



JUSTICE BEHIND BARS



## Breaches of parole

**This fact sheet sets out the laws and processes that must be followed when you are returned to custody for a breach of parole.**

The Parole Board has broad powers to suspend and cancel parole orders and return prisoners on parole back to prison. However, the law says that prisoners must be told why they have breached parole and be given the chance to be heard about whether they should be released back onto parole.

### Parole conditions

Every parole order has standard conditions that must be followed while you are on parole. These include:

- Reporting on parole when directed;
- Following instructions of a parole officer;
- Providing test samples (for substance testing); and
- Not committing an offence.

The Parole Board can also put extra conditions on you if you are released from prison on board ordered parole. For example, the Parole Board can make it a condition of your parole that you go to a rehabilitation program in the community.

### Parole Board powers

The Parole Board can suspend or cancel a parole order when they have a reasonable belief that you:

- Have failed to follow a condition of your parole order; or
- Present a serious and immediate risk of harm to another person; or
- Present an unacceptable risk of committing an offence; or
- Are preparing to leave the State without permission.

This means your parole order can be suspended or cancelled, even when you have not committed a new offence. If you have been *charged* with committing an offence your parole order can be suspended. If the Parole Board suspends or cancels your parole order, a warrant is issued for your arrest and you will be returned to prison.

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**Prisoners' Legal Service Inc.**

Postal Address: GPO Box 257 BRISBANE QLD 4001

ABN: 15 677 129 750

Web: [www.plsqld.com](http://www.plsqld.com)

**Justice Behind Bars**

Telephone: 07 3846 5074

Facsimile: 07 3229 9222

Email: [pls@plsqld.com](mailto:pls@plsqld.com)



A free service providing assistance to prisoners with parole, prison law matters and financial counselling

*PLS respectfully acknowledges the Aboriginal and Torres Strait Islander peoples as the traditional owners and custodians of this land and acknowledges their Elders, past, present and emerging*



## The breach of parole process

The Parole Board will generally make three decisions during the breach of parole process. The first two decisions happen quickly. The third decision takes more time and is only made once you are given the chance to have your say.

### Decision 1

- A Parole Board member can urgently suspend your parole order without telling you.
- A warrant is issued and Queensland Police will arrest you.

### Decision 2

- The full Parole Board must reconsider the urgent parole suspension within 2 business days.
- The Parole Board must decide whether to suspend your parole order or release you back into the community.
- If the Parole Board suspends your parole order, they must write to you. They must tell you why your parole was suspended and ask you to explain the breach in writing within 21 days.
- The letter from the Parole Board will not be given to you as soon as you arrive in prison. It can take a couple of weeks to arrive.

### Decision 3

- The Parole Board must consider what you write to them about your breach and make a new decision.
- The Parole Board can decide to release you, suspend your parole order, **OR** cancel your parole order.
- The Parole Board must tell you what decision they make. There is no time frame for this decision.



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## New charges?

- If you are *charged* with an offence while on parole, your parole order can be suspended.
- If you receive bail on new charges but your parole has been suspended, you will not be released from custody. The Parole Board should consider your individual situation, but they can still suspend your parole order, even if you have been granted bail.
- If you are *found guilty* of an offence that took place while you were on parole and you receive a prison sentence, your parole will be automatically cancelled.

## Suspended parole?

- A parole suspension generally means the Parole Board are waiting for more information before making a final decision.
- If the Parole Board are waiting for information, they will reconsider their decision when they receive the information they are waiting for.
- There is no legal time frame for the Parole Board to make a final decision about your parole suspension.

## Cancelled parole?

- A parole cancellation means the Parole Board are not releasing you back onto your parole order.
- If you receive a parole cancellation, you can re-apply for release on parole by submitting a Form 29 through Sentence Management.
- The Parole Board have 4 months to decide whether to grant you a new parole order. This can be extended to 5 months if the Parole Board need more information. If you would like more information about applying for parole, please ask PLS for our parole application factsheet.

### Need advice?

- If you need legal advice about parole, you can call PLS for free on the prison Arunta telephone system on **Tuesdays and Thursdays from 9am to 1pm**.
- You can also write to us at: **Prisoners' Legal Service, GPO Box 257, Brisbane, QLD, 4001**.
- If you write to us, please send us copies of the documents you have received from the Parole Board.
- PLS can provide advice about what you should write to the Parole Board. In some cases, PLS can write to the Parole Board for you. PLS can also provide advice about whether breach of parole decisions are lawful.