



# POLICY AND PROCEDURES MANUAL



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# SECTION 1

## USING THE MANUAL

### 1.1 INTRODUCTION

This manual seeks to provide members with information to assist them in fulfilling their responsibilities as a member of the Parole Board of the Northern Territory (the Parole Board).

The Parole Board is an integral part of the criminal justice system in the Northern Territory and is responsible for making decisions pertaining to the release of prisoners (for whom a non-parole period has been fixed) on parole.

As a member of the Parole Board you will be required to make decisions that have an impact upon the community of the Northern Territory. At an individual level, your decisions will affect offenders, victims and their families. At a collective level, your decisions to release prisoners on parole may also have an impact on a particular community, especially small and remote communities.

The Parole Board is structured in such a way as to bring together people with a diversity of life experience, skills and expertise. This diversity helps to ensure that decisions reflect the ideals and values of the community as a whole. It is imperative that members give due consideration to issues impacting on the safety of the community, and the rehabilitation and successful reintegration of prisoners into the community.

As a member of the Parole Board you have been charged with an important responsibility. The community places its trust in members of the Parole Board to act with impartiality and make decisions based upon the facts put before the Parole Board in a manner that is free of external influence and interference.

## 1.2 CHAIRPERSON'S WELCOME

I would like to thank Tracy Luke, Kathryn White and Laura Sewell for the valuable work that they have done in preparing the Policy and Procedures Manual of the Parole Board of the Northern Territory. They are to be highly commended.

The main purpose of the Manual is to maintain and enhance the quality of the decision making and management of parole matters by the Parole Board by providing a detailed description of the legislative, administrative and enforcement framework in which members of the Parole Board are required to operate; supporting and maintaining the high ethical standards that have been adopted and followed by all members of the Parole Board; explaining the procedure that is followed when a prisoner applies for parole; and by delineating the decision making framework adopted by the Parole Board that emphasises safety of the community and the minimisation of risk as the paramount considerations of the Parole Board.

It is hoped that the Manual will also make the Parole Board's decision making processes more transparent and accountable, provide assistance and support to probation and parole officers and other stakeholders, and educate members of the public about parole.

In my opinion, the Manual will greatly assist in achieving the principal aim of the Parole Board, which is increasing community safety through rehabilitation and successful reintegration of offenders in the community. I recommend that all members of the Parole Board and all Community Corrections staff spend time carefully perusing the Manual. I am sure that they will find it to be a very useful aid in their consideration and management of all parole matters.

**The Hon Justice Stephen Southwood**  
Chairperson

## SECTION 2

### LEGISLATIVE FRAMEWORK

The Parole Board is an independent statutory body created and governed by the *Parole Act*.

The *Parole Act* contains provisions about the:

- establishment, management, operation and functions of the Parole Board;
- the role of probation and parole officers in monitoring parole orders; and
- the legislative requirements for parole orders.

The legislative framework provided by the *Parole Act* is used throughout the manual to underpin the policies and procedures that support day-to-day operations of the Parole Board and probation and parole officers.

There are a number of other pieces of legislation that impact directly and indirectly upon the work of the Parole Board, and it is expected that members of the Parole Board will be familiar with the following Acts of Parliament:

- *Parole Orders (Transfer) Act*
- *Sentencing Act*
- *Correctional Services Act*
- *Youth Justice Act*
- *Information Act*
- *Criminal Code Act*

## 2.1 WHAT IS PAROLE?

Under the *Sentencing Act* a judge or magistrate sentencing an offender to a term of imprisonment for 12 months or more may fix a non-parole period. The non-parole period is the minimum period the sentencing court determines that a prisoner must serve in prison before becoming eligible to be granted parole because the sentencing judge or magistrate considers that the prisoner's crime calls for such punishment. The purpose of a non-parole period is to provide for mitigation of punishment of the prisoner in favour of the prisoner's rehabilitation through conditional freedom, when appropriate, once the prisoner has served the minimum term of imprisonment that justice requires the prisoner must serve having regard to all of the circumstances of the case.

The *Parole Act* provides that once the non-parole period has expired it is the function of the Parole Board to determine if and when a prisoner is suitable to be released on parole for the balance of his or her sentence of imprisonment. A prisoner does not have a right to be granted parole upon the expiry of the non-parole period. It is for the Parole Board to determine if the prisoner should be granted parole. It is left to an arm of the executive to make an administrative decision about a prisoner's partial exemption from punishment.

