

Parole Board | Queensland  
**Annual Report 2019–20**



Queensland  
Government



**Parole Board Queensland**

Published by the Parole Board Queensland

July 2020

© 2020

ISSN - **2209-7074**

Parole Board Queensland

Address: GPO Box 1054 Brisbane Qld 4001

Phone: 07 3565 7567

Website: [www.pbq.qld.gov.au](http://www.pbq.qld.gov.au)



**Parole Board Queensland**  
GPO Box 1054  
Brisbane Queensland 4001  
07 3565 7567  
[ParoleBoardQLD@dcs.qld.gov.au](mailto:ParoleBoardQLD@dcs.qld.gov.au)

The Honourable Mark Ryan MP  
Minister for Police and Minister for Corrective Services  
Member for Morayfield  
PO Box 15195  
BRISBANE QLD 4001

Dear Minister

In accordance with the requirements of section 242F of the *Corrective Services Act 2006*, I am pleased to present the Parole Board Queensland Annual Report 2019–20, detailing its operations and activities.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Byrne", written over a horizontal line.

Michael Byrne QC  
**President**  
**Parole Board Queensland**



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# President's Foreword

This year marked an important milestone in the life of the Parole Board Queensland—a milestone that the Board was proud to have profiled by the Queensland Law Society (QLS) in its April 2020 edition of *Proctor*. It marked three years since the Board was established following reform to Queensland's parole system as recommended in the Queensland Parole System Review. A cornerstone of the reform is the Board—a new, modernised and professionalised Parole Board. Since its commencement, the Board has worked tirelessly and decisively to deliver on its mandate.

The year 2019–20 saw many highlights and achievements for the Board, but it was not without challenge. In Australia, like the global community, the wide-ranging and unprecedented impacts of the COVID-19 pandemic were felt. For Queenslanders, extraordinary measures aimed at containment and limiting the spread of the virus were progressively implemented, which impacted upon every person.

Throughout this crisis, the Board was responsive and adaptable in its processes and steadfast in its commitment to community safety. The Board remained ever mindful of the potential impact of COVID-19 on both parolees and the correctional centre population, and of the consequential effect on the work of the Board following changes to court processes, rehabilitation services and program delivery, as well as the management of correctional centres.

The Board successfully utilised available technologies to mitigate the risk of contagion to its Members and Secretariat staff and undertook targeted engagement with key legal and prisoner support stakeholders to help identify potentially vulnerable prisoners.

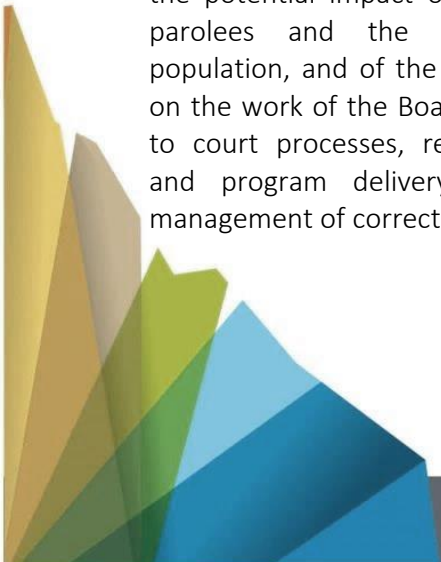
## *Stakeholder and community engagement*

Across 2019–20, the Board continued to communicate about parole and took up opportunities to highlight key information about itself and its functions. The Board took the opportunity to inform and educate others about the workings of the Board and to challenge common myths about parole.

A resounding success this year was our engagement with remote communities. In late September 2019, myself, both Deputy Presidents and the Director of the Secretariat travelled to the top end of Queensland to engage face to face with the people, their service providers and, importantly, their Community Justice Groups (CJGs). The four-day trip took in Cape York on the mainland to as far north as Boigu Island, and Moa Island and Thursday Island in between. Thereafter, in November 2019, we visited Mt Isa and the Gulf of Carpentaria.

Through our trips we gained a better understanding of the specific issues facing the communities of Aboriginal peoples and Torres Strait Islander peoples within those areas, and sought feedback and ideas to help improve the Board's decision-making processes.

The connections to country and community were obvious wherever we travelled, as was the dedication and hard work of the CJGs. In 2020–21, the Board is committed to convening a gathering of representatives from each of the region's CJGs to be held on Thursday Island (COVID-19 restrictions permitting) to enable the different community areas to share ideas and



experiences in order to develop culturally appropriate case management strategies and justice reinvestment projects. This will in turn help inform our decision-making processes.

In this regard, the Board acknowledges and is grateful for the support of the Government Champions for these communities, including the Honourable Glen Butcher MP, Government Champion for the Northern Peninsula Area; the Honourable Shannon Fentiman MP and Assistant Minister Jennifer Howard MP, Government Champions for the Torres Strait Region.

Additionally, to augment our endeavours in informing, educating and communicating about the Board and its decision-making processes, we intend to create an independent online presence. The Board is committed to having its own website with informative online resources up and running from July 2020 onward.

The Board is also committed to establishing and publishing a formal Stakeholder Engagement Plan in 2020–21 as part of its dedication to fostering and strengthening stakeholder relationships.

#### *Administrative process reform*

Significant administrative reform has occurred across 2019–20 in the form of the COIPE Project, which started on 2 September 2019.

This was an initiative of Deputy President Shields who has been the driving force in developing and expanding the project within the Board's existing budget.

The COIPE Project aims to develop an efficient and fair administrative method to process the parole applications of prisoners who are sentenced to a term of imprisonment with a court-ordered immediate parole eligibility date.

It was apparent to the Board that prisoners with an immediate parole eligibility date were spending longer, on average, in custody past their eligibility date before release to the community, as compared to prisoners with a parole eligibility date that was set at a point in the future from the date of sentencing. The key reason for this disparity was that the same, longstanding administrative process was being applied to both types of prisoners. This was leading to an unintended outcome that potentially disadvantaged prisoners with an immediate parole eligibility date.

Across 2019–20, the Board worked to reframe the administrative process for this discrete cohort, in consultation with key stakeholders.

The preliminary data so far has yielded encouraging results in relation to 'bed day savings'. During 2020–21, the Board will commission an external, independent evaluation of the COIPE Project, including identification and analysis of any systemic benefits it may yield. We aim to roll out this fairer and efficient process across the state.

#### *Operational highlights and impacts*

As is the case each year, the No Body No Parole provisions under section 193A of the *Corrective Services Act 2006* generate an important area of work for the Board. That is, for a prisoner serving a period of imprisonment for a 'homicide offence' and where the victim's body or remains have still not been located, the Board must refuse to grant the application unless satisfied the prisoner has cooperated satisfactorily to identify the victim's location.



This year, for the first time, the Court of Appeal had an opportunity to consider and interpret the application of the No Body No Parole laws in the Queensland context.

Also, of impact for us this year was the commencement of Queensland's *Human Rights Act 2019* on 1 January 2020. The Board falls within the ambit of the Act and accordingly must act and make decisions in a way that is compatible with and ensures proper consideration is given to any human right that is relevant to the decision.

### *Our people*

During 2019–20 our people were responsible for deciding and administering 3941 applications for parole, 653 exceptional circumstances parole applications and 4884 applications made by Queensland Corrective Services (QCS) to immediately suspend a parole order.

The work we do would not be possible without the dedication, good will and commitment of our people—the Board Members and the Secretariat, including the Legal Services Unit and Associates.

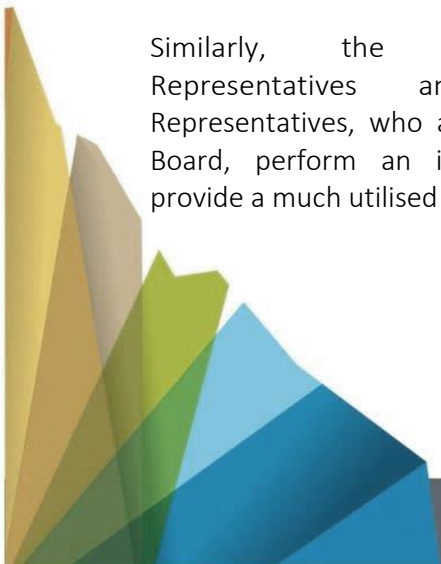
The Professional Board Members bring a wealth of skill and expertise to the Board and the delivery of its functions, and special mention must be made of their added burden of performing the 24/7 function of determining immediate applications to suspend parole orders.

Similarly, the Public Service Representatives and the Police Representatives, who are seconded to the Board, perform an invaluable role and provide a much utilised operational link.

Community representation is an important part of our composition and offers a crucial way for the diversity of the Queensland community to be reflected in the parole decision-making process. These important Queenslanders contribute their time, experience and wisdom to help ensure the safety of our community.

