

Judicial Review Toolkit

Parole decision delays: Applications under section 22 of the *Judicial Review Act* about a failure by the Parole Board Queensland to make a decision on an application for parole

Last updated April 2021



JUSTICE BEHIND BARS



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Toolkit: Parole decision delays

This toolkit should be used by individuals who are considering bringing an application to the court because the Parole Board Queensland (**the Parole Board**) has not made a decision about their application for parole within the legal time limit. That time limit is currently 120 days from when the Parole Board received your application, unless the Parole Board has deferred your application, then the time limit is 150 days. You can check the current legal time limit by looking at section 193 of the *Corrective Services Act 2006* (Qld).

The information in this toolkit is for general information purposes only. The law, procedure, and other information this toolkit was based on could have changed. If you're unsure of anything in the toolkit or need help to apply this information to your specific circumstances, you should try to seek legal advice.

LawRight and PLS can sometimes provide advice to individuals seeking to commence court proceedings.

LawRight can also sometimes assist people to prepare court documents. We do this in appointments with staff and volunteer lawyers. As there are a large number of people seeking this assistance, we're not able to help everyone and we are prioritising appointments for individuals that are unable to use this toolkit without legal assistance.

If you would like to see if you can get an appointment with LawRight you can contact us:

- By calling (07) 3738 7800;
- By emailing us at to state.cts@lawright.org.au;
- By post at PO Box 12217, George Street, Queensland; or
- Through our online application form: [Application form – LawRight](#).

You can also ask a friend or family member to contact us on the above details.

If you would like advice from PLS you can contact us:

- By calling our free prison advice line on the prison Arunta telephone;
- By post at GPO Box 257, Brisbane, Queensland, 4001; or
- By asking a friend or family member to complete our online enquiry form at <https://plsqld.com/contact-us/>.

Introduction

Under s193(3) of the *Corrective Services Act 2006* (Qld) (**the Corrective Services Act**), the Parole Board Queensland (**Parole Board**) has a duty to make a decision about an application for parole within 120 days of receiving the application. The Board can extend this time out to 150 days.

If the Parole Board doesn't make a decision within the relevant time limit, it is possible to make an application to the Queensland Supreme Court about the delay. The application can be brought under s 22(2) of the *Judicial Review Act 1991* (Qld) (**the Judicial Review Act**). The purpose of the application is to get a court order that will force the Parole Board to make a decision.

Deciding whether to make an application

Commencing court proceedings is a serious step and you should think carefully and, if possible, obtain legal advice before commencing any proceeding.

If the Parole Board has not made a decision about your application for parole you should consider the following matters before making an application to the court.

Make sure you have a legal basis to bring the proceeding

For any court proceeding, you need to have a legal basis or rule that supports what you are asking the court to do.

You only have a legal basis to bring this type of application if the Parole Board has not made a decision within the legal time limit. As discussed above, the time limit is 120 days from when the Parole Board received your application. However, the Parole Board can extend this to 150 days.

For that reason, we recommend you wait at least 150 days from when the Parole Board received your application before commencing court proceedings. You can find out when the Parole Board received your application by looking at the acknowledgment letter it sent you when you first lodged your application.

Possible outcomes

If the court application is successful the Parole Board will have a timeframe set by the court to make a decision about your application.

It is important to know that even if you are successful:

- The court cannot grant you parole or order your release from prison;
- You can't obtain any compensation because of the breach of the time limit by the Parole Board;
- The Parole Board can still refuse your application for parole. If you are aware of any potential difficulties the Parole Board might have with your application for parole, you may like to seek further legal advice before going to court. For example, if you do not have suitable accommodation, the Parole Board cannot make a positive decision to grant your release on parole and forcing them to make a decision in these circumstances may result in your application being refused. In

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those cases, it might be more appropriate for you to wait for guidance from the Parole Board or seek advice from PLS.

There are also risks that you should know about. In particular, if you are unsuccessful the court might make an order that you pay the Parole Board money to cover any legal fees they paid coming to court to respond to the application.

Bringing this application won't affect your ability to receive parole. The Parole Board makes impartial and independent decisions and won't refuse your parole application just because you have commenced court proceedings.

Are you prepared to learn and follow the rules and processes of the court?

Bringing an application requires court proceedings to be started in the Queensland Supreme Court. This is the highest court in Queensland and it has formal rules and processes that set out how everything needs to be done.

There will be a number of steps you will need to take before the court makes a final decision.

You will need to look at:

- The Uniform Civil Procedure Rules 1999. These are a series of formal rules for how civil court proceedings should be run. If you ever need to know what the next step in your court proceeding is or are unsure how to complete a step, you should look at these rules.
- Any relevant practice directions. The court publishes practice directions that provide guidance and rules for parties involved in court proceedings. Practice Direction 6 of 2004 and the Protocol for Applications outline some rules and processes for applications in the Supreme Court and you should read these before starting any court proceeding. These documents are included at the back of this toolkit.

What do I need to do to bring an application to the Court because the Parole Board has not made a decision?

Step 1 – Write to the Parole Board

Before you bring your application, you should write to the Parole Board asking for an update about your application and telling them that you plan to commence court proceedings under s 22(2) of the Judicial Review Act.

You should only tell the Parole Board that you are going to commence proceedings if you plan to follow through with this. If you are only *thinking* about commencing proceedings, then you should say this in the letter.

You should also give the Parole Board a reasonable amount of time to respond, such as 14 days, before you commence proceedings.

Example A is a completed version of what this letter might look like. Template A is a blank version of the letter which you could complete.

The purpose of this letter is to show the court, if needed, that you took all reasonable steps to avoid coming to court. If you don't receive a response, you will be attaching this letter to your court documents, so make sure to keep a copy.

You should wait the full 14 days (or whatever time you have given the Parole Board) before commencing court proceedings, as the Parole Board may respond with information that could change your legal position. For example, if the Parole Board tells you that a decision will be made about your application in quite a short period of time, you should consider waiting for the decision rather than starting a court proceeding.

Step 2 – Prepare your documents

To bring the application you must prepare:

- An application – which is a document that sets out the legal basis for the order that you want the court to make; and
- An affidavit – which is a document that sets out the facts within your knowledge that you are relying on to prove to the court that they should make the orders you are asking for.

All court documents should be on white A4 paper, and have a left hand margin on the first page wide enough so that the court seal (or stamp) can be placed on the document when it is filed. If possible, the document should be typed in at least size 10 font; however, if you need to handwrite the form, make sure your writing is clear and large enough so that it can be easily read by the court.

Preparing your application

The correct form for this type of application is a “Form 54 – Application for a Statutory Order of Review”.

