



# Queensland Productivity Commission

Inquiry into Imprisonment and Recidivism

Parole Board Queensland Submission

27 April 2019

**Parole Board** | Queensland



**Queensland  
Government**

## Executive Summary

Parole Board Queensland (the Board) welcomes this inquiry and hopes that it will result in a critical analysis, and redirection, of criminal justice system resource allocation, particularly as it is relevant to the functions of the Board. The Board emphasises its critical role in that system and the need for sufficient resources to perform its functions well, with the aim of enhancing community safety.

### Establishment of Parole Board Queensland

- The Board was established in July 2017 as a result of recommendations made by the Queensland Parole System Review (QPSR). Its aim is to modernise and professionalise the Board in order to enhance community safety.

### The work of the Board

- The work of the Board is voluminous (over 32000 pages of material were considered over the last two weeks) and increasingly complex (by virtue of No Body, No Parole and Links to Terrorism legislation). Additional resources are necessary to maintain the volume and quality of work, and to continue to implement the recommendations of the QPSR.

### Identified inefficiencies

- The Board proposes a more efficient and robust model for judicial review. It has also identified cost-savings by exempting the Board from (or at least relaxing) ‘tied work’ arrangements with Crown Law.

### Risks and impediments to the work of the Board

- The Board continues to be frustrated by cumbersome and inefficient information-sharing arrangements with Queensland Health (QH), particularly in relation to mental health issues.
- Release of prisoners continues to be (potentially) delayed by program recommendations for some programs which have not been proven to reduce reoffending in the Queensland context.
- There is a shortage of suitable accommodation for prisoners leaving custody (whether on parole or at the end of their sentence). This contributes to recidivism. The Board has observed in a number of cases a shortfall in re-entry and through-care support for prisoners in the community. This also leads to recidivism. The Board considers that the community would benefit from more work and resources devoted to those services.



## Background

1. The Board replaced three parole boards in Queensland on 3 July 2017. That came about as a result of recommendations of the QPSR. Key recommendations were for the establishment of a new, independent and professional parole board in Queensland:

*“My investigation and enquiries have shown that little has changed in the last 28 years (since parole began in Queensland in 1937).”*<sup>1</sup>

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...

*“It is past time for the Queensland parole system to become professional.”*<sup>2</sup>

2. The Board plays a vital role in the Queensland criminal justice system, and in advancing community safety. The Board makes independent and evidence-based decisions about prisoners release on parole. As Mr Sofronoff QC (as his Honour then was) said:

*“The only purpose of parole is to reintegrate a prisoner into the community before the end of a prison sentence to decrease the chance that the prisoner will ever reoffend. Its only rationale is to keep the community safe from crime. If it were safer, in terms of likely reoffending, for prisoners to serve the whole sentence in prison, then there would be no parole. It must be remembered also that parole is just a matter of timing; except for those who are sentenced to life imprisonment, every prisoner will have to be released eventually.”*<sup>3</sup>

And further as to the benefit of parole to community safety:

*“The most recent research suggests that paroled prisoners are less likely to re-offend than prisoners released without parole.”*<sup>4</sup>

...

*“In truth, it (parole) is nothing more than a method that has been developed in an attempt to prevent reoffending. It works to achieve that purpose to a degree; like the criminal justice system itself, it will never fully achieve the goal of eradicating offending, even serious offending. The only realistic issue is how it can be improved*

*to reduce reoffending by increments and to avoid cases of serious offending on parole. The goal is perfection but perfection will always be out of reach.”<sup>5</sup>*

3. The QPSR also pointed out the economic benefit of parole to the community. It is well established that supervision in the community is far less costly than imprisonment, however it is recognised that the assessment of a prisoner’s suitability for parole and management of parole must be undertaken properly. Against that background, Mr Sofronoff QC said this:

*“I have found that improving the system of parole will cost a lot of money; but not improving it will cost much, much more and, most importantly, it will not make the community any safer. It is therefore apparent that, apart from issues of community safety and prisoner welfare, **there is an unanswerable economic argument to improve the workings of the parole system** so that more prisoners succeed on parole and do not return to prison.”<sup>6</sup>*

*“Even if the effects of parole on reoffending are only modest, as some research suggests, the improvement in community safety is particularly worthwhile when considered with that economic case. **If the system is designed and funded properly, the case against parole is unarguable. To argue against parole, or for less parole as a blanket approach, is to argue for less safety for the community at greater cost for the community.**”<sup>7</sup>* [emphasis added]

4. Those comments support the general proposition referred to in the Queensland Productivity Commission Inquiry into Imprisonment and Recidivism Draft Report (QPC Draft Report) that increasing imprisonment can make the community less safe.<sup>8</sup> They also highlight that the benefit to community safety of a properly funded parole board in Queensland outweighs the cost.<sup>9</sup>

#### **Establishment of Parole Board Queensland**

5. The Board was established quickly, as a cornerstone of the Government’s implementation of the QPSR. Best endeavours were applied to determine what resources would be required for this new, independent statutory body to perform its functions, including:
  - Making fully-informed, evidence-based decisions in relation to parole applications;
  - Taking on the sole responsibility (previously vested with the Chief Executive, Queensland Corrective Services (QCS) for making decisions in relation to requests for immediate suspension of parole (24 hours per day, seven days per week);

- Convening Board meetings to confirm, or set aside, each decision to suspend a prisoner's parole; and
- Implementing relevant recommendations of the QPSR.

## The work of the Board

### Meetings to decide parole matters

6. Currently the Board meets nine times per week (excluding matters brought before the Board outside of session for urgent consideration).
7. Six meetings per week are held to consider:
  - new applications for parole (including applications for exceptional circumstances parole);
  - further consideration of parole applications;
  - further consideration of suspensions of parole orders; and
  - miscellaneous matters such as requests to amend parole orders, travel requests and interstate transfers of parole.
8. The President and each Deputy President each chair two meetings each week.
9. An additional meeting is to be chaired by the President each week to consider applications for exceptional circumstances parole.
10. Attempts are made to cap the number of matters considered to 30 to allow sufficient time for members to read the material and properly consider each matter. That was a measure implemented by the Board soon after commencement in July 2017, in accordance with observations made in the QPSR regarding the obvious risk involved in a parole board considering too many matters at any given meeting having had insufficient time to carefully consider the material.<sup>10</sup>
11. It is not always possible to maintain that limit on numbers. The Board must keep up with the increasing number of matters to be considered in light of tightened legislative timeframes. **There has been a 27% increase in the receipt of parole applications since the establishment of the Board.** The Board relies on the goodwill of dedicated members to work the hours necessary to properly perform their decision-making function.

12. The *Corrective Services Act 2006* (the *CSA*) requires a quorum of five members (a full Board) to consider parole matters for 'prescribed' prisoners. The *CSA* defines that term to include prisoners convicted of serious sexual offences, serious violent offences, a strangulation offence or an offence with a circumstance of aggravation. It also applies to prisoners serving a term with a mandatory minimum non-parole period.
  
13. A full Board must be comprised of the President or a Deputy President (Chair), a Professional Board Member (PBM), a Public Service Representative (PSR), an Inspector of Police and a Community Member. All but the Community Member are full-time Board members.
  
14. Statistics for the two weeks prior to this submission demonstrate the enormous workload:

	1 – 5 April 2019		8 – 12 April 2019		1 – 12 April 2019
	Page count for files considered in each meeting		Page count for files considered in each meeting		Total matters considered over four meetings
President	2881	2909	2242	2802	151
Deputy President	3237	3220	2718	3252	161
Deputy President	2395	2564	1983	1691	137
Totals	17206		14688		
<b>Average per meeting</b>	<b>2658 pages</b>				<b>37 parole matters</b>
<b>Combined total</b>	<b>31894 pages</b>				<b>449 parole matters</b>

#### Meetings to confirm or set aside a decision to suspend parole

15. The Board meets twice per week to confirm or set aside (within two business days) decisions made by a single PBM to suspend parole orders (while on-call 24 hours a day, 7 days per week). Those meetings are usually chaired by one of the Deputy Presidents.
  
