NORTHERN TERRITORY OF AUSTRALIA

PAROLE ORDERS (TRANSFER) ACT

As in force at 1 May 2016

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 May 2016

PAROLE ORDERS (TRANSFER) ACT

An Act relating to reciprocal enforcement of parole orders

1 Short title

This Act may be cited as the *Parole Orders (Transfer) Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Definitions

In this Act, unless the contrary intention appears:

corresponding law means a law of a State or another Territory relating to the transfer of parole orders declared by the Minister, by notice published in the *Gazette*, to be a corresponding law for the purposes of this Act.

designated authority means, in relation to a State or another Territory, the person or body with powers under the corresponding law of that State or other Territory that correspond to those of the Minister under section 5.

Parole Board means the Parole Board of the Northern Territory established by the *Parole Act*.

parole order means a parole order in force under the *Parole Act* or under a law of a State or another Territory relating to parole, and includes:

(a) an authority given under a law of the Territory or a law of a State or another Territory for the release of a person from imprisonment or lawful detention, being an authority that is to be deemed to be such a parole order under such a law; and

(b) such a parole order or authority as varied from time to time.

Registrar means the Registrar of Transferred Parole Orders.

sentence of imprisonment includes an order, direction, declaration or other authority under which a person may be lawfully detained in a custodial correctional facility under the *Correctional Services Act*, a detention centre under the *Youth Justice Act* or any other detention facility however described.

4 Appointment of Registrar

There shall be a Registrar of Transferred Parole Orders who shall be appointed by the Minister.

5 Requests for registration of transferred parole orders

(1) The Minister may, at the request in writing of the designated authority for a State or another Territory, by instrument in writing, direct the Registrar to register under this Act a parole order that was in force at the time of the request under a law of that State or other Territory.

(2) The Minister may, by instrument in writing addressed to the designated authority for a State or another Territory, request that a parole order that is in force under a law of the Territory be registered under the corresponding law of that State or other Territory.

6 Documents to accompany requests

(1) Where the Minister requests the designated authority for a State or another Territory under section 5(2) to register a parole order under the corresponding law of that State or other Territory, the Minister shall cause to be sent to the designated authority:

(a) the parole order to which the request relates together with any variations of the order;

(b) the judgment, order, direction, declaration or other authority which authorized the imprisonment of the person to whom the parole order relates;

(c) particulars in writing of the address of that person last-known to the Minister; and

(d) a report in writing relating to that person containing such information and accompanied by such documents as appear to be likely to be of assistance to any court, authority or officer in that State or other Territory, including all documents that were before the body making the parole order, details of findings of guilt, convictions, sentences of imprisonment, minimum terms of imprisonment, periods of imprisonment served, class of prisoner, remissions earned and other grants

of parole.

(2) A reference in subsection (1) (other than a reference in subsection (1)(a)) to an order, judgment or other document is a reference to the original or to a copy certified as a true copy by a person purporting to be the person in whose custody the original is entrusted.

7 Registration of parole orders in a State or Territory to be in interest of parolee, &c.

(1) The Minister shall not direct under section 5(1) the registration under this Act of a parole order in force under a law of a State or another Territory unless:

(a) he is satisfied, on consideration of relevant information and documents forwarded to him by the designated authority for that State or other Territory that, having regard to the interests of the person to whom the parole order relates, it is desirable that the parole order be so registered; and

(b) either:

(i) that person has given his consent to, or has requested, the registration of the parole order under this Act; or

(ii) that person is residing in the Territory.

(2) The Minister shall not make a request under section 5(2) for the registration under the corresponding law of a State or another Territory of a parole order in force under a law of the Territory unless:

(a) he is satisfied that, having regard to the interests of the person to whom the parole order relates, it is desirable that the parole order be so registered; and

(b) either:

(i) that person has given his consent to, or has requested, the registration of the parole order under the corresponding law of that State or other Territory; or

(ii) there are reasonable grounds for believing that that person is residing in that State or other Territory.

8 Registration

(1) When so directed under section 5(1), the Registrar shall register a parole order under this Act by:

(a) endorsing on the parole order a memorandum signed by him to the effect that the parole order is, on the date of the endorsement, registered under this Act; and

(b) keeping the endorsed parole order in a register together with the original or copy of the judgment, order, direction, declaration or other authority, by virtue of which the person to whom the parole order relates became liable to undergo the relevant imprisonment, sent by the designated authority.

