

Parole Board | Queensland

Annual Report 2023-24

Acknowledgement of Country

The Parole Board Queensland acknowledges the Traditional Custodians of country throughout Queensland and their connections to land, sea and community. We pay our respect to the Elders—past, present and emerging—for they hold the memories, traditions, the culture and hopes of Aboriginal peoples and Torres Strait Islander peoples across the State.

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10 September 2024

The Honourable Nikki Boyd MP
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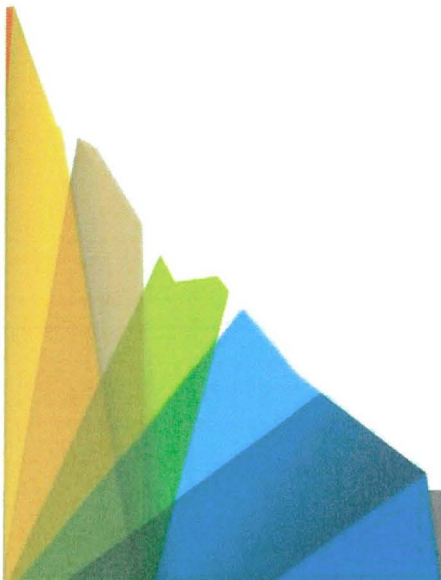
Dear Minister

In accordance with section 242F of the *Corrective Services Act 2006*, I am pleased to present for tabling in the Legislative Assembly, the Parole Board Queensland Annual Report 2023-24, detailing its operations and activities.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julie Sharp', with a large, stylized flourish extending to the right.

Julie Sharp
Acting President
Parole Board Queensland



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Acting President's message

This was another busy year for the Board with 20,367 matters being considered, as well as 5,935 requests for immediate suspension of parole orders were received. This financial year also brought with it another milestone in the life cycle of the Board, with the second Queensland Parole System Review (QPSR 2 report) being finalised by Mr Milton Griffin KC and the Government response to this report providing a pathway forward for the parole system as a whole.

Matters involving domestic and family violence as the prisoner's index offence/s continue to form a significant proportion of those coming before the Board, and domestic and family violence also remains a recurrent factor in parole order suspensions. The challenges faced by the Board in this regard highlight the importance of the multi-pronged approach highlighted by the Women's Safety and Justice Taskforce's *Hear Her Voice* reports.

The Board will continue to take up opportunities to provide input to key stakeholders on the criticality of program initiatives aimed at supporting the rehabilitation of prisoners and their re-entry into the community following imprisonment for domestic and family violence. Access to relevant supports and rehabilitation programs for domestic violence offenders is essential to their reintegration into the community and critical in supporting ongoing community safety, including once the parole period has finished.

Following the Independent review of the Parole Board operating system conducted in 2021 by KPMG (KPMG Review), and the more recent Queensland Parole System Review (QPSR 2) conducted by Mr Griffin KC, the Board continues to evolve and make governance and process improvements to ensure a sustainable operating model.

A key action in 2023-24 was the commencement of the first Chief Administrative Officer for the Board. The Chief Administrative Officer (CAO), a QCS senior executive, has overall responsibility for all administrative functions required to operate the Parole Board Queensland, in particular, those delivered by the Secretariat which is integral to supporting the Board. The commencement of the CAO was an opportunity to ease the administrative burden on the President and Deputy Presidents of the Board, allowing them to focus on the critical function of conducting and overseeing Board decision-making and processes.

Efficiencies have already been realised by the Board through more intensive triaging of files by the Secretariat, resulting in better prioritisation of matters ready for the Board's final decision. The CAO and the newly appointed Executive Director, Operations (commencing in January 2024) are also in the process of establishing an electronic case management system which will streamline file management processes, ultimately improving service delivery to the Board. This will realise a key recommendation of the KPMG Review.

There were some significant changes to the Board's membership during 2023-24, with one full-time Professional Board Member (who started with the Board at its inception in 2017) and one acting Professional Board Member resigning to move on to other career opportunities. In June 2024 the Board's former President, Mr Michael Byrne KC also announced his resignation, having served in the role since the commencement of the Board in 2017. A recruitment process is being undertaken to appoint a new President.