For an application, the “Applicant” is the person seeking an order of the court, which in this case is you. The “Respondent” is the person you are asking the court to order to do something or for some sort of legal remedy against, which in this case is the “Parole Board Queensland”.

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The application will only be a few pages long, but should include:

- a) Your name and contact details;
- b) The name and contact details of the Parole Board Queensland;
- c) The legal duty or basis that the Parole Board has to make a decision (remember, this is under s 193(3) of the Corrective Services Act);
- d) The date that you made an application for parole;
- e) The date that the Parole Board was required to make a decision (remember, this is usually 150 days from when they received your application);
- f) The fact that the Parole Board has failed to make a decision; and
- g) The orders that you want the court to make.

Example B is a completed example of what this form might look like. Template B is a blank or template version that you could use as a starting point for your application. The first hearing for an application for Judicial Review is usually a 'directions hearing', which is a hearing where the court can make orders about how the matter progresses and when other documents should be filed. The Example and Template application used in this toolkit asks for an order that the 'final hearing of the matter occur at the directions hearing'. This is because, in the example, we are providing the court with all of the information necessary for the court to make the final orders at the directions hearing, without any need for further information. If you are providing the court with all of the information it needs to make a decision in your case, you may like to ask for a similar order.

Preparing your affidavit

A complete affidavit has two sections:

- A main section or 'body' which is made up of a series of short, numbered sentences or paragraphs that explain the facts relevant to the case; and
- A section of attachments or 'exhibits', which is made up of other documents or paperwork that support what the body of the affidavit says.

Body of the affidavit

The correct form for an affidavit is "Form 46 – Affidavit".

In the affidavit you should tell the story of your case, and the things that you want the court to know. You shouldn't make legal arguments in your affidavit or refer to any legislation. It should be prepared by you, from your perspective and set out the things that you did, or that you saw or heard. It should not include your opinion on what has happened, only the facts that you know are true.

As a general guide, your affidavit should start with your full name and address and include:

- Your current term of imprisonment (how long your sentence is);
- The date you became eligible for parole;
- The date that you made an application for parole with Sentence Management;
- The date that you received confirmation that the Parole Board had received your application;
- The date or dates that you contacted the Parole Board asking for an update (use a new line for each separate letter or contact attempt);
- Any response received from the Parole Board; and
- A statement from you that you have not received a decision from the Parole Board.

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You can include other information in your affidavit if you think it is important, but you should try to keep your affidavit simple and only cover the key and important facts that you want the court to know. This is not the time to complain about the delay or give your opinion about the reason for the delay.

Example C is a completed example of what your affidavit might look like. Template C is a blank or template version with sections you could complete for your affidavit.

Exhibits to the affidavit

If you refer to a document in your affidavit, you must attach a copy of that document to your affidavit. This could be the letter from the Parole Board confirming that your application for parole has been received or it might be letters that you have sent to the Parole Board asking for an update. These attachments are called exhibits.

To attach an exhibit to your affidavit, you will need to prepare a “Form 47 – Certificate of Exhibit” for each exhibit, which will act as a cover page at the end of your affidavit before the exhibit. Each exhibit must be clearly numbered using your initials and a number. For example, if your name was James Bradley, your exhibits would be numbered “JB1”, “JB2”, “JB3” etc. If you have more than one exhibit, and it would be difficult to prepare a certificate of exhibit for each individual exhibit, you can bundle them together and prepare one certificate of exhibit which will refer to every individual document you are attaching. If you think it will make it easier for the judge to look at your matter, you could also include an index after the certificate of exhibit that lists out each document you have attached.

Example D is a completed example of what your certificate of exhibit might look like. In this example, the applicant has used only one certificate of exhibit and has bundled their documents together. Template D is a blank or template version with sections you could complete for your own certificate of exhibit.

Finishing your affidavit

When your affidavit is complete and you have all your exhibits ready, you need to sign the affidavit and your signature must be witnessed by a Justice of the Peace, a lawyer or another qualified person.

If you are having difficulty completing your court documents, you should try to get some legal advice.

LawRight may be able to provide advice and assistance with this. LawRight can't file documents for you and can't represent you or act as your lawyers but LawRight may be able to book you in for an appointment with a lawyer to help you to prepare your court documents and give you advice about your application. You should contact LawRight if you would like an appointment.

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Step 3 – File your documents

Once you have completed your documents, you must file them in the court to start your court proceeding.

When you are filing court documents, you need to provide the original signed documents (the application and your affidavit, including any exhibits) as well as two photocopies of each document. The court will keep the original and will give you back the photocopies, usually after placing the court seal (a purple stamp) on those documents. One set of photocopies will need to be served on the Parole Board, and the other is for you to keep for your own records.

You can file documents by post by sending them to:

QEI Courts of Law Complex
PO Box 15167
City East Qld 4002

You can also ask an adult family member or friend to file the documents in person for you at the Supreme Court registry. The registry is located at the QEI Courts of Law Complex at 415 George Street, Brisbane Qld 4000.

After your documents have been filed, the Registry will record on your forms the file number for your proceeding and the date of your hearing. If it can be arranged, you may be able to appear at the hearing in person, or you can arrange with the court to appear by phone or video.

Example E is an example of a letter to the Registry to file your documents. In this example, the applicant has asked to appear at the hearing by video. Template E is a blank or template version of this letter. This letter also includes a sentence telling the Registry that you will need to appear by phone or video. If it isn't possible for you to appear in person, you should consider including this in your letter or ask your family member or friend to let the Registry know this when they file the documents.

To file an application in the Supreme Court, you must also pay a filing fee. You will need to post a cheque or money order with your court documents, so they can be accepted by the court. Alternatively, you can give these to the friend or family member that is filing them for you.

This fee is currently \$952.60 but if you can't afford this fee, you can apply for a waiver of the fee which will bring it down to \$134.20.

So that the court can decide whether you should only pay the reduced filing fee, you will need to provide the court with details about your financial position. You can do this by completing a "Form 131 – Application for Reduction of Fees by an Individual". Many of the sections in the form are not specific to prisoners, so you should also prepare a statement to support this application. This statement should include:

- A sentence explaining that you are currently a prisoner;
- Your current period of imprisonment, full time release date, and parole eligibility date;
- Your allowance for basic amenities and any amount you receive for your work in the prison;

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- How much you spend each week on items approved for sale to prisoners such as personal hygiene products and phone calls (this amount can equal the amount you receive each week but if you are spending more than you receive, you should explain where you receive the additional money from);
- Any State Penalties Enforcement Registry (SPER) debt that you have;
- Any other debts you have, such as child support or outstanding loans; and
- A summary of any money you have in external bank accounts.

Example F is a completed example of what this fee waiver form and statement might look like. Template F is a blank or template version with sections you could complete for your own fee waiver application.

