



# NORTHERN TERRITORY OF AUSTRALIA

---

No. 37 of 1989

---

## AN ACT

to amend the *Parole of Prisoners Act*

[Assented to 20 September 1989]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Parole of Prisoners Amendment Act 1989*.

2. COMMENCEMENT

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

3. PRINCIPAL ACT

The *Parole of Prisoners Act* is in this Act referred to as the Principal Act.

4. MEMBERS OF BOARD

Section 3B of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) The Board shall consist of -

(a) the Chief Justice;

(b) the Director of Correctional Services appointed under section 6(1) of the *Prisons (Correctional Services) Act*; and

---

*Parole of Prisoners Amendment*

- (c) 4 other members appointed by the Minister."

5. NEW SECTION

The Principal Act is amended by inserting after section 3H the following:

"3HA. 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 decision or action of the Chairman or direction of the Board under this Act."

6. RELEASE OF OFFENDERS ON PAROLE

Section 5 of the Principal Act is amended -

- (a) by inserting after subsection (6) the following:

"(6AA) The Chairman may, in his discretion but subject to subsections (6AB) and (6A), at any time after the expiration of the parole period, where the person to whom the parole order related -

- (a) before or after the expiration of the parole period is convicted of an offence committed during the parole period (including an offence against a Commonwealth Act, regulations under a Commonwealth Act, or a law of a State or another Territory), and as a result of the conviction is sentenced otherwise than to a term of actual imprisonment;
- (b) before or after the expiration of the parole period was or is proceeded against for such an offence and was or is released by the court before which the proceedings were brought (whether or not he is convicted) on condition as to his future good behaviour or any other condition; or
- (c) failed, during the parole period, to comply with a condition of the parole order,

by order in writing, direct that the parole order be revoked and the parole order shall thereupon be deemed to have been revoked as from the time immediately before the expiration of the parole period.

"(6AB) The Chairman shall not make an order under subsection (6AA) if, before the expiration of the parole period, he was aware of the relevant conviction, proceedings or failure."; and

- (b) by omitting from subsection (6A) "sub-section (6)" and substituting "subsection (6) or (6AA)".

*Parole of Prisoners Amendment*

7. CANCELLATION OF PAROLE BY COURT

Section 6 of the Principal Act is amended -

(a) by omitting all words after "may," and substituting "in its absolute discretion but subject to subsection (2), cancel the parole order"; and

(b) by adding at the end the following:

"(2) The court shall not, under subsection (1), cancel a parole order unless it is satisfied that the person has failed, without reasonable excuse, to comply with a condition of the parole order."

8. SERVING OF BALANCE OF TERM OF IMPRISONMENT WHEN SENTENCED TO FURTHER IMPRISONMENT

Section 12 of the Principal Act is amended -

(a) by omitting from subsection (2)(a) "is in force" and substituting "is or was in force";

(b) by omitting from subsection (2) all words after paragraph (b) and substituting the following:

"the court by which the person is sentenced or committed shall order the person to undergo imprisonment for the term that the person had not served at the time when he was released from prison in pursuance of the parole order, which term of imprisonment shall commence at the expiration of the term of imprisonment to which he is sentenced or committed for the later offence."; and

(c) by omitting subsection (3).

9. EFFECT OF PAROLE ORDER ON SENTENCE

Section 14(2) of the Principal Act is amended by omitting "section 5(8)" and substituting "section 5(6AA) or (8)".

10. REMISSION ALREADY EARNED BEFORE PAROLE ORDER REVOKED OR CANCELLED

Section 15(b) of the Principal Act is amended by omitting "*Prisons Act*" and substituting "*Prisons (Correctional Services) Act*".