

# SUPREME COURT OF QUEENSLAND

CITATION: *Harrod v Queensland Parole Board* [2017] QCA 215

PARTIES: **MARTIN HARROD**  
(applicant)  
v  
**QUEENSLAND PAROLE BOARD**  
(respondent)

FILE NO/S: Appeal No 3108 of 2017  
SC No 1865 of 2013

DIVISION: Court of Appeal

PROCEEDING: Application for Extension of Time

ORIGINATING COURT: Supreme Court at Brisbane – Unreported, 20 May 2013  
(Daubney J)

DELIVERED ON: 26 September 2017

DELIVERED AT: Brisbane

HEARING DATE: 22 September 2017

JUDGES: Fraser and McMurdo JJA and Mullins J

ORDERS: **1. Application for extension of time refused.**  
**2. Application for extension of time in CA No 366 of 2016 refused.**

CATCHWORDS: ADMINISTRATIVE LAW – JUDICIAL REVIEW – REVIEWABLE DECISIONS AND CONDUCT – REVIEW OF PARTICULAR DECISIONS – where applicant was convicted on own plea of guilty to murder and sentenced in 1988 to life imprisonment with hard labour – where applicant was released on parole in 2011 and breached parole by testing positive to cannabis sativa and parole was cancelled – where applicant was released on parole in 2012 and breached parole by testing positive to methylamphetamine and parole was cancelled – where applicant applied for a statutory order of review of the Board’s decision to cancel his parole – where the trial judge dismissed the application – where applicant applied for an extension of time to appeal more than three years after the dismissal of the application – whether it is in the interests of justice to extend the time to appeal against the decision

COUNSEL: The applicant appeared on his own behalf  
S A McLeod for the respondent

SOLICITORS: The applicant appeared on his own behalf  
Crown Solicitor for the respondent

- [1] **FRASER JA:** I agree with the reasons for judgment of Mullins J and the orders proposed by her Honour.
- [2] **McMURDO JA:** I agree with Mullins J.
- [3] **MULLINS J:** On 23 August 1988 Mr Harrod was convicted on his own plea of guilty of the offence of murder and sentenced to life imprisonment with hard labour. He became eligible for parole on 23 August 2001, but was not released on parole until 22 February 2011. The parole order included conditions that prohibited consumption of illegal drugs. Mr Harrod tested positive to cannabis sativa on 22 March 2011 and his parole was cancelled. He was released on parole again on 13 February 2012, but on 8 May 2012 tested positive to methylamphetamine in breach of the conditions of his parole and his parole was cancelled from that date.
- [4] Mr Harrod applied for a statutory order of review in respect of the Board's decision to cancel his parole order. On 20 May 2013 Daubney J dismissed the application on the basis that Mr Harrod had failed to demonstrate that the decision by the Board to cancel his parole was infected by reviewable error.
- [5] The application for extension of time to appeal against Daubney J's decision was filed by Mr Harrod more than three years after the decision was given. Mr Harrod must show that it is in the interests of justice that an extension of time to appeal against the decision be granted.
- [6] For the purpose of this application Mr Harrod has filed a statutory declaration and an affidavit and provided written submissions and copies of recent documents about his security classification and possible addresses, if he were released on parole (exhibit 1). Mr Harrod relies on a number of documents he has obtained since Daubney J's decision that are relevant to the general question of whether or not he should be granted parole, rather than the issue that was before Daubney J of whether the Board had made a reviewable error in cancelling his parole as from 8 May 2012. If the decision to cancel parole were quashed and remitted to the Board for reconsideration, the Board would reconsider its decision in the context of all the material relevant to the issue of whether at the present time there is an unacceptable risk to the community, if Mr Harrod were released on parole. It is a significant factor against granting an extension for an appeal against Daubney J's decision, when so much time has passed since that decision, that Mr Harrod can put before the Board by way of a fresh application for parole all the new material on which he wishes to rely.
- [7] There is therefore no utility in embarking on a consideration of the merits of an appeal from Daubney J's decision, as it would not in the interests of justice in the circumstances to exercise the discretion in favour of granting Mr Harrod an extension of time to appeal against Daubney J's decision, so long after it was given.
- [8] Mr Harrod had also filed in error an application under the *Criminal Practice Rules* 1999 (Qld) for an extension of time to appeal against Daubney J's decision. That application should be refused, as well as the application for an extension of time in this matter. The orders are:
1. Application for extension of time refused.
  2. Application for extension of time in CA No 366 of 2016 refused.