Step 4 – Serve your documents

Once you have received the filed copies of your court documents back from the court, you will need to serve the Parole Board with one of the copies. This must be done at least 3 business days before the hearing, but it is best to do it as soon as possible.

Ideally, your court documents should be served personally on the Parole Board. You can do this by asking a family member or friend to go to the Parole Board main office at “Level 24, 50 Ann Street, Brisbane QLD 4000” and ask for someone to serve court documents on. If someone does this for you, you should ask them to keep a record of:

- The name of the person they gave the documents to;
- The position or job title of that person;
- The date they served the application; and
- The time that they served the application.

If you do not have anyone that can serve your court documents personally on the Parole Board, you can ask the Parole Board if they are prepared to receive your documents by post. You can write to the Parole Board at:

Parole Board Queensland
Legal Services Unit
GPO Box 1054
Brisbane QLD 4001

Example G is an example of a letter to the Parole Board that attaches the relevant court documents and asks the Parole Board to accept service by post. Template G is a blank or template version of this letter.

While you are waiting for your hearing date, it is possible the Parole Board might contact you to give you an update on your parole application, or you might even be told the outcome of your application. If this happens, you should contact the Parole Board and the court and let them know that you no longer need the hearing to go ahead.

Remember, there is nothing else that can be achieved at this hearing if a decision has already been made. If you continue with your court proceeding without any legal reason to do so, you might be ordered to pay the Parole Board's legal costs.

Step 5 – Attend your hearing

Once you have prepared your court documents, filed the documents, and served the Parole Board, the last thing you need to do is attend your hearing.

Going to court can be stressful, but if you follow a few key rules you should be ok. The Judge is not going to expect you to act like a lawyer when you are not one. Some of the main courtroom rules include:

- You should stand when the judge enters the courtroom. You must also stand when the judge is speaking to you, or when you are speaking. If you are unable to stand because of a disability or some other reason, you should explain this to the court.
- At all other times you should remain seated and quiet.
- You address a judge as 'your Honour' and you should be polite and courteous when speaking to the judge.
- The judge may ask you questions at any point during the hearing. You should respond to these questions truthfully, and as briefly, as possible.

[What is going to happen during the hearing](#)

When the hearing starts, the judge may ask you what your application is about. The judge will likely have read your documents, but this is your chance to explain your story and tell the judge why you have commenced your proceeding. You should be respectful, speak clearly and explain to the judge the brief points covered in your application. The judge will also likely give the lawyers for the Parole Board an opportunity to speak and then will make their decision.

The hearing will probably be less than 30 minutes and you shouldn't be surprised if you are only given a few minutes to speak. Remember, your affidavit already sets out the evidence you are relying on and the point of the hearing is for the judge to hear both parties positions, ask any questions of the parties, and then make a decision.

At the end of the hearing, the judge will either grant your application and make orders for the Parole Board to make a decision; refuse your application; or make other orders and list the matter for a further hearing. If the matter is listed for a further hearing, you should attend that hearing and make sure you comply with any orders of the court.

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Checklist

- **Preliminary – Decide whether to bring an application**
 - Make sure you have a legal basis for bringing your court application. Check that the Parole Board has received your application for parole, that the Parole Board hasn't made a decision and that at least 150 days have passed since your application was received.
 - Understand the law, what legal rights you have and what orders you can ask the court to make.
 - Understand the costs risk of bringing a court application and what might happen if your application is unsuccessful.
 - Be aware of the rules and processes of the court including the Uniform Civil Procedure Rules 1999, Practice Direction 2 of 2014 and the Protocol for Applications.
- **Step 1 – Write to the Parole Board**
 - Write to the Parole Board and let them know you are considering bringing legal proceedings, or are going to bring legal proceedings, if they don't respond to your application for parole. Keep a copy of your letter
 - Obtain legal advice. If possible, you should obtain legal advice before starting any court proceeding. If you need assistance to prepare your documents or would like advice about the court process, you should contact LawRight or PLS using the details at the start of this toolkit.
- **Step 2 – Prepare your documents**
 - Prepare your application. Make sure your application includes:
 - Your name and contact details;
 - The name and contact details of the Parole Board of Queensland;
 - The legal duty or basis that the Parole Board of Queensland has to make a decision (Remember, this is under s193(3) of the Corrective Services Act);
 - The date that you made an application for parole;
 - The date that the Parole Board of Queensland was required to make a decision (Remember, this is usually 150 days from when they received your application);
 - The fact that the Parole Board of Queensland has failed to make a decision; and
 - The orders that you want the court to make.
 - Prepare your affidavit. Make sure your affidavit includes:
 - Your current term of imprisonment (how long your sentence is);
 - The date you became eligible for parole;
 - The date that you made an application for parole with Sentence Management;
 - The date that you received confirmation that the Parole Board of Queensland had received your application;
 - The date or dates that you contacted the Parole Board of Queensland asking for an update (use a new line for each separate letter or contact attempt);
 - Any response received from the Parole Board of Queensland; and
 - A statement from you that you have not received a decision from the Parole Board of Queensland.
 - Prepare your certificate of exhibit. Make sure each exhibit is numbered with your initials and a number.
- **Step 3 – File your documents**
 - Ask a family member or friend to file your documents, or file them by post. When you file, make sure you have:
 - A covering letter for the Registry if filing by post;

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- Your original application and two photocopies (three total);
 - Your original affidavit (including exhibits) and two photocopies (three total) ;
 - A cheque or some other process to pay the filing fee, including your application for a fee waiver and statement in support of this application if you are asking for a reduced filing fee; and
 - A reply paid envelope or stamped envelope so that the court can return your filed documents to you (only required if sending by post)
- **Step 4 – Serve your documents**
 - Make sure the Parole Board is served with a copy of your documents at least 3 business days before the hearing.
 - Ask a family member or friend to serve your documents on the Parole Board personally.
 - If you do not have anyone that can serve your court documents personally on the Parole Board, you can try posting them to the Parole Board along with a cover letter asking the Parole Board to accept service of your documents by post.
 - **Step 5 – Attend the hearing**

18 March 2021

**Parole Board Queensland
Legal Services Unit
GPO Box 1054
BRISBANE QLD 4001**

Dear Sir/Madam

My name is James Bradley. I am a prisoner at Correctional Centre. I have been eligible for parole since 21 December 2020. I submitted an application for parole on 10 August 2020.

Under section 193(3) of the *Corrective Services Act 2006* (Qld), I was entitled to receive a decision regarding my application within 120 days, unless the decision had been deferred to obtain additional information, in which a decision should have been made within 150 days.

The Parole Board was required to decide my application by 7 January 2021. To date, I have not received a decision on my application for a parole order.