16. Applications for amendments to parole orders are also considered at those meetings with a quorum of three, chaired by a PBM.
  
17. The average number of matters considered at those meetings is 20 – 25, with the remainder of suspension decisions considered in the six meetings outlined above. In the two weeks prior to this submission, the number of suspension matters considered were as follows:
  - The PBM on-call considered over **160 requests to suspend parole orders**, which required consideration by a full Board within two business days.

- The full Board considered 72 of those in the meetings outlined in the table above. An additional 92 were considered by meetings chaired by the Deputy President at the meetings dedicated to confirming or setting aside those decisions.

18. There are four full-time PBMs; three with legal qualifications and one with health qualifications. They share the heavy burden of performing the 24/7 function of determining applications to suspend parole orders, as well as sitting as Board members in the eight weekly meetings.

19. The PBMs with legal qualifications act in the position of Deputy President when required. The Board relies on external appointments to backfill PBMs when on annual leave, and when they are acting in the position of Deputy President.

### Increasingly complex work

#### *No Body, No Parole legislation*

20. Section 193A was inserted into the *Corrective Service Act 2006* by s4 of the *Corrective Services (No Body, No Parole) Amendment Act 2017* (Qld) (the Amendment Act) which was assented to and commenced on 25 August 2017. This legislation brings with it an additional, complex workload.

21. The amendments implemented Recommendation 87 of the QPSR which recommended the establishment of a No Body, No Parole policy in Queensland.

22. The QPSR acknowledged that:

*Withholding the location of a body extends the suffering of victim's families and all efforts should be made to attempt to minimise this sorrow.*<sup>11</sup>

23. The Amendment Act is designed to help victims' families and aims to encourage and incentivise prisoners to whom s 193A applies to assist in finding and recovering the remains of a victim by making parole release contingent on his/her satisfactory cooperation in the investigation of the homicide offence to identify the victim's location.<sup>12</sup>

24. As stated in the QPSR:

*...such a measure is consistent with the retributive element of punishment. A punishment is lacking in retribution, and the community would be right to feel*

*indignation, if a convicted killer could expect to be released without telling what he did with the body of the victim.*<sup>13</sup>

25. Section 193A of the CSA imports a threshold issue for the Board to determine before considering whether a person should be released to parole.
26. Before considering the merits of an application for parole made under s 193 of the CSA, the Board must first determine if it is satisfied that the applicant has cooperated satisfactorily in the investigation of the offence to identify the victim's location (the threshold question). If the Board is not so satisfied, then the Board must refuse to grant the application for parole. Otherwise, the Board will go on to determine the application on its merits.
27. The Board decided to hold open hearings to determine the threshold question in each case given the policy objectives of the No Body, No Parole provisions as they relate to victims' families and loved ones, and the serious potential consequences for prisoners to whom the provisions apply. There is the additional benefit of transparency given the public interest in the work of the Board. Reasons for the Board's decision in relation to the threshold question are published.
28. The open hearings and published reasons<sup>14</sup> allow victims' families and loved ones, as well as members of the public, to observe some of the processes of the Board and to assist those interested to understand the information taken into account by the Board in reaching a decision. The detailed reasons also provide natural justice to the applicants for parole.
29. To date, the Board has considered and decided eight applications for parole to which the No Body, No Parole provisions apply. One of those has been the subject of an application for judicial review. That application was unsuccessful and has been appealed to the Court of Appeal.
30. No Body, No Parole matters are complex (legally and administratively) and time-consuming. Snapshot data shows that in excess of 325 hours is spent (by Board members and Secretariat staff combined) on each matter, at a cost of over \$36,000 (or \$288,000 for eight matters).

