

Inquiry into the Commonwealth Parole Board Bill 2025 and the Commonwealth Parole Board (Consequential and Transitional Provisions) Bill 2025

Submission to the Legal and Constitutional Affairs
Legislation Committee

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Who we are

The **Australian Lawyers Alliance (ALA)** is a national association of lawyers, academics and other professionals dedicated to protecting and promoting access to justice and equality before the law for all individuals.

Our members and staff advocate for reforms to legislation, regulations and statutory schemes to achieve fair outcomes for those who have been injured, abused or discriminated against, as well as for those seeking to appeal administrative decisions.

The ALA is represented in every state and territory in Australia. We estimate that our 1,500 members represent up to 200,000 people each year across Australia.

Our head office is located on the land of the Gadigal people of the Eora Nation. As a national organisation, the ALA acknowledges the Traditional Owners and Custodians of the lands on which our members and staff work as the First Peoples of this country.

More information about the ALA is available on our website.¹

¹ www.lawyersalliance.com.au.

Introduction

1. The ALA welcomes the opportunity to have input to the Legal and Constitutional Affairs Committee on their Inquiry into the *Commonwealth Parole Board Bill 2025*, and the *Commonwealth Parole Board (Consequential and Transitional Provisions) Bill 2025*.
2. We are keen to work constructively with government to assist in the making of legislation in furtherance of those aims, for the benefit of all Australians.
3. The ALA is broadly supportive of the *Commonwealth Parole Board Bill 2025* and the *Commonwealth Parole Board (Consequential and Transitional Provisions) Bill 2025*. We welcome the establishment of an independent Commonwealth Parole Board as a significant step towards ensuring transparency, procedural fairness, and accountability in parole decisions.
4. The Law Council of Australia has rightly identified the creation of a specialist, multidisciplinary parole board as a positive measure to promote impartiality and consistency in federal parole determinations, and in turn fostering greater public confidence in the system.²
5. We agree that this approach aligns with considered best practice from comparable jurisdictions and addresses the clear need for a merit-based, transparent framework for parole decision-making. Moving decisions from executive hands to a merits based multidisciplinary board promotes impartiality and consistency in risk assessment and offender release planning.
6. A single national board will take parole decision-making out of the political sphere and promote evidence-based risk management, tailored parole conditions, and better linkage to rehabilitation and reintegration supports. This is critical for reducing recidivism amongst first time offenders.
7. Further, a unified federal decision-maker can improve information-sharing and consistency across jurisdictions, complementing the supervisory roles of state and territory corrections while bringing clear accountability for Commonwealth matters. Annual reporting and a

² Law Council of Australia, 'Commonwealth Parole Board Bill an important step towards taking politics out of parole' (Media Release, 8 October 2025) <<https://lawcouncil.au/media/media-releases/commonwealth-parole-board-bill-an-important-step-towards-taking-politics-out-of-parole>>

built-in statutory review provide a pathway for real measurable outcomes, and room for the scheme to be further refined based on actualised evidence.

8. We also welcome provisions that facilitate more timely parole decisions, including the use of audio-visual links for hearings and the power for the Board to make urgent decisions when public safety requires it.

Recommendations

9. Whilst the ALA generally supports the framework, as stated, we believe that three modest refinements are needed to further strengthen fairness, timeliness, and efficiency in the system without compromising public safety. These recommendations are as follows:
 - a. enable a legal practitioner or support person to appear by leave of the Board (including by AVL);
 - b. after a refusal, avoid a hard 12-month wait by setting a shorter default and enabling early reconsideration where circumstances materially change (such as housing being secured); and
 - c. restrict decisions made without a meeting, or by a single member, to urgent circumstances, subject to recorded reasons, immediate notice, and subsequent Board ratification.

Legal Representation

10. The Commonwealth Parole Board Bill permits the Board to conduct interviews under guidelines but does not require an interview in any given matter.³ Nor does it embed a right, even by leave, for an offender to appear with a legal representative or support person. Consequently, obligations to procedural fairness are left for determination by the Board, rather than secured through the requisite provisions in the Bill.
11. The ALA views this as directly disadvantaging vulnerable cohorts (including people with disability, cultural needs, or low literacy). Liberty-impacting decisions should always for allow an offender to be heard with the support they need (lawyer or support person) by

³ Explanatory Memorandum, Commonwealth Parole Bill 2025, 26, p.6

leave of the Board, including by audio-visual link, with appropriate controls to protect safety and privacy.