As current acting President, I take this opportunity to acknowledge the former President's contributions to the Board since 2017. Together with Deputy President, Mr Peter Shields, I also acknowledge all Board members and Secretariat staff for their perseverance during a time of significant change and their continued commitment to the important work of the Board. The unfailing call to duty and camaraderie of this extraordinary group of people is worthy of mention, and my personal thanks.

As an integral part of the criminal justice system, the Board has the capacity to impact prisoner numbers, the safety of Queensland's correctional centres, to promote offender rehabilitation and reduce trauma for victims and their families. Significantly, the Board works hard to make just, evidence-based decisions, to contribute to the safety of all Queenslanders in an increasingly complex environment. Board members take this work seriously and I commend them for their diligence.

Parole Board Queensland - its role and structure

Our role and functions

The Board was established in 2017 under section 216 of the *Corrective Services Act 2006* and is an independent statutory authority. The Board also operates subject to Ministerial Guidelines made by the Minister under section 242E of the *Corrective Services Act 2006* which assist the Board in performing its functions. The Board's functions are to decide applications for parole orders, other than court-ordered parole orders, and also include:

- deciding if satisfactory cooperation has been given by a No Body, No Parole prisoner, and making no cooperation declarations;
- deciding applications for parole made by prisoners with links to terrorism;
- deciding applications for exceptional circumstances parole;
- a 24/7 function to decide requests by the Chief Executive for immediate suspension of parole orders (including court-ordered parole orders);
- subsequent consideration by the Board of whether to confirm those immediate suspension decisions, set them aside or cancel the parole order;
- making decisions to amend, suspend or cancel parole orders (including court-ordered parole orders);
- making decisions about requests by parolees to travel interstate or overseas;
- making parole orders for parolees transferred to Queensland from another State; and
- for the President, deciding whether to make a restricted prisoner declaration.

The careful, risk-based management of parole is a critical function of the criminal justice system in Queensland. Independent, evidence-based decision-making by the Board assists to reduce re-offending, thereby advancing community safety.

Our structure

The Board

The Board was comprised of the following members, as of 30 June 2024:

- 1 x President, engaged on a full-time basis;
- 2 x Deputy Presidents, engaged on a full-time basis;
- 5 x Professional Board Members (PBM), engaged on a full-time basis;
- 47 x Community Board Members (CBM), engaged on a sessional basis;
- 9 x Police Representatives, nominated by the Commissioner of Police; and
- 9 x Public Service Representatives (PSR), nominated by Queensland Corrective Services (QCS).

A number of acting PBMs were also engaged as required over the year to provide continuity for the critical operations of the Board.

The President, Deputy Presidents, PBMs and CBMs are 'appointed' Board Members under the *Corrective Services Act 2006* and are appointed for fixed terms by the Governor-in-Council.

The President and Deputy Presidents hold office for five years, and may be re-appointed, but cannot hold office for more than 10 years. Professional Board Members hold office for up to three years and may be re-appointed.

Community Board Members hold office for up to three years and may be re-appointed. They do not require a formal qualification and are sessional members. They represent the diversity of the Queensland community, and bring a wealth of knowledge, expertise and lived experience to the Board.

The Queensland Police Service Representatives (QPS Representatives) and the Public Service Representatives (PSRs) also play a crucial role in providing expertise and contemporaneous information to the Board to assist in making evidence-based decisions.

New legislation passed by the Queensland Government in May 2024 expanded the professional qualification requirements for PBMs and mandated the appointment of a First Nations PBM. The changes also require at least one CBM to be a victim's representative.

The Secretariat

The Board is administratively supported by a Secretariat. Management of the Secretariat transitioned to the new Chief Administrative Officer (CAO) during the past financial year, supported by the Executive Director, Operations. All Secretariat staff, including the CAO, are QCS employees. A message from the CAO features in this annual report by way of introduction to the role.

Supported by the Executive Director, Operations, the CAO oversees the human resources, financial, governance, and other accountabilities and support provided by the Secretariat to the Board in the furtherance of its functions.

A new temporary position of Director, Policy and Practice, was established during this financial year as a key interface between the Secretariat and Board members, supporting the President's compliance with the operational and governance obligations of the Board and facilitating ongoing professional development training for Board members.

The Manager of the Secretariat has direct oversight of a large team of administrative staff and advisors within the Secretariat. These staff are the 'engine room' for the management of Board files and undertake all administrative and operational tasks necessary to support Board functioning. Their role includes preparing files for Board consideration, scheduling matters to Board meetings, minute-taking during meetings, managing large volumes of correspondence, and being the public-facing first point of contact for the Parole Board Queensland.