*Links to Terrorism legislation*

31. The *Justice Legislation (Links to Terrorism Activity) Amendment Act 2019* came into force on 11 April 2019 and will also have resource implications for the Board.
32. In June 2018 the Council of Australian Governments (COAG) made a commitment that “*there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity.*”<sup>15</sup> That commitment underpins the Links to Terrorism legislation.
33. New sections 193B to 193E of the CSA provide, in summary:
  - The Board must refuse to grant a parole application for a prisoner with links to terrorism (as defined) unless the Board is satisfied exceptional circumstances exist to justify granting the application (including by assessing whether a person has promoted terrorism);
  - A two category model, involving considerable complexity, for considering relevant applications;
  - A grant of parole for a prisoner subject to the presumption against parole must be accompanied by written reasons<sup>16</sup>;
  - The Board may ask the commissioner for a report, and the commissioner must comply subject to significant restrictions on the information that must be provided (in order to comply with arrangements with intelligence, and other, agencies).

This legislation presents the Board with the same kinds of challenges as the No Body, No Parole legislation. The additional complexity and workload was not contemplated by the resources allocated to the Board at establishment. The Board is not currently resourced to administer the new legislative requirements.

### Identified inefficiencies

#### *Judicial Review*

34. All decisions of the Board are subject to judicial review. The *Judicial Review Act 1991* provides the statutory framework which operates against the background of the common law.
35. A ‘person aggrieved’ by a decision, or failure of the Board (a person whose interests are adversely affected by the decision or failure) is entitled to make an application for judicial review. Those applications are determined by the Supreme Court.



36. Judicial review is a means of safeguarding proper decision-making, promoting fairness and transparency, ensuring natural justice for prisoners and facilitating Supreme Court consideration of matters to provide guidance to the Board.<sup>17</sup>
37. The Board takes no issue with those important purposes of judicial review. It does, however, consider that judicial review of Board decisions is an unnecessarily costly and, more importantly, inefficient way to achieve them.
38. A judicial review is not a merits review of the Board's decision. If the Supreme Court finds that a decision of the Board is deficient, the matter is simply remitted to the Board for reconsideration.
39. The QPSR recommended that decisions of the Board should continue to be subject to judicial review, having noted a number of benefits and case examples.<sup>18</sup> The Board contends that a system of internal review, with recourse to the Supreme Court for a merit review, would maintain those benefits while achieving significant cost savings and other efficiencies for prisoners and the Board.
40. A system of internal review exists in Western Australia and New Zealand. Both parole boards are chaired by judicial officers, in Western Australia; a District Court judge, and in New Zealand; a High Court judge (the equivalent of a Supreme Court judge in Queensland). Both systems allow for the internal review to confirm, cancel or substitute the decision, or return the matter to the Board for reconsideration.
41. In accordance with Recommendation 36 of the QPSR and consequential legislative changes, the Board is now chaired by a President (the equivalent of a Supreme Court judge) and two Deputy Presidents (equivalent to District Court judges). The rationale for the recommendation was to improve consistency and quality of the decision-making process, and to bring intellectual rigour to the reasoning process.<sup>19</sup>
42. In light of that, and the overall (and ongoing) improvements in the professionalism of the Board and its processes, the intervention of the Supreme Court would be better directed at reviewing the merits of Board decisions. A system of review that can only return a matter for reconsideration by a professional parole board is outdated.
43. Under the Board's proposed new system, a merit review by the Supreme Court would be available if an 'aggrieved person' remained aggrieved after an internal review similar to

that in Western Australia or New Zealand. The resources required to bring and defend a judicial review would only need to be expended in such cases.

