GOVERNANCE, ENERGY AND FINANCE COMMITTEE

Members present:
Mr MJ Crandon MP—Chair
Mr CG Whiting MP
Ms B Asif MP
Mr JT Barounis MP
Mr LR McCallum MP
Ms KJ Morton MP

Staff present:
Mr T Horne—Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE CORRECTIVE SERVICES (PAROLE BOARD) AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Wednesday, 30 April 2025

Brisbane

WEDNESDAY, 30 APRIL 2025

The committee met at 10.00 am.

CHAIR: Good morning. I declare open this public briefing for the Corrective Services (Parole Board) Amendment Bill 2025. My name is Michael Crandon, the member for Coomera and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present.

With me today are: Chris Whiting MP, member for Bancroft and deputy chair; Bisma Asif MP, member for Sandgate; John Barounis MP, member for Maryborough; Lance McCallum MP, member for Bundamba; and Kendall Morton MP, member for Caloundra. This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I remind committee members that officers from Queensland Corrective Services are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please turn your mobile phones off or to silent mode.

ROEDER, Deputy Commissioner Ursula, Community Corrections and Specialist Operations, Queensland Corrective Services

SMITH, Ms Natalie, Director, Workplace Law, Queensland Corrective Services

STEWART, Commissioner Paul APM, Queensland Corrective Services

WOODFORD, Mr Michael, President, Parole Board Queensland

CHAIR: I welcome representatives from Queensland Corrective Services who have been invited to brief the committee on the bill. Please remember to press your microphones on before you start speaking and off when you are finished. I invite you to brief the committee after which committee members will have some questions for you. Would you like to start with an opening statement?

Commissioner Stewart: Good morning, Chair, Deputy Chair and members of the Governance, Energy and Finance Committee. I introduce the people who are with me here today: the President of the Parole Board Queensland, Mr Michael Woodford; Deputy Commissioner Ursula Roeder from Queensland Corrective Services, who looks after our Community Corrections and Specialist Operations area; and Superintendent Natalie Smith from our legal area. We are all here to answer any questions that you may have. I do have an opening statement if I am permitted to provide that.

Thank you for the opportunity to address the committee in relation to the Corrective Services (Parole Board) Amendment Bill. I start by acknowledging the traditional owners of the land on which we meet and pay my respects to elders past and present and also any First Nations people amongst us today and also viewing online.

Today, I will provide the committee with an overview of the amendments in the bill and the policy objectives intended to be achieved. I would like to start by thanking the stakeholders who took the time to make a submission to the committee on the bill. I would also like to start by explaining the roles and responsibilities of Queensland Corrective Services and the Parole Board Queensland and the relationship between our two entities. QCS contributes to a fair, safe and just Queensland, with our custodial staff managing prisoners in correctional facilities and our Community Corrections staff supporting the rehabilitation of offenders. The Parole Board Queensland is an independent statutory authority. The administrative functions of the board are supported by the QCS Parole Board secretariat.

The initial collaboration between QCS and the board begins before a prisoner is released. After a parole application has been made, the QCS Sentence Management Unit assists the board by preparing a parole suitability assessment. To do this they conduct a prisoner interview and liaise with the correctional centre staff to obtain relevant information for the board. Once the prisoner has been released to parole they are supervised by QCS Community Corrections officers throughout the state. This includes a phase of assessment to ensure relevant information is gathered and analysed to determine the offender's level of service. Where appropriate, a management plan is developed in order to prioritise interventions according to identified criminogenic risks. Offenders may then be enrolled in programs and supported by case management. That is the role of our Community Corrections people throughout the state. Can I say they do a wonderful job throughout the state of Queensland supervising some very complex and difficult people.

Sometimes the conduct of a supervised individual causes such concern that a determination is made by Community Corrections that the individual cannot be safely managed in the community. If this occurs, then a request is sent to the Parole Board Queensland seeking that they consider that the offender's parole be suspended. As can be seen, the system requires close cooperation between QCS and the board, with both organisations working effectively and sharing information to ensure community safety however independent on the basis of an independent statutory authority.

I commend our staff who work diligently every day to deliver responsive correctional services that prioritise community safety by reducing reoffending, supporting rehabilitation of offenders and ultimately preventing crime to ensure fewer victims and a safer Queensland, which is our fundamental role. As mentioned earlier, we are grateful for the submissions provided by the Aboriginal and Torres Strait Islander Legal Service, the Justice Reform Initiative and the Prisoners' Legal Service. My colleagues and I have taken the time to review the stakeholder feedback provided to the committee and I would like to provide some context on the issues raised by stakeholders before providing a short overview of the amendments in the bill.

The Justice Reform Initiative and the Aboriginal and Torres Strait Islander Legal Service both articulated concerns about the negative impact of unnecessary parole suspensions on an offender's successful reintegration into the community. I would like to clarify that QCS does not ask the board to immediately suspend a parole order for trivial matters. Risk is managed on an individual basis, meaning that what may be managed in the community for one person would trigger a request for suspension for another. The issue there from our perspective is that these are not trivial. When we refer to the board in relation to recommending a suspension, an officer has determined that there is a risk, that there is potential of harm to someone in the community or significant risk, so it is not treated trivially in any way, shape or form.

