

## Restricted Prisoner Process

### What is the restricted prisoner process?

This process applies to certain life-sentenced prisoners who have committed extremely serious offences such as the murder of a child or multiple murders.

### What is the purpose of the process?

The purpose of this process is to limit the re-traumatisation of victims' families while maintaining public confidence in the parole system. The restricted prisoner framework allows the President of the Parole Board Queensland ('the Board') to make a declaration that a prisoner may not be considered for parole for a period of up to 10 years.

### Who is a "restricted prisoner"?

A prisoner is considered a "restricted prisoner" if they have been convicted of murdering a child, have committed more than one murder, or have been convicted of murder and another offence of murder has been taken into account.

### Who makes the restricted prisoner declaration?

This is a decision made solely by the President of the Parole Board.

### How does the process work?

- ⇒ The prisoner applies for parole once they reach or are within six months of their parole eligibility date (which, for a life-sentenced prisoner, may be between 15 and 30 years).
- ⇒ After a parole application is received, the Board formally defers the parole application to enable the President to consider whether a declaration should be made.
- ⇒ The Board then sends notifications advising of this formal deferral to the:
  - President of the Board;
  - Chief Executive of Queensland Corrective Services (QCS); and
  - Prisoner
- ⇒ The President's consideration of the restricted prisoner regime is a separate process to the standard parole application process. There are specific criteria and provisions of the *Corrective Services Act 2006* ('the Act') that the President must consider in determining whether to make a restricted prisoner declaration.
- ⇒ This process can be lengthy and may be further deferred for the President to request information relevant to the determination.
- ⇒ The President writes to the Commissioner of QCS to request a restricted prisoner report. The report also sets out information about impacts to victim's families and eligible persons. The President can also request other documents, such as a forensic risk assessment report or medical evidence.
- ⇒ This triggers actions to be taken by the Victims Register, which is managed by QCS. Eligible Persons are notified by the Victims Register of the parole application and restricted prisoner process. At least 21 days will be provided for submissions to be made (although the Parole Board can grant an extension if further time is needed).

**Victims or eligible persons must be registered with the Victims Register in order to receive this information.**

## Restricted prisoner consideration

- ⇒ The President considers all the information and whether to make a *restricted prisoner declaration*. This can be a lengthy process that requires close examination of the material to ensure the decision is based on all the available evidence and is legally defensible.
- ⇒ The President's decision must be based on:
  - the nature and seriousness of the offences;
  - the impact on the victims' families;
  - submissions from victims' or families;
  - the risk to the public if the prisoner is released;
  - any reports (including psychiatric assessments);
  - remarks made by the sentencing judge.
- both the victim's and the prisoner's human rights under the *Human Rights Act 2019*.

***This is not a standard parole decision, but a separate process to determine if it is in the public interest that the prisoner should be declared a restricted prisoner. If a declaration is made, the President must set a period of time in which the prisoner is unable to submit a further application for parole.***

At the point at which a preliminary view is formed, the prisoner is given an opportunity to make any submissions. It is not unusual that a prisoner or their legal representatives may seek additional time to respond to a preliminary view given the consequences of a declaration potentially being made.

## Restricted prisoner declarations

If the President decides to make a restricted prisoner declaration, the parole application is taken to be refused.

The President will set a term of up to 10 years, during which the prisoner cannot reapply for parole. This period must also be carefully considered.

The prisoner may still apply for Exceptional Circumstances parole, however the threshold for such a decision is very high.

Once a declaration term ends, another declaration decision can be made. Consecutive declarations of up to 10-years each can be made. Prior to the expiration of the declaration, the restricted prisoner consideration process will commence with a further report sought from QCS, and eligible persons will have the opportunity to make further submissions via the QCS Victims Register.

## Information for victims

Confidentiality provisions in the Act mean it is a criminal offence for the Parole Board to disclose information in relation to parole matters.

The Victims Register has special provisions that allow for the disclosure of certain information relevant to the prisoner's matter so eligible persons and victims' families can remain informed about the progress of matters. The QCS Victims Register are able to provide advice on who is considered an eligible person under the Act.

## What happens if an RP declaration is not made?

The prisoner may apply for parole through the usual process, however the onus is on the prisoner to demonstrate they do not pose an unacceptable risk to the community.

## QCS Victims Register

For further information on registering with the QCS Victims Register please contact [Victims.Register@corrections.qld.gov.au](mailto:Victims.Register@corrections.qld.gov.au) or 1800 098 098.