44. The effect would be that significant resources would be saved in the initial internal review process (currently the costly and resource intensive judicial review process); a process that would be overseen by the Board's judicial-level decision-makers. The proposed model would promote efficiency, timeliness and openness in a cost effective manner, while maintaining appropriate avenues for a meaningful right of review for prisoners.

### *Tied-work arrangements with Crown Law*

45. Currently, the Board is obliged by government 'tied work' arrangements to engage Crown Law to represent its interests in judicial review matters. The QPSR highlighted that prior to the establishment of the current full-time, professional Board there was some advantage in the three parole boards receiving an assessment and advice from Crown Law once an application for judicial review had been made.<sup>20</sup>

46. The present situation is quite different:

- The President and Deputy Presidents are experienced legal practitioners appointed at Supreme and District Court Judge level;
- There are three, full-time, senior legal practitioners in the position of PBM;
- Measures have been implemented, and work is ongoing, to improve the quality of the Board's decision-making and processes;
- The Board has engaged with the profession (for example, the Queensland Law Society) and non-government organisations (for example, Prisoners' Legal Service and Sisters Inside) to encourage early identification of controversial decisions to facilitate review and discussion; and
- The Board has a dedicated legal team that, with proper resourcing, could provide the service offered by Crown Law with a greater degree of access to, and understanding of, the Board's processes.

47. There are a number of examples of cases where the Board has expended significant resources on account of the 'tied work' arrangement with Crown Law, where the work could have been done more efficiently by the Board's in-house legal team, and/or dealt with by way of an internal review process as described above.



### Implementing the recommendations of the QPSR

48. In addition to the day-to-day work of deciding parole matters, the Board is also responsible for implementing the numerous recommendations made by the QPSR (Chapter 8), and accepted by the Government. The aim of those recommendations is to modernise and professionalise the Board and its processes and, in doing so, improve community safety.

### Risks and impediments regarding the work of the Board

#### Vicarious Trauma

49. An obvious risk associated with the work of the Board is vicarious trauma for staff and Board members. The material considered each week is voluminous (as demonstrated above) and often very disturbing. Parole files contain graphic details of sex crimes and violence.

50. Senior Board Members are increasingly concerned for the well-being of Board members and Secretariat staff given the workload and limited opportunity for 'down-time'. There is a great deal of reliance on the good will of good people to continue the work of the Board at the current rate.

51. That underscores the need for proper funding.

#### Lack of information sharing

52. The work of the Board is regularly frustrated by a lack of access to prisoners' medical information, particularly regarding mental health.

53. It is well known that a large number of the prison population suffer from mental health conditions, and that those conditions often contribute to offending behaviour. It is obvious, therefore, that the Board requires relevant information about the treatment of those conditions in prison, and arrangements for care and treatment in the community in assessing a prisoner's suitability for parole.

54. The message the Board gives to prisoners is that having a mental health condition is not an impediment to achieving parole, however insufficient information to assess care and treatment of that condition in the community is.

55. This information gap was identified soon after the Board's establishment and work commenced to implement information sharing processes with QH.
56. It is acknowledged that a number of staff in QH worked with the Board in good faith to reach a satisfactory solution; however that has not been achieved. The agreed process for obtaining information from the Prison Mental Health Service (PMHS) is cumbersome and inefficient. It is often the only cause of delay in a prisoner's release to parole, and sometimes the only reason for the suspension of a person's parole and their return to custody.

#### Case Study

Ms Case was taken to hospital while on parole due to concerns about her mental health. She had a long history of mental illness. On presentation at hospital she was hostile and aggressive, and making threats to harm her parents with whom she was living.

The assessing psychiatrist advised Probation and Parole that Ms Case would be discharged because her behaviour had been determined to be 'non-medically' based. Ms Case's parents were frightened to take her home in the circumstances.