A prisoner will be granted parole only if the Parole Board is satisfied that the prisoner is appropriately reformed and is not a danger to the community if the prisoner is managed appropriately on suitable conditions of parole.

Parole is a form of strict conditional release into the community under the supervision of a probation and parole officer. The parolee's liberty depends upon satisfactory compliance with the conditions imposed by the Parole Board. A prisoner who is on parole is still serving the sentence that was imposed by the court. A sentence for which a non-parole period is fixed is a single sentence. However, if a parolee's parole is revoked, the parolee will be required to serve the balance of the sentence of imprisonment that was not served at the time the parolee was granted parole. If a prisoner's parole is revoked, the prisoner does not get any credit for the time served in the community while on parole.

The purpose of parole is to bring prisoners back into the community in a manner that will give them support, understanding and a good chance to become members of the community free of a criminal lifestyle. Parole is a useful process for successfully reintegrating prisoners into the community. Prisoners who are granted parole tend to have a lower recidivism rate than prisoners who are not granted parole.

For a sentence of imprisonment of 12 months the courts cannot fix a non-parole period of less than eight months. For the majority of offences the courts cannot fix a non-parole period of less than 50% of the total sentence of imprisonment. For certain sexual offences and certain offences against a person under 16 years of age, the courts cannot fix a non-parole period of less than 70% of the total sentence of imprisonment. In the case of murder, the Court must sentence an offender to imprisonment for life and fix a standard non-parole period of 20 years or, in certain circumstances, a non-parole period of 25 years or longer.

Parole places an onus of responsibility on the offender to be accountable for their behaviour, comply with conditions of their parole order and prove they have the skills and ability to successfully reintegrate back into the community.

## 2.2 ROLES AND RESPONSIBILITIES

The function of the Parole Board is to determine and manage the appropriate release of prisoners on parole. The Parole Board aims to make decisions that are rigorous, fair, timely and free from external influence.

The responsibilities of the Parole Board are to:

- (a) fulfil its statutory obligations under the *Parole Act*;
- (b) make independent and appropriate decisions about the release of prisoners on parole;
- (c) set appropriate parole conditions for each prisoner released on parole;
- (d) ensure prisoners are properly prepared to reintegrate into the community;
- (e) monitor the behaviour of parolees while on parole; and

- (f) make appropriate decisions about revoking a parolee's grant of parole for breaches of parole conditions or for further offending.

### 2.3 MEMBER INDUCTION

The induction process is completed by the Secretary of the Parole Board (the Secretary) at the direction of the Chairperson. As part of the induction process, each member will be provided with a copy of the Policy and Procedures Manual.

The purpose of the induction is to ensure that members have a minimum level of knowledge about the Parole Board and its processes and procedures prior to being called upon to make decisions about the release of a prisoner on parole.

The Secretary will meet with each new member and provide a briefing that includes an overview of the following areas:

- roles and responsibilities of Secretariat staff
- role of Community Corrections and probation and parole officers
- location and operation of custodial and juvenile detention centres
- structure of Parole Board files
- completion of commencement paperwork
- process for setting meeting schedules and rosters
- training in the use of iPads and the eScribe program

Members can also request to meet with the Chairperson prior to attendance at their first meeting.

In order to ensure that members have a contemporary understanding of the criminal justice system in the Northern Territory, and related services for victims and offenders, regular training opportunities and workshops will be provided for members. Under proposed legislative amendments, workshops will be held for members twice a year. It is expected that members will make themselves available for these sessions.

If members wish to access other training or workshops outside those facilitated by the

Secretariat a request should be made to the Secretary of the Parole Board. These requests will be assessed on a case-by-case basis and final approval will be given by the Chairperson.

### 2.4 CONDUCT OF PAROLE BOARD MEMBERS

The Parole Board plays an important role in the criminal justice system of the Northern Territory.

There is an expectation from the community that Parole Board members will carry out their responsibilities conscientiously and diligently, and shall maintain the highest standards of ethical conduct when acting as a Parole Board member; and that decisions of all Parole Board members will be impartial and take into account all relevant issues affecting the prisoner or parolee, victims and the community.

Members are responsible for bringing to the attention of the Chairperson any issues that may affect:

- their ability to fulfil their responsibilities; or
- the member's impartiality or appearance of impartiality.

#### 2.4.1 CONFLICTS OF INTEREST

A conflict of interest exists when it is likely that a Parole Board member could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their duty. A conflict of interest that leads to partial decision making may constitute corrupt conduct.