If a community corrections officer considers that a person on parole is a risk to community safety and can no longer be safely managed in the community, they will prepare an advice to Parole Board report. The advice to Parole Board report includes information about the individual's current offences and criminal history. The report speaks to the risk escalation, progress in rehabilitation and other factors considered relevant to the current circumstances of the individual for the board's consideration. The report references the relevant limb of section 208A of the Corrective Services Act and provides details of why the offender meets the criteria in relation to the threshold for suspension. Section 208A of the Corrective Services Act 2006 is quite clear in that there must be a reasonable belief that a person on parole failed to comply with the parole order or poses a serious and immediate risk of harm to another person or poses an unacceptable risk of committing an offence or is preparing to leave the state other than where permission has been granted or poses a risk of carrying out a terrorist act.

The advice to Parole Board report includes detailed analysis about the offender's current situation and the risk the offender is presenting with. It includes further analysis as to why the offender can no longer be safely managed in the community. The advice to Parole Board report is then reviewed and endorsed by the district manager and forwarded to the board for the board's consideration. After reviewing the report, the board or a prescribed board member decides whether to suspend or not suspend the offender's parole order. A prescribed board member is the president or a deputy president or a professional board member of the Parole Board Queensland; it can be any of those members. The board may also decide to suspend a parole order after receiving advice from the Queensland Police Service or Queensland Corrective Services that a person on parole has been taken into custody or as a result of other information received.

The sections of the Corrective Services Act that enable QCS to request the board immediately suspend a parole order were introduced in 2017 in the same bill that established the Parole Board Queensland. Sections 208A to 208C were drafted based on recommendations 79 and 80 of the 2017

Queensland Parole System Review. Recommendation 79 of that review was for the act to be amended to provide for urgent parole suspensions to occur in the following way. The chief executive or delegate apply to the Parole Board in the form of a written report justifying the reasons for a parole suspension to ask for the urgent issuing of a warrant. The decision to urgently issue a warrant can be made on behalf of the board by one professional board member or by the president or deputy president of the board. Within two business days of the warrant being issued the full board must consider whether to rescind the warrant or, if the warrant has been executed, to order the release of the parolee.

Recommendation 80 of the QPSR went on to note that there should be at least one professional board member rostered on 24 hours a day, seven days a week for the purpose of considering an urgent application for a warrant. The Parole Board implemented recommendation 80 by always having one prescribed member rostered on. This was either the president, a deputy president or a professional board member.

The Corrective Services Parole Board and Other Legislation Amendment Act 2017 introduced sections 208A to 208C into the Corrective Services Act to provide that the Parole Board Queensland is the only authority that can suspend or cancel a parole order. When passed in 2017, section 208B provided that only a prescribed board member could consider a request for immediate suspension of a parole order from QCS. A decision to suspend the parole order and issue a warrant was then reviewed by an appropriately convened board within two business days under section 208C.

In 2018 changes were made to sections 208B and 208C of the Corrective Services Act by the Police Powers and Responsibilities and Other Legislation Amendment Act. Section 208B was amended to enable either a prescribed board member or the board to consider a request from QCS for immediate suspension of a parole order. When this amendment was made the heading of section 208C was amended to provide for the review of the prescribed board member's decision to suspend. In 2019 the provisions were amended to expand the criteria for suspension to include the risk of carrying out a terrorist act. This provided QCS with an additional reason for requesting the board to suspend a parole order.

Further amendments were made to sections 208B and 208C in 2020 to improve Parole Board efficiencies. Sections 208B and 208C were amended to enable the board to cancel, in addition to the ability to suspend, a parole order after QCS requested an immediate suspension. The amendments also clarified that requests for immediate suspension of a parole order must be considered as soon as practicable and that the prescribed board member or board can decide the priority for considering requests from QCS. Therefore, while sections 208A to 208C in the Corrective Services Act have been amended over the last years it has become evident that there was not a clear head of power for the board to review all urgent parole suspension decisions. The Corrective Services (Parole Board) Amendment Bill 2025 rectifies this by amending section 208C to require the board to review all decisions made by a single prescribed board member. This is an important safeguard to ensure that decisions made by one person are reviewed by an appropriately convened board to provide consistency in decision-making.

Whilst stakeholders have raised concerns about the impact of increasing numbers of parole suspensions, I do not believe that this will be the case. I have been advised by the board that there are only a small number of cases where Queensland Corrective Services officers have requested an immediate suspension of a parole order and a prescribed board member has not suspended the parole order. There is only a small number of cases in which that has happened. As it has only been a small number of cases in the past, I do not anticipate a significant increase in parole suspensions or any significant impact on prisoner numbers.

Clause 5 of the bill includes a validating provision to address instances where the board reviewed prescribed board member decisions to not suspend parole in the past. This ensures that board decisions that were made to return an offender on parole to custody, based on evidence and an individualised risk assessment, are considered valid.

As mentioned before, I am supported here today by Deputy Commissioner Ursula Roeder who will be able to assist with any technical questions from the Community Corrections perspective, and the President of the Parole Board, Mr Michael Woodford, who would be best placed to answer questions about the board operations.

The amendments in the bill empower the board to make decisions that maintain community safety, provide legal certainty to board decisions and, in turn, promote confidence in board decisions. Chair, I would like to hand to Mr Woodford to make a submission from Parole Board Queensland.

CHAIR: Mr Woodford, would you like to make an opening statement?

