



JUSTICE BEHIND BARS



Exceptional circumstances parole

Exceptional circumstances parole allows prisoners to apply for parole at any time, including before they are eligible for parole. However, it is very difficult to receive exceptional circumstances parole and it is only granted in rare cases.

What is exceptional circumstances parole?

The *Corrective Services Act 2006* allows prisoners to apply for exceptional circumstances parole (ECP) at any time. “Exceptional circumstances” are not defined in the law or procedures. Two examples of circumstances that may be considered exceptional are:

- A prisoner who develops a terminal illness; or
- A prisoner who is the sole carer of a spouse who contracts a chronic disease requiring constant attention.

How to apply?

To apply for ECP, you can lodge the following documents with sentence management:

- Form 28 – Application for ECP
- Form 176 – Accommodation Risk Assessment
- Submission explaining why circumstances are exceptional
- Supporting evidence (e.g. letters from treating doctors)

What is considered?

The Parole Board’s highest priority is always community safety. If you apply for ECP for serious medical reasons, the Parole Board will seek advice from Queensland Health or specialists about the seriousness and management of the your medical condition.

Prisoners’ Legal Service Inc.
Postal Address: GPO Box 257 BRISBANE QLD 4001

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.



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An ECP application is more likely to be successful if there is new information that was not before the sentencing judge. It is also relevant if the prison can't properly manage your medical condition and there is medical evidence that your condition would be better managed in the community.

The Process

Accommodation Risk Assessment (ARA)

- An assessment will be done about whether your nominated address is suitable.
- A report will be written about this address for the Parole Board.

Parole Interview

- You will be interviewed by Corrective Services about your parole plans.
- You can prepare by completing a Form 308 Prisoner Submission for Parole.
- This form is to help you prepare for the questions you will be asked in the interview. The form is not provided to the Parole Board, unless they ask for it.
- After your interview, Corrective Services will write a report about you that is provided to the Parole Board to help them a decision about your parole. This report is called a Parole Board Assessment Report (PBAR).

Once the Parole Board have received the ARA and the PBAR, they will consider your application. If they need more information, they will write to you explaining what they need.

Preliminary refusal

- If the Parole Board are considering not granting you ECP, they will write to you explaining their concerns about releasing you. **This is not a final decision.**
- Generally, you will have 14 days to make submissions to the Parole Board from when you receive this letter. You can ask for an extension if you need more time.
- If you receive a preliminary refusal, it is very important that you write back to the Parole Board addressing each of the concerns they raise.

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When will a decision be made?

- Generally, the Parole Board must decide whether to grant parole within 4 months (120 days) of receiving a parole application.
- The Parole Board may decide within 5 months (150 days) if they need more information. For example, if they request a psychiatric opinion about your risk to the community.

Other options?

Compassionate leave of absence

- You can apply for a temporary leave of absence from prison to visit a relative who is seriously ill or attend a funeral.
- Requests can be made in writing to the General Manager.
- If you need help with applying for a compassionate leave of absence, speak to a counsellor or cultural liaison officer.

How to contact PLS



Telephone

If you need legal advice about your parole application 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**. If you write to us, please send us copies of the documents you have received from the Parole Board.

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