



JUSTICE BEHIND BARS



Breaches 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 been returned to prison 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. These include:

- Reporting on parole when directed;
- 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 reasonably believe 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.

Prisoners' Legal Service Inc.

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Justice Behind Bars

Administration: 07 3846 5074



This factsheet is intended to provide legal information only and is not a substitute for legal advice.

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 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 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 on parole.
- 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 maximum time frame of 5 months to decide whether to grant you a new parole order. Please ask for our parole application factsheet for more information.

Need advice?



Telephone

You can call PLS for free on the prison Arunta telephone system on **Tuesdays and Thursdays from 9am to 1pm.**



Mail

You can write a letter to us to us at: **GPO Box 257, Brisbane, QLD, 4001.**