Mr Woodford: Thank you, Mr Crandon, Mr Whiting, and members of the committee for having me here today to speak with you about this important bill. The amendments that the bill seeks to bring in will correct a substantial gap that has existed in the parole suspension framework for some time, though, I must note, that it has only properly been understood in recent times. There is already a safeguard there in the parole order suspension framework for prisoners on parole in the sense that if a single board member comes to a suspension decision, then each prisoner comes before the full board to review, in effect, that decision to suspend. So, the safeguard already exists for prisoners. This represents substantial work for the board. If I take the 2023-24 financial year, for example, there were 5,935 suspension decisions, and I can tell the committee that the bulk of those decisions are single-member decisions that subsequently came before a full board. The committee, I hope, can see the volume of work that is done by the board in relation to suspensions. This year, coming into financial year to date, there were 4,286 as at a few days ago. It is substantial work.

The difficulty is that the same safeguard for the community does not exist with respect to a limited number of decisions that are made not to suspend a parole order by a single member. The amendments, from my perspective, work to provide a safeguard for the community to ensure community safety that when a single member has considered a parole decision, whether it is a decision to suspend or not to suspend, then all the rights—the community's rights and the rights of the prisoner—are respected to have that decision reviewed by a full board. In short, the amendments work to provide a level of oversight, if you like.

I will come to the practical operation of how suspension works in a moment, but, from my perspective, the board's focus is on community safety. That underlines every single decision that the board makes. It is mandated in the minister's guidelines. It has always been mandated in the minister's guidelines, no matter who the minister was at the time the guidelines being written. That has always been the central theme. It is the central theme that underlies every decision that the Parole Board makes.

It might be helpful if I tell you a little about how all this works in practice for the Parole Board. The commissioner has gone through in some detail the legislative mechanism, but I will put it in terms of what we deal with in reality. Requests for suspensions are made on an urgent basis. That is how it works. It is not a matter of people musing over things for a matter of hours, days or weeks about whether a prisoner is going to be suspended. A risk to the community crystallises and then the people at Queensland Corrective Services need to make decisions.

Before I go further on how that works, I would like to pick up on something that the commissioner has mentioned to the committee already. When I read the submissions that have been filed before the committee, there seems to be a perception coming through in a number of the submissions that prisoners' parole orders are suspended routinely for technical breaches of orders. I have been in this role for the last, I think, three months, give or take a few days, and I have had plenty of opportunity to observe the operation of suspension decisions, chairing full board meetings reconsidering those matters when they are coming back to confirm a suspension or do otherwise. I can tell you that the single board members being asked to suspend on technical grounds by Queensland Corrective Services is not a reflection of reality. What I can tell you is that an enormous amount of work is done in the community, and I can tell you this because we get the reports that are put together, as the commissioner has said, when a suspension is being asked for.

In those reports, they detail what has happened with the prisoner over the course of their journey in the community. Through those reports, I and the other board members can see the amount of work that is being done in the community to try to keep prisoners in the community, if at all possible. When the risk of the prisoner to the community cannot be managed in the community that is when QCS, in my experience, are approaching the board with their report to request a suspension. So, it is certainly not a case of QCS officers in the community robotically looking at the conditions of a parole order and saying, 'Well, look, your curfew was 6.00 pm that evening. You are here at 6.15. Off you go. We are going to apply to suspend you.' It just does not work like that.

Then you think about other conditions where people might think, 'That is a kneejerk response to something that is unmanageable.' In terms of community safety, take a condition which is in all orders about consumption of drugs and things like that and being tested for drugs, one of the submissions made reference to the personal use of drugs and that not being something that should necessarily trigger an order. That is okay in one sense if you have some personal use of a drug, but let's put it in one end of the spectrum. Let's dig a little deeper then and look at the personal use of drugs for this particular prisoner which, we know from the material we are looking at, is the reason that prisoner went on to choke his wife. Looking at a standard condition that may seem quite a simple reaction to consumption of drugs or something like that, it is a lot more complicated than that. I can

assure you that when the matters come before the board, people in the community, from what I am reading, have done an enormous amount of work to try to keep people there. I thought it was important that the committee be well aware of that.

On another part of that, when I am looking at matters and the boards within Parole Board Queensland look at matters, we get requests for amendments of orders. Why do we get a request for an amendment of an order rather than a suspension? It is because someone in the community, a corrections officer, is trying to manage a prisoner, and there is something going on with that prisoner that the conditions in the prison order do not allow management of—that is, they do not have the power to have the prisoner do something. Even though they see that the risk is starting to become problematic, they do not suspend; they write to the board, give the board a report and set out why it is important that the order be amended. For me, that is another indicator that the people in the community are doing their best to try to keep prisoners in the community. If it was just a kneejerk reaction to suspension of conditions or an elevation of risk, then they would not be asking for an amendment.

Getting back to how this works, these decisions, given the volume of decisions that come through, are made on an urgent basis and there are so many decisions that need to be made that the practical reality is that almost all of the decisions for suspension initially come before the president, deputy president or a professional board member. It is a 24-hour-a-day situation. That is how it works in practice. As I said, people do not wait around. There are board members every night of the week who will be woken up at 2 o'clock in the morning with a phone call in order to deal with a suspension. That is how serious the board takes community safety. The board understands that it will not be called at 2 o'clock in the morning in relation to a suspension unless it is necessary; unless QCS have come to the view that there is a risk.

Mr WHITING: Chair, we appreciate the fulsome briefing. We are ready to ask our questions.

CHAIR: Are you getting close to finalising things there, Michael?

Mr Woodford: I am, Mr Whiting. If I may, I want to touch on the retrospectivity of it.

CHAIR: Yes, that would be good and then we will get into questions. We can tack on a little bit of time if you need to go overtime as well, Deputy Chair.

