
From: Complaints
Sent: Wednesday, 1 November 2017 11:17 AM
To: 'michael.byrne'
Subject: CLASS IC: Correspondence from the CCC - CO-17-2079
Attachments: Letter to Byrne QC.PDF

Please find attached correspondence from the CCC dated 1 November 2017.

Regards



Integrity Services

Crime and Corruption Commission
Level 2 North Tower, 515 St Pauls Tce, Fortitude Valley QLD 4006
GPO Box 3123, Brisbane QLD 4001
T +61 7 3360 6060 | F +61 7 3360 6333 | complaints@ccc.qld.gov.au



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GPO Box 3123
Brisbane QLD 4001

Level 2
North Tower Green Square
515 St Pauls Terrace
Fortitude Valley QLD 4006

Tel.: 07 3360 6060
Toll-free: 1800 061 611
(in Queensland outside
Brisbane)

Fax: 07 3360 6333

mailbox@ccc.qld.gov.au
www.ccc.qld.gov.au

ABN 32 164 714 360



7

Crime and Corruption
Commission

QUEENSLAND

1/11/2017

Our Reference: C0-17-2079
TRIM Ref: 17/186877
Contact Officer:

1 November 2017

Mr Michael Byrne QC
President
Parole Board Queensland

By email to:

Dear Mr Byrne QC

**RE: CCC ASSESSMENT OF CONCERNS RELATED TO PAROLE
BOARD QUEENSLAND DECISION-MAKING ABOUT THE
PAROLE OF BENJAMIN OAKLEY**

I am writing to thank you for assisting the Crime and Corruption Commission (CCC) in its assessment, by way of preliminary inquiries, of a number of complaints of corrupt conduct related to alleged political interference in Parole Board Queensland (PBQ) decision-making and a subsequent review undertaken in that matter.

Those inquiries are now complete and the CCC has determined to take no further action in relation to the matters.

In line with the CCC's purpose to continuously improve integrity and build the capacity of the public sector to prevent and deal with corruption effectively and appropriately, I would recommend you give consideration to articulating the PBQ's position with respect to a number of matters as you continue with policy development and application.

They include:

- what is deemed to be 'information' for evoking consideration under section 205(2)(b) of the *Corrective Services Act 2006* (the CS Act);
- how information, giving rise to PBQ's powers under section 205, is received by the PBQ or the PBQ secretariat;
- how matters falling within section 205 of the CS Act are to be considered – including how such matters are placed before the hearing PBQ panel;
- the implementation of 'quality control' measures that may be taken by the PBQ or the PBQ secretariat in its decision making;

- establishment of a policy/procedure governing the provision of information from PBQ to the Queensland Corrective Services Victim Register;
- how currently 'effective' parole orders are affected by the *Corrective Services (No Body, No Parole) Amendment Act 2017*; and
- if a PBQ media policy is required.

You are obviously not compelled to adopt any of these suggestions, however we ask that you consider them as it may avert similar issues arising in the future.

Thank you for your consideration of this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan MacSporran', with a long horizontal flourish extending to the right.

Alan MacSporran QC
Chairperson

SCANNED

17/315658 (8)

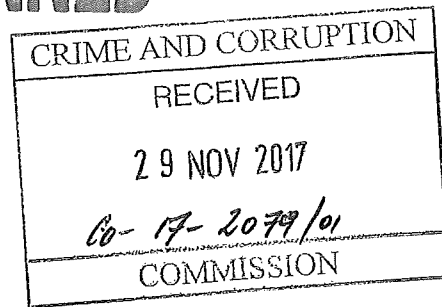


Queensland
Government

Parole Board Queensland

Queensland Corrective
Services

Department of
Justice and Attorney-General



24 November 2017

Alan MacSporran QC
Chairperson
Crime and Corruption Commission
GPO Box 3123
Brisbane QLD 4001

Dear Alan,

I refer to your correspondence regarding the assessment of concerns related to the Parole Board Queensland decision making about the parole of Benjamin Oakley dated 1 November 2017.

I have reviewed the recommendations made by the Crime and Corruption Commission (CCC) in relation to this matter and wish to provide you a progress report on the Parole Board Queensland (the Board) policy development and application relating to these matters.

