

Corrective Services (Parole Board) Amendment Bill 2025

Explanatory Notes

Short title

The short title of the Bill is the Corrective Services (Parole Board) Amendment Bill 2025.

Policy objectives and the reasons for them

The Queensland Government is committed to ensuring the Parole Board Queensland (the Board) can make decisions that maintain community safety. Parole is not a privilege or an entitlement, it is a method intended to prevent reoffending and contribute positively to community safety. As such, the Board plays an integral role in the criminal justice system.

The Board is solely responsible for all decision-making with respect to board ordered parole in Queensland. Once a prisoner is released onto parole, they are supervised in the community by Queensland Corrective Services (QCS) community corrections officers.

If a prisoner subject to parole has failed to comply with their parole order or presents an unacceptable risk to community safety, the QCS chief executive may ask the Board to suspend the prisoner's parole order and issue a warrant for the prisoner's arrest. To enable a swift response to these requests, the decision can be made by the Board or a prescribed board member. If a prescribed board member decides to suspend a prisoner's parole order and issue a warrant for the prisoner's arrest, the Board must convene within two business days to either confirm the decision, cancel the parole order, or set aside the decision.

However, where a prescribed board member decides not to suspend a prisoner's parole order (i.e. keep them in the community), the *Corrective Services Act 2006* (CSA) is silent on allowing the Board to convene to review the decision.

The Corrective Services (Parole Board) Amendment Bill 2025 (the Bill) will provide the Board with this essential level of oversight. The Bill provides a safeguard to community safety by ensuring the Board must review all decisions made by prescribed board members after a request for immediate suspension from QCS, including where a prescribed board member decides not to suspend parole. The Bill also validates decisions made by the Board as a result of this community safety practice in the past.

Achievement of policy objectives

Amendments in the Bill empower the Board with the authority to review decisions made by a prescribed board member in all circumstances. This is an important safeguard for community safety, ensuring that all initial decisions, often made in urgent circumstances, have a level of oversight by an appropriately convened Board.

The Bill also ensures that when the Board reviewed decisions of a prescribed board member in the past, the decision made by the appropriately convened Board was lawful.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives of the proposed amendments to the CSA.

Estimated cost for government implementation

The Board has confirmed that there are no additional costs to government for implementing the proposed amendments.

Consistency with fundamental legislative principles

Inserting a provision to validate past decisions by the Board when it conducted a review of the decision of a prescribed board member to not suspend a parole order after QCS requested an immediate suspension may be viewed as inconsistent with section 4(3)(g) of the *Legislative Standards Act 1992* as it may be considered to adversely affect the rights and liberties of a limited number of individuals retrospectively.

This is because, subject to the operation and application of relevant provisions and timeframes required by the *Judicial Review Act 1991* (JRA), the provision could operate to remove the individual's right to seek judicial review of the impacted decisions under the JRA on the grounds that the decision was unauthorised.

An ancillary impact of the validating amendment in remedying that cause of action is it will remove the ability for compensation.

The validating provision is considered justified because the impacted individuals had their parole order suspended or cancelled on the Board's assessment of their risk to community safety. The decision to suspend or cancel a parole order is based on whether the individual is a risk to the safety of the community, and orders that were impacted were because the Board as a collective decided there was a higher level of risk. There has been no determination by a court that the Board did not have that power. The right for the impacted individuals to seek judicial review of the Board's decision on other grounds has not been extinguished, subject to the operation and application of relevant provisions and timeframes under the JRA.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with legislation of the Commonwealth or another state or territory.

Notes on provisions

Part 1 Preliminary

1 Short title

Clause 1 states that, when enacted, the Bill will be cited as the *Corrective Services (Parole Board) Amendment Act 2025*.

2 Act amended

Clause 2 states that this part amends the CSA.

3 Replacement of s208C (Parole board must consider suspension by prescribed board member)

Clause 3 replaces existing section 208C with a new section 208C to confirm the requirement for the Board to review all decisions made by a prescribed board member under section 208B.

Subclause (1) provides that within 2 business days of a prescribed board member deciding whether or not to immediately suspend a parole order under section 208B, the Board must review the decision and either confirm the decision, or set the prescribed board member's decision aside and make a new decision.

In the circumstance that the Board does not confirm the prescribed board member's decision there are three options. If the prescribed Board member decided not to suspend the parole order, the Board can set the decision aside and then suspend or cancel the parole order. If the prescribed board member decided to suspend the parole order, the Board can set this decision aside and cancel the parole order. The effect of this is that the prisoner remains in custody, or the warrant remains active. If the Board decides to set the prescribed board member's decision to suspend the parole order aside, subclauses (4) to (7) apply to give effect to this decision.

Subclause (2) sets out that in the circumstances the prescribed board member decided to suspend the parole order and the Board confirmed the decision, or if the Board decides to suspend or cancel a parole order, subclause (3) applies.

Subclause (3) clarifies that decisions made to suspend or cancel a parole order, made by a prescribed board member and confirmed by the Board, or made by the Board under this section, are taken to be a decision under section 205(2) of the CSA.

Subclause (4) explains the procedure set out in subclauses (5) to (7) must be followed if the prescribed board member decided to suspend the parole order and upon review, the Board disagrees with the original decision and sets it aside.

Subclause (5) provides that the prescribed board member's decision to suspend the parole order and any warrant issued because of that decision under section 208B(8)(b) ceases to have effect.

Subclause (6) clarifies that if the warrant has been executed and the prisoner returned to custody, the prisoner must be released from custody.

Subclause (7) clarifies that for the period between the prescribed board member suspending the prisoner's parole order and the Board setting that decision aside, the prisoner was not considered to be unlawfully at large.

4 Amendment of s 211 (Effect of cancellation)

Clause 4 is consequential to clause 3.

5 Insertion of new 490ZP Particular suspension of parole orders

Clause 5 confirms beyond doubt that when the Board previously reviewed a prescribed board member's decision to not suspend a parole order (under section 208B), the decision was made according to law.

Subclause (1) clarifies the circumstances in which new 490ZP applies to include when the Board reviewed a decision made by a prescribed board member under 208B to not suspend a parole order or suspend a parole order but not issue a warrant for the prisoner's arrest. This includes the circumstances where the Board did not formally set aside, or record setting aside, the prescribed board member's decision under section 208B and substituted the Board decision as the final decision.

Subclause (2) confirms beyond doubt that the decision made by the Board is valid.

Subclause (3) clarifies that any action taken, as a result of or with reliance on, a relevant Board decision is valid and lawful.

Subclause (4) clarifies that section 490ZP applies to any proceedings commenced in a court. This explicitly clarifies that the new section 208C is taken to have been in effect when the Board decision was made.

Subclause (5) clarifies that the validating provision takes effect at the same time as the new section 208C and is to be interpreted as if the new section 208C is in effect.