Some related interests that may give rise to a conflict of interest include:

- financial interests in a matter that is to be considered at a meeting of the Parole Board at which the Parole Board member is one of the presiding members attending the meeting or having friends or relatives with such an interest that the presiding member is aware of;
- personal beliefs or attitudes of the Parole Board member that may influence the impartiality of a Parole Board member when considering matters before a meeting of the Parole Board at which the member is one of the presiding members attending the meeting;



- personal relationships<sup>1</sup> of the Parole Board member with the offender or victim or their families or people associated with an offender, victim or their families in a matter that is to be considered at a meeting of the Parole Board at which the member is one of the presiding members attending the meeting;
- secondary employment that compromises the integrity of the Parole Board member and the Parole Board; and
- political activities of the Parole Board member that involve a matter that is to be considered at a meeting of the Parole Board at which the member is a presiding member.

Where a Parole Board member identifies they have a personal connection with any person(s) or issues that pose a conflict of interest in any Parole Board matter they must:

- abstain from participating in any related discussion and deliberation,
- advise the Chairperson and have their abstention recorded by the Secretary.

Where a Parole Board member is unsure if a conflict of interest exists, they should discuss the matter with the Chairperson before the meeting commences.

Prior to sitting and deliberating on any matter before the Parole Board, Parole Board members should advise the Chairperson if they have been approached by relatives, friends, or other interested parties in respect of any matter under consideration.

Where a conflict of interest is identified, the Secretary will record any related abstention in the minutes of the Parole Board meeting.

### 2.4.2 POLITICAL AFFILIATIONS

Each Parole Board member has the same right to freedom of political expression and association as other members of the community. However, political interests must always be undertaken in a strictly private capacity and must not conflict with the primary duty of Parole Board members.

Parole Board members must not exercise rights to political activity in such a way that they knowingly place themselves in a position that creates, or is likely to create, a conflict of interest with their position as a Parole Board member.

All actual or potential conflicts of interest must be resolved jointly with the Chairperson.

As private citizens, Parole Board members have the right to enter into public debate on political and social issues. When doing so it must be clear that:

- any political comment or action is made in a strictly private capacity and is separate from, and avoids references to, the member's position on the Parole Board;
- comments must not be seen to represent the official views of the Parole Board, or to compromise the Parole Board member's ability to impartially perform their official duties.

### 2.4.3 ACCEPTANCE OF GIFTS OR BENEFITS

Parole Board members should not accept a gift or benefit that is intended to, or likely to, or may be perceived to cause them to act in a partial manner in the course of their duties.

Parole Board members must advise the Chairperson if they believe they have been offered a bribe or if they have been offered or received a favour or benefit.

### 2.4.4 ADDITIONAL INFORMATION

Decisions of the Parole Board are usually made upon the papers provided to Parole Board members before each meeting by the Department of Correctional Services and any additional information provided at the meeting by members appointed under subsections 3B(1)(a), (b), (c) or (d) of the *Parole Act*.

Members appointed under subsections 3B(1)(a), (b), (c) and (d) may have information or expertise that can be of assistance in the deliberations of Parole Board members. For example:

- the Chairperson is responsible for resolving all questions of law that arise;

<sup>1</sup> personal relationships go beyond the level of a professional working relationship

- the Commissioner of Correctional Services (the Commissioner) may answer questions about correctional services, prisoner management and behaviour and the interpretation of reports provided by the Department of Correctional Services;
- the Police representative's may provide intelligence gathered by police;

A member appointed under 3B(1)(d) of the *Parole Act* (either a medical practitioner or a psychologist) may answer questions about rehabilitation and treatment programs, the interpretation of expert reports and risk assessment of prisoners.

In some instances, a Parole Board member may wish to clarify existing information or obtain additional information to assist in the decision making process. In no circumstances should members undertake private research or information gathering about an individual prisoner or parolee to supplement their decision making. If additional information is sought by a Parole Board member a supplementary report should be requested at the meeting of the Parole Board and members should determine what additional information is required and ask that it be obtained by the Secretary or Department of Correctional Services. The purpose of this is to try to ensure the integrity and veracity of all information placed before the Parole Board and to also ensure that, so far as possible, all Parole Board members have the same access to all information to be considered by the Board.

The Secretary of the Parole Board can clarify operational procedures relating to Community Corrections if requested to do so by a Parole Board member. However, it is important to note the Secretary does not participate in the decision making of the Parole Board.

### 2.4.5 DUTY OF CONFIDENTIALITY

Parole Board deliberations and the materials that support them must be kept confidential. Members are not to discuss the decisions of the Parole Board, or the information that those decisions were based upon, with any person other than another member of the Parole Board or a member of the Secretariat, unless their duty as a Parole Board member requires them to do so.