Forming part of the Secretariat, the Legal Services Unit (LSU) is led by the Director, Legal Services, who is supported by a small team of lawyers with expertise in administrative and/or criminal law. In addition, the Director, Legal Services, manages six Associates who are generally in the final stages of study or recent graduates. Work undertaken by the LSU includes acting on behalf of the Board in Court and Tribunal proceedings (such as judicial review applications brought by prisoners and complaints to the Queensland Human Rights Commission) and undertaking legal tasks such as preparing statements of reasons, and responding to requests for information from individuals, legal representatives, and government departments. The LSU also advises the Board on points of law and matters of statutory interpretation and compliance.

Chief Administrative Officer's message

The Chief Administrative Officer (CAO) role was created in response to the KPMG Review. The CAO is responsible for overseeing the Secretariat and all administrative functions required to operate the Board. Working closely with the President of the Board, the CAO functionally reports to the Deputy Commissioner, Community Corrections and Specialist Operations at QCS and is a senior executive of QCS.

The CAO role was created to provide a separation between the oversight and management of Board functioning and decisions (properly matters for the President of the Board), and the administrative and governance functions necessary to govern and support the Board, including oversight of Secretariat staff and their operations. The CAO role works closely with the President of the Board.

Since commencing in the role in the second quarter of the financial year, a focus has been strengthening both the Board's practices and Secretariat practices to ensure alignment with public sector and governance requirements and expectations. This work has also provided clarity for the Secretariat in their role as public sector officers and QCS employees. Work to be progressed as part of the next financial year will include the finalisation of formal governing arrangements and key performance indicators between QCS and the Board to confirm the support functions provided by the Secretariat. This will permit the further development of the Board's case management processes, as well as data and reporting frameworks.

A significant addition to the Board's capacity in 2023/24 was the appointment of a temporary Director, Policy and Practice. This role provides a vital conduit to the Board, supporting the Board in reviewing and confirming practice matters, and identifying and delivering professional development and training opportunities (recommendation 25 from the QPSR2 report). From commencement, the role supported the President to deliver a number of practice improvements and initiatives, in addition to playing a role in responding to legislative changes. Key achievements included:

- establishing tailored support to Board members responding to challenges as a result of their work, as well as providing training workshops on managing vicarious trauma to further support Board members;
- developing a series of Practice Directions for the Board to help ensure consistency of practice between members; and
- facilitating professional development training for Board members on their obligations under the *Human Rights Act 2019*.

Further work commenced in the financial year and currently being progressed with the Acting President includes development of:

- governance and performance frameworks for the Board, including a professional development framework for members;
- a cohesive suite of documents to help streamline the Board's human rights considerations as part of their decision making;
- resources and materials for the Board's website which aid victim understanding of the parole process and incorporate the legislative amendments made to the *Corrective Services Act 2006* in June 2024; and
- a cultural capability action plan for the Board, complemented by ongoing cultural capability training for Board members.

While much work remains to settle a future structure and funding model to support the Board, significant headway has been made over the past financial year. From commencing the year in the State Law Building, moving to the Board's new premises and seeing the introduction of new roles and additional oversight, Secretariat officers have been responsive to the changing needs of the Board and shown resilience in responding to the challenges that cropped up along the way.

Operation and Activities 2023-24

No Body, No Parole

The No Body, No Parole laws introduced in August 2017 into the *Corrective Services Act 2006* were enacted to offer some comfort and certainty for the families of victims whose partial or complete remains have not been located at the time the prisoner applies for parole¹. These laws mean the Board must not grant parole to a prisoner unless it is satisfied the prisoner has satisfactorily cooperated in the investigation of the offence to identify the victim's location.

Between the commencement of these provisions and 30 June 2024, the Board has received a total of 22 applications for parole orders from prisoners subject to these provisions. In the 2023-24 financial year no new applications were received, however three applications made in previous years were decided in 2023-24, resulting in two 'no cooperation' declarations being made in accordance with section 175L of the *Corrective Services Act 2006* and one prisoner being released on a parole order. Over the lifetime of the provisions the Board has granted parole orders to eight prisoners who are subject to these provisions, with four being refused a parole order due to their non-cooperation in locating the victims remains. The outcome of each matter is published on the Board's website.