What is deemed to be 'information' for evoking consideration under section 205(2) (b) of the Corrective Services Act 2006 (the CS Act).

Respectfully, the Board does not accept this recommendation.

- The Board wishes to consider any type of information provided under 205(2) (b) of the *Corrective Services Act 2006* (CSA) that enables the Board to decide to amend, suspend or cancel a parole order based on an individualised assessment of the prisoner's level of risk to the community.
- Where the introduction of new legislation or a legislative amendment may impact on decisions made by the Board (including retrospective decisions) a guideline will be developed and implemented to guide the Board's decision making and its secretariat functions.

How information, giving rise to the Parole Board Queensland (PBQ) powers under section 205, is received by the PBQ or the PBQ secretariat.

The Board accepts this recommendation. A guideline will be developed to require:

Chief Executive

- Where information relating to the amendment, suspension or cancellation of a prisoner's parole order is provided to the Board by Queensland Corrective Services (QCS) an Advice to Parole Board Report generated through the Integrated Offender Management System (IOMS) will be required for prisoners located in correctional centres or subject to parole supervision in the community.

A reply is to be prepared by: _____
 (A copy of the reply is to be forwarded to Complaints Registry.)
 Suggested reply:

Acknowledgement (letter 1)
 (Unlikely CCC will contact you further)

Acknowledgement (letter 2)
 (CCC will contact you in the course)

Registry:

Acknowledgement receipt

No reply required

Matter forwarded to _____ for preparation of reply.
 Initials: LF Date: 30/11/17

30/11/17
 Copy to Chair
 for info on
 (JUH to prepare
 response)

2/ JUH .

30 NOV 2017

Completed
 on
 29/11/17

RECORDED

- Where information is requested by the Board from QCS in relation to the amendment, suspension or cancellation of a prisoner's parole order (i.e., following the consideration of the parole matter) a memorandum of advice is to be provided to the Board by QCS. The memorandum of advice is to be emailed by QCS to Board email address, ParoleBoardQLD@dcs.qld.gov.au.

External Parties

- The Board will accept written information from external parties via the Board's contact email or postal address. This may include information that the Board relies on to amend, suspend or cancel a prisoner's parole order.

How matters falling within section 205 of the CS Act are to be considered – including how such matters are placed before the hearing PBQ panel.

The Board accepts this recommendation.

- On receipt of information relating to the amendment, suspension or cancellation of a prisoner's parole order the secretariat (through the legal associates) will assess the priority and completeness of the information received and schedule the parole matter to an appropriate parole board meeting.
- If the information is received after the scheduled meetings for that day or on a non-meeting day, where required an out of session Board hearing will be urgently convened to decide the matter.

The implementation of 'quality control' measures that may be taken by the PBQ or the PBQ secretariat in its decision making.

The Board accepts this recommendation.

- The Board has commenced establishing decision making guidelines for serious offenders in accordance with the Queensland Parole System Review (QPSR - Recommendation 57).
- The Board will develop and implement guidelines to support redesigned secretariat functions consistent with the QPSR findings relating to improved scheduling and file management practices.
- A performance framework to report trends in parole board activities is also being developed.

Establishment of a policy/procedure governing the provision of information from PBQ to the Queensland Corrective Services Victim Register.

The Board accepts this recommendation.

- A guideline has been developed and implemented in consultation with the QCS Victims Register to govern the provision of information from the Board and its secretariat to the QCS Victim Register.

How currently 'effective' parole orders are affected by the Corrective Services (No Body No Parole) Amendment Act 2017.

The Board accepts this recommendation.

- A guideline will be developed in consultation with the Queensland Police Service (QPS) and QCS to guide the Board and its secretariat functions when a new application for parole is received or when a parole order has cancelled for a prisoner convicted on an eligible offence, where the victim's body or remains have not been located.

If a PBQ media policy is required.

The Board accepts this recommendation.

- The Board has engaged the Department of Justice and Attorney-General (DJAG) Media Unit to develop and implement a media policy on behalf of the Board that is inclusive of proactive media releases, where it is determined to be in the public interest.

Please do not hesitate to contact me by telephone on (07) 3404 3512 or by email at Michael.Byrne@dcs.qld.gov.au if you require further information in relation to this matter.

Yours faithfully



Mr Michael Byrne QC
President
Parole Board Queensland