The operational strength and success of the Board is also very much intertwined with the strength and success of its Secretariat, which is led by its Director. The professionalism and commitment of the Secretariat is acknowledged and much appreciated by the Board Members. Ultimately, we are an independent statutory authority committed to fair, evidence-based decision-making and transparency in our processes. The Board remains steadfast in its commitment to ensuring community safety.

It is the highest priority for our decision-making. As was the case in 2019–20, this ethos is what drives the work of the Board and it will continue to underpin our endeavours, achievements and highlights as we embark upon the 2020–21 year ahead.



# 'Our people' – the structure of the Parole Board Queensland

On 3 July 2017, the Queensland Government established the Parole Board Queensland in response to recommendations from the Queensland Parole System Review by Mr Walter Sofronoff QC (as he then was). It is an independent statutory authority.

## Mission Statement

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Parole is not a privilege or an entitlement. It is a method developed to prevent re-offending and plays an integral part in the criminal justice system. When making parole decisions, the Board's highest priority will always be the safety of the community.

## Membership

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- 1 x President
- 2 x Deputy Presidents
- 5 x Professional Board Members
- 46 x Community Board Members
- 4 x Police Representatives
- 6 x Public Service Representatives

The President, Deputy Presidents, Professional Board Members and Community Board Members are 'appointed' Board Members under the *Corrective Services Act 2006* (the Act).

That is, they are appointed for fixed terms by the Governor-in-Council on the recommendation of the Minister.

The President is equivalent in experience and standing to a Supreme Court Justice, and the Deputy Presidents are equivalent to District Court Judges. The President and Deputy Presidents hold office for five years and may be reappointed but cannot hold office for more than 10 years.

The Professional Board Members hold office for a three-year term and may be reappointed. They must have a university or professional qualification that is relevant to the functions of the Board, such as a legal or medical qualification.

The Community Board Members hold office for a three-year term and may be reappointed. They do not require a formal qualification and are part-time roles. They represent the diversity of the Queensland community in their knowledge, expertise and experience.

From 3 July 2020, the Board will have 46 appointed members, comprised of 20 men (43 per cent) and 26 women (57 per cent); and of those people, 17 are of Aboriginal or Torres Strait Islander descent (37 per cent) and nine are located in regional Queensland locations (20 per cent). Refer to [www.pbq.qld.gov.au](http://www.pbq.qld.gov.au) for member profiles.

The Police Representatives and the Public Service Representatives are 'nominated' Board Members under the Act; they are nominated for transfer to the Board by the Commissioner of Police and the Commissioner of Queensland Corrective Services, respectively. The Public Service Representatives must have expertise or experience in probation and parole matters. These officers provide an operational link to the Board and support its primary consideration of community safety.





The Board is supported by a Secretariat that includes a Legal Services Unit, which is subject to the direction of the President.

# Responding to the COVID-19 pandemic

*These were unprecedented times. Extraordinary measures were needed that changed the way people lived their lives. The Board remained ever mindful of the impact on parolees and prisoners. Throughout this crisis it was responsive and adaptable in its processes and steadfast in its commitment to ensure community safety.*

## The COVID-19 pandemic

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In 2020, Australia, as part of a global community, felt the wide-ranging and unprecedented impacts of the COVID-19 pandemic, described by the Queensland Premier, The Honourable Anastacia Palaszczuk MP, Premier and Minister for Trade, as a one-in-100-year event. From a Queensland perspective it was said that:

*The novel coronavirus, or COVID-19, presents a significant risk to the health and wellbeing of Queenslanders, particularly the most vulnerable in our community.*

*It also proposes unique challenges for our society ... It will affect the lives of many Queenslanders. We will be asked to quarantine or self-isolate. We will need to follow the advice and guidance of health experts, particularly our Chief Health Officer. (Hansard, 18 March 2020, p.680)*

For Queenslanders, extraordinary measures aimed at containment and limiting the spread of the virus were progressively implemented across the state, which impacted upon every person. Social distancing and self-isolation restrictions mandated that people remain in their homes unless it was necessary to leave for an essential activity—measures that completely changed the way people lived their lives and performed their jobs daily.

Across these uncertain and rapidly changing and evolving times, the Parole Board Queensland (the Board) remained ever mindful of the potential impact of COVID-19 on both parolees and the correctional centre population. Considerations included the flow-on effect of changes made to court processes, rehabilitation services, program delivery, and the management of correctional centres, in response to the pandemic.

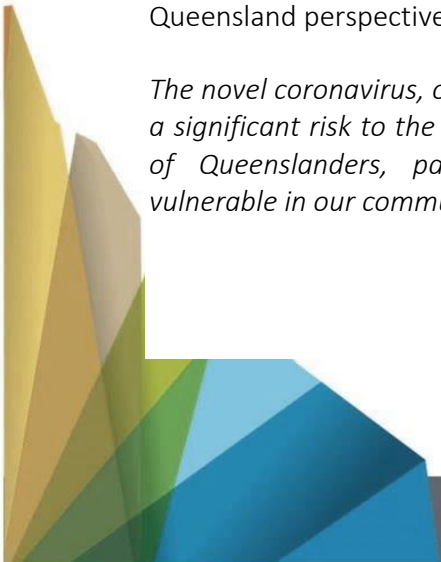
Throughout this crisis, the Board remained responsive and adaptable in its processes and steadfast in its commitment to ensure community safety remained its paramount consideration.

## The Board's response to COVID-19

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The Board was proactive in establishing processes to prioritise the consideration of parole applications by people identified to have a vulnerability to COVID-19.

Considering the advice from the Chief Health Officer and Queensland Health, and drawing on information from Queensland Corrective Services and the Australian Health Protection Principal Committee, the following prisoners



were identified as potentially vulnerable to COVID-19:

- Aboriginal peoples and Torres Strait Islander peoples 50 years and older, with one or more chronic medical conditions.
- Anyone 65 years and older with chronic medical conditions.
- People 70 years and older.
- People of any age with compromised immune systems.

The Ministerial Guidelines issued to the Board require that the Board seek advice from Queensland Health or other approved medical specialist on the seriousness and management of the prisoner's medical condition when considering a parole application.

The community was reassured throughout the pandemic that prisoner vulnerability or exposure to, or a confirmed diagnosis of, COVID-19 was not of itself sufficient to be granted a parole order but rather these considerations would be taken into account as part of the many factors the Board must consider when deciding any application, recognising that the best interest of wider community safety is always paramount.

The approach adopted by the Board to the COVID-19 pandemic was consistent with the approach taken in Queensland by the bail-granting courts. For example, on 8 April 2020, The Honourable Justice A Lyons said:

*... I accept that in the current environment of the COVID-19 pandemic, this is an exceptional event. The question is, however, whether this event is such as to amount to exceptional circumstances for the purpose of an application for bail, pending appeal.*

*Clearly it is one aspect of the total consideration, but it cannot be the entire consideration. As I have already indicated, the cases clearly establish that there has to be consideration of the relevant principles and the provisions of the Bail Act (Re Young [2020] QSC 75 (page 5)).*

## Extra Parole Board meetings

In a bid to increase the number of parole applications the Board could consider per week during the pandemic, an additional Acting Deputy President was appointed to work alongside the President and two Deputy Presidents.

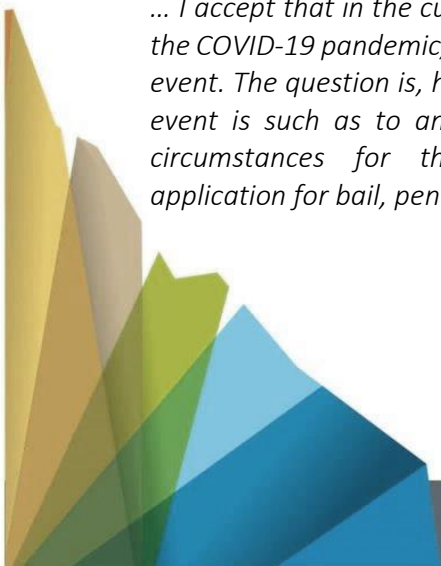
From 20 April 2020, the appointment of an additional Deputy President, together with an additional Professional Board Member (Legal), Public Service Representative and Queensland Police Service Representative, along with bolstered Secretariat support, meant that the Board could convene extra parole meetings every week throughout the pandemic period.

The fourth operating Board is currently led by Acting Deputy President, Valentina McKenzie with Acting Deputy President, Carolyn McAnally to take over in late July 2020.

In real terms, this resource boost meant an increase by approximately 33 per cent in the number of parole matters able to be considered by the Board across the pandemic period.

Further, in late March 2020, in anticipation of its increased workload capacity, the Board undertook targeted engagement with key legal and prisoner support stakeholders to help identify potential vulnerable prisoners.