This financial year the No Body, No Parole laws were the subject of a partly successful challenge on appeal to the Queensland Court of Appeal in *Armitage v Parole Board Queensland* [2023] QCA 239. One of the key issues on the appeal was the meaning of the term 'remains'. The Queensland Court of Appeal held that 'remains' means body parts that continue to exist and *are capable of being located*. This means that if it is likely the body or remains are no longer capable of being found, a prisoner subject to this regime may be unable to cooperate in finding the remains and therefore is not liable to a finding they have not cooperated. The High Court of Australia declined to grant special leave to hear an appeal of this judgment and the Board is continuing to examine the impacts of the Queensland Court of Appeal's decision.

Restricted Prisoners

In December 2021 the *Corrective Services Act 2006* was amended to introduce 'restricted prisoner' legislative provisions. The primary intent of this amendment was to provide some reassurance and certainty to victims' families that they will not have to relive the crimes committed by restricted prisoners by regularly receiving a notification that the prisoner is applying for parole².

The restricted prisoner provisions provide the President of the Board the discretion to make a 'restricted prisoner declaration' in circumstances where a person has been convicted of the murder of a child or has been convicted of more than one murder in their lifetime. Should the President make such a declaration, the President then has the discretion to prohibit the prisoner from making further applications for a parole order for up to 10 years if satisfied it is in the public interest to do so.

Since commencement of these provisions in 2021, the Board has received a total of 24 applications for parole from prisoners subject to these provisions, with two applications received in the 2023-24 financial year. Six matters were decided in 2023-24, with four restricted prisoner declarations being made and two declarations not made. As with the No Body, No Parole matters, and continuing the practice recommended in the QPSR2 report recommendation 26), decisions of the Board on restricted prisoner matters are published on the Board's website.

Legislative Amendments

Throughout the 2023-24 financial year, there were a number of statutory amendments which impacted the Board. Relevant amendments passed by the Parliament of Queensland in the final quarter of the 2023-24 financial year included:

- clarifying that the Parole Board Queensland is not a statutory body or public sector entity;
- requiring the appointment of a Professional Board Member with a First Nations background, as well as requiring a Community Board Member with experience working with victims;

¹ Explanatory Notes, *Corrective Services (No Body, No Parole) Amendment Bill 2017*) 1.

² Explanatory Notes, *Police Powers and Responsibilities and Other Legislation Amendment Bill 2021*) 15.

- confirming the functions and powers of the President of the Board, including to manage the performance of Board members and giving practice directions to be followed by the Board;
- increasing the discretionary cap for setting a no-reapply period for parole from three years to five years for prisoners serving a sentence of life imprisonment, and from six months to 12 months for other prisoners;
- authorising the Board to grant an application for a parole order with a 'start date' (i.e. the release date) up to 14 days in the future;
- confirming the Board, when re-releasing prisoners back into the community who have had their parole order suspended, must set a date for release only up to 14 days in the future;
- creating a new exemption from disclosing sensitive information in reasons for a decision where that information might, among other things, endanger a person's life or physical welfare, seriously threaten a person's welfare, or prejudice public safety or national security, and where on balance those factors outweigh the desirability for disclosure from a fairness perspective; and
- validating previous practices of the Board in relation to decision-making and appointments.

Commitment to addressing over-representation of First Nations peoples in the justice system

The Board is very aware of the over-representation of First Nations peoples within the criminal justice system, with a significant proportion of parole applications and suspensions before the Board involving First Nations peoples. For the 2023-24 financial year, dedicated additional funding and two staff members were provided for the Board to expand its Culturally Engaged Release of Indigenous Prisoners (CERIP) program. The CERIP program, first commenced in 2020, was designed to release Indigenous prisoners back into the community via a culturally sensitive program. Introduction of the CERIP program was led by Deputy President Julie Sharp (presently Acting President) and the community board member sitting on these matters was of First Nations background.

The program saw engagement and consultation with Community Justice Groups around Queensland to ensure the release of parolees to First Nations communities was culturally appropriate and the parolees had adequate support. The Board is grateful for the willing involvement of Community Justice Groups in this program and looks forward to working with relevant stakeholders to continue and expand this important work over the coming years.

