

ACTCS

The Parole Process

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The [Crimes \(Sentencing\) Act 2005](#) requires the courts to fix a non-parole period for offenders sentenced to a period of imprisonment of twelve months or more, unless the court finds it inappropriate to do so. The part of a prison sentence that is deemed to be the non-parole period must be served in prison. The part of a prison sentence that is deemed to be a parole period may be served in the community under supervision.

Part 7.2 of the [Crimes \(Sentence Administration\) Act 2005](#) governs the making of parole orders. It requires offenders to apply to the Board, in writing, for consideration to be released on parole. This can be done no earlier than six months before their eligibility date.

If the offender believes that they have exceptional circumstances they may make a special application for parole at any time. These applications must include a written submission about the exceptional circumstances in support of the application. The offender should provide documentary proof of any claims that are made to substantiate their application.

If the Board accepts an application for parole, it must conduct an inquiry into the application. The Board will invite submissions from relevant parties and call for reports on the offender. These reports commonly include a report from a case manager, reports from custodial staff and any other relevant report on the prisoner such as psychological and drug and alcohol assessments.

Victims of the prisoner who are registered on the Victims Register are also contacted and invited to write a submission to the Board in relation to the possible release of the prisoner.

If, at the inquiry, the Board considers that the documents before it do not justify paroling the offender, it must set a time for a hearing into the offender's application for parole and give notice of the hearing. The offender is then invited to tell the Board if they wish to either appear at the hearing (with legal representation if desired) or make a submission to the Board about being paroled. If the offender does not respond to the invitation for the hearing or fails to make a submission within the given timeframe the Board is taken to have made a decision to refuse parole to the offender.

It is the practice of the Board to inform the offender of the issues of concern to the Board. For example, these issues have included such things as:

- failure to address offending behaviour;
- the need for further alcohol & other drug counselling;
- unsuitable, unconfirmed or no post release plans/accommodation;

- the risk of re-offending;
- the need for psychological/psychiatric assessment in relation to risk, diagnosis and/or treatment;
- poor behaviour in custody;
- past failures on conditional liberty;
- the need to complete programs; or
- outstanding criminal charges.

After the Board conducts the hearing it is required to either make a parole order for the offender or refuse to make a parole order for the offender.