Probation and Parole made a request to the Board to immediately suspend Ms Case's parole on the basis of risk to the community. The PBM determining the request attempted to obtain more information from the treating psychiatrist, without success. Probation and Parole were unable to source alternative accommodation for Ms Case presumably because it was either outside their remit, and/or resourcing capabilities.

With nowhere for Ms Case to go, and with no further information regarding Ms Case's mental health, or mental health history (apart from the fact that she had one), parole was suspended.

When Ms Case was arrested and returned to custody she tried to commit suicide by hanging herself in the watch house.

57. The Board has proposed a solution that involves engaging a dedicated QH officer to enable quick access to the QH database, in accordance with associated legislative and ethical obligations.
58. A similar arrangement currently exists to enable the Board to access information from Queensland Police Service (QPS) and QCS databases.



59. The solution has been rejected by QH on the basis that such access would not be for the only permitted purpose, which is to facilitate a patient's care and treatment. Further, QH have expressed its wish to ensure patient preferences are taken into account as far as practicable in the release of confidential information (by a process of obtaining consent).
60. The Board acknowledges the sensitivity and confidentiality of personal health information; however it is wrong to say that Board access to such information is not for the purpose of facilitating a prisoner's care and treatment. The Board's only interest in the information is to ensure adequate care and treatment is available so as to enhance community safety. Further, a process of providing (or otherwise) consent for the Board to access the relevant information could very easily be obtained when a prisoner applies for parole and would prevent current delays in their release.

Case Study

Mr Study was returned to custody having had his parole order suspended largely because of mental health issues. At the time of suspension, in August 2018, a referral was made to PMHS for assessment and information was requested.

In October 2018 (two months later), the Board received the requested information from PMHS and Mr Study was released.

Availability of rehabilitation programs in prison and insufficient information regarding their value

61. The Board acknowledges the work QCS is doing to implement the 'end-to-end' case management system recommended in the QPSR, and to increase program delivery.
62. However, to date, the recommendations have not been realised and there are still cases where a prisoner is recommended to complete a program after he or she has become eligible for parole. Often that prisoner has already spent a significant period in custody, and if required to complete the program will spend time in custody beyond the date the court determined they be eligible for parole, at significant cost to the community.
63. The Board observed that there was an almost blanket practice prior to July 2017 of refusing a prisoner parole when there was an 'outstanding intervention'.



64. The evidence-based decision-making model employed by the Board means that each case is assessed on its individual merit. In some cases, it will be determined that a program should be completed prior to release because of other factors (such as previous refusal to engage in rehabilitation activities in the community) in order to attempt to break the cycle of reoffending. In other cases, a prisoner will be granted parole despite an outstanding program recommendation, for example in cases where there are other supports and rehabilitation options available to the prisoner in the community.
65. The Board would be assisted in its decision-making by evidence regarding the real value of programs in reducing recidivism, and information to support that recommendations for programs have taken into account the individual offenders' rehabilitation needs and what alternatives might be available in the community.

### QPC Information Request

The Commission seeks information (at Draft Report, p.193) on a range of issues regarding in-prison rehabilitation. The Board supports incentives for prisoners to participate in and complete programs within prisons and to engage in meaningful employment, by suggesting:

- Programs be made available in low security facilities to obviate the need for prisoners who have progressed to a farm, for example, to return to a high security facility to complete the program.
- Work be done to secure additional arrangements with employers to offer work for prisoners on release – such arrangements are already in place at Wolston Correctional Centre.
- Further investigation be undertaken regarding the barriers to prisoners achieving an apprenticeship in custody.

### Availability of suitable accommodation

66. Stable accommodation is known to be a critical issue for prisoners upon release. It is a factor that commonly contributes to recidivism.<sup>21</sup> In order to increase the chance of success on parole, the Board will not release a parole applicant without being satisfied that suitable accommodation is available. That is not the case in respect of court ordered



parole, when it is often not known by the sentencing court whether an offender has suitable accommodation.