Domestic and Family Violence

In 2023-24, the number of prisoners applying for parole who were imprisoned as a result of domestic and family violence offences increased considerably. This creates significant complications for the Board in deciding parole applications, particularly where there are not sufficient domestic and family violence rehabilitation programs to address the risk these offenders pose to the community if released on parole.

For example, where a person is jailed for serious domestic violence behaviour, such as stalking or strangulation, generally there are no treatment or rehabilitation programs available to address the causes of this behaviour. This means that when the prisoner makes an application for parole, it can be difficult for the Board to reach the view they do not pose a risk to the community and specifically to their victim or other potential victims.

Of course, even if the prisoner is denied a parole order, they will eventually be released from custody when their sentence is fully served and at this point, they may re-offend.

The proportion of prisoners on parole whose parole orders are suspended due to domestic violence risk or behaviour is similarly concerning.

Although the Board has no role to play in rehabilitating offenders, a focus over the 2023-24 year has been on how the Board responds to domestic and family violence offenders. In work led by Deputy President Shields, a new Domestic and Family Violence Behaviour Plan (DFVBP) template was introduced in March 2024 to be voluntarily completed by prisoners who have a domestic and family violence offence history. The intent of the DFVBP is for the prisoner to reflect, in writing, on the effects of their previous domestic and family

violence behaviour, including their strategies to prevent recurrence. The DFVBP provides the Board with a further relevant information source in making their decisions.

The Board is working with QCS and other key stakeholders to highlight the ongoing critical need for programs and other initiatives aimed at intervention whilst perpetrators are in custody, as well as the need for robust community-based program options that are accessible to parolees to enable management of risk and support rehabilitation within the community.

Victims' submissions and representation

Section 188 of the *Corrective Services Act 2006* provides for submissions that may be made to the parole board by eligible persons in relation to prisoner applications for parole. On 6 June 2024, the *Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024* (the Bill) was assented to. The Bill amended section 188 of the *Corrective Services Act 2006* to provide more flexibility so that submissions made by eligible persons to the Board do not need to be in a written format and can be made in another format approved by the Board.

The amendments also mandated that the Board must consider any submissions made by an eligible person.

The Board is working with QCS to examine options to facilitate receipt of victim submissions in alternative formats and to further embed victim support and engagement in its practices.

In addition, the Bill amended section 221 of the *Corrective Services Act 2006* to require that at least one of the community board members must be a person who has expertise or experience relevant to victims of crime, including how crimes affect victims and the challenges victims face in interacting with the criminal justice system. A number of current community board members hold expertise or experience relevant to victims of crime, ensuring victim representation at Board meetings. As part of an ongoing website review, the Board intends to develop trauma-informed communication aimed to assist victims in understanding parole processes and the role of the Board.

Year at a glance

During to 2023/24 financial year, the Board conducted a “deep” dive into its reporting systems and identified a number of issues requiring exploration. Due to manual recording systems, these issues have been challenging to rectify.

To respond to these issues, the Board is working with QCS to build and implement a revised, electronic case management system and new data reporting frameworks. It is hoped this work will be completed in the coming financial year.

While this work proceeds, to avoid confusion the data for this year’s Annual Report has been recorded and reported in the same way as the Board reported data in previous years with additional notes to assist with understanding. The exception is the inclusion of the statutory timeliness measure, which was not reported in previous years.

When validated data becomes available, the Board will publish any necessary revisions to the data from this and previous financial years.

2023-24 Financial Year - PBQ conduct of business (s230)	
Board meetings conducted ³	902
Average matters considered per meeting	22
Total number of matters considered by the Board (parole applications and suspensions) ⁴	20,367 ⁵
Video conferences held	162
Open hearings (at PBQ)	1
Applications for Parole Orders⁶	
Total applications received	4,794
Total parole applications considered ⁷	7,952
Total applications decided ⁸	3,556
Parole orders granted ⁹	2,792
Parole applications decided within statutory timeframes ¹⁰	68% ¹¹
Application for a Parole Order - Restricted Prisoners (s193AA)	
Received	2
Decided ¹²	6
Declarations made ¹³	4
Application for a Parole Order – No Body No Parole (s193A)	
Received	0
Decided ¹⁴	3
Declarations made	2
Released	1

³ This count does not include immediate suspension matters, which are reviewed and managed by a single professional board member when received. The count includes BOOST matters which are out of session meetings held for urgent matters.

⁴ Matters may be considered by the Board multiple times before finalisation.