Mr Woodford: There are a couple of points I would like to make about the retrospectivity of the bill. There are 22 matters over three years. That is the number of matters that are being affected here by the retrospectivity. That is in the context of the 5,900-odd matters for the last financial year.

The second point I would make is that the way that the board operated with respect to those 22 matters was that the board and others considered that a power existed to make the decisions, perhaps under some other basis in the act. No court has adjudicated on that point—that is a fact; however, when I took on the position of president of the board, I sought high-level advice on the point, and the advice I received was that the better view is that a power does not exist. It is imperative that the board is acting lawfully and within its powers when making its decisions. The amendments put beyond doubt the board's power to review single Parole Board member decisions.

The other point I would make is that those past decisions were made by multidisciplinary boards that had community safety at their heart and determined that the suspension was well required in the circumstances because unmanageable risk had presented. They were well-intentioned decisions, made with the aim of protecting the community. In my submission to you, it is appropriate that they be given legal effect. As I said at the outset, from what I am looking at, it appears to be a legislative oversight. It is something that only recently has come to the more direct attention of everyone concerned.

Mr McCALLUM: Thank you very much for your opening statements and good morning. Following on from your opening statement, Parole Board President, you mentioned that you sought high-level advice particularly around the 22 matters that would be subject to the retrospective element in relation to these amendments.

Mr Woodford: Yes.

Mr McCALLUM: You also briefly mentioned that those 22 matters have effectively been decided under the assumption that there had been a power.

Mr Woodford: Correct.

Mr McCALLUM: So, in effect, the board has been operating as if it did have this power.

Mr Woodford: That is correct. From my looking at the matters, the board considered that it did have power to make these decisions. There may have been an arguable case that it did have power, perhaps an unconvincing one, thus why high-level advice was sought in order that the board, from the point that I took over the board, in effect, was proceeding in a proper legal manner, and that was important to me.

Mr McCALLUM: In terms of the arguable case, if we could delve into that a little more, could you outline for the committee's benefit what those arguable cases are or might be?

Mr Woodford: From my looking at it, there are two ways that the board might have thought it had power. Under section 208B, you will see that under that provision it is getting a prescribed board member or the board power to make a decision. It is expressed in the 'or' as in, on a first reading of it, you think it is prescribed board member or the board; it is one or the other. I do not know under what basis the board acted—I have not been able to ascertain that in the previous decisions—but I expect that may have been one of the things where the board thought there is a power within 208B for the board to do it, and maybe the 'or' expressed in that provision is not 'or' in the alternative, but 'either'—either may do it. So, there may be an argument in those circumstances. The provision allows it. You have a single prescribed board member making a decision. You have an entirely different entity, the full board, with power to make the decision as well. Maybe there was some consideration there.

The argument that runs counter to that is that under 208C there is the express power for the matter to come back into the board in reconsidering and deciding whether to cancel or suspend. That is one argument. Then the other argument really could be built on section 205, which is the general power of the board to do many different things including amend, suspend and cancel orders. That was a potential avenue as well. All of those matters were considered, and the advice that was received was that the better view is that there is no power once a prescribed board member has considered the material that has come from QCS for suspension.

Mr McCALLUM: In relation to the board relying on section 205 to make those decisions, can you provide some further information as to why that was suboptimal or not relied on?

Mr Woodford: I think, looking back, the best I can through the crystal ball is the board has its own powers under 205, and ordinarily the board will receive some information not via that standard process for suspension. When the board is in a meeting a matter may come on where some information is placed before the board. In those circumstances, the board—and it is coming into the full board—may act under 205 to make an amendment, a cancellation or a suspension. From looking at it, I just think the 205 suspension must not have been in their minds, or it must have been that when material is coming in from the board under the regular process you are in the 208A to 208C bracket and that is how it has to be dealt with. It remains a mystery, the basis of the power.

Mr McCALLUM: For you or indeed anyone who is here this morning. Is anyone familiar with the Court of Appeal Foster v Shaddock decision?

Mr Woodford: Yes.

Mr McCALLUM: My interpretation is it centred around section 205 and the Parole Board can exercise their suspension power, particularly around the fact that there would not be any time limit. I am just curious as to what the counterargument is for section 205 not to be relied upon to make these decisions, especially given that there is a Court of Appeal decision.

Mr Woodford: I think 205 provides for circumstances where material is coming in front of a full board meeting. If we move to a position that you want to rely on 205 for every amendment, suspension or cancelled decision, then that is a significant change and significant change will come with significant resources. It is a much more efficient and effective manner of having a single Parole Board member consider decisions in the first instance.

Mr McCALLUM: In relation to the high-level advice that you sought, would you be prepared to provide that to the committee?

Mr Woodford: I will have to take advice on that, if I can. Can I write to the committee in relation to the request, Mr McCallum?

Mr McCALLUM: Of course.

Mr Woodford: Instinctively, it is advice we have received to assist with the submissions I am making to you today. I do not know the technical basis of whether or not it can be disclosed; that is the simple answer to that question. Perhaps the best way forward would be for me to consider that, and certainly if there is no difficulty with it being disclosed to the committee that will be supplied.

Mr McCALLUM: Thank you.

CHAIR: Are there any other questions on my left?

Mr WHITING: Mr Woodford, there were a couple of things you said. Obviously, operating under 205 has been essentially happening for a while, but you are saying it is a resource issue—that, with the change in law, it makes it easier for you but you can still operate under 205?

Mr Woodford: We could still operate under section 205. Ms Smith may make some comment on your question, Mr Whiting.

