



JUSTICE BEHIND BARS



Federal Parole

This factsheet explains the parole system for people convicted of Federal offences. This factsheet is not relevant for people convicted of State offences unless they also have convictions for Federal offences.

Court-ordered release

If the Court fixes a 'recognizance release order' at your sentencing, you will be released on the date set by the Court.

In the lead up to your release from prison, you will be given a set of conditions that you must follow while you are on 'recognizance' in the community.

Parole release by the Attorney General

If the Court does not fix a release date at your sentencing for a federal offence, they will fix a 'non-parole period'.

A 'non-parole period' is the part of your sentence that you must serve in prison before being considered for release on parole. Before the end of your non-parole period, the Federal Attorney-General (AG) must either grant or refuse your release on parole.

Do I need to apply for federal parole?

If you have a non-parole period, you do not need to lodge an application to have your release on federal parole considered. The AG will automatically consider your release on parole before your non-parole period ends.



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Parole report

The Commonwealth Parole Office (CPO) will write to Queensland Corrective Services (QCS) and request they prepare a parole report about you.

The purpose of this report is to help the AG decide whether you should be released on parole. The parole report will provide information about your progress in prison and release plans including your:

- Institutional behaviour
- Completion of recommended programs
- Accommodation plans

The CPO will ask QCS to send them your completed parole report approximately four to six months before your non-parole period expires.

Parole Interview

You will be interviewed in person by QCS about your release plans. They will ask you questions about a range of factors including your:

- Criminal offending (including what caused you to commit offences)
- Relationships and key supports in the community (including accommodation)
- Risk factors and how you will stay on track

Your answers to these questions will be included in your parole report.

Accommodation

To be released on parole, you need accommodation in the community that has been assessed and approved by QCS. We recommend that you complete a *Form 176 Accommodation Risk Assessment Form* and submit it through sentence management six months before your non-parole period expires. This means your community address can be assessed as soon as possible.

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Preliminary refusal

If the AG is considering refusing your parole, they will first write to you explaining their concerns about releasing you. This is not a final decision. This is your chance to be heard about why you should be released on parole.

- The letter will tell you what the AG is concerned about and ask you to make submissions within a particular time frame.
- If you need more time to make submissions, you can request an extension. However, the AG must make a decision before your non-parole period expires so they cannot always grant extensions of time.
- If you receive a preliminary refusal, it is very important that you write back to the AG addressing each of the concerns they raise.
- For example, if the AG is concerned that you have not completed a rehabilitation program in prison, you may be able to make a submission that you are willing to complete the program in the community as a parole condition.

Final decision

Regardless of whether you make submissions, the AG will make a final decision to either grant or refuse your parole before the end of your non-parole period.

- If the Attorney-General grants your parole, you will be provided with parole conditions that you must follow in the community.
- If the Attorney-General refuses your parole, you will receive a written notice within fourteen (14) days of the refusal, giving reasons for the refusal.

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Reconsideration

If your parole is refused, the AG must reconsider whether to release you on parole within twelve (12) months of refusing your parole.

- When your parole is refused, the AG will write to you advising when your parole will be reconsidered.
- The AG may agree to reconsider your matter upon certain conditions being met, such as completion of a recommended program.
- If you think your parole should be reconsidered earlier than when AG has advised, you can ask them to reconsider your release earlier and explain why this should happen.

What if I have both State and Federal offences?

If you are serving a sentence for both State and Federal offences, this will affect when or whether your release on federal parole is considered by the AG.

- You cannot be released on parole for a Federal offence if you are also serving a sentence for a State offence. In these circumstances, you would need to be granted parole by both the AG and the Queensland Parole Board to be released from prison.
- The AG is not required to make a federal parole decision if you could not be released anyway because of your State sentence.

How to contact the Commonwealth Parole Office



Commonwealth Parole Office
3-5 National Circuit, BARTON, ACT 2600

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How to contact PLS

Telephone

If you need legal advice about your parole application, you can call PLS on our free telephone Advice Line. PLS Advice Line Hours are as follows:

Lotus Glen, Townsville and Capricornia Correctional Centres
Thursdays 9-11am and 12-2pm

All other prisons
Tuesdays 9-11am and 12-2pm

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 CPO and/or AG.

Please note that PLS has very limited resources. We miss many calls on our advice line and we do not always have resources for lawyers to respond to all of the mail that we receive. PLS lawyers screen all incoming enquiries. The responses provided will depend both on staff availability and the seriousness of the issue raised.

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