



APPEAL OF PBC DECISION

(pursuant to section 147 of the *Corrections and Conditional Release Act*)

This form is to be completed by the offender or/and his assistant who wish to appeal a decision rendered by the Parole Board of Canada)

PUT AWAY ON FILE
▶ Original = PBC Office

Appeal Division
Parole Board of Canada
410 Laurier Ave. West
Ottawa, Ontario
K1A 0R1
Fax: (613) 941-0543

Name (print) Institution/Region FPS No.

▶ Signature Date form completed (YYYY-MM-DD)

I wish to receive my correspondence in English French

Decision(s) being appealed: Date of decision(s):
(Time limit for submitting an appeal: 3 months from date of decision(s))

The law provides for an appeal that is based on one or more of the following reasons (Check appropriate boxes and specify. See reverse side for explanation of grounds for appeal):

The Board, in making its decision,

- failed to observe a principle of fundamental justice: _____
- made an error of law: _____
- breached or failed to apply a PBC policy: _____
- based its decision on erroneous or incomplete information: _____
- acted without jurisdiction or beyond its jurisdiction, or failed to exercise its jurisdiction: _____

In order for your appeal to be considered, you must write or type detailed reasons and attach any documents you want the Appeal Division to consider. You may use the reverse of this form.

Appeal Division members examine your case from your parole file, read what you send and listen to the audio recording of the hearing, if one is available. Neither you nor anyone who helps you with your appeal will be interviewed.

Role of the Appeal Division

The role of the Appeal Division is to ensure that the law and the Board policies are respected, that the rules of fundamental justice are adhered to and that the Board's decisions are based upon relevant and reliable information.

The Appeal Division reviews the decision-making process to confirm that it was fair and that the procedural safeguards were respected.

The Appeal Division has jurisdiction to reassess the issue of risk to reoffend and to substitute its discretion for that of the original decision makers, but only where it finds that the decision was unfounded and unsupported by the information available at the time the decision was made.

PRIVACY NOTICE STATEMENT

The information you provide on this form is collected under the authority of the *Corrections and Conditional Release Act* for the purpose of processing an appeal of a decision rendered by the Parole Board of Canada. Failure to provide this personal information may result in your request being denied. You have the right to the correction of, access to and protection of, your personal information under the *Privacy Act*. Personal information collected through the processing of your application will be stored in the Conditional Release Decisions (Parole) Personal Information Bank PBC PPU 005 and can be accessed and assessed for accuracy by sending a written request to the Director, Access to Information and Privacy, Parole Board of Canada, 410 Laurier Ave West, Ottawa, ON K1A 0R1. Information may also be used or disclosed for evaluation, reporting and program monitoring. For more information visit Info Source www.infosource.gc.ca.

EXPLANATION OF GROUNDS FOR APPEAL

“Failed to observe a principle of fundamental justice”: This includes any concerns regarding the fairness of the PBC procedures, for example, whether the Board properly shared information used, whether the right to an assistant was respected, whether choice of official language was respected, etc. Be specific as to how the Board did not respect its duty to be fair.

“Error of law”: Where you wish to submit that the Board did not follow the law, or misinterpreted the law, specify as much as possible exactly what the error was about; for example, if you submit that the Board did not follow a section of the CCRA, state what part of the Act was not followed.

“Breached or failed to apply a policy”: As with ground no. 2 above, state precisely what PBC policy you feel the Board did not follow.

“Based its decision on erroneous or incomplete information”: This includes any concern that relevant information was missing, or that the Board made errors about the relevant information available.

“Acted without jurisdiction or beyond its jurisdiction, or failed to exercise its jurisdiction”: This includes any concern about the Board either making decisions it did not have authority to make, or not making decisions that the law said that it could make. In addition, it involves any complaint that the PBC decision is totally unreasonable or unsupported by the information available. Again, it is important to state precisely what the error was, and if arguing that the decision is totally unreasonable, you must explain why you feel that the Board members’ conclusions are unfounded.