE]**