



Restricted Prisoner Framework

Eligible Person Factsheet

On 3 December 2021, amendments were made to the *Corrective Services Act 2006* to introduce important changes to the parole process for certain life sentenced prisoners.

The amendments aim to limit the re-traumatisation of victims' families and friends by introducing a new framework for parole decisions about a life sentenced prisoner who has committed multiple murders or who has murdered a child.

What has changed?

If a prisoner is serving a life sentence for the murder of a child or for committing multiple murders, they are now a 'restricted prisoner'. Multiple murders can include a single event or multiple events.

The President of the Parole Board (the President) is now required to decide if a 'restricted prisoner declaration' should be made about a restricted prisoner before they can be considered for parole. A declaration can be made for a maximum of 10 years.

What will the President consider?

The President must be satisfied that it is in the public interest to make a restricted prisoner declaration. The President is required to consider:

- the nature, seriousness and circumstances of the offence or each offence for which the prisoner was sentenced to life imprisonment;
- any risk the prisoner may pose to the public if the prisoner is granted parole;
- the likely effect that the prisoner's release on parole may have on an eligible person or a victim.

When deciding whether to make a restricted prisoner declaration the President must consider a number of factors including the likely effect that the prisoner's release on parole may have on an eligible person or victim. This may include the President having regard to any eligible person submission made in relation to parole applications made by the prisoner.

When is a restricted prisoner declaration decided?

There are two ways a restricted prisoner declaration can be decided:

1. when a restricted prisoner applies for parole, **or**
2. if QCS provides a report to the President about the restricted prisoner, which can happen at any time.

When one of these things happens, the President must decide whether or not to make a 'restricted prisoner declaration'.

What if a restricted prisoner declaration is made?

If a declaration **is made**, the prisoner cannot apply for parole for the length of the declaration (maximum of 10 years). While the declaration is in force, the prisoner may still apply for exceptional circumstances parole, but this can only be granted in very limited circumstances. Once a declaration ceases, another declaration can be made.

Example declaration process

A restricted prisoner is eligible for parole in September 2022. The prisoner applies for parole in June 2022. This triggers the restricted prisoner requirements. The parole application is put on hold while the President decides whether to make a restricted prisoner declaration.

In this scenario, the President decides to make a declaration for seven years. The prisoner's parole application is automatically refused. A declaration is issued with an end date in 2029.

For the next seven years (while the declaration is in force) the prisoner cannot apply for parole. During this time, the prisoner can apply for exceptional circumstances parole, but this can only be granted in very limited circumstances.

At the end of the seven years (when the declaration ends), the prisoner can apply for parole again. If this occurs, the President must again consider whether to make another restricted prisoner declaration.

What if a restricted prisoner declaration is not made?

If a declaration **is not** made, the restricted prisoner can apply for parole or have a parole application decided by the Board. However, the prisoner will be subject to a new presumption against parole. This means that the Board must refuse to grant the prisoner's parole application unless it is satisfied the prisoner does not pose an unacceptable risk to the public.

What happens if a restricted prisoner is also a No Body, No Parole prisoner?

A small number of prisoners are both a restricted prisoner **and** a No Body, No Parole prisoner. For these prisoners, the No Body, No Parole process will occur first, and the Board will be required to decide if the prisoner has cooperated satisfactorily in locating the victim's remains.

If the Board is not satisfied that the prisoner has cooperated satisfactorily, a no cooperation declaration is made, and the prisoner cannot make a parole application. In this case, there is no need for the restricted prisoner process to occur.

If the Board is satisfied that the prisoner has cooperated satisfactorily, the matter will be referred to the President of the Board to decide whether a restricted prisoner declaration should be made.

For further information

To discuss these changes further, please contact the QCS Victims Register on Victims.Register@corrections.qld.gov.au or 1800 098 098.