67. There is a shortage of accommodation options for people leaving prison without family support. Having identified the high instance of prisoners being refused parole, solely on the basis of lack of suitable accommodation, the Board decided to change its practice.

68. Now, if accommodation is the only barrier to release to parole, a prisoner will be granted parole, subject to suitable accommodation. The aim is for those prisoners to be assisted to find suitable accommodation as a matter of priority.

69. The results below (for FY 2018 – 2019 to date) demonstrate the cost to the community that might be better directed to establishing suitable housing for parolees. Table 1 relates to prisoners who were granted parole subject to suitable accommodation in accordance with the Board’s new practice, and who have now been released. Table 2 relates to prisoners who were granted parole subject to suitable accommodation who remain waiting for same.

Table 1

Prisoners granted parole subject to suitable accommodation	110 prisoners
Days spent in custody beyond a grant of parole	3085 days
Cost	\$560,081

Table 2

Prisoners still awaiting suitable accommodation	79 prisoners
Days spent in custody to date awaiting suitable accommodation	4046 days
Cost	\$734,551.30

<b>Total cost as at 17 April 2019</b>	<b>\$1,294,633</b>
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70. The Board is encouraged by efforts within QCS to encourage a shift in thinking by those responsible for the initial assessment of the suitability of accommodation to achieve evidence-based outcomes. Endeavours continue by the Board to engage with QCS to this end. Continued inter-agency work is important as demonstrated in the case study below.



### Case Study

Ms Jones had submitted an address for assessment for the purpose of her parole application. It was deemed to be unsuitable by QCS on the basis that the occupant was a 17 year-old male. The author commented that Ms Jones should seek accommodation where there was an adult 'sponsor'.

The Board arranged a video-link with Ms Jones, suspecting from other material available, that the address was a Department of Housing house. Ms Jones explained that the 17 year old male was her son, and the house had been allocated to her by the DOH. She had been paying rent for the premises for three years.

Parole was granted, but delayed by the flawed assessment process in this case.

### QPC Information Request

Further information is sought (at Draft Report, p.208) regarding the extent to which the NGO sector is supporting prisoners with accommodation ("*not funded by the government*"<sup>22</sup>).

The Board works regularly with Sisters Inside and Prisoners' Legal Service in relation to a range of issues, including accommodation. Both organisations have been impressive in their willingness to do all that can be done to find parole applicants suitable accommodation. In a number of cases, that has been achieved in very short time-frames in emergency situations (such as by Sisters Inside for a woman who had suffered a still-birth in custody and required arrangements to return from South East Queensland to Mornington Island).

### Reintegration and through-care support

71. The Board agrees with the QPC Draft Report that "*significant opportunities exist to improve coordination between rehabilitation in prison and during reintegration into the community.*"<sup>23</sup> The Board has observed that inadequate re-entry and through-care support often contributes to recidivism. In the first instance, it also makes the decision-making process difficult.
72. The Board is aware that various units within QCS and other agencies provide reintegration planning and support, and less commonly, through-care services. The difficulty for the Board is that it must routinely spend significant time trying to establish what services are



available for a particular prisoner, if they are being offered and if not, why not. The Public Service Representatives (PSRs) on the Board (with background experience in QCS) spend a great deal of time making those enquiries and commonly coordinating various agencies to develop a transitions plan tailored to an individual prisoner.

73. The additional, common problem is that for some prisoners no re-entry or through-care assistance is available at all. That might be because a prisoner does not meet the criteria, or because he or she is going home to a regional location without such services. Releasing a person from prison, regardless of the length of time they have spent there, without support undermines community safety.

### Case Study

Mr Smith was released from custody having been granted parole by the Board. He was approved to live in a boarding house.

For operational reasons, Mr Smith was not released from custody until the afternoon. By the time he had caught public transport to the boarding house, having stopped at Centrelink along the way to arrange an emergency payment (because that cannot be arranged prior to release), the boarding house reception had closed.