To assist in expediting consideration of these priority parole matters, the Board circulated a COVID-19 Factsheet to outline the essential documents and information needed by the Board for a prisoner requesting the



prioritisation of their parole decision or seeking an exceptional circumstance grant of parole based on vulnerability to COVID-19.

## Limit and containment of COVID-19

On 24 March 2020, the President issued a formal Memorandum to the Board and its supporting Secretariat, which was based on the joint directive issued by the Minister for Industrial Relations and the Public Service Commission Chief Executive, Directive 1/20, otherwise known as 'the Health Pandemic Directive'.

The Health Pandemic Directive was specifically designed to balance the requirements of government to continue to deliver essential services, with the wellbeing and legitimate personal, family and community responsibilities of its employees during a health pandemic. The President reiterated the sentiments of the Directive in his Memorandum and the steps taken by the Board to ensure the health and safety of its Members and staff, and included information regarding access to new entitlements and possible leave arrangements during a health pandemic. These were unprecedented and rapidly evolving times.

The President and Deputy Presidents also convened a weekly teleconference with permanent Board Members, with invitation extended to all Community Board Members, in order to provide up-to-date information regarding the delivery of Board functions amid the pandemic, latest information from QCS regarding vulnerable prisoners, changes to community-based supervision measures and, importantly, to extend a line of support and cohesiveness across the membership as people worked remotely under self-isolation conditions.

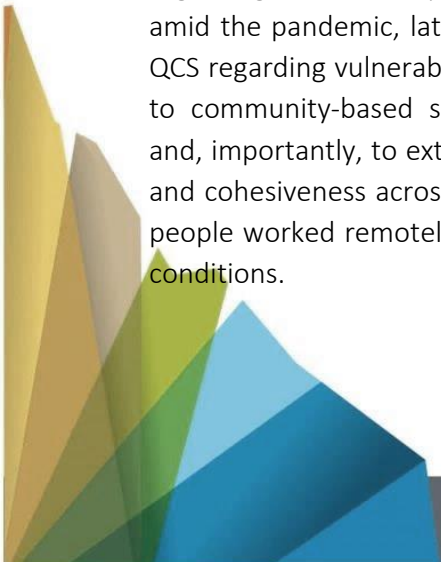
In practical terms, the Board utilised all available technologies to mitigate the risk of contagion to Members, Secretariat staff and prisoners throughout the pandemic.

For prisoners, no tangible changes were needed in terms of communication methods, given the Board either wrote to prisoners or spoke directly with them via video link with their correctional centre.

However, the opportunity to speak directly to prisoners was reduced across this period on account of containment and safety measures implemented within the jails and the prioritisation of access to video link facilities for court hearings.

For the Board Members, remote working arrangements were implemented. Members undertook meetings via telephone link-up or video conferencing to reduce the risk of exposure and to limit the potential spread of COVID-19 across the community. Members had access to secure laptops at home and were able to link into the IT network remotely. For the Senior Board Members, when required to work in the office, social distancing and hygiene measures were maintained.

For Secretariat staff, measures (including significant bolstering of IT resources) were implemented to enable most staff to work remotely in supporting the work of the Board. This restructuring of the administrative workforce was a significant undertaking and had never been done before by the Board. It signified a substantial cultural shift in the way in which the Secretariat delivered support to the Board. The success and efficiency of this alternate workplace model may, moving forward, lead to organisational change so far as the capability of the Secretariat to offer flexible working arrangements to staff (in circumstances where it was not thought previously possible).



By virtue of the nature of the work undertaken by the Board, a skeleton staff was needed onsite daily but social distancing and hygiene measures were implemented and maintained; vulnerable officers were given carpark access to avoid the need for public transport use.

## **The challenges faced and overcome**

### **Restricted access to communities**

As part of the national response to the COVID-19 pandemic, measures were taken to minimise the risk of coronavirus exposure to the remote communities of Aboriginal peoples and Torres Strait Islander peoples. From a Board perspective, the measures included restrictions on access to communities, in particular the Torres Shire, which was very important to note for prisoners being released during the pandemic.

The Board received notification, originating from the Torres Strait Local Government Disaster Management Group, that from 26 March 2020, anyone seeking to enter the Torres Strait and Northern Peninsula Area would need a permit and 14 days of self-isolation in advance of entry and outside of the intended destination. For those who did not have a place to self-isolate, the Torres Strait Island Regional Council and the Torres Shire Council had negotiated for accommodation in Cairns to allow for the self-isolation.

The Board was further advised that for people returning to the Torres Strait, upon reaching their destination there may be an additional requirement that they again isolate in their own home upon arrival (each local community potentially had their own local processes to be followed).

The Board was able to seamlessly accommodate these restrictions and the evolving biosecurity protection measures for remote communities through the priority scheduling of relevant parole matters, the reframing and structuring of parole conditions, and the timing of release for parole grants.

### **Shutdown of correctional centre programs**

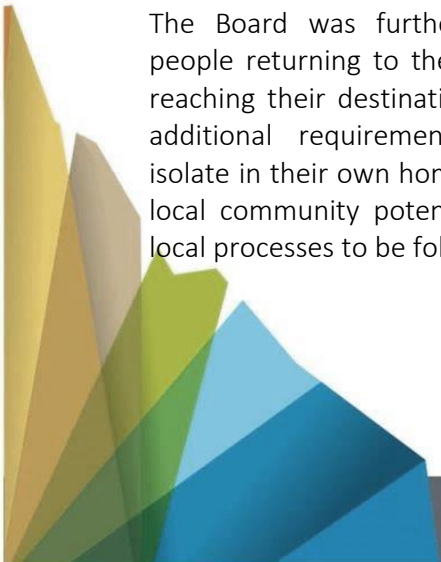
Another challenge faced during the COVID-19 pandemic was the reduction in and/or cancellation of rehabilitation, treatment and program services operating within the correctional centres due to measures implemented by QCS to ensure against the spread of the coronavirus to and across the correctional centre population.

From early April 2020, the Board was provided with weekly updates from QCS in relation to the services and program changes—supplemented by updates from the Public Service Representatives during each parole meeting in terms of any variations. These processes ensured that parole decision-making was based on current and accurate information.

Program cancellations also had implications for prisoners who had been granted parole release, but they were subject to the successful completion of a particular program. For these prisoners, the Board implemented processes to have their matters reconsidered with a view to determining whether the grant of parole should remain, or whether non-completion of the program by the prisoner meant that community safety could no longer be safeguarded.

### **An accommodation shortage**

Throughout the pandemic, commencing in about mid-March 2020, Queensland experienced the rolling closure of the 'bed availability' lists for crisis and temporary



accommodation places and for residential rehabilitation accommodation, or the refusal by these service providers to accept new residents without a period of initial self-isolation off-site.

These decisions were important to note for prisoner release. Further, the unprecedented nature of the COVID-19 pandemic meant significant uncertainty as to when these services might resume (either fully or with caveats on acceptance)— recognising that for some prisoners, a hostel or boarding house accommodation would be their only option.

The Board liaised closely with key stakeholders throughout, including with Sisters Inside, the Prisoner Legal Service and Community Re-Entry Service Teams working with QCS, to identify accommodation solutions and to prioritise the reconsideration of parole grants where a prisoner's release was subject to bed availability at a place no longer available during the pandemic. Failure to do so would have meant that prisoners suitable for parole release would have stayed in jail awaiting accommodation availability at a closed site.

# The COIPE Project

*An innovative way to streamline the parole applications of prisoners who the sentencing courts decide are eligible for parole immediately from the day of their sentence.*

*It by no means guarantees a prisoner's release to parole; instead, it ensures that their application is considered by the Parole Board within 14 days of their sentence date. In real terms, it means a prisoner does not remain in jail longer (than their risk to community safety dictates) purely on account of an administrative process.*

## The COIPE Project

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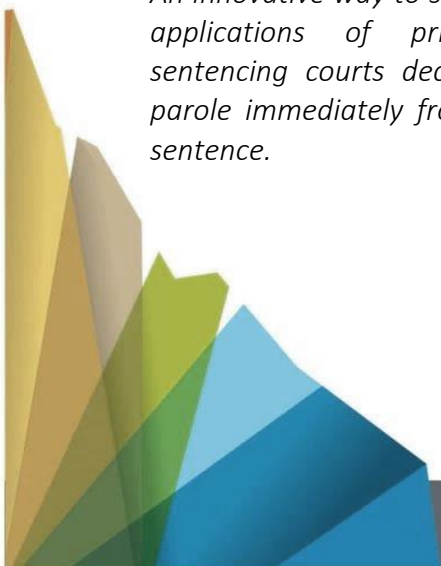
'COIPE' is the acronym for 'court-ordered immediate parole eligibility'.