I would like to advise the Parole Board that I intend to commence an application for review under section 22(2) of the *Judicial Review Act 1991* (Qld), if I do not receive a decision within 14 days from the date of this letter.

Regards,

James Bradley
c/- Correctional Centre
Locked Mail Bag 1234
SUBURB
QLD 4000

**Parole Board Queensland
Legal Services Unit
GPO Box 1054
BRISBANE QLD 4001**

Dear Sir/Madam

My name is _____.

I am a prisoner at _____ Correctional Centre.

I have been eligible for parole since _____.

I submitted an application for parole on _____.

Under section 193(3) of the *Corrective Services Act 2006* (Qld), I was entitled to receive a decision regarding my application within 120 days, unless the decision had been deferred to obtain additional information, in which a decision should have been decided within 150 days.

The Parole Board was required to decide my application by _____.
To date, I have not received a decision on my application for a parole order.

I would like to advise the Parole Board that I intend to commence an application for review under section 22(2) of the *Judicial Review Act 1991* (Qld), if I do not receive a decision within _____ days from the date of this letter.

Regards,

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: XXXX/21

Applicant:

JAMES BRADLEY

AND

Respondent:

PAROLE BOARD QUEENSLAND

APPLICATION FOR A STATUTORY ORDER OF REVIEW

Application to review the failure of the respondent to make a decision in relation to the applicant's application for a parole order.

The applicant is aggrieved by the failure of the respondent to make the decision because –

1. The applicant is detained by order of the court in a corrective services facility; and
2. A positive exercise of the discretion to grant a parole order will result in the applicant's release from custody.

The grounds of the application are –

1. Under s193(1) of the *Corrective Services Act 2006* (Qld), the respondent has a duty to make a decision in relation to a prisoner's application for a parole order.
2. Under s193(3), the respondent must decide the application within 120 days, unless the respondent has deferred the making of a decision to allow it to obtain additional information, in which case the application must be decided within 150 days.
3. The applicant's application for a parole order was received by the respondent on 10 August 2020.

APPLICATION FOR A STATUTORY
ORDER OF REVIEW

Filed on Behalf of the applicant

Name: James Bradley

Address: c/o Correctional Centre,
Locked Bag, SUBURB, QLD 4000

Form 54, Version 1
Uniform Civil Procedure Rules 1999
Rule 566

Phone No: N/A
Fax No: N/A
Email: N/A

4. Accordingly, the respondent had a duty to make a decision in relation to the applicant's application for a parole order by 7 January 2021.
5. To date, the applicant has not received a decision on his application for a parole order.
6. On the basis of the above, the respondent has failed to make a decision in relation to the applicant's application for a parole order before the end of the period, constituting a failure to make a decision under s22(2) of the *Judicial Review Act 1991* (Qld).

The applicant seeks –

1. An order that the final hearing of the matter occur at the directions hearing.
2. An order that the respondent make a decision about the applicant's application for a parole order within 14 days from the date the Court determines this application.
3. An order that the respondent pay the applicant's costs of and incidental to the application in the amount of \$134.20.

TO THE RESPONDENT:

A directions hearing in this application (and any claim by the applicant for an interlocutory order) will be heard by the Court at the time, date and place specified below. If there is no attendance before the Court by you or by your counsel or solicitor, the application may be dealt with and judgment may be given or an order made in your absence. Before any attendance at that time, you may file and serve a notice of address for service

APPOINTMENT FOR DIRECTIONS HEARING

Time and date:

Place: Supreme Court of Queensland, George Street, Brisbane

Signed:

Dated:

PARTICULARS OF THE APPLICANT:

Name	James Bradley
Residential Address:	Correctional Centre, 1234, SUBURB, QLD 4000
Telephone:	N/A
Fax:	N/A

E-mail: N/A
Applicant's Address for service: c/o Correctional Centre, Locked Mail Bag
1234, SUBURB, QLD 4000
Applicant's telephone number or contact number: N/A
Applicant's fax number: N/A
Applicants E-mail address: N/A

Signed:

Description: Applicant – James Bradley

Dated: 18 March 2021

This application is to be served on: Parole Board Queensland
Legal Services Unit
GPO Box 1054
Brisbane QLD 4001

EXAMPLE B

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER:

Applicant: _____

AND

Respondent: **PAROLE BOARD QUEENSLAND**

APPLICATION FOR A STATUTORY ORDER OF REVIEW

Application to review the failure of the respondent to make a decision in relation to the applicant's application for a parole order.

The applicant is aggrieved by the failure of the respondent to make the decision because –

1. The applicant is detained by order of the court in a corrective services facility; and
2. A positive exercise of the discretion to grant a parole order will result in the applicant's release from custody.

The grounds of the application are –

1. Under s193(1) of the *Corrective Services Act 2006* (Qld), the respondent has a duty to make a decision in relation to a prisoner's application for a parole order.
2. Under s193(3), the respondent must decide the application within 120 days, unless the respondent has deferred the making of a decision to allow it to obtain additional information, in which case the application must be decided within 150 days.
3. The applicant's application for a parole order was received by the respondent on _____.
4. Accordingly, the respondent had a duty to make a decision in relation to the applicant's application for a parole order by _____.

APPLICATION FOR A STATUTORY
ORDER OF REVIEW

Filed on Behalf of the applicant

Form 54, Version 1

Uniform Civil Procedure Rules 1999

Rule 566

Name: _____

Address: _____

Phone No: N/A

Fax No: N/A

Email: N/A

5. To date, the applicant has not received a decision on his application for a parole order.
6. On the basis of the above, the respondent has failed to make a decision in relation to the applicant's application for a parole order before the end of the period, constituting a failure to make a decision under s22(2) of the *Judicial Review Act 1991* (Qld).

The applicant seeks –

1. An order that the final hearing of the matter occur at the directions hearing.
2. An order that the respondent make a decision about the applicant's application for a parole order within 14 days from the date the Court determines this application.
3. An order that the respondent pay the applicant's costs of and incidental to the application in the amount of _____.

TO THE RESPONDENT:

A directions hearing in this application (and any claim by the applicant for an interlocutory order) will be heard by the Court at the time, date and place specified below. If there is no attendance before the Court by you or by your counsel or solicitor, the application may be dealt with and judgment may be given or an order made in your absence. Before any attendance at that time, you may file and serve a notice of address for service.