(2) When the Registrar has registered a parole order, he shall:

(a) forward to the Chairman of the Parole Board one copy of the parole order, being a copy on which is written a copy of the memorandum endorsed on the parole order in accordance with subsection (1), together with one copy of the judgment, order, direction, declaration or other authority referred to in subsection (1)(b); and

(b) cause notice in writing of the fact and date of the registration of the parole order to be given to the designated authority who requested the registration of the parole order, and to be served personally on the person to whom the parole order relates.

9 Effect of registration

(1) Subject to this section, while a parole order (including a parole order that was, at any time, in force in the Territory) is registered under this Act, the laws of the Territory apply to and in relation to the parole order and the person to whom the parole order relates.

(2) If the parole order registered under this Act was made under a law of a State or another Territory, the laws of the Territory apply under subsection (1) as if:

(a) each sentence of imprisonment to which the person to whom the parole order relates was subject immediately before the making of the parole order had been imposed by the appropriate court of the Territory;

(b) each period of imprisonment served by that person for the purpose of each such sentence had been served for the purpose of the sentence imposed by the appropriate court of the Territory; and

(c) the parole order had been made and was in force under a law of the Territory.

(3) For the purpose of subsection (2), the appropriate court of the Territory in relation to a sentence of imprisonment is:

(a) where the sentence was imposed by a court of summary jurisdiction or by a court on appeal from such a court – the Local Court; and

(b) in any other case – the Supreme Court.

(4) Where a parole order registered under this Act is revoked, cancelled or is to be deemed to have been revoked under a law of the Territory, the person to whom the parole order related shall be liable to serve a period of imprisonment equal to the period for which he was liable, on the date on which he was released on parole under the order, to be imprisoned.

10 Effect of transfer of parole order to a State or another Territory

(1) Upon the registration under a corresponding law of a parole order that, immediately before that registration, was in force under a law of the Territory:

(a) the parole order ceases to be in force in the Territory;

(b) in the case of a parole order that was registered under this Act, the parole order ceases to be so registered; and

(c) each sentence of imprisonment to which the person to whom the parole order relates was subject immediately before the registration under the corresponding law ceases to have effect in the Territory.

(2) Upon the subsequent registration under this Act of a parole order in relation to which subsection (1) has, at any time, applied:

(a) subsection (1)(a) and (c) ceases to apply in relation to the parole order; and

(b) the force and effect that the parole order, and each sentence of imprisonment to which the person to whom the parole order relates was subject, had, under a law of the Territory immediately before the registration under the corresponding law, revive and continue while the parole order is registered under this Act.

10A Exclusion of rules of natural justice

The rules known as the rules of natural justice (including any duty of procedural fairness) do not apply to or in relation to a direction, request or decision given or made by the Minister under this Act.

11 Evidence

(1) An instrument in writing that purports to be a copy of a memorandum endorsed on a parole order on a specified date under section 8(1) and to have been signed by the Registrar is prima facie evidence that the parole order was registered under this Act on that date.

(2) A parole order made under a law of a State or another Territory and registered under this Act may be received in evidence in any court of competent jurisdiction without further proof by the production of a copy of the parole order certified as a true copy by the Registrar, and such a copy is prima facie evidence of the matters stated in the parole order.

12 Delegation

(1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a Chief Executive Officer or employee as defined in the *Public Sector Employment and Management Act* any of his powers under this Act, other than this power of delegation.

(2) A power so delegated, when exercised by the delegate shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

(3) A delegation under this section does not prevent the exercise of a power by the Minister.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Parole Orders (Transfer) Act 1981* (Act No. 79, 1981)**

Assent date	21 September 1989
Commenced	1 May 1984 (*Gaz* S22, 30 April 1984)

***Parole Orders (Transfer) Amendment Act 1989* (Act No. 38, 1989)**

Assent date	20 September 1989
Commenced	20 September 1989

***Public Sector Employment and Management (Consequential Amendments) Act 1993* (Act No. 28, 1993)**

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and *Gaz* S53, 29 June 1993)

***Sentencing (Consequential Amendments) Act 1996* (Act No. 17, 1996)**

Assent date	19 April 1996
Commenced	s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

***Correctional Services (Related and Consequential Amendments) Act 2014* (Act No. 27, 2014)**

Assent date	4 September 2014
Commenced	9 September 2014 (*Gaz* S80, 9 September 2014, p 2)

***Local Court (Related Amendments) Act 2016* (Act No. 8, 2016)**

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

3 LIST OF AMENDMENTS

s 3	amd No. 27, 2014, s 57
s 6	amd No. 38, 1989, s 2; No. 17, 1996, s 6
s 8	amd No. 38, 1989, s 3
s 9	amd No. 8, 2016, s 45
s 10A	ins No. 38, 1989, s 4
s 12	amd No. 28, 1993, s 3