The COIPE Project started on 2 September 2019 and aims to develop an efficient and fair administrative method to process the parole applications of prisoners who are sentenced to a term of imprisonment with a court-ordered immediate parole eligibility date. That is, prisoners who become eligible for parole on the same day of their sentence hearing.

The COIPE Project initially relied upon cases from the Ipswich District and Magistrates Courts, but on 2 March 2020, the pilot was expanded to cases from the Beenleigh District and Magistrates Courts.

Ipswich was chosen as the first pilot jurisdiction for the Project because of the diversity and volume of matters in that jurisdiction, multiple courts sitting daily, and its proximity to all of the correctional centres located in Queensland's south-east corner, thereby enabling the innovative new process to be trialled by men and women, and who were/are being held across a range of different correctional centres.

On 5 May 2020, the pilot was further extended to capture cases from the Brisbane Supreme Court and District Court. The pilot now also extends to the Cairns Supreme Court and District Court.





## The origins of the COIPE Project

The impetus for the Project was data collected by Deputy President, Peter Shields, which revealed that prisoners with an immediate parole eligibility date were spending, on average, 132 days in custody past their eligibility date before release to the community, as compared to prisoners with a parole eligibility date that was set at a point in the future from the date of sentencing. For the latter cohort, the data revealed they were spending, on average, 69 days in custody past the eligibility date.

This data raised an unusual trend from the perspective of the Deputy President. It was anomalous that a prisoner, who the court considered ready for immediate consideration of parole release, would spend longer in custody beyond their eligibility date than a prisoner who the court, at the point of sentencing, considered required further time in custody before even becoming eligible for parole.

Deputy President Shields resolved to determine what was causing this apparent irregularity. As a result of his examination, it was clear that the key reason for the disparity between the two groups of prisoners was that the same longstanding administrative process for applying for parole was being applied to both types of prisoners, leading to an unintended outcome that potentially disadvantaged prisoners with an immediate parole eligibility date.

In Queensland, the *Corrective Services Act 2006* (the Act) in effect mandates that a prisoner should be released on, or as close as possible, to their court-determined parole eligibility date unless the Board receives information about the prisoner that was not before the court at the time of sentencing, and after considering the information the Board considers the prisoner is not suitable for parole release at the time recommended

or fixed by the court (section 193 read with section 192). Only the Board can grant a parole order for a prisoner with an eligibility date. A prisoner can apply for parole at any time within six months of their eligibility date (section 180). Once lodged, the Board has 120 days (possibly 150 days if additional information is needed) to decide on the matter.

Essentially, in practice, prisoners sentenced to a term of imprisonment with an eligibility date set in the future can lodge their application in advance as they await the date. Whereas, for a prisoner given immediate parole eligibility, to lodge an application for parole in advance of that date is an absolute impossibility.

That is, there is no window of time before the prisoner becomes eligible because they become eligible immediately (i.e. before the day of sentence, these prisoners are either in the community on bail, or in custody on remand, or in custody serving a separate sentence order—in effect, they cannot lodge an application for parole in advance of knowing their sentencing fate).

Furthermore, at that time, from an operational perspective, the Board was prioritising the consideration of all parole applications in accordance with the 120-day legislative timeframes.

Additionally, before the COIPE Project began, the parole application process included the provision of a Parole Board Assessment Report (PBAR) completed by Queensland Corrective Services (QCS) for all prisoners. A PBAR takes, on average, six weeks to compile and provide to the Board. The practice is applied equally to a prisoner sentenced to an immediate parole eligibility date.

Accordingly, a prisoner sentenced to an immediate parole eligibility date was spending, on average, longer in custody beyond their eligibility date as compared to a

prisoner with a delayed eligibility date due to operational and administrative processes outside of the prisoner's control.

Deputy President Shields, with the assistance of his Associate, Thomas Fall, and Public Service Representative, Hayley Miles, and with the endorsement of the President, set about to reframe the administrative process for this discrete cohort of prisoners.

The COIPE Project was developed in consultation with key stakeholders—and the Board wishes to extend its sincere thanks for their cooperation with and contribution to the success of this Project—including: QCS; the Department of Justice and Attorney-General, in particular Justice Services; Legal Aid Queensland; the Bar Association of Queensland; Queensland Law Society and other criminal law practitioners; and the Heads of Jurisdiction.

## A new innovative and efficient process

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The application process under the COIPE Project differs to the ordinary parole application process in several key ways.

Most significantly, the prisoner can immediately and electronically lodge their application for parole on the day of sentence via a new dedicated email set up to help progress consideration of these applications.

A clear and concise Information Sheet has been developed for prisoners, which outlines the new process; it and the necessary Form 29 (Application by prisoner for parole order) is available to every prisoner on the day of their sentence hearing.

The Information Sheet also makes it clear to the prisoner that it does not matter who emails the application to the Board, whether it be the prisoner or done through their legal representative, their correctional centre, or a third party.

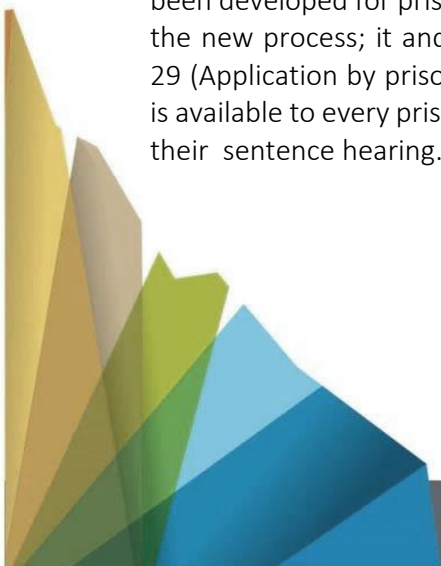
The process also ensures that relevant court materials, such as the Verdict and Judgment Record, any pre-sentence reports and sentencing remarks are provided directly to the Board by order of the sentencing court and via the dedicated email address. A PBAR will only be prepared upon the request of the Board.

The Public Service Representative attached to the Board will provide the QCS information needed when considering any application (such as accommodation risk assessments and behavioural violation histories).

As a further proactive measure, a process is in place whereby if the Board has not received a parole application for a relevant prisoner it will send a letter to that prisoner's correctional centre to request that they then take it up with that prisoner and advise them of the new process (acknowledging that some prisoners simply may not wish to apply).

The Board considers the parole application within 14 days of receipt of the application. The new process is by no means a guarantee of parole release.

Under the COIPE Project, as with any parole application, when the Board considers the application, one of two things will happen: the Board will make a decision in relation to the application (i.e. to grant parole or advise of its preliminary view not to grant parole); or the Board will defer to obtain further material needed to assess the risk to community safety.



## Where to next?

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The preliminary data relating to the COIPE Project has yielded encouraging results. Since the Project began, as at 30 June 2020, there have been 165 applications fitting the COIPE criteria:

- Thirteen of the 165 prisoners became ineligible due to being remanded in custody for further offences before finalisation of the application.
- Thirty of the 165 applications remain under consideration.
- One hundred and thirty-nine of the 165 applications have been considered by the Board:
  - On average, the time between the date of the sentence and receipt of the application is five business days.
  - On average, the time between receipt by the Board of the application and:
    - first consideration by the Board of the application is 10 business days
    - a decision to grant parole (but not before a future date) is 23 business days
    - the prisoner's release from jail to a parole order is 34 business days.

The delay between the decision to release to parole and actual release from custody is largely attributable to a lack of suitable accommodation.

In real terms, the change in procedure for this discrete cohort of prisoners means that these prisoners do not remain in jail longer (than their risk to community safety dictates) purely on account of longstanding operational and administrative processes.

The Board anticipates other tangible benefits to also flow from the COIPE Project.

A more efficient process necessarily translates into more timely consideration and determination of these parole matters, which may lead to positive resource implications for QCS, for example, resource savings due to:

- reduction in 'bed days' in correctional centres (meaning the number of days that a prisoner is using a correctional centre bed as compared to the position prior to the COIPE Project)
- reduced numbers of PBARs required, which includes the cost of generating the document plus the bed days saved, given it takes about six weeks to generate the document. For example, of the 139 applications considered as at 30 June 2020, only two PBARs were requested.

A reduction in daily prisoner numbers should mean a reduction in prisoner overcrowding within correctional centres, which is likely to lead to improved correctional centre conditions and thereby reduced risk to correctional officer safety and prisoner safety.

The COIPE Project is also likely to enhance stakeholder confidence in the integrity of sentencing orders.

