



# Prison News

INFORMATION SHEET FOR PEOPLE IN PRISON IN QLD  
PRISONERS LEGAL SERVICE INC  
123<sup>rd</sup> Edition December 2020

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JUSTICE BEHIND BARS

## *Parole Delays*

In recent months, PLS has received significant numbers of people contacting us about delays in receiving decisions on their parole applications. Below is some general information about parole delays and some steps you may wish to consider taking if you are experiencing delays.

Please note that the information contained below only relates to parole applications before the Queensland Parole Board ('the Board'). It does not relate to parole suspensions or cancellations. It does not relate to decision made by the Attorney General for Federal Parole.

### **Legal Timeframes**

The *Corrective Services Act 2006* (Qld) ('the CS Act') sets out time frames for decisions to be made by 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. After you lodge an application for parole, the Board will write to you confirming the date your application was received.

### **Possible Causes of Delay**

In some cases, the Board do not always make a decision within the timeframes set out by the CS Act. 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.
- Waiting on other information such as psychological reports or risk assessments.

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## *PLS Christmas Closure*

Our office will be closed from 23 December 2020 to 6 January 2021.

Our Prison Advice Line will also be inactive from 15 December 2020 until 19 January 2021.

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.



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## ***Parole Delays - continued***

### **What can you do if a decision has not been made within the timeframe?**

There are several options available for people waiting for decisions on parole applications outside the 150 day timeframe. These include:

- Writing to the Board stating that you do not consent to any further delays in your application being decided and requesting a decision be made as soon as possible.
- Filing an application for ‘failure to make a decision’ under s 22 of the *Judicial Review Act 1991* (Qld) (‘the JR Act’) in the Supreme Court of Queensland seeking an order for the Board to make a decision on your application.
- Continue waiting for a decision.

### **Before taking any of the above steps, we recommend that you consider the following:**

- If the Board are waiting for certain information, forcing them to make a decision before they receive that information may result in them refusing the parole application.
- If the Board refuse an application, they will immediately make a decision about when a new application can be made. The maximum amount of time the Board can make a person wait to reapply is 12 months for people serving a life sentence, and 6 months for all other people in prison.
- The minimum cost to file judicial review proceedings in the Supreme Court of Queensland is \$134.20 if a fee reduction is granted. Applications which are unsuccessful can result in a costs order against the applicant.
- The Court cannot tell the Board to grant your release on parole. A successful application for ‘failure to make a decision’ can result in a Court order compelling the Board to make a decision on your parole application.

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