Ms Smith: There is just one thing in relation to using 205 instead of using 208. That statutory interpretation was in relation to when there is a specific power; preference is given to using a specific power rather than a general power. The 208 is the specific power for looking at suspensions, whereas the 205 is the general power for how the board functions.

Mr WHITING: Things have been operating. Those single member decisions have been reviewed by the board under this power, so that has been proceeding in effect over the last few years that we are talking about; is that correct?

Mr Woodford: Specifically, 205 has been in existence for some time. What the 208A to 208C regime does is it enables an urgent consideration of matters. Going back to what I was saying to you earlier, if we were moving to a pure consideration of all suspension decisions—which we can do under 205—then what you require is a single board member cannot make a decision under section 205. At two o'clock in the morning, I will need to convene a police board member, a QCS board member, a prescribed board member and a community board member, so all of those people will need to be meeting at two o'clock in the morning to consider it. That for me has a major resourcing issue with it. I do not know, in terms of community safety, how quick you can pull all of that together in the middle of the night, compared with a single board member who is rostered on every night to be able to take the matter, consider the matter and make a decision, and then in fairness to prisoners within two days that matter is sitting back before a full board for consideration.

Just reflecting on what you have been asking, Mr Whiting, I think that, yes, there is a resourcing issue—that would be a large part of the issue—but the proposition of the people appointed to the board all gathering and all on call every night of the week is not an attractive one from my position. Yes, there is the general power—no two ways about it—but that specific regime was put in place for a specific reason so that the consideration of suspension requests could take place rapidly and be responsive in order to protect the community interests.

CHAIR: Thank you. I call the member for Caloundra.

Mr WHITING: Sorry, I had not finished. I just got the one question. We have only had two questions here so far.

CHAIR: I think we have given you a fair bit of time. We will be coming back to you. I call the member for Caloundra.

Ms MORTON: Thank you for your contributions today. In the explanatory notes in regards to 208, the board has confirmed that there are no additional costs for government for this community safety review requirement being implemented. Is the board confident it will be able to manage these additional review requirements?

Mr Woodford: Yes, I am confident. The volume of matters that would come back to the board automatically now following a non-suspend, if you like, are relatively small. Looking at the volume of matters that are coming back, I do not expect that will have any great impost upon the board.

Mr BAROUNIS: Would you be able to let us know if the new section 208C will allow the board to make decisions in the interests of community safety?

Mr Woodford: Yes, from my perspective, what the amendments do is they provide a safety net for all interests—for the prisoner's interests, for the community's interests. It ensures that every parole suspension decision comes back before a full board. From my perspective, that is elevating the rights of the community, the protection of the community and also the rights of prisoners. There is a reconsideration of all decisions, not just suspension decisions.

Mr BAROUNIS: There is a jail in my electorate and we have quite a few issues there when some prisoners are released back to the community, and I can say it is a major issue. When a prisoner is released after he did his time or they are on parole, where is the closest place they can go if Maryborough is not their home town?

Commissioner Stewart: The process around the release of a prisoner can be if the prisoner is being released on parole or if the prisoner comes to an end of sentence. There is a process in place where we work together with that prisoner in relation to re-entry, to come back into the community. We talk to the prisoner about where they are going, the location of where they are going, and always with that community safety umbrella over it. We support people to return to the best place and the safest place that they can possibly be under the circumstances. There is a process and an avenue. People leaving prison can of course be returning to a number of different places. For example, there may be people who have come from other parts of the state into Maryborough. Again, we support the prisoners where we can to get back to where they need to be across Queensland as well. Deputy Commissioner Roeder may have something further in relation to the re-entry process.

Deputy Commissioner Roeder: As the commissioner talked about, sometimes we may not know the exact time they are being released. For example, they may be on remand and be going to court, and at that court hearing they may be released immediately into the community which may not allow us much time to work with the person.

Mr BAROUNIS: That is another issue we are facing.

Deputy Commissioner Roeder: Yes. Where we know when they are going to be released—either they are coming to the end of their sentence or they are going onto parole or potentially a prison probation order—re-entry services will work with that person to plan for their release and look at their reintegration plans and provide support where need be. On arrival, if they are under community-based supervision, an immediate risks and needs assessment is done as soon as they report to a community corrections office. That will assess if there are any immediate risks or needs that need to be addressed. That could be referral to a GP for a mental health care plan, it could be referral for drug and alcohol assistance, it could be working with the person to access funds or to access accommodation if they are in a temporary accommodation situation. Obviously, we cannot force someone to comply all the time if they are not on a specific order type with us, but certainly our staff are very skilled and trained in attempting to motivate and work with the offender to get the best outcome for the community and for the offender to break their offending cycle.

Mr WHITING: I will go back to a couple of things that we talked about. For example, you said there has been a case to establish or not establish that lack of a head of power there, but how can any of those 22 people know that they have that ability to do that and how could they have the resources to take that matter to court? It is a matter of access to try to prove that they have been perhaps not fairly dealt with.

Mr Woodford: I do not know how I answer that question, to be frank. I cannot get into the minds of the prisoners. I can tell you that the Parole Board is subject to being the respondent to litigation all the time matters are brought by prisoners before the court. What the amendments do is they give certainty as to the decision. What the amendments do not do is withdraw the prisoner's rights to bring judicial review of those decisions, of the content of the decision.

Mr WHITING: Could you repeat that again?

