



JUSTICE BEHIND BARS



## Parole Delays

This factsheet provides general information about delays in decisions on parole applications. The information provided only relates to parole applications before the Queensland Parole Board. It does not relate to decisions about parole suspensions or cancellations. It does not relate to parole decisions about federal offences.

### Legal time frame

The *Corrective Services Act 2006* (Qld) sets out time frames for decisions to be made by the Parole Board Queensland (the Board) in relation to applications for release on parole.

- Generally, the Board must decide whether to grant or refuse parole within **4 months (120 days)** of receiving the parole application.
- Where the Board defer an application because they need more information, they must decide whether to grant or refuse parole within **5 months (150 days)** of receiving the parole application.

These time frames run from the date the application is received. The Board will write to you confirming the date your application was received after you lodge your application.

### Possible causes of delay

In some cases, the Board do not always make a decision within the time frames set out by the *Corrective Services Act 2006* (Qld). Each individual case is different, but some possible causes of delays include:

- Waiting for a suitable Accommodation Risk Assessment (ARA).
- Waiting for completion of a report or recommended rehabilitation program.

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This factsheet is intended to provide legal information only and is not a substitute for legal advice.  
The information in this factsheet is current as of November 2020.



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.

## What can you do if a decision has not been made within the time frame?

There are several options available for people waiting for decisions on parole applications that were received by the Board more than 150 days ago. These include:

- Writing to the Board stating that you do not consent to any further delays in your application being decided and request a decision be made as soon as possible. An example letter to the Board is provided at page 3 of this factsheet.
- Filing an application for ‘failure to make a decision’ under s22 of the *Judicial Review Act 1991* (Qld) in the Supreme Court of Queensland seeking an order for the Board to make a decision on your application.
- Continue waiting for a decision.

**PLS recommends getting legal advice from a lawyer who practices in administrative law before making a decision whether to take any of the above steps.** Some important things that should be considered include:

- Whether the parole application was received by the Board more than 150 days ago. There are sometimes delays in the application being lodged and received.
- If the Board are waiting for certain information before making a decision on a parole application, forcing them to make a decision before they receive that information may result in them refusing the parole application.
- If the Board refuse a parole application, they will immediately make a decision about when a new parole application can be made. The maximum time frame the Board can make a person wait to re-apply for parole is 12 months for life sentence prisoners and 6 months for all other prisoners.
- The minimum cost to file judicial review proceedings in the Supreme Court of Queensland is currently \$134.20 if a fee reduction is granted. Applications which are unsuccessful can result in a costs order being issued against the party who started those proceedings, meaning that the ‘loser pays’ the legal costs of the other party.
- The Supreme Court of Queensland **cannot** tell the Board to grant your release on parole. A successful application for ‘failure to make a decision’ can result in the Court making an order that compels the Board to make a decision on the parole application.

## Need advice?

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

## Sample letter to the Parole Board

Parole Board Queensland  
GPO Box 1054  
BRISBANE QLD 4001

Dear Parole Board

**Re: Delays in parole application**

*I refer to my parole application received by the Board on **(insert date that application was received)**.*

*To date, I have not received a decision on this application. The statutory time frame of 150 days for the provision of this decision has now expired.*

*I respectfully request a decision be provided within **(insert a time frame – for example 14 days)**. I do not consent to further delays in the Board deciding my application for parole.*

*If I do not receive a decision within **(insert a time frame)** I will seek advice about filing an application for failure to make a decision in the Supreme Court of Queensland under section 22(2) of the Judicial Review Act 1991 (Qld).*

*Thank you for your consideration of my application.*