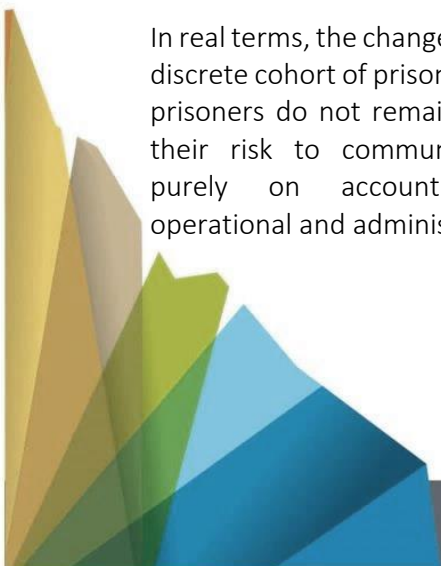
Accordingly, the Board intends to seek an external, independent evaluation of the COIPE Project, including identification and analysis of any systemic benefits it may yield.

Ultimately, the Board hopes this new innovative and efficient process can be rolled out across the state in the near future so it is accessible to all eligible prisoners.

## The COIPE Project in numbers

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Preliminary internal evaluation data for the COIPE project indicates that 6860 bed days have been saved.





# Who we are and What we do – enhancing community awareness

*The Board continues to communicate the facts and myths about parole, and to take up opportunities to highlight key information about the Board and its decision-making processes.*

## Presentations at conferences and universities

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### International Corrections and Prisons Association Conference

The 2019 International Corrections and Prisons Association Conference was held in October 2019. Deputy President, Julie Sharp, attended on behalf of the Board to provide a conference presentation. The conference theme was: ‘Strengthening our correctional cornerstones: Rights, Dignity, Safety and Support’.

Deputy President Sharp, in conjunction with the CEO of Sisters Inside, held a plenary session on day two of the conference. Their topic was: ‘Parole Board, meet Abolitionist – finding common ground to improve rights, dignity, safety and support’.

### Annual State Magistrates Conference

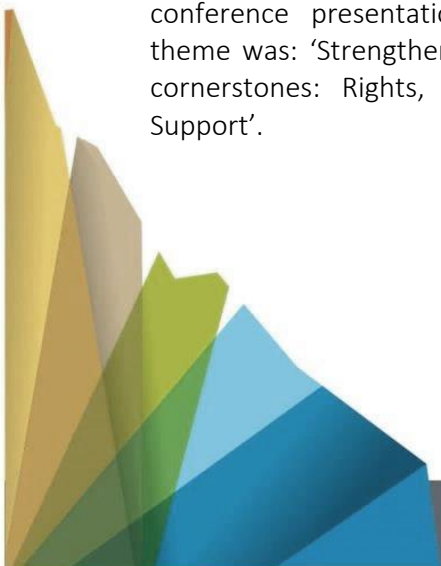
On 24 October 2019, the President and Deputy Presidents, Julie Sharp and Peter Shields, presented at the Annual State Magistrates Conference in Brisbane. The topic was: ‘Court-Ordered Parole – The Good, The Bad and The Ugly’.

The presentation was an opportunity for the Board to highlight the interface between court-ordered parole orders and the Board, given its vested power to amend, suspend or cancel any type of parole order.

Parole suspension is an important issue for the Board, given the consequences that may occur for a parolee upon their return to custody, even for a temporary period of time, for example, loss of accommodation and employment, the automatic disengagement from mental health treatments and rehabilitation/transition service providers in the community, and the potential loss of advances made in rehabilitation post-release.

The Senior Board Members highlighted to the Magistrates that for the two-year period 2017–18 and 2018–19, the total number of parole orders suspended was 7626; and for the 12-month period preceding the presentation, the relative percentage of parole orders suspended by the Board was 19 per cent board-ordered parole and 81 per cent court-ordered parole.

The Board took the opportunity to inform the Magistrates that because a large number of suspension matters originate from court-ordered parole orders, the Board, as a policy, does not release a prisoner from custody



unless they have suitable accommodation; the assessment of which may take up to six weeks if the prisoner was previously homeless and in need of Boarding House accommodation or more specialised support. A suitable place to live is considered a vital step in the prisoner's successful reintegration back into the community.

## Queensland Law Society Criminal Law Conference

On 2 August 2019, the President and the Director of the Legal Services Unit, Kylie Mercer, presented at the Queensland Law Society Criminal Law Conference in Brisbane. The topic was: 'How to challenge a decision of Parole Board Queensland to refuse, suspend or cancel a parole order'.

The presentation was an opportunity for the Board to draw attention to key information about the Board, such as: its establishment, Membership, decision-making processes and information it considers. The focus was then on what the Board considers when subject to a judicial review application, and how those cases help to inform and refine the Board's decision-making processes.

Through its participation in this conference, an event that features prominently in any criminal lawyer's calendar, the Board could demystify its processes, which may help lawyers in taking instructions from their clients and helps to inform about the work being done at the Board.

## Griffith University lecture

In early 2020, Deputy President, Julie Sharp, was a guest lecturer at Griffith University for the students studying Prison Law. This course aims to introduce students to the practice of prisoner law, including an understanding of

the historical and contemporary trends in prisoner rights, and an examination of the laws regulating prisoners domestically and internationally.

This was a wonderful opportunity for the Board to inform and educate the next wave of lawyers about the important role of the Board in the criminal justice system.

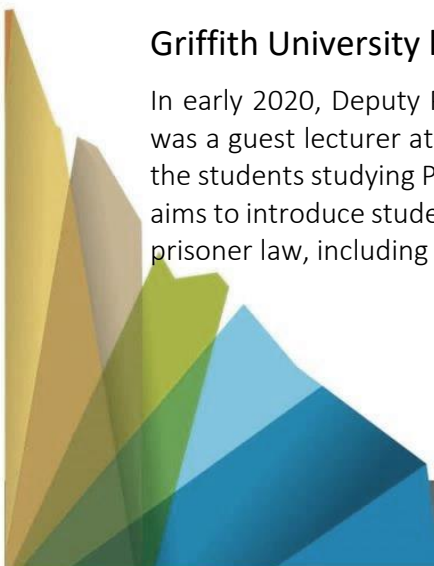
Deputy President Sharp gave a presentation that outlined the establishment of the Board, types of parole orders, the parole decision-making processes, including the No Body No Parole cases, the key case law and the impact of the *Human Rights Act 2019* on parole decisions.

## Women's Estate Project

On 28 October 2019, Professional Board Member, Carolyn McAnally, represented the Board at the Women's Estate Project – Consultation Forum at Griffith University.

The Women's Estate Project is led by Queensland Corrective Services and focuses on recognising that female prisoners are different to male prisoners and, accordingly, a different approach is needed to manage their engagement with corrective services. The project is in its infant stages. The purpose of the consultation forum was to seek feedback from a range of external and internal stakeholders, including the Board, to inform the development of a Blueprint that is intended to be the overarching document in driving the reform agenda for this work moving forward.

The Project is about implementing a female-focused and trauma-informed model to support, rehabilitate and reintegrate women through correctional centres and back into the community, with the overall objective to reduce recidivism rates by addressing the fundamental causes of their offending.



The forum was very well received by the stakeholders, who included representatives from: Sero 4 and Sisters Inside; academics; education providers and rehabilitation providers who go into the jails to deliver programs; representatives from the universities that link with prisoners; and nursing staff and midwives who work with or within the correctional centres to support women prisoners.

# Working collaboratively with Queensland remote communities

## The Parole Board goes to Queensland's top end

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The Torres Strait consists of 18 island and two Northern Peninsula Area communities, and it covers an area from the tip of Cape York and north toward Papua New Guinea (PNG).

In late September 2019, the President, both Deputy Presidents and the Director of the Board travelled to the top end of Queensland to visit with several far-north remote communities and to engage face to face with the people living in the communities and the service providers.

The purpose of the visit was to gain a better understanding of the specific issues facing the communities of Aboriginal peoples and Torres Strait Islander peoples within the region, and to seek feedback and ideas to help the Board improve and potentially better inform its decision-making processes.

The four-day trip was a resounding success and saw the Members travel from Cape York on the mainland to as far north as Boigu Island, and to Moa Island and Thursday Island in between.

The connections to country and community were obvious wherever they travelled, as was the commitment, dedication and hard work of the Community Justice Groups operating in those community areas.

### What is a Community Justice Group?

In Queensland, a Community Justice Group (CJG) is established under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

A CJG is usually formed when community members come together voluntarily to help reduce crime and social problems in their community area. Their functions include developing networks with agencies and service providers to ensure that crime prevention, justice, and community corrections and related issues impacting on their community are addressed; and supporting Indigenous victims and offenders at all stages of the legal process.

The work of a CJG aims to empower their community, at the local level, to address criminal justice issues and to develop strategies designed to reduce the over-representation of Aboriginal peoples and Torres Strait Islander peoples in the justice system.



Nearly all CJG members are volunteers. There is a requirement that membership must, to the greatest practicable extent, include at least one representative of each of the main Indigenous social groupings in the community area, and that members must be of good standing in the community. Accordingly, CJGs are comprised of Elders, traditional owners, and Respected Persons.