Mr Woodford: If the amendments come into effect, they will crystallise the power retrospectively, that the board had that power to do that. That is one issue. That does not mean that those 22 prisoners cannot still bring an application for judicial review about the decision itself, if it was a decision made on a jurisdictional error. There are two different things. If there was a difficulty with the exercise of the power—not the power itself, but the exercise of the power—prisoners still have the right to bring those matters before the court. I get back to my point that the board saw substantial risk with those particular prisoners and that is why the suspension decisions were made. But I do not really think I can answer your question as to why a particular of the 22—

Mr WHITING: Certainly. Let me talk about something you have said and that is about the power to get a judicial review and the power to get that compensation. We have seen some points of view saying that it becomes problematic when this bill extinguishes some rights in that regard. Surely there is some extinguishment of rights.

Mr Woodford: That is a fact, and the minister has dealt with that in the statement of compatibility with human rights. I have read that document. I do not think it is appropriate for me to comment on those matters; the minister has already done that. Your point is valid, with respect. It is a valid point. Rights are extinguished in terms of compensation for those historical matters. Applications can still be brought in order to challenge the decisions if the legislation goes through, and the power now exists and it retrospectively does, but your point is correct. Then that is the balance which is dealt with in the state compatibility as to where the interests lie.

Mr WHITING: We do have that statement of compatibility. I have read through that. I do have some issues with how effective that is. We certainly have more questions over here, Chair.

CHAIR: I happened to be on the committee in 2017 that dealt with this legislation, so we are going back to that time now.

Mr Woodford: It is your fault!

CHAIR: Well, a committee of the Legislative Assembly. But I did note, going through that report, that there was a committee comment and it was around this issue of rights. The committee comment was—

The committee notes the limited and serious circumstances in which a parole order may be suspended. Also, that such suspension can be made without prior notice to the parolee and without allowing the parolee to be heard in response before the order is suspended. The committee notes that the parole is being suspended, not revoked …

and that was a big point being made there—

… and the parolee still has recourse to make written submissions within 21 days of being advised of the parole board's decision.

So it is not the end of the story as you have just been alluding to.

Mr Woodford: Yes, it is not a guillotine. What happens is when the parole is suspended, there is no procedural fairness given at that stage to the prisoner, Mr Whiting, and then after that stage, a section 208 notice is given to the prisoner. The prisoner then has an opportunity to make submissions to the board. That was part of what I was going to tell you about earlier and practically how it works. Once that suspension decision is made, a couple of things crystallise. It comes back before the board. If the board confirms a suspension or cancels the order, then that triggers an information notice that goes to the prisoner that gives reason for the suspension. Then the prisoner has the right to then write to the board and say, 'Listen, you have suspended me for these reasons, but (a), (b), (c),' or, 'Would you also take into account these other matters?' Then the next part of the process is that the matter then comes back before a full board again where the board looks at all the materials, considers the suspension decision, looks at anything the prisoner has placed back before the board about the suspension and, in some cases, may lift the suspension. In other cases, they may confirm the suspension. Yes, you are 100 per cent correct there, Mr Crandon, that is part of it. I did not get a chance earlier to go through that part of it.

Mr Whiting, that may have fed into your question about the justice of the matter in terms of retrospectivity. There certainly was information at the time of suspension and an information notice given to each prisoner outlining why they were suspended and giving them an opportunity to speak with the board, and at that point certainly each prisoner had an opportunity, whether or not that practically would have been exercised or capable of exercise by the individual prisoner—and I accept that sentiment—to take judicial review of that decision.

Mr McCALLUM: Mr Woodford, in your opening statement you mentioned and acknowledged that the Parole Board, since its inception, has always placed the utmost priority on community safety. Would that be a fair comment?

Mr Woodford: Mr McCallum, I sat on the board from 2012 to 2014, I think it was, and that sentiment—different guidelines under a different government—was the core of decisions. It is the same situation now.

Mr McCALLUM: Indeed. It does not matter who the board members are et cetera. I absolutely accept that and I keep that in mind when it comes to the 22 decisions that would be affected retrospectively, so we can lock that in.

Mr Woodford: We can all accept that. They were infected with that sentiment.

Mr McCALLUM: Indeed. In your response to Mr Whiting's questions, and returning to the issue of—my words—section 205 which seems to me to be a more general provision versus what is proposed with section 208C which effectively gives an express legislative head of power, you made some comments around what you would practically need to do using section 205 at two o'clock in the morning and who you would have to get. Have I interpreted that right?

Mr Woodford: Precisely.

Mr McCALLUM: Thank you. Would it be fair to say that whilst there would be a potential under 205 in terms of the power that exists, it is not operationally practical when it comes to the real-world implementation of that?

Mr Woodford: I would accept that as a fair comment. It would be a major shift in policy which would require substantially more resourcing of the board, and my real concern is the timeliness of decisions being made, given that, as you said, the board is obsessed with community safety. That is at the core of what we do. My concern is if I have to have full boards doing this 24 hours a day, that is a substantial resource increase for the board.

Mr McCALLUM: But there is no legislative gap? This will make it operationally better, but it would be fair to say that there is no legislative gap?

Mr Woodford: In that way, no. These provisions were put in following reviews of the Parole Board for a specific purpose, so it would be a major policy move to move away from them.

Mr BAROUNIS: Further to my previous question, all of us want to keep the community safer and this is why we are here and that is what we are doing. Based on the amendments that are going to be introduced to the parliament, do you think these amendments will have a better outcome for what we are looking for?

Mr Woodford: I am sorry, I missed that.

CHAIR: John, I think that question may have just been covered a moment ago in relation to the questions from the member for Bundamba. They more or less covered that area. There are no legislative gaps.

