

NORTHERN TERRITORY OF AUSTRALIA

PAROLE AMENDMENT ACT 2016

Act No. 28 of 2016

Table of provisions

1	Short title	1
2	Commencement	1
3	Act amended	1
4	Sections 3G to 3GB repealed	1
5	Sections 4 to 4B inserted	2
	4 Chairperson may require attendance of prisoner	
	4A Expert advice or opinion	
	4B Release on parole of prisoner serving life imprisonment for murder	
6	Part 5 inserted	3
	Part 5 Transitional matters for Parole Amendment Act 2016	
	18 Definitions	
	19 Application of amendments	
7	Expiry of Act	4



NORTHERN TERRITORY OF AUSTRALIA

Act No. 28 of 2016

An Act to amend the *Parole Act*

[Assented to 13 July 2016]
[Second reading 25 May 2016]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Parole Amendment Act 2016*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Parole Act*.

4 Sections 3G to 3GB repealed

Sections 3G to 3GB

repeal

5 Sections 4 to 4B inserted

Before section 5, in Part 3

insert

4 Chairperson may require attendance of prisoner

The Chairperson may require a prisoner to be brought before a meeting of the Board at which a matter relating to the prisoner is to be considered, if the Chairperson considers it necessary or desirable.

4A Expert advice or opinion

The Board may, in considering a matter, seek the advice or opinion of an expert on the matter.

4B Release on parole of prisoner serving life imprisonment for murder

- (1) This section applies if the Board is considering the release on parole of a prisoner who is serving a term of imprisonment for life for the crime of murder.
- (2) The Board may invite persons to make submissions on the matter to the Board, including the following persons:
 - (a) members of the victim's family;
 - (b) if the prisoner is an Aboriginal or Torres Strait Islander who identifies with a particular community of Aboriginals or Torres Strait Islanders – representatives of that community.
- (3) In considering the matter, the Board must have regard to the principle that the public interest is of primary importance and, in doing so, must give substantial weight to the following matters:
 - (a) the protection of the community as the paramount consideration;
 - (b) the likely effect of the prisoner's release on the victim's family;
 - (c) if the prisoner is an Aboriginal or Torres Strait Islander who identifies with a particular community of Aboriginals or Torres Strait Islanders – the likely effect of the prisoner's release on that community.

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- (4) The Board must not make a parole order in relation to the prisoner unless the Board considers that the prisoner has cooperated satisfactorily in the investigation of the offence to identify the location, or the last known location, of the remains of the victim of the offence.
 - (5) For subsection (4), the cooperation may occur before or after the prisoner was sentenced to imprisonment.
 - (6) For subsection (4), the Board must take into account any report by the Commissioner of Police evaluating the prisoner's cooperation in the investigation of the offence that is tendered to the Board.
 - (7) The Commissioner of Police, in preparing a report as mentioned in subsection (6), must evaluate the following:
 - (a) the nature and extent of the prisoner's cooperation;
 - (b) the timeliness of the cooperation;
 - (c) the truthfulness, completeness and reliability of any information or evidence provided by the prisoner;
 - (d) the significance and usefulness of the prisoner's cooperation.
 - (8) The Board must give reasons for any decision or direction of the Board on the matter and those reasons must be included in the record of its proceedings kept under section 3F(7).

6 Part 5 inserted

After section 17

insert

Part 5 Transitional matters for Parole Amendment Act 2016

18 Definitions

In this Part:

commencement means the commencement of the *Parole Amendment Act 2016*.

19 Application of amendments

- (1) Section 4B applies to the Board on and after the commencement when considering whether to make a parole order in relation to a prisoner who is serving a term of imprisonment for life for the crime of murder.
- (2) Section 4B also applies to the Board if:
 - (a) a prisoner who is serving a term of imprisonment for life for the crime of murder has been released on parole, whether before or after the commencement; and
 - (b) the parole of the prisoner is cancelled under section 6 on or after the commencement; and
 - (c) that cancellation is not set aside under section 10; and
 - (d) the Board is subsequently considering whether to make a further parole order in relation to the prisoner.
- (3) However, section 4B does not apply to the Board in relation to a prisoner:
 - (a) who has been released on parole before the commencement (unless subsection (2) applies); or
 - (b) in relation to whom the Board has made a parole order before the commencement if:
 - (i) the prisoner has not been released before the commencement; and
 - (ii) the parole order is not revoked before the prisoner is released under the order.

7 Expiry of Act

This Act expires on the day after it commences.