## The CJGs visited by the Members

### Thursday Island

Thursday Island is about 40 kilometres from the mainland of Australia. It is part of the 'inner islands' of the Torres Strait and is accessible only by ferry, as there is no airstrip on the Island.

Thursday Island acts as the business and services hub of the Torres Strait region. While there, the Members met with the District Manager and staff at the Thursday Island District Office of Community Corrections and police from the Torres Strait Patrol Group. While the practical challenges of policing and managing offenders on community-based orders across such a large area, comprised mostly of water, was clear, it was also obvious to the Members that the Queensland Police Service and Community Corrections work hard to fulfil their functions in culturally appropriate ways and to foster relationships with communities.

### Boigu Island

Boigu Island is the most northerly inhabited island off mainland Australia and is one of the closest islands to the border of PNG. It is part of the north-western island group of the Torres Strait and, while very remote, it is accessible by plane and sea.

The Members met with the CJG and the Torres Strait Island Police Support Officers. For this community, movement between

Australia and PNG (which is only six kilometres away) is common and there is a treaty in place facilitating ease of movement between the two countries. For the Members, this highlighted the need to ensure that this unique scenario is contemplated when considering the applications of prisoners returning to Boigu Island—noting that the CJG did not support a move to alter parole conditions to enable such ease of movement for these prisoners.

The CJG also discussed diversionary strategies for parolees living on Boigu Island who start to display the early warning signs of risk of recidivism or non-compliance with parole conditions. For this community, the parolee being sent (in effect, by the CJG) to live in another community area with kinship ties sends a very powerful message to the individual. For this person, it would be considered a punishment and be viewed as an opportunity for them to prove their worthiness to return to the Boigu Island community. This approach would require collaboration and agreement across CJGs in different areas. When raised during subsequent talks with the Kubin Island CJG, they too thought the idea had merit.

### Kubin Island

The Kubin community is on the southern side of Moa Island, which is part of the western island group of the Torres Strait. It is the second largest island and accessible by plane.

The CJG includes a local representative from Queensland Health, the Ranger Service, and a Torres Strait Island Police Support Officer, and, like the other communities visited, they were keen to establish a working partnership with the Board to achieve the common goals of community safety and successful return to community for parolees. They were also very interested in working directly with the Board via video link to provide input to assist in release planning and tailoring of conditions to the parolee.



## Northern Peninsula Area

The Northern Peninsula Area (NPA), at the tip of Cape York, is comprised of five communities: Seisia, Bamaga, Injinoo and Umagico (each located on the western side of northern Cape York), and New Mapoon (located in the northern region of Cape York).

The NPA is accessible all year, and people often fly direct from Cairns to Bamaga and then drive from Bamaga to the other communities in the NPA. The communities are remote—Telstra mobile phone coverage is available only on Bamaga, parts of Seisia and the Injinoo lookout; there is a local radio station that runs from a studio in Bamaga, which operates on a frequency accessible by the five communities.

The NPA CJG is made up of representatives from the five communities. The Members learnt that Seisia and Bamaga are Torres Strait Islander (Saibai) communities, while Injinoo, Umagico and New Marpoon are Aboriginal communities. Sport and recreational activities feature prominently on the Northern Peninsula, in particular local rugby league derbies. There was much talk of the upcoming Grand Final between Injinoo and Bamaga during the Member's trip. It was identified by the CJG that these initiatives and programs might form part of a parole order and offer a valuable tool in supporting a parolee's return to the community.

## Overarching themes across the community areas

When talking to stakeholders from across the community areas, common themes emerged: funding and resources, access to services, and release planning for prisoners.

Challenges regarding access to services was a key focus, which is in part reflective of the remoteness of these communities, but it is also linked to funding and resource considerations. Drug and alcohol, domestic and family violence, and other health services are all based on Thursday Island and the Northern Peninsula. However, the stakeholders advised that from a resource perspective, it is difficult for these services to regularly visit the island communities of the Torres Strait.

The people who the Members met that provide the services to these remote communities are passionate about their work, and they are implementing a wealth of ideas and working with the police, councils and other government agencies to focus on a holistic approach to the major issues facing the region. For example, representatives from the NPA Family Resource Centre informed the Members of their 'one-stop-shop' offering a range of services including one-on-one domestic violence counselling for men, holistic family support, and drug and alcohol counselling. They, and other groups, said that parole conditions that encourage engagement with the Centre (or other programs and activities) would be useful to encourage compliance and reduce any stigma that can attach to counselling.

All the groups noted that planning activities, including employment, and interventions before the person's release, with parole conditions to reflect this planning, are welcomed.

It was apparent from the four-day trip that communication is the key to developing better ways to keep the communities of the Torres Strait and the NPA safe, while supporting the successful return of their people to the community. The CJGs all agreed to trial the use of the video link facilities to assist in pre-release planning and as a means of bolstering the Board's decision-making processes.





## An update on steps taken since the four-day trip

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### Video links

Prior to the Member's visit to the top end, the officers from the Thursday Island District Office already had effective and successful methods in place for them to liaise and consult with the remote communities, the CJGs and the police regarding the factors relevant to a prisoner's return to any of these remote communities. However, the added ability of the Board to now communicate directly with the relevant CJGs with regards to the prisoner has further supplemented the information able to be placed before the Board and thereby enhance its decision-making processes and its ability to structure parole conditions tailored to the individual needs of the prisoner.

A stellar example of the success of this new process was seen on 1 April 2020, when the Board, led by Deputy President, Julie Sharp, in considering a prisoner's parole application, was informed directly by the NPA CJG and Community Corrections regarding the structuring of additional parole conditions following the receipt of a psychological report commissioned about the prisoner.

In addition to the video link, the Board included a Community Board Member who is an Aboriginal Australian and descendant of the Kombumerri people of the Yugambeh nation, whose traditional country covers the Gold Coast and its surrounding areas.

The meeting took place in the midst of the COVID-19 pandemic, so logistically it meant that: Deputy President, Julie Sharp, was in the Brisbane offices; the other four Board Members, who were self-isolating in their homes, teleconferenced into the meeting;

the District Manager from Community Corrections appeared by video link from her location on Thursday Island; and the NPA CJG was represented by two of its members by video link from their location in Bamaga.

The two CJG representatives brought a wealth of knowledge, experience and expertise to the discussion—one, a community Elder, and the other, a dedicated Domestic Violence Court Support Worker, who has comprehensive knowledge of the programs and services available. This collaboration of stakeholders and agencies represents the strength of the Board's commitment after its four-day trip.

### Conference

Moving forward, the Board is committed to convening a gathering of representatives from each of the region's CJGs to be held on Thursday Island.

The purpose will be to enable the different community areas to share ideas and experiences in order to develop culturally appropriate case management strategies and justice reinvestment projects, which will, inter alia, help to inform Board decision-making processes and Community Corrections in its management of parole orders.

Prior to the onset of the COVID-19 pandemic, the Board had planned to hold a two-to-three-day conference in the second half of 2020.

It was hoped that at least two representatives from each of the 18 CJGs in the region would participate, and that discussions could extend beyond parole matters and also include other justice-related topics such as the operation of the Murri Court and the courts more generally.



## The Parole Board goes to Mt Isa and the Gulf of Carpentaria

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In late November 2019, following on from the success of the trip to Far North Queensland, the Members also travelled to Mt Isa and the Gulf of Carpentaria to meet face to face with other remote Aboriginal communities and their CJGs.

While there, the Members met with the Acting Regional Manager of the Northern Region and the District Manager and staff at the Mt Isa District Office of Community Corrections.

As had been the experience in Far North Queensland, the strong connections to country and community were obvious, as was the commitment, dedication and hard work of the CJGs operating in those community areas.

It was also apparent that the same overarching themes that emerged from the Far North Queensland trip were also present for these remote communities.

### The CJGs visited by the Members

#### **Mornington Island**

Mornington Island is an island in the Gulf of Carpentaria, located about 28 kilometres off the mainland of Australia and approximately 440 kilometres from Mt Isa. It is accessible by plane. Mornington Island is renowned for its rich culture expressed through the Mornington Island dancers and their internationally acclaimed artwork.

The CJG pointed out the strong emphasis on community and doing business in the community way, in particular the benefit of mentoring their own people.

They highlighted the challenge of a lack of employment opportunities on the island and the need to develop more reintegration programs that run on the island itself.

The CJG noted that Mornington Island has several funded Men's Group programs and that a core focus is on the prevention of domestic violence. There are two telehealth facilities that operate well on the island. Their remoteness has meant that access to video link facilities is a challenge, and the Members discussed the possibility of exploring the use of courthouse facilities to enable the CJG to communicate directly with the Board and Community Corrections.

