



Prison News

INFORMATION SHEET FOR PEOPLE IN PRISON IN QLD
PRISONERS LEGAL SERVICE INC
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JUSTICE BEHIND BARS

Parole Delays

PLS is receiving lots of requests for help with parole delays from people in prison and their families. We are very concerned about how many people are not receiving decisions on their parole applications within the legal time frame. PLS and other concerned agencies are engaging in a several high-level advocacy options to try and address this problem for the prison population as a whole.

PLS does not have enough staff to speak with everyone who needs help with this problem. Below is some general information about parole delays and some steps you may wish to consider if you are experiencing delays with your parole application.

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 decisions 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 a 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 a 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

Currently, most parole decisions are delayed and very few people are receiving decisions within the legal time frames. Part of the reason for the delays is the amount of work which has come before the Board over the past year, which has created a backlog.

Some other causes of delay which may be relevant to your personal situation could be waiting for a suitable accommodation risk assessment (ARA), waiting for a report or recommended rehabilitation program, or waiting for other information such as a risk assessment.

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.



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 when a decision has not been made within the timeframe?

There are several options available for people waiting for decisions on parole applications outside the legal 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 filing court proceedings, we recommend that you consider the following:

- **Filing for judicial review does not affect whether the Board will grant or refuse your application.**
- **If you have received a preliminary refusal from the Board, we strongly recommend you seek legal advice before taking further action. You can write to us or call us on our prison advice line.**
- 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.
- 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.

Judicial Review Assistance

PLS and LawRight have produced a self-help kit designed to assist people with filing an application for judicial review under s 22 of the JR Act. If you would like a copy of the kit, please complete the form below and mail it to LawRight at: **PO Box 12217, George Street QLD 4003.**

JR Self-Help Kit Request Form

Name: _____

Date of Birth: _____ Correctional Centre: _____

Parole
Eligibility Date: _____ Application Date: _____