Mr Smith slept outside the boarding house that night.

74. The risks are heightened for long-term prisoners who have become institutionalised. The Board has heard on numerous occasions some prisoners find it difficult to cope on release.

### Case Study

Mr Brown was released on parole having served more than 25 years in prison. He had arranged post-release support through CREST.

Once released, Mr Brown discovered that his allocated case worker was on leave. He relied on other parolees to assist him with basic needs, including procuring a mobile phone and Go-Card to meet his parole commitments. He was overwhelmed by being in the community after such a long time with very little formal support.

Despite the significant distress this caused Mr Brown, he has been successful on parole. That is not always the case.



75. The Board supports the need for work and resources to be devoted to improving through-care arrangements, incorporating features identified in the QPC Draft Report.<sup>24</sup>

### QPC Information Requests

Information is requested (at Draft Report, p.208) about the number of prisoners released without a planned release date and any problems this creates for the delivery of reintegration services.

The Board has received feedback from a number of stakeholders that a lack of 'lead time' between the decision to grant parole, and release, can cause problems for re-entry planning. In the case of PMHS, the Board established that at least one week is desirable and a practice has been implemented to accommodate that.

In other cases, it is difficult for the Board to know what the requirements are and to balance them against the interest in a person suitable for parole being released from custody as soon as possible.

It is also difficult for the Board to give advance warning of consideration of particular applications given the volume and scant resources.

The Board has made it clear that it welcomes feedback from stakeholders and will do what it can to facilitate successful reintegration.

Information is also sought (at Draft Report, p.227) regarding the appropriate starting point for through-care in the adult corrections system.

The Board considers that implementation of the 'end-to-end' case management recommended by the QPSR should include processes to determine the appropriate starting point for each individual prisoner.

For a prisoner serving a long sentence, and/or with complex needs it is apparent that the starting point will be need to be much earlier than for a prisoner with limited history in the criminal justice system with good family support, for example.

### Conclusion

76. The Board welcomes this inquiry and hopes that it will result in a critical analysis, and redirection, of criminal justice system resource allocation, particularly as it is relevant to the functions of the Board. The Board emphasises its critical role in the criminal justice system and the need for sufficient resources to perform its functions well, with the aim of enhancing community safety.



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<sup>1</sup>QPSR at [19]

<sup>2</sup> QPSR at [77]

<sup>3</sup> QPSR at [3]

<sup>4</sup> QPSR at [7]

<sup>5</sup> QPSR at [8]

<sup>6</sup> QPSR at [10]

<sup>7</sup> QPSR at [11]

<sup>8</sup> QPC Draft Report Summary, p.11

<sup>9</sup> QPC Draft Report Summary, p.15

<sup>10</sup> QPSR at [64] and [69]

<sup>11</sup> Queensland Parole System Review Report, November 2016, page 234.

<sup>12</sup> Explanatory Notes, Corrective Services (No Body, No Parole) Amendment Bill 2017, page 1.

<sup>13</sup> Queensland Parole System Review Report, November 2016, page 234.

<sup>14</sup> <https://corrections.qld.gov.au/parole-board-queensland/>

<sup>15</sup> Explanatory Notes to the Justice Legislation (Links to Terrorism Activity) Bill 2018

<sup>16</sup> The Board does not provide written reasons for grants of parole in other circumstances

<sup>17</sup> QPSR at [968] to [971]

<sup>18</sup> QPSR at [967] to [981] – including to provide the Board with guidance.

<sup>19</sup> QPSR at [855]

<sup>20</sup> QPSR at [956]

<sup>21</sup> QPC Draft Report, p.203

<sup>22</sup> Direct quote from QPC Draft Report. It is noted Sisters Inside receive some government funding

<sup>23</sup> QPC Draft Report, p.213

<sup>24</sup> QPC Draft Report, p.215 and 225