APPOINTMENT FOR DIRECTIONS HEARING

Time and date:

Place: Supreme Court of Queensland, George Street, Brisbane

Signed: _____

Dated: _____

PARTICULARS OF THE APPLICANT:

Name _____
Residential Address: _____

Telephone: N/A
Fax: N/A

E-mail: N/A

Applicant's Address for service: _____

Applicant's telephone number or contact number N/A

Applicant's fax number: N/A

Applicants E-mail address: N/A

Signed: _____

Description: Applicant - _____

Dated: _____

This application is to be served on: Parole Board Queensland
Legal Services Unit
GPO Box 1054
Brisbane QLD 4001

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: XXXX/21

Applicant: **JAMES BRADLEY**

AND

Respondent: **PAROLE BOARD QUEENSLAND**

AFFIDAVIT

James Bradley of Correctional Centre, Suburb, QLD 4000, in the State of Queensland, (prisoner), solemnly and sincerely affirms and declares:

1. I am a prisoner at the Correctional Centre.
2. I am currently serving a period of imprisonment of 6 years.
3. I have been eligible for parole since 21 December 2020.
4. On 10 August 2020, I submitted an application for parole with Sentence Management at Correctional Centre.
5. On 10 August 2020, I received a confirmation slip for my parole application which stated that my application had been received. Exhibit 'JB1' to this affidavit is a true copy of this confirmation slip.

Page 1

Signed:

Taken by:

AFFIDAVIT
Filed on Behalf of the applicant

Form 46, Version 1
Uniform Civil Procedure Rules 1999
Rule 431

Name: James Bradley
Address: Correctional Centre,
SUBURB, QLD 4000

Phone No:
Fax No:
Email:

6. On or about 20 February 2021, I sent a letter to the Respondent to ask for an update about my application for a parole order. Exhibit 'JB2' to this affidavit is a true copy of this letter.
7. On 18 March 2021, I sent a letter to the Respondent advising the Respondent that I may commence an application for review under section 22 of the *Judicial Review Act 1991* (Qld) if I did not receive a decision about my application for a parole order within 14 days. Exhibit 'JB3' to this affidavit is a true copy of this email.
8. To date, I have not received a decision from the Parole Board on this application.
9. All the facts and circumstances herein deposed to are within my own knowledge true and correct save such as are deposed to from information only and my means of knowledge appear on the face of this my affidavit.

Sworn by James Bradley on DATE at Correctional Centre.

Signed: SIGNATURE

JAMES BRADLEY

SIGNATURE

Justice of the Peace

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: _____

Applicant: _____

AND

Respondent: **PAROLE BOARD QUEENSLAND**

AFFIDAVIT

_____ of _____

_____, in the State of Queensland, (prisoner), solemnly and sincerely affirms and declares:

1. I am a prisoner at the _____ Correctional Centre.
2. I am currently serving a period of imprisonment of _____.
3. I have been eligible for parole since _____.
4. On _____ I submitted an application for parole with Sentence Management at _____ Correctional Centre.
5. On _____, I received a confirmation slip for my parole application which stated that my application had been received. Exhibit '_____' to this affidavit is a true copy of this confirmation slip.

Page 1

Signed: _____ Taken by: _____.

AFFIDAVIT
Filed on Behalf of the applicant
Form 46, Version 1
Uniform Civil Procedure Rules 1999
Rule 431

Name:
Address:

Phone No:
Fax No:
Email:

6.

7.

8.

9. To date, I have not received a decision from the Parole Board on this application.

10. All the facts and circumstances herein deposed to are within my own knowledge true and correct save such as are deposed to from information only and my means of knowledge appear on the face of this my affidavit.

Sworn / Affirmed by _____

on _____ at _____.

Signed: _____

Deponent

Description of person taking affidavit

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: XXXX/21

Applicant: **JAMES BRADLEY**

AND

Respondent: **PAROLE BOARD QUEENSLAND**

CERTIFICATE OF EXHIBIT

Bound and marked 'JB1' - 'JB3' are the exhibits to the affidavit of James Bradley sworn DATE.

Signed: James Bradley
Deponent

SIGNED

Justice of the Peace

AFFIDAVIT
Filed on Behalf of the applicant
Form 46, Version 1
Uniform Civil Procedure Rules 1999
Rule 431

Name: James Bradley
Address: Correctional Centre
SUBURB, QLD 4000
Phone No:
Fax No:
Email:

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: _____

Applicant: _____

AND

Respondent: **PAROLE BOARD QUEENSLAND**

CERTIFICATE OF EXHIBIT

Bound and marked _____ are the exhibits to the affidavit of

sworn / affirmed _____.

Signed: _____

Deponent

CERTIFICATE OF EXHIBIT
Filed on Behalf of the applicant
Form 47, Version 2
Uniform Civil Procedure Rules 1999
Rule 435

Name:
Address:

Phone No:
Fax No:
Email:

DATE

**The Registry - Supreme and District Courts
QEII Courts of Law Complex
PO Box 15167
City East Qld 4002**

Dear Registrar

**BRADLEY-V- PAROLE BOARD QUEENSLAND
SUPREME COURT**

I attach the following documents for filing in the Supreme Court:

- Application
- Affidavit of James Bradley

Can I request that the matter be listed for a date at least 14 business days after the receipt of this letter to allow me time to receive the sealed documents and serve the respondent.

I also attach a Form 31 – Application for Reduction of Fees by an Individual. To support this application I have attached:

- Affidavit of James Bradley
- Statement for reduction of filing fee

I have also attached a cheque for the amount of the reduced filing fee. If I am not approved for a reduced filing fee, can you please return this cheque to me.

I am currently incarcerated at Correctional Centre and do not have access to email. On that basis, I will need to apply for leave to appear at the hearing of the above matter by video. Can you please pass on my request to appear by video to the Applications list manager so that this request can be made to the Associate to the senior Judge listed in applications in the relevant week.

Regards,

James Bradley
Correctional Centre
Locked Mail Bag 1234
SUBURB
QLD 4000

**The Registry - Supreme and District Courts
QEII Courts of Law Complex
PO Box 15167
City East Qld 4002**

Dear Registrar

_____ **-V- PAROLE BOARD QUEENSLAND**
SUPREME COURT

I attach the following documents for filing in the Supreme Court:

- Application
- Affidavit of _____

Can I request that the matter be listed for a date at least _____ business days after the receipt of this letter to allow me time to receive the sealed documents and serve the respondent.

I also attach a Form 31 – Application for Reduction of Fees by an Individual. To support this application I have attached:

- Affidavit of _____
- Statement for reduction of filing fee

I have also attached a cheque for the amount of the reduced filing fee. If I am not approved for a reduced filing fee, can you please return this cheque to me.

I am currently incarcerated at _____ and do not have access to email. On that basis, I will need to apply for leave to appear at the hearing of the above matter by phone or video. Can you please pass on my request to appear by phone or video to the Applications list manager so that this request can be made to the Associate to the senior Judge listed in applications in the relevant week.

