

EXCEPTIONAL CIRCUMSTANCES PAROLE – when and how to apply

When can I make an application for exceptional circumstances parole?

Exceptional circumstances parole applications can be made at any time. Your parole eligibility date is not the determining factor.

What are exceptional circumstances?

Exceptional circumstances are not defined in the legislation.

To assist the Board determine what is exceptional and to guide the Board's understanding of the term "exceptional circumstances", the Board considers comments made in previously decided cases. The following definition assists to define exceptional circumstances as:

*.. a circumstance which is such as to form an exception, which is **out of the ordinary course, or unusual, or special, or uncommon**. To be exceptional, a circumstance need not be unique, or unprecedented, or very rare; but it **cannot be one** that is regularly, or routinely, or normally encountered.*

The Board is required by the Ministerial Guidelines to also consider the following when looking at your application for exceptional circumstances:

- 1.2 ... the highest priority for the Board should always be the safety of the community.
- 5.7 If exceptional circumstances parole is granted, in the case of a prisoner claiming exceptional circumstances for serious medical reasons, the Board should first obtain advice from Queensland Health or other approved medical specialist on the seriousness, and management of, the prisoner's medical condition.

How do I apply and what evidence should I provide to support my exceptional circumstances application?

- You must complete a Form 28 application
- If the basis of your application is on medical grounds, a medical report outlining the following would assist the Board:
 - Diagnosis
 - Treatment required
 - Availability of treatment within a custodial centre (where prisoner is ill)
 - Prognosis
 - Any special care requirements – required by you or the person you are seeking to care for.

- Please also complete the attached medical consent form. This will assist the Board in obtaining any additional information required to consider your application.
- If applying as a primary carer, demonstrate how you are the only person who can provide the required assistance, support or care.
 - Evidence may be obtained from Centrelink or the Department of Child Safety as to the relationship and level of care and support required.

What happens where you have been charged with new offences where you are also seeking exceptional circumstances parole?

- To be released back into the community you must be successful in two separate applications:
 - An application to the Board for exceptional circumstances parole application for the charges you have previously been sentenced on and for which you are seeking parole; AND
 - A bail application to the Magistrates Court (or Supreme Court depending on the nature of the charge/s) for further offences that are not yet finalised.

To assist complete your exceptional circumstances application please use the below checklist:

Basis for application/other considerations	Yes	No
Is your application in relation to medical reasons?		
<i>If yes, have you obtained formal evidence of the diagnosis, treatment, and prognosis? This information may be obtained from a treating doctor.</i>		
<i>Have you signed the attached medical consent form?</i>		
Have you been sentenced and have a Parole Eligibility Date?		
If yes, are you eligible to apply for parole? If yes, have you submitted a Form 29 application?		
Have you been sentenced and have a Fixed Parole Release Date (Court Ordered Parole)?		
Are you currently remanded in custody?		
<i>If yes, have you applied for bail?</i>		
<i>If you have applied for bail, has this been granted?</i>		