Mr Woodford: No. Your question may be: is it the best practical solution to the policy difficulty that presents? My view is that it is, for the reasons that I have been discussing with Mr McCallum and Mr Whiting. I think it is the best solution. From my perspective—and I am speaking practicality rather than policy creation, because that is not my function here; that is a matter for the minister—practically, to have that gap filled, what I said at the start is there is a hole there and, as I tried to be fair and balanced to indicate, it is something that has only recently been discovered. I have no doubt that people were operating on that basis with very good intention to protect the community, and that underscores all of this.

CHAIR: When we find these gaps, we try to fill them as quickly as we can, as occurred in June last year—409ZO, particular Parole Board appointments. There were concerns around that. I note that that was a retrospective legislative change that was brought on quite quickly by the Queensland parliament, taking things back to 3 July 2017, just to make sure that those Parole Board decisions were going to be protected. Are there any other comments on any of those questions?

Commissioner Stewart: Chair, if I may also add, in relation to the gap and the requirement of addressing this, whilst we are talking about 22 instances, each one of those potential instances from a community safety perspective could have caused considerable harm and risk within the community. It is indeed an extremely important issue and the outcome, from identifying with the fact that there was not a head of power there to proceed, will validate, but will also, into the future, give the board the opportunity and really address that community safety risk. Certainly from a corrections perspective, we are very supportive of that as well.

Mr Woodford: Mr Crandon, I did want to confirm that we perceive there is a gap. This would not have come before you if we thought there was a better solution or there was no solution needed. I want to be crystal clear about that, that practically there is a gap.

CHAIR: Understood. Thank you very much. Are there any other comments from any other witnesses?

Mr WHITING: We have more questions here, Chair.

CHAIR: We are running out of time and we do have three minutes to the next—

Ms ASIF: I thought we were going to extend a bit. I have not had an opportunity to ask a question.

CHAIR: I am sorry. Just bear with me for a moment.

Ms ASIF: We had half an hour of opening statements, so if we could have five more minutes.

Mr WHITING: We are here until 11.15 for this session.

CHAIR: Okay. I call the member for Bancroft.

Mr WHITING: Before you hand to the member for Sandgate, I printed out a copy of section 205 of the act, plus the Foster v Shaddock decision. Both of those, I believe, show there is no substantial gap and certainly, to all intents and purposes, safety can be accessed through that. I will table that without further comment.

Ms ASIF: Regarding some of the comments that were made in response to the previous question, Commissioner Stewart, regarding community safety, it is obvious everyone wants to see that, especially with the Parole Board and the role that you play. You said there could currently be significant risk imposed if it were to continue in that way. To be transparent in what that could mean, could you highlight what those risks would be?

Commissioner Stewart: Without the provision to be able to look at a determination not to suspend, an individual could be left in the community, and already Community Corrections have identified that there is either a risk of harm to an individual or a risk of not being able to supervise that individual.

Ms ASIF: Are there any cases where that has occurred? From my understanding, this is already happening. This provision is just allowing it to be in the legislation. You are saying there is a risk. I want to clarify whether that has occurred, if you can think of any cases where that has occurred.

Commissioner Stewart: I do not have any evidence of when that has occurred, given it is a small number, but it certainly could occur.

Ms ASIF: But it has not occurred.

Commissioner Stewart: That is the significant risk in relation to it. Community safety is about addressing risk and making sure that these things do not occur. The fact that it has not occurred yet, it still could occur. From our perspective, from the community safety perspective, we are about making sure that there is as minimal amount of risk to the community. Particularly in relation to victims and some of the offences that potentially could be committed, we want to do everything in our practice to ensure that that risk is minimised for the community.

Ms ASIF: I just wanted to clarify in the operational sense how the board was operating to make sure that community safety was taken into account in that respect. I also just wanted to clarify what you were saying in answer to the member for Bundamba with regard to what is currently happening and the resources around it. With the changes to what currently occurs, would you not argue that that is actually going to be more burdensome and lead to more reviews having to take place? How would that impact the current wait times when it comes to custody periods?

Mr Woodford: No, I do not see that these changes will create any significant resource drain on the board because 98 per cent of suspensions, or requests for suspension, that come before the board from QCS end up being suspended. Already we are talking about a relatively small number of additional applications that would come before the board. I do not expect that that will represent a substantial drain on the board.

Ms ASIF: I am just trying to understand how that would change the process that you mentioned a couple of times when you get a call at 2 am.

Mr Woodford: It would not change that process. All it would mean is that, if a prescribed board member determined not to suspend, that would not be the end of it. The process is, if QCS form a view on risk and they are concerned, the material goes to a single board member. If the single board member looks at it and says, 'I'm not going to suspend,' at the moment that is the end of it. The additional process would be that, if a single board member says, 'I'm not going to suspend,' the matter will be in front of a board within two days. I am saying that would not be a significant drain on the board financially, which I think is your question, because that is a very small percentage of the suspension requests. As I have said earlier, an enormous amount of work is done in the community with prisoners to try to keep prisoners in the community, subject to community safety being paramount, before anything arrives at the board. That is really the main driver as to why 98 per cent, give or take, of requests for suspension end up with the board agreeing with the decision two days later. Yes, the numbers are small.

CHAIR: Before we go any further, I would like to apologise to my colleagues—I misread my notes. You are absolutely correct, member for Sandgate, that we are going until 11.15 am. I misread the notes here. We will continue with the questioning. Are there any other questions from those on my left?