Regards,

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE

NUMBER: XXXX/21

Applicant: JAMES BRADLEY

AND

Respondent: PAROLE BOARD QUEENSLAND

APPLICATION FOR REDUCTION OF FEES BY AN INDIVIDUAL

Notice to applicant for fee reduction on the basis of financial hardship

- 1. You must fill out the heading above to identify the proceeding, and you must also fill out part A of this form to identify who you are and what sort of fee reduction you want.**
- 2. If you satisfy one or more of the categories in part B of this form, you already qualify for a fee reduction. If you want a fee reduction for that reason you must fill out part B.**
- 3. If you do not fall within part B, then you must show the registrar that a ground of financial hardship applies to you, having regard to your income, day to day living expenses, bank balances and cash on hand. To do that, you must fill out part C of this form.**

Part A – Details of applicant and type of fee reduction applied for

Name	<i>Family name (surname)</i> BRADLEY	<i>Given names</i> JAMES
Address	<i>Address to which documents for you can be sent</i> Capricornia Correctional Centre, SUBURB, QLD 4000	
Daytime phone number	<i>Phone number where you can be reached during working hours</i> N/A	
Type of fee reduction applied for	<i>Tick the fee(s) you want reduced</i> <input checked="" type="checkbox"/> Filing fee of originating document (a copy of the originating document must accompany this application) <input type="checkbox"/> Setting Down Fee <input type="checkbox"/> Hearing Fee	

Part B - When registrar must approve application

You are eligible for fee reduction if you satisfy one or more of the following categories (please tick the appropriate box).

Proof to support the category you select must be supplied with this application (for example – by showing the registrar the relevant card, statement, or confirmation letter).

Description	Please tick
The holder of any of the following cards under the <i>Social Security Act 1991</i> (Commonwealth)—	
<ul style="list-style-type: none">• A current health care card	N/A
<ul style="list-style-type: none">• A current pensioner concession card	N/A
<ul style="list-style-type: none">• A current Commonwealth seniors health card	N/A
<ul style="list-style-type: none">• The holder of any other card that certifies the holder's entitlement to Commonwealth health concessions	N/A
Receiving youth allowance, Austudy payments or a benefit under the ABSTUDY scheme under the <i>Social Security Act 1991</i> (Commonwealth)	N/A
A person granted legal aid in respect of the proceedings	N/A

Registrar to complete:

Registrar to sign upon sighting of a relevant card, statement or confirmation letter which satisfies the requirements as indicated in the table above.

Signed: _____

Date:

If you do not qualify for a fee reduction under part B, please complete part C.

¹ the holder of a card does not include a dependant of the person who is issued the card

Part C – Financial hardship

For your application for a fee reduction to be approved, you will need to show the registrar that your income, day-to-day living expenses, liabilities and assets are such that payment of the fee would cause you financial hardship.

You must fill out the form below. If you wish to provide any further information (including any documentary evidence to support your application) please attach a separate statement to this application.

It may assist the registrar to assess the truth of the information you provide, if you are prepared to provide the verification set out in part D. However if you do that you must note the warning below.

Warning: A person who makes a declaration that the person knows is false in a material particular, whether or not the person is permitted or required by law to make the declaration, before a person authorised by law to take or receive declarations, commits a misdemeanour. **Maximum penalty - 3 years imprisonment.** s.194 Criminal Code.

Occupation:	
Employer:	
Marital Status: <input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> de facto <input type="checkbox"/> separated	
Dependants: <input type="checkbox"/> dependant wife/husband/de facto <input type="checkbox"/> _____ (# of) dependant children	
<input type="checkbox"/> other _____	

Funds	
Cash on Hand	Refer to attached statement in support of financial hardship
Current bank Balance	\$
A: Total Funds	\$

Household Income Details	
Income (net)	\$ per fortnight
<input type="checkbox"/> Wage/salary <input type="checkbox"/> Benefit	Refer to attached statement in support of financial hardship
Income from investments	\$
Income from rent	\$
Other income (please state)	\$
B: Total Income:	\$

Household Expenditure Details	
Expenditure	\$ per fortnight
Rent/board	Refer to attached statement in support of financial hardship
Mortgage repayment	\$
Maintenance for dependants	\$
Food	\$
Telephone	\$
Water	\$
Rates	\$
Court orders	\$
Utilities (electricity/gas)	\$
Other (please state)	\$

C: Total Expenditure:	\$

¹ the holder of a card does not include a dependant of the person who is issued the card

Part D – Verification of information relied on to show financial hardship

VERIFICATION OF STATEMENT

James Bradley of c/o Capricornia Correctional Centre, Bruce Highway, North Rockhampton, QLD 4701, prisoner states on oath:

The information set out in part C of this application and any attached further information, is true and correct to the best of my knowledge and belief. Where I have given an estimate in this statement or any other attached statement, it is given in good faith to the best of my knowledge and belief.

Sworn by James Bradley on 18/03/2021 at Capricornia Correctional Centre in the presence of:

James Bradley

Deponent

[Witness to insert following statement only if required (see R.433(1) and (2) UCPR): who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit OR who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit, but was physically incapable of signing it]

SUPREME COURT OF QUEENSLAND

Applicant: JAMES BRADLEY

AND

Respondent: PAROLE BOARD QUEENSLAND

**FORM 131 STATEMENT IN SUPPORT OF FINANCIAL HARDSHIP - APPLICATION
FOR A REDUCTION OF FEES BY AN INDIVIDUAL**

1. I am the Applicant in these proceedings.
2. I am currently a prisoner at the Correctional Centre.
3. I am currently serving a period of imprisonment of 6 years. My full time release date is in August 2024 and my parole eligibility date is 21 December 2020.
4. As a prisoner I do not receive an income.
5. I receive an allowance of \$7 per week for basic amenities. I also receive \$28 per week as remuneration in accordance with s 316 Corrective Services Act 2006.
6. I spend approximately \$35 each week on items approved for sale to prisoners.
7. I currently have approximately \$ 20,000 owing to the State Penalties Enforcement Registry (SPER). This debt is currently on hold.
8. I have approximately \$10,000 owing to Child Support. This debt is currently on hold.
9. As a prisoner I am not permitted to have cash on hand.
10. I have an external bank account with Westpac. I have \$0.00 currently held in that bank account. I am unable to easily obtain a copy of a recent bank statement for this account.
11. I have attached to this statement a true copy of my prison trust account statement.