⁵ Again, this number does not include the first consideration of immediate suspension matters (conducted by a single professional board member on receipt), but does include the subsequent board meeting to validate that decision (which must be held within 2 business days of the initial professional board member’s decision).

⁶ Includes both applications for parole orders under s176 (applications for Exceptional Circumstances parole orders) as well as under s193 (general parole applications).

⁷ Applications for parole orders may be heard more than once by the Board, depending on the circumstances of the matter.

⁸ Some matters may be carried over into the next financial year. Further, applications for parole orders may also be withdrawn, a prisoner may reach their custodial end date and be released from prison, or the application may be automatically cancelled under section 191 of the *Corrective Services Act 2006* where the prisoner is sentenced to a further term of imprisonment while a parole application is on foot.

⁹ One matter was an Exceptional Circumstances parole order under s176.

¹⁰ Section 193 of the *Corrective Services Act 2006* requires a final decision to be made on applications for parole orders within 120 days, or 150 days if the matter is deferred to obtain further information.

¹¹ Due to recent legislative amendment, this number remains approximate until validated under new counting rules being developed.

¹² Matters decided may have been received in a previous financial year.

¹³ Where a *restricted prisoner* declaration is not made, the Board considers the application for parole order under its usual processes.

¹⁴ Matters decided may have been received in a previous financial year.

Request for Immediate Suspension of Parole Order (s208)	
Request to immediately suspend a parole order ¹⁵	5,935
Parole orders immediately suspended by the Board	5,912
Initial suspension decisions confirmed by the Board ¹⁶	5,769
Amendment, Suspension and Cancellation (s205)	
Request to amend a parole order ¹⁷	1,268
Parole orders amended	1,121
Total parole orders suspended by the Board ¹⁸	5,979
Parole orders cancelled ¹⁹	1,266
Interstate and Overseas Travel Requests (s212 and s213)	
Interstate requests received ²⁰	108
Overseas requests received ²¹	40
Interstate Registration	
Interstate parole orders registered in Queensland	48
Judicial Reviews	
Applications filed	62
Applications discontinued ²²	28
Applications decided	23
Board decisions overturned	3

**Due to issues identified in the manual counting methods, the above data remains approximate until validated at a future time.*

The commencement of a new President and the design and development of an electronic case management system will provide the opportunity to review how data has previously been recorded and reported by the Board and determine how it will be reported into the future.

¹⁵ These include both Board-ordered parole orders, as well as Court-ordered parole orders.

¹⁶ Of these figures, 65 suspensions were set aside and 55 were scheduled for consideration outside of the 2023/24 financial year.

¹⁷ This includes both Board-ordered parole orders, as well as Court-ordered parole orders.

¹⁸ This figure includes immediate suspensions of parole orders noted above.

¹⁹ A parole order may first be suspended, and then cancelled during a subsequent Board meeting.

²⁰ This figure includes requests cancelled/withdrawn after receipt.

²¹ This figure includes requests cancelled/withdrawn after receipt.

²² Of these, two (2) were re-decided by the Board and 23 were discontinued by the Applicant.

Strategic outlook 2024-25

The next financial year is set to be another year of significant change for the Board. With the resignation of the former President effective from 4 July 2024, the Board will have a new President for the first time since commencing operations on 3 July 2017.

A number of significant improvements intended to enhance the Board's operations are planned for design and progression in 2024-25. These will include the development of new data collection and reporting methods and the design and roll-out of an electronic case management system. Recruitment for new Professional Board Members is also likely to occur.

Finally, the Board will continue its commitment to work even more closely with key government and other stakeholders to contribute to broader justice reforms, with a focus on providing considered, data-driven, and practical, policy contributions to initiatives focused on:

- reducing the over-representation of First Nations prisoners and strengthening relationships with stakeholders who support First Nations parolees;
- enhancing victim engagement with the parole system;
- contributing to domestic and family violence initiatives aimed at improving perpetrator accountability;
- important research that looks at or contributes to the parole framework in Queensland;
- positively influencing system demand and prisoner numbers through timely decision-making and supporting community-based rehabilitation where appropriate; and
- broader criminal justice system reforms including those being led by the Justice Reform Office and First Nations Justice Office.

The Board is committed to sharing data and ideas, and improving its processes, in order to contribute to these and other key strategic objectives and provide a safer community for all Queenslanders.

