



# PRISONERS' LEGAL SERVICE INC

# CHAINMAIL

INFORMATION BROADSHEET FOR PRISONERS OF QUEENSLAND

105<sup>th</sup> Edition June 2017

JUSTICE BEHIND BARS

## **IMPORTANT NOTICE!!!!**

**PLEASE SEND ALL MAIL TO GPO BOX 257 BRISBANE QLD 4001**  
**ANY MAIL SENT TO OUR OLD ADDRESS IS NO LONGER BE RECEIVED BY US**

## **FINANCIAL COUNSELLING SERVICE UPDATE**

A financial counsellor can help..... Financial counsellors are non-judgmental, qualified professionals who provide information, support and advocacy to people in financial difficulty. Based in community organisations, financial counselling services are free, independent and confidential. Financial counsellors have specific knowledge about the credit, bankruptcy and debt collection laws, concession frameworks and industry hardship practices. They are also trained in negotiation and counselling.

If you would like assistance from the financial counsellor, please call or write to us for an appointment. If you would like to speak to a financial counsellor when you are released or you think a family member may need help, call the National Debt Helpline on 1800 007 007.

**SPER DEBT** – If you have a debt to SPER, you can call SPER for free on the ARUNTA phone and get the debt put on hold so that they don't start enforcement action against you.

**CHILD SUPPORT DEBT** – If you have a child support liability, it is important to call the Child Support Agency (CSA) for free on the ARUNTA phone and get the debt reduced to nil while you are in prison. Otherwise they will charge you an estimated amount and the debt can get bigger. You need to contact the CSA regularly if you are in prison for more than 12 months. This is something that is easy to do yourself over the phone, nobody else can make changes on your behalf.

**ACCESSING SUPER** – You cannot access your super while you are in prison unless you are over 55 years of age. A lot of the super funds do not allow access to super under financial hardship anymore. To access super under financial hardship you must be on a continuous Centrelink benefit for 26 weeks. This means that you must wait until you have been on Centrelink for 6 months after your release to get access under hardship. The maximum amount is 1 payment of up to \$10,000 (before tax) in a 12-month period.

**BANKRUPTCY** – If you are thinking about bankruptcy, please contact us for an appointment so that we can help you decide if it is a good option for you, we can also help you with the application process.

We can also help with CREDIT AND DEBT ISSUES, RENTAL OR MORTGAGE ARREARS, TAX DEBT, CENTRELINK DEBT, PUBLIC TRUSTEE ISSUES, REPOSSESSION, CIVIL JUDGMENTS, COMPENSATION/RESTITUTION ORDERS, BUDGETING.



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## JUDICIAL REVIEW: COMMON MYTHS

MYTH	FACT
I can judicially review any decision that is made by the Parole Board and Corrective Services.	Only certain decisions of the parole board and Corrective Services can be challenged through judicial review. It is the nature of the decision that you wish to challenge that matters.
If I do a judicial review, the court will decide whether the correct decision has been made.	In a judicial review, the court can only look at whether a decision has been made lawfully. This means the court will look at whether relevant laws and procedures have been followed, and not whether a decision is fair or correct.
If my parole application is refused and I take the parole board to court, the court can give me parole.	The court cannot give you parole. If the board's decision is deemed unlawful, the court can only set the decision aside and send it back to the board to remake the decision. This means even if you're successful in a judicial review, the board still may refuse your parole.
There's nothing to lose by doing a judicial review.	If you are unsuccessful with a judicial review application, the court can make you pay the other party's legal costs.
It doesn't take very long to do a judicial review and it's easy.	Judicial reviews are very complex and it usually takes several months before the court makes a final decision. You should get legal advice first to see if you have a good case for judicial review.

**Contact Prisoners Legal Service if you want advice on whether you have a good case for judicial review.**

Prisoners' Legal Service Inc.  
Postal Address: GPO Box 257, Brisbane QLD 4001

Justice Behind Bars  
Free Advice Line: Tues, Wed, Thurs from 9am to 1pm

*This broadsheet is intended to provide legal information only and is no substitute for legal advice. If you wish to take any action arising from matters raised in this publication you should consult a lawyer immediately.*