FULL NAME: JAMES BRADLEY

DATE:

SIGNATURE:

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE

NUMBER: _____

Applicant: _____

AND

Respondent: PAROLE BOARD QUEENSLAND

APPLICATION FOR REDUCTION OF FEES BY AN INDIVIDUAL

Notice to applicant for fee reduction on the basis of financial hardship

- 1. You must fill out the heading above to identify the proceeding, and you must also fill out part A of this form to identify who you are and what sort of fee reduction you want.**
- 2. If you satisfy one or more of the categories in part B of this form, you already qualify for a fee reduction. If you want a fee reduction for that reason you must fill out part B.**
- 3. If you do not fall within part B, then you must show the registrar that a ground of financial hardship applies to you, having regard to your income, day to day living expenses, bank balances and cash on hand. To do that, you must fill out part C of this form.**

Part A – Details of applicant and type of fee reduction applied for

Name	<i>Family name (surname)</i>	<i>Given names</i>
Address	<i>Address to which documents for you can be sent</i>	
Daytime phone number	<i>Phone number where you can be reached during working hours</i>	
Type of fee reduction applied for	<i>Tick the fee(s) you want reduced</i> <input type="checkbox"/> Filing fee of originating document (a copy of the originating document must accompany this application) <input type="checkbox"/> Setting Down Fee <input type="checkbox"/> Hearing Fee	

Part B - When registrar must approve application

You are eligible for fee reduction if you satisfy one or more of the following categories (please tick the appropriate box).

Proof to support the category you select must be supplied with this application (for example – by showing the registrar the relevant card, statement, or confirmation letter).

Description	Please tick
The holder of any of the following cards under the <i>Social Security Act 1991</i> (Commonwealth)—	
<ul style="list-style-type: none">• A current health care card	N/A
<ul style="list-style-type: none">• A current pensioner concession card	N/A
<ul style="list-style-type: none">• A current Commonwealth seniors health card	N/A
<ul style="list-style-type: none">• The holder of any other card that certifies the holder's entitlement to Commonwealth health concessions	N/A
Receiving youth allowance, Austudy payments or a benefit under the ABSTUDY scheme under the <i>Social Security Act 1991</i> (Commonwealth)	N/A
A person granted legal aid in respect of the proceedings	N/A

Registrar to complete:

Registrar to sign upon sighting of a relevant card, statement or confirmation letter which satisfies the requirements as indicated in the table above.

Signed: _____

Date: _____

If you do not qualify for a fee reduction under part B, please complete part C.

¹ the holder of a card does not include a dependant of the person who is issued the card

Part C – Financial hardship

For your application for a fee reduction to be approved, you will need to show the registrar that your income, day-to-day living expenses, liabilities and assets are such that payment of the fee would cause you financial hardship.

You must fill out the form below. If you wish to provide any further information (including any documentary evidence to support your application) please attach a separate statement to this application.

It may assist the registrar to assess the truth of the information you provide, if you are prepared to provide the verification set out in part D. However if you do that you must note the warning below.

Warning: A person who makes a declaration that the person knows is false in a material particular, whether or not the person is permitted or required by law to make the declaration, before a person authorised by law to take or receive declarations, commits a misdemeanour. **Maximum penalty - 3 years imprisonment.** s.194 Criminal Code.

<p>Occupation:</p> <p>Employer:</p> <p>Marital Status: <input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> de facto <input type="checkbox"/> separated</p> <p>Dependants: <input type="checkbox"/> dependant wife/husband/de facto <input type="checkbox"/> _____ (# of) dependant children</p> <p style="padding-left: 40px;"><input type="checkbox"/> other _____</p>
--

Funds	
Cash on Hand	Refer to attached statement in support of financial hardship
Current bank Balance	\$
A: Total Funds	\$

Household Income Details	
Income (net)	\$ per fortnight
<input type="checkbox"/> Wage/salary <input type="checkbox"/> Benefit	Refer to attached statement in support of financial hardship
Income from investments	\$
Income from rent	\$
Other income (please state)	\$
B: Total Income:	\$

Household Expenditure Details	
Expenditure	\$ per fortnight
Rent/board	Refer to attached statement in support of financial hardship
Mortgage repayment	\$
Maintenance for dependants	\$
Food	\$
Telephone	\$
Water	\$
Rates	\$
Court orders	\$
Utilities (electricity/gas)	\$
Other (please state)	\$

C: Total Expenditure:	\$

¹ the holder of a card does not include a dependant of the person who is issued the card

Part D – Verification of information relied on to show financial hardship

VERIFICATION OF STATEMENT

_____ of _____,
_____ states on oath / solemnly
and sincerely affirms and declares:

The information set out in part C of this application and any attached further information, is true and correct to the best of my knowledge and belief. Where I have given an estimate in this statement or any other attached statement, it is given in good faith to the best of my knowledge and belief.

Sworn [or: affirmed] by _____ on _____ at
_____ in the presence of:

Deponent

[Witness to insert following statement only if required (see R.433(1) and (2) UCPR): who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit OR who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit, but was physically incapable of signing it]

SUPREME COURT OF QUEENSLAND

Applicant: _____

AND

Respondent: PAROLE BOARD QUEENSLAND

**FORM 131 STATEMENT IN SUPPORT OF FINANCIAL HARDSHIP - APPLICATION
FOR A REDUCTION OF FEES BY AN INDIVIDUAL**

1. I am the Applicant in these proceedings.
2. I am currently a prisoner at the _____.
3. I am currently serving a period of imprisonment of _____. My full time release date is _____ and my parole eligibility date is _____.
4. As a prisoner I do not receive an income.
5. I receive an allowance of \$_____ per week for basic amenities. I also receive \$_____ per week as remuneration in accordance with s 316 Corrective Services Act 2006.
6. I spend approximately \$_____ each week on items approved for sale to prisoners.
7. _____

8. _____

9. As a prisoner I am not permitted to have cash on hand.
10. I have an external bank account with _____. I have \$_____ currently held in that bank account. I am unable to easily obtain a copy of a recent bank statement for this account.

11. I have attached to this statement a true copy of my prison trust account statement.

FULL NAME: _____

DATE: _____

SIGNATURE: _____

DATE

**Parole Board Queensland
Legal Services Unit
GPO Box 1054
BRISBANE QLD 4001**

Dear Sir/Madam

**BRADLEY –V- PAROLE BOARD QUEENSLAND
SUPREME COURT PROCEEDING NUMBER X**

I attach by way of service the following documents filed in the above proceeding:

- Application
- Affidavit of James Bradley

Due to my incarceration, I am unable to personally serve the Parole Board Queensland. Please confirm in writing that you accept service of these documents.

As you would be aware, I am currently incarcerated at Correctional Centre. I have requested leave to appear by video at the hearing of this matter.

Regards,

James Bradley
Correctional Centre
Locked Mail Bag 1234
SUBURB
QLD 4000

**Parole Board Queensland
Legal Services Unit
GPO Box 1054
BRISBANE QLD 4001**

Dear Sir/Madam

_____ **-V- PAROLE BOARD QUEENSLAND**
SUPREME COURT PROCEEDING NUMBER _____

I attach by way of service the following documents filed in the above proceeding:

- Application
- Affidavit of _____

Due to my incarceration, I am unable to personally serve the Parole Board Queensland.
Please confirm in writing that you accept service of these documents.