12. **The ALA makes the recommendation for the insertion of a short clause after cl 23 to permit representation/support by leave, with the Board empowered to set conditions and to use AVL.**

Reconsideration Period After Refusal

13. Following a parole refusal, the Bill sets a 12-month reconsideration period, in some circumstances even allowing for up to 24 months, but provides no mechanism to re-list earlier if specific reasons for the refusal are later resolved (e.g., accommodation obtained). It also permits deferral of up to 3 months after the end of the non-parole period.⁴
14. The ALA view is that such expanded deferral and extended reconsideration powers can exacerbate and prolong uncertainty within the process, discouraging timely program completion. In practical terms this contributes to overcrowding issues, but also weakens reintegration incentives amongst potential parolees, especially where apparent impediments (housing, program reports) become solvable well before 12 months.
15. Comparable state frameworks favour a responsive reconsideration model over a fixed one: the Adult Parole Board (VIC) permits reconsideration upon a material change in circumstances (e.g., confirmed accommodation or program completion)⁵, and Legal Aid NSW practice recognises earlier reconsideration once the specific barrier grounding refusal has been addressed.⁶ Further, the NSW State Parole Authority's "manifest injustice" mechanism provides a formal statutory pathway for earlier reconsideration where a refusal ground is no longer relevant or has been addressed, functioning as a material-change trigger.⁷ Embedding a statutory material-change trigger, alongside a shorter default

⁴ Ibid, 314, p.37.

⁵ Adult Parole Board of Victoria, *Parole Manual – Adult Parole Board of Victoria (2020)*, s 2.3.2, p. 9

⁶ https://www.legalaid.nsw.gov.au/my-problem-is-about/my-right-as-a-prisoner/parole?utm_source=chatgpt.com

⁷Crimes (Administration of Sentences) Act 1999 (NSW) ss 137B, 143B; *Crimes (Administration of Sentences) Regulation 2014* (NSW) cl 223; see also SPA "Manifest injustice" guidance - <https://paroleauthority.nsw.gov.au/parole-in-nsw/parole-process/manifest-justice.html>

interval, would align the Commonwealth scheme with proven state practice, reduce unnecessary time in custody, and preserve incentives for timely rehabilitation.

16. The ALA recommends that:

- a. the default reconsideration period is 6 months;**
- b. the Board may set a longer period of up to 24 months only if satisfied on reasonable grounds, with written reasons, having regard to specified factors (e.g., seriousness of issues, risk, prior non-compliance, steps already taken, and proportionality);**
- c. an applicant may seek earlier reconsideration where there is a material change directly addressing one or more stated refusal reasons (e.g., completion of specified training, remediation, updated clearances, independent assessments);**
- d. the Board must determine such a request within 21 days and provide written reasons;**
- e. refusal notices must:**
 - i. set out each refusal reason;**
 - ii. state the reconsideration period;**
 - iii. identify the concrete steps/evidence that would support early re-listing;**
and
 - iv. advise of any review/appeal rights.**

Decisions without a meeting

17. Clause 21 of the Bill permits the Board to make decisions without a meeting subject to ordinary meeting requirements and any guidelines, so far as practicable.⁸ The Bill also empowers the Chair or Deputy to act alone for specified decisions in cl 22, including revocation without notice where urgency or community safety justifies it.⁹

⁸ Explanatory Memorandum, *Commonwealth Parole Bill 2025*, 179, p,23

⁹ Ibid, 184, p23

18. We support urgent action in the interests of public safety but urge that the pursuit of efficiency must not displace notions of transparency and procedural fairness.
19. **The ALA recommends:**
 - a. **Limiting the scope of cl 21 for circumstances of:**
 - i. **genuine urgency and/or public safety, where delay would create an unacceptable risk; or**
 - ii. **purely procedural/administrative matters with no adverse impact on a prisoner's substantive position;**
 - b. **Providing for out-of-session safeguards for clause 21 through the requirement of;**
 - i. **written reasons for the decision,**
 - ii. **prompt written notice to the applicant (and representative, if any);**
 - iii. **and full-Board ratification at the next meeting;**

Conclusion

20. The ALA welcomes the opportunity to have input to the Committee on their Inquiry into the *Commonwealth Parole Board Bill 2025*, and the *Commonwealth Parole Board (Consequential and Transitional Provisions) Bill 2025*.
21. The ALA supports the Bills' objectives of establishing the grounds for expert, independent parole decision-making. The further implementing of three outlined modest amendments, all fully compatible with the Bills' intent, would enhance procedural fairness and timeliness without compromising community safety.
22. The ALA is available to provide further assistance to the Committee on the issues raised in this submission.



Ian Murray

President

Australian Lawyers Alliance