Mr McCALLUM: Just a quick follow-up in relation to my earlier questions regarding the high-level advice that you have mentioned, and thank you very much for taking it on notice, effectively. Can I ask: has that advice been provided to the minister?

Mr Woodford: I do not know whether I am able to answer that question.

CHAIR: Probably not. We do not need to go down that road. I think you have been in the parliament long enough to understand that we do have certain protocols. If we can just stick to the facts, as I explained at the beginning—

Mr WHITING: With respect, Chair, this very much goes to the centre of our questions.

Mr McCALLUM: Thanks for your guidance, Chair. The reason I am bringing it up is simply that, if there is any impediment to your providing that advice to the committee, I hope there is no impediment to providing that advice to the minister, if it has not already been provided.

Mr Woodford: Mr McCallum, I can assure you that, if I am able, I am here to assist the committee. If it is proper for me to place anything before the committee en bloc, it will be provided. You have made the request and I will earnestly look at it to see whether that is possible. If it is proper for me to do that, it will be tabled.

Mr McCALLUM: Thank you for that.

CHAIR: Thank you, Mr Woodford. In the years I have known you on the PCCC, you have always been very forthright and open to providing as much support as you can.

Mr Woodford: It is a straight bat, Mr Crandon.

CHAIR: A straight bat—absolutely right; well described.

Mr BAROUNIS: Earlier, you said in the 2023-24 financial year you had 5,935 suspension decisions.

Mr Woodford: Correct.

Mr BAROUNIS: In 2024-25 to date, you have had 4,286.

Mr Woodford: Correct.

Mr BAROUNIS: I know we have another two months to go until the end of the financial year, but would you be able to let us know why there is such a big difference?

Mr Woodford: The short answer is no. I cannot provide any reasoned explanation for that. We do have some time to go. It is about 25 a day, I think. There is still some time to go and I do not know if things get more interesting towards the centre of the year compared to the rest of it. I just do not know the answer to that question, I am sorry.

Mr BAROUNIS: That is fine. Just a very simple question, which the community wants to know: who is eligible for parole? There are many people in our community who are confused, they do not know.

Mr Woodford: It is a simple question with a simple answer. When someone goes before a court and they are sentenced, there are a number of different orders that the court can make. A simple order is when the court says, 'You're eligible for parole immediately,' so the person walks out after being convicted and they are immediately on parole. They are for less serious matters. As we start to go up the continuum of seriousness, the next particular types of offences require court ordered parole. The more serious offences that receive more than a three-year sentence get what we call board ordered parole. Under the legislation, it says, 'You must go to the Parole Board to get a parole order.'

When the court sentences a person in that basic scenario, the court will determine how long it will be before that person will be eligible to apply for parole. The way that sentencing tends to work in Queensland is that, if a person pleads guilty to a charge, they may serve about a third of the time in custody. The judge may say, 'You are eligible for parole after 12 months of a three-year sentence.' These are very rough, so do not take them as a rule. If a person has a trial, ordinarily after the trial a court may order that a person is eligible for parole after serving about half the time, so at about 18 months. That is how a person becomes eligible.

As you go up the continuum of seriousness—for example, if an offence attracts a sentence of more than 10 years—the eligibility to apply for parole will come under the act and it will be 80 per cent. So, if you are sentenced to 10 years imprisonment, you may have an entitlement under the legislation to apply for parole at eight years. As you go further up that continuum and you have, say, a murder, which gets life imprisonment, it is not up to the judge in most cases to order when you are eligible for parole. Under the act, it will be 20 or 25 years. For older matters that are still on the books, if you like, there might be an eligibility to apply for parole at 15 years. In broad scope, that is how people become eligible for parole.

Most offences, as you would know, go through the Magistrates Court. They are shorter sentences that are imposed there—under three years. For a lot of the sentences coming out of there, the court will be ordering when they can have parole. For a 12-month sentence, you could have parole

now or you could have parole in six months. As you go up to the District Court and the Supreme Court, it is more the court itself determining when the person can apply to the board for parole. Does that make sense?

Mr BAROUNIS: Yes, it does. Thank you.

Mr WHITING: I have a few questions. I will signal, first of all, two questions on notice. The first is for more details on those 22 cases, and that will be based on the questions A to E in our TSS brief. The second—and I will send the words through for this—relates to the statement of compatibility, which says the validation provision preserves the state's revenue by extinguishing potential liability. I am looking to see if you agree 100 per cent that that would be the case and that the opportunity for compensation will be extinguished.

Also, I would like us to have a private meeting after this. I have more questions for the minister. I have questions about proposed sections 205 and 208, the impact of the decision we have, which has been through two courts, and the actual need for this legislation. I am signalling that we want to bring the minister in for questioning. I think the member for Bundamba had something else to move in that meeting too?

Mr McCALLUM: Yes. Chair, since our private meeting this morning, some information has come to light regarding energy, which this committee has oversight of. I would like to discuss this committee holding an inquiry into Callide.

CHAIR: That is something that we can concern ourselves with in a closed meeting.

Mr McCALLUM: Thank you.

CHAIR: We are close to the end. Does anyone have any specific questions for any of the witnesses?

Mr McCALLUM: No, thank you.

CHAIR: That concludes the briefing. Thank you to everyone who has participated today. I thank the Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. There are some specific questions for you to come back to us on. I know you will provide us with what you can, if anything, in that regard. In that respect, we need those responses by 5 pm, Wednesday, 7 May. You have until then to come to a decision in that regard. Thank you, once again.

The committee adjourned at 11.13 am.