As you would be aware, I am currently incarcerated at _____.
I have requested leave to appear by _____ at the hearing of this matter.

Regards,

AMENDED PRACTICE DIRECTION NUMBER 6 OF 2004

SUPREME COURT OF QUEENSLAND

Applications jurisdiction – outline of argument, documents read, appearance slip

Outline of Argument

1. Practitioners are to provide written outlines of argument in all contested and ex parte hearings before a Judge or Registrar (including, where practicable, bail applications) in the applications jurisdiction.
2. An outline should:
 - (a) provide a concise summary of the argument, in point form;
 - (b) identify relevant authorities and legislative provisions;
 - (c) usually not exceed four pages; and
 - (d) attach a chronology where appropriate.
3. Outlines should be exchanged as early as practicable prior to the hearing. In all cases they should be handed to the Judge or Registrar at the commencement of the hearing. At the conclusion of the hearing they will be placed in the court file for future reference and retained for at least 24 months.
4. Practitioners should provide copies of relevant authorities and legislative provisions for the Judge or Registrar.

Material to be read

5. Practitioners should familiarise themselves with the Court File Index relevant to each case. (Go to www.ecourts.courts.qld.gov.au - Party Search – View Documents.)

6. The Court File Index contains the following details of filed documents:
 - document number under the courts filing system
 - date filed
 - document type
 - document description
 - name of filing party

7. Practitioners should provide two copies of the list of material to be read. Filed documents should be identified by the Court File Index document number. If any material is to be filed by leave, the swearing date should be listed.

Appearance Slip

6. Practitioners must complete an appearance slip for each proceeding in the Applications jurisdiction before a Court or a Registrar and are encouraged to insert the court file document number of documents read in the spaces provided on the forms.

8. The form may be completed and downloaded from the courts' website: www.courts.qld.gov.au. Two copies must be provided at the commencement of the hearing, one for the Judge or Registrar and one for

the Court Reporters. (The Court does not have facilities for the electronic lodgement of appearance slips.)

9. If an appearance slip is not completed and handed up in this way a duplicate appearance slip, available at the court room, should be completed and handed to the Associate.

10. No additional charge is to be made for the preparation of a file index search, list of material or completion of an appearance slip.



Catherine Holmes
Chief Justice
11 August 2016

APPEARANCES

(Please **PRINT LEGIBLY**)

To be handed to the Bailiff prior to commencement of the Hearing

- | | | |
|---|--|--|
| <input type="checkbox"/> Crown | <input type="checkbox"/> Accused | <input type="checkbox"/> Co-accused |
| <input type="checkbox"/> Plaintiff | <input type="checkbox"/> Defendant 1 st 2 nd 3 rd 4 th 5 th | <input type="checkbox"/> Defendant 1 st 2 nd 3 rd 4 th 5 th |
| <input type="checkbox"/> Appellant | <input type="checkbox"/> Respondent | <input type="checkbox"/> Third party |
| <input type="checkbox"/> Applicant | <input type="checkbox"/> Other (Specify)..... | <input type="checkbox"/> Defendant by election |
| <input type="checkbox"/> Petitioner | | <input type="checkbox"/> Other (Specify)..... |
| <input type="checkbox"/> Other (Specify)..... | | |

_____ -v- _____ and _____

Mr/Mrs/Miss/Ms

--	--	--

Mr/Mrs/Miss/Ms

--	--	--

Mr/Mrs/Miss/Ms

--	--	--

- Counsel
- Solicitor
- Clerk
- Legal Officer

- Counsel
- Solicitor
- Clerk

- Counsel
- Solicitor
- Clerk

Instructed by ODPP
 C'wlth DPP

Instructed by (firm or organization)

Instructed by (firm or organization)

.....
 • As Town Agents for:

.....
 • As Town Agents for:

.....
 • As Town Agents for:

.....
 (If agents for Legal Aid Queensland or
 Aboriginal & Torres Strait Islanders Corporation
 for Legal Aid Services, please indicate.)

.....
 (If agents for Legal Aid Queensland or
 Aboriginal & Torres Strait Islanders Corporation
 for Legal Aid Services, please indicate.)

- As Agents for: LAQ
- ATSILS

- As Agents for: LAQ
- ATSILS

Documents to be read – list numbers as per court file.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Applicant
 Respondent
 Other

**Supreme Court of Queensland
Protocol for Applications
Brisbane**

This protocol applies from Monday, 15 February 2021 until further notice

Parties or practitioners appearing in Applications are expected to follow the public health directions in relation to management of risks associated with Coronavirus (COVID-19).

The protocol is as follows:

1. The Applications list manager will email the parties/legal representatives in all matters listed for hearing in Applications, by 10.00 am on the day before the matter is listed to be heard, requesting confirmation of the following:
 - a. Whether the matter will be proceeding or will be the subject of a consent order or adjournment;
 - b. The names of the representatives who will be appearing for each of the parties;
 - c. Whether the party/legal representative will be appearing in person or whether leave has been obtained from the senior Judge listed in Applications in the relevant week to appear by telephone or video-link; and
 - d. The expected duration of the hearing.
2. Parties or practitioners are required to attend court in person for the hearing (including for the call-over) unless leave has been granted by a Judge to appear by telephone or video-link.
3. Any application to appear by telephone or video conference must provide reasons for the application for leave and be directed by email to the Associate to the senior Judge listed in Applications in the relevant week, by no later than 1.00 pm on the day before the hearing. A party applying for leave to appear by telephone or video-link must first seek the consent of any other party and provide every other party's response at the time of making the application.
4. If the court provides a time for a party or parties to appear by telephone or video-link, those parties must be ready to connect by the relevant method at least ten minutes before the appointed time.
5. All parties/legal representatives are required to respond, by email to the Applications list manager, by no later than 2.30 pm on the day before the matter is listed to be heard, providing the information requested.
6. Consistent with the obligation under rule 5 of the *Uniform Civil Procedure Rules* 1999:
 - a. Wherever possible parties are encouraged to take active steps to resolve matters by agreeing on orders that may be made by consent in a timely way and otherwise cooperate to narrow the scope of the issues in dispute.
 - b. For any matters requiring an oral hearing, parties and practitioners are encouraged to ensure submissions, affidavits and draft orders are provided by email to the other party(ies) ahead of time.
 - c. If the parties and legal representatives have exchanged submissions, then submissions can be provided to the Associate to the Senior Judge in Applications in advance, with the consent of all parties.

Justice A Lyons
Senior Judge Administrator
10 February 2021