#### **Doomadgee**

Doomadgee is on the mainland of Australia in the Gulf of Carpentaria and is located on the Nicholson River. It is approximately 104 kilometres from the border of the Northern Territory. Mt Isa, which is about 500 kilometres away (or a one-hour flight), is its nearest large town. Doomadgee is accessible by road or plane, having its own airport.

The Members met with representatives of the Doomadgee Aboriginal Shire Council, including the Acting Mayor, Jason Ned, and Councillors, Vernon Ned, Scharrayne Foster and Dean Jupiter, and the CEO of the Council, Garry Jeffries.

The Councillors highlighted that the Royal Flying Doctors Service has a Domestic and Family Violence Counsellor who is very active in the community, and that there is a well-regarded drug and alcohol service provider who works with the community on a fly-in-fly-out basis.

It was noted for the Members that mining and cattle station work are the two primary employment options for the Doomadgee community.



The Gulf Country, including its outstations, covers an approximate area running 50 kilometres north and approximately 40 kilometres wide. The Council is working to establish the On Country Project, which involves setting up youth camps at various outstations to offer the participants employment doing fencing and other tasks, while at the same time enabling fellow workers and mentors to help reconnect them to country and community, and restore a sense of culture in the Doomadgee youth. Following the visit, the Board welcomed CEO, Garry Jeffries, and Councillor, Vernon Ned, who dropped in for a visit with the Board on 28 November 2019 as part of their trip to Brisbane to discuss the On Country Project with other key stakeholders.

### **Mt Isa**

Mt Isa is the major service centre for North West Queensland and is situated on the banks of the Leichhardt River and approximately 900 kilometres west of Townsville. It is accessible by road, train or plane. The CJG advised the Members that, being the main service hub for the area, there were a wide range of community programs and services available in Mt Isa. However, the overarching challenge for this community is a lack of suitable accommodation for parolees on release, including an absence of crisis accommodation.

## **An update on steps taken following the remote community visits**

### **Recruitment of more First Nations people as Community Board Members (CBM)**

The Board has undertaken a targeted recruitment strategy in consultation with the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) to increase

the representation of Aboriginal peoples and Torres Strait Islander peoples in the membership of the Board through its CBMs.

From 3 July 2020, 10 new Community Board Members joined the Board, taking the representation of Aboriginal peoples and Torres Strait Islander peoples from 24 per cent of community representation to 37 per cent. The following people joined the Board:

**Kimina Andersen** who is both an Aboriginal and Torres Strait Islander, her heritage is to the Wuthathi (Cape York) Erub Island and Wakka communities.

**Garry Bell** who is an Aboriginal man from the Wakka Tribal/Language group.

**Lincoln Crowley QC** who is an Aboriginal man, and a descendant of the Waramungu peoples of Tennant Creek, Northern Territory.

**Amanda Doyle** who is an Aboriginal woman, and a descendant of the Wiradjuri Tribal/Language group.

**Ronald Fogarty** who identifies as a Bijara Man.

**William Ivinson** who is of both Aboriginal and Torres Strait Islander descent, an Elder of the Murrin Ger Language Group at Wadeye, Northern Territory, and a descendant member of the Darnley (Erub) Island community.

**Edward Monaei** who is a descendant from the Kaurareg people from Cape York Peninsular, and a descendant from the Meriam people of Mer Island.

**Raymond (Matt) Saunders** who is an Aboriginal man from the Tribal/Language groups, Kamilaroi and Bigambul.

**Tamara Solomon** who is an Aboriginal woman and has been adopted into the Kuku Yalanji clan.

**David Wenitong** who is an Aboriginal man from the Gubbi Gubbi Tribal/Language group, and of South Sea Islander descent.





# Fostering working relationships with our stakeholders

*The Board is committed to working collaboratively with its stakeholders, and to continued and strengthened engagement to enhance its decision-making processes thereby helping to ensure community safety and facilitate the successful reintegration of prisoners back into the community.*

## Parole Board stakeholders

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As an independent decision-making body, the Board receives information from a range of people, service providers and organisations, including the prisoners, Queensland Corrective Services, the Queensland Police Service, victims of crime, and community organisations. While the Board scrutinises the information it is provided, the Board is not an investigative body and has no such powers. However, the Board does have the power to request further information.

The Board is committed to maintaining public confidence in the parole decision-making process through transparency in its processes, educating and communicating

regarding the facts and myths about parole, and continued and strengthened engagement with its stakeholders.

In addition to the initiatives set out in this report undertaken to enhance awareness about the Board and its role in the criminal justice system, the Board has also undertaken targeted consultation and engagement with the following stakeholders, with a view to strengthening its processes to ensure community safety and to facilitate successful reintegration of prisoners back into the community:

### Community legal service groups

The Board is committed to ensuring a strong and collaborative working relationship with the community legal groups, such as: the Prisoner Legal Service, Sisters Inside, Aboriginal and Torres Strait Islander Legal Service (ATSILS) and Legal Aid Queensland, to improve release planning for prisoners and better inform parole decisions.

The Prisoner Legal Service, a key stakeholder for the Board, is a dedicated community legal centre solely focused on specialist advice to prisoners regarding their incarceration, including parole decisions. Additionally, Sisters Inside, an organisation founded by Debbie Kilroy, provides, among other things, valuable transitional support to women (and their families) in preparation for and upon their release from a correctional centre.

### Queensland Health

Primary health care, specialist health care and mental health services are provided to people throughout Queensland by Hospital and Health Services and by private health providers. For prisoners in most corrective services facilities, Queensland Health (QHealth) is responsible for the provision of this care.



Accordingly, in May 2020, the Board, aided by its Legal Services Unit, entered a Memorandum of Understanding (MOU) with the Chief Executive of QHealth to facilitate the exchange of prescribed information regarding the health care provided to prisoners. This information exchange will better enable the Board to make well-informed, evidence-based parole decisions.

In March 2020, in readiness for the future commencement of the MOU, a dedicated QHealth employee was recruited to the Board to enable ease of access to the relevant health information provided for under the MOU.

The advancements made between the Board and QHealth in this regard are significant and will have a tangible impact on the prisoners affected. It has pathed the way for the efficient and timely provision of this much-needed health information to the Board so as to better inform its decision-making and to mitigate community risk.

### **Reintegration and accommodation service providers**

A home, a job, and freedom from substance abuse are key factors for success on parole, as well as access to support and resources to help reintegrate into the community and address those factors.

The shortage of suitable post-release accommodation, which is sometimes a prisoner's only barrier to parole, remains an issue of focus for the Board.

The Board fosters ongoing stakeholder relationships with key accommodation managers across Queensland, and in conjunction with Queensland Corrective Services.

On 6 December 2019, the President and Deputy Presidents met with the CEO of Sero4 (formerly known as MARA—a word meaning 'of woman'), Amy Compton-Keen, to discuss the work they are undertaking with women in the correctional system through their in-reach program in custody and outreach program in the community.

### **Queensland Sentencing Advisory Council**

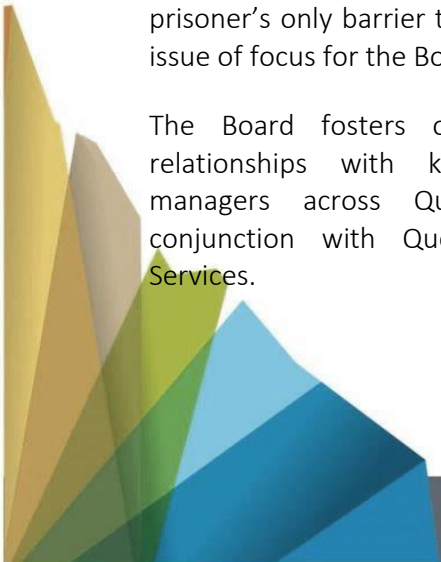
The Board is a key stakeholder of the Queensland Sentencing Advisory Council (QSAC) and routinely consults with and engages with them to contribute to the information relied upon in responding to their Terms of Reference.

On 22 August 2019, the QSAC delivered its report, 'Intermediate sentencing options and parole', in response to Terms of Reference given to them following recommendations contained in the Queensland Parole System Review.

The Board actively participated in the stakeholder consultation process regarding the project, including engagement in roundtable discussions and the provision of written submissions.

### **The Judiciary**

The President and Deputy Presidents have consulted regularly with the Judiciary across the financial year with regards to the COIPE Project. The Board also met with the Specialist Domestic and Family Violence Court Magistrates to discuss domestic violence issues in the context of parole and parole decision-making.



# The parole process in Queensland and the role of the Parole Board

## Parole in Queensland

In Queensland there are two types of parole orders: a court-ordered parole order and a board-ordered parole order.

A court-ordered parole order sets a fixed date for release to parole, which is determined by the sentencing court at the time of sentence. A board-ordered parole order applies to prisoners sentenced to imprisonment with a parole eligibility date (as distinct from a set release date) and it is the Parole Board Queensland (the Board) that determines when the prisoner is released to parole once the eligibility date is reached.

Whether a prisoner is entitled to a sentence that sets the release date or merely recommends eligibility for parole depends upon the type of offence and the length of the term of imprisonment imposed.

## Parole Board Queensland

The Board is established under Chapter 5 (Parole) of the *Corrective Services Act 2006* (the Act), and it is an independent statutory authority. The Board makes objective, evidence-based and transparent parole decisions. The Board's independence requires its decisions are made in accordance with relevant legislation, common law principles, and the Guidelines issued by the relevant Minister (under section 242E of the Act)—without influence or pressure from external sources.

When considering whether a prisoner should be granted a parole order, the overriding consideration for the Board is community safety; it is the highest priority for the Board in its decision-making process. This involves a consideration as to whether there is an unacceptable risk to the community if the prisoner is released to parole, but also whether the risk to the community would be greater if the prisoner does not spend a period on parole under supervision before fulltime completion of their correctional centre term.

## Functions of the Board

The Board is responsible for determining:

- parole applications for board-ordered parole (sections 180 and 193)
- parole applications for exceptional circumstances parole—a prisoner can apply for such an order at any time and it may start at any time; however, the threshold is high, and the Board has a wide discretion as to what constitutes 'exceptional circumstances' (sections 176 and 177)
- decisions to amend or suspend or cancel any parole order, including a court-ordered parole order (Chapter 5, Part 1, Div 5)—for example, but not limited to,



where the Board reasonably believes that the prisoner has failed to comply with a condition of the parole order, or poses a serious risk of harm to someone else, or poses an unacceptable risk of committing an offence

- decisions to, or to endorse a decision of an individual Prescribed Board Member to, immediately suspend a parole order (including a court-ordered parole order) upon the request of Queensland Corrective Services (section 208A to 208C)
- approval for a parolee to travel interstate for longer than seven days and include conditions (section 212)
- approval for a parolee to travel overseas and only for a compassionate purpose and in exceptional circumstances (section 213)
- parole applications where the No Body No Parole provisions apply under section 193A—that is, for a prisoner serving a period of imprisonment for a ‘homicide offence’ and the victim’s body or remains have still not been located, the Board must refuse to grant the application unless satisfied the prisoner has cooperated satisfactorily in the investigation of the offence to identify the victim’s location
- parole applications where the prisoner has links to terrorism (sections 193B–193E, and section 247A)—in these circumstances, the Board must refuse to grant the application unless satisfied exceptional circumstances exist to justify granting the application (as distinct from an exceptional circumstances parole order issued under section 177).

Queensland Corrective Services, a key stakeholder of the Board, is responsible for the day-to-day case management and supervision of prisoners on parole.

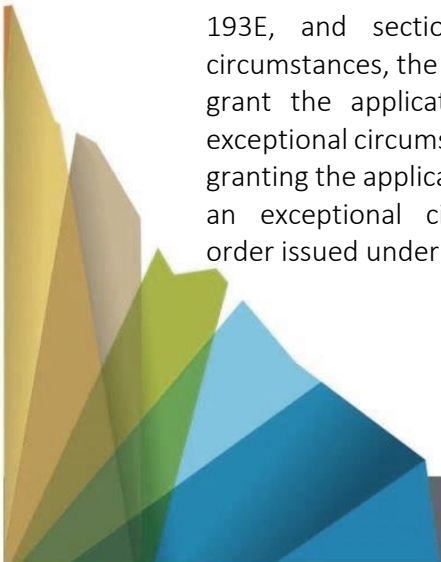
## Factors to consider

In assessing a prisoner’s suitability for parole release, the Board considers a range of competing factors, including:

- the prisoner’s criminal history and pattern of offending
- whether there are any circumstances likely to increase the risk the prisoner presents to the community
- whether the prisoner has been convicted of a serious sexual offence or serious violent offence
- the parole recommendation of the sentencing court and any comments made by the judge during the sentence hearing
- any medical, psychological or psychiatric risk assessment reports relating to the prisoner—tendered at sentence or obtained while the prisoner has been in the correctional centre
- the prisoner’s behaviour in a correctional centre.

The Board also has regard to: whether the prisoner has access to supports or services in the community; whether they have suitable accommodation upon release; and the prisoner’s progress and compliance in undertaking any recommended rehabilitation programs and interventions while in a correctional centre.

The submissions of an Eligible Person registered with the Victims’ Register administered through Queensland Corrective Services is also an important consideration for the Parole Board (section 188).



## Parole conditions

The types of conditions that can be attached to a grant of parole are wide and varied. There are certain conditions that must attach to every grant of parole, and thereafter, the Board endeavours to tailor a parole order to the particular risk potentially posed by each prisoner (sections 200 and 200A). Examples of the mandatory conditions that attach to every grant of parole include: must report as directed to their supervising officer; carry out the lawful instructions issued by their supervising officer; give a test sample if required; notify of any change of address or employment details; and importantly, not to commit an offence.

In terms of tailoring conditions to the individual prisoner, the Board may include any extra conditions it reasonably considers necessary to ensure the prisoner's good conduct when in the community, or to stop them from committing another offence. Examples of the types of additional conditions the Board might add, depending upon the potential risk posed by the individual prisoner, include: conditions to target addiction; or to assist with mental health concerns; or to protect victims and children; or to prevent domestic violence.

## Board composition

A distinction is drawn between a 'prescribed prisoner' and all other prisoners when it comes to determining the composition of the Board for its meetings (section 234).

A prescribed prisoner is a prisoner who is imprisoned for: a serious violent offence or a serious sexual offence; or an offence committed with the Serious Organised Crime circumstance of aggravation; or an offence that carries a mandatory minimum non-parole period (such as: murderers, serious repeat child sex offenders, offenders convicted of unlawful striking causing death, and various Weapons Act offenders).

All other prisoners, who fall outside the ambit of that definition, are colloquially referred to as 'non-prescribed prisoners'. The Act provides that the Board must be comprised of the following Members as follows:

- *Prescribed prisoner* parole application: Board sitting as five (5) Members and comprised of (at a minimum)—President or Deputy President; Professional Board Member; Community Board Member; Public Service Representative; and Queensland Police Service Representative.
- *Prescribed prisoner* suspension matter or cancellation matter: Board sitting as three (3) Members and comprised of (at a minimum)—President or Deputy President; Professional Board Member; and Community Board Member.
- *Prescribed prisoner* amendment matter, and all *non-prescribed prisoner* matters, i.e. parole application, suspension, cancellation or amendment matter: Board sitting as three (3) Members and comprised of (at a minimum)—Professional Board Member; Community Board Member; and one other member.

## Judicial review

The *Judicial Review Act 1991* applies to the Board's decisions. Other than an internal review mechanism for decisions to immediately suspend a parole order, judicial review is the only avenue open to a prisoner. Accordingly, the Board strives to ensure that clear and concise reasons are given for each decision, and it is justified on the materials and supported by evidence. Similarly, that procedural fairness and the need to afford natural justice to the prisoner throughout the process is at all times maintained of (at a minimum)—President or Deputy President; Professional Board Member; and Community Board Member.

## The year in numbers ...

Financial year	2017–18	2018–19	2019–20	Comparison
<b>Board meetings</b>				
Meetings	483	539	487	<10%
Average matters	29	24	31	>29%
Video conferences	225	377	247	<35%
Open hearings	4	4	1	-3
<b>Applications for parole s176 (exceptional circumstances) and s193 (parole order)<sup>1</sup></b>				
Received	3470	4013	4594	>14%
Considered	5373	5899	6511	>10%
Decided	2551	3129	3088	<1%
Released to parole	1749	2568	2658	>3%
<b>Applications for a parole order – No Body No Parole s193A<sup>1</sup></b>				
Received	5	2	6	>200%
Decided	3	2	1	<50%
Released to parole	2	1	1	-
<b>Amendments, suspensions and cancellations s205</b>				
Amendments	832	756	980	>29%
Suspensions	3611	4015	4621	>15%
Cancellations	1458	527	317	<40%
<b>Requests for immediate suspension s208A</b>				
208A – Application	3627	4221	4884	>16%
208B – Suspended	3573	4022	4598	>14%
208C – Confirmed	3491	3996	4572	>14%
<b>Interstate and overseas travel requests</b>				
Interstate	99	93	107	>15%
Overseas	41	60	41	<32%
<b>Judicial reviews</b>				
Filed	23	23	10	<57%
Discontinued	9	12	4	<67%
Decided	1	7	1	<94%
Decision confirmed	100%	86%	100%	>14%

<sup>1</sup>Data includes applications received, considered, decided or granted (released to parole) during financial year.

An application may be **considered** multiple times (i.e. deferred for further information) until the Board decides the matter.

Data for the number of considered applications may include applications received during 2018-19.