The duty of confidentiality also applies to decisions of the Parole Board that are determined by a majority of members only who attended a meeting of the Parole Board. Some decisions of the Parole Board may not be supported by some members of the community and from time to time members may be criticised for the decisions of the Parole Board. In order to maintain the integrity and standing of the decisions of the Parole Board, it is important that if members are approached by members of the public that they do not state they disagreed with the decision of the Board or that the decision was not a unanimous decision of the Board. All members of the Parole Board must accept that on some occasions they may be in the minority of Parole Board members who have decided a matter that has come before the Parole Board and they must be prepared to accept the decision of the majority of Parole Board members.

Members of the Parole Board should advise the Chairperson if they are approached and asked for information by a person who is not a member of the Parole Board.

### 2.4.6 ACTIONS NOT TO LIE AGAINST MEMBERS

Section 3J of the *Parole Act* provides that an action or proceeding, civil or criminal, does not lie against a member of the Parole Board for or in respect of an act or thing done in good faith by the member in his or her capacity as a member of the Parole Board.

An act or thing shall be deemed to have been done in good faith if the member of the Parole Board by whom the act or thing was done was not motivated by ill-will to the person affected or by any other improper motive.

### 2.5 MEMBERSHIP

Section 3B(1) of the *Parole Act* states that the Parole Board must have 18 members. These members will be appointed under one of six categories:

- (a) the Chief Justice or another Judge of the Supreme Court nominated by the Chief Justice;

- (b) the Commissioner;
- (c) 2 police officers nominated by the Commissioner of Police;
- (d) 2 persons, each of whom is a medical practitioner or a psychologist who has a right of practice under the *Health Practitioners Act*;
- (e) 2 persons, each of whom represents the interests of victims of crime; and
- (f) 10 persons who reflect, as closely as possible, the composition of the community at large and include women and Aboriginal and Torres Strait Islander people.

The Chairperson of the Parole Board is the Chief Justice of the Northern Territory or nominee.

Membership of the Parole Board can be separated into two groups:

- Professional members – who are appointed under subsections 3B(1)(a), (b), (c) and (d) of the *Parole Act*.
- Community members – who are appointed under subsections 3B(1) (e) and (f) of the *Parole Act*.

### 2.5.1 APPOINTMENT

Advertising – Call for Expressions of Interest

To ensure the integrity and independence of the Parole Board it is essential that appointments of members of the Parole Board are made through a transparent process, which includes:

- **Public advertising** – all ongoing vacancies will be advertised in local media and online to provide interested community members with an opportunity to apply.
- **Written applications** – applications shall be provided to the Secretary in writing, addressing selection criteria identified in the expression of interest and shall include a minimum of two referees.
- **Assessment** – an assessment of each application shall be undertaken by the Chairperson, the Secretary and the Commissioner.

- **Referee comments** - feedback on each application shall be sought from two referees. Members applying under subsection 3B(1)(d) of the *Parole Act* shall include one current professional referee and shall provide evidence of qualifications as required by the legislation.
- **Recommendation** – a recommendation shall be prepared by the panel for the Minister including a summary of all applications, feedback received from referees and any additional information that was taken into account in the selection process.
- **Outcome** – all applicants shall be notified of the outcome of their application verbally and shall receive written confirmation from the Secretary.

The recommendation is forwarded to the Minister for his consideration and approval, and then through Cabinet processes to the Administrator of the Northern Territory for appointment. Successful applicants will be appointed for three years.

### 2.5.2 RE-APPOINTMENT

Subsection 3B(2) of the *Parole Act* states that members are eligible for re-appointment at the completion of their term. There is no statutory limitation upon the duration of a member's participation in the Parole Board.

Where a member's appointment is subject to certain provisions or they are representative of a certain group they will need to demonstrate they continue to hold the qualifications, knowledge and contacts to represent that group.

Re-appointment requires the endorsement of the Minister and Cabinet prior to appointment by the Administrator of the Northern Territory.

The Minister has discretion to either reappoint a Parole Board member or call for Expressions of Interest to be undertaken to fill a vacancy.

### 2.5.3 TEMPORARY APPOINTMENTS

Section 3D of the *Parole Act* states that the Minister may appoint a person to act as an appointed member during a vacancy in the office of the member, or during any period or all periods when the member is absent or unable to perform the functions of the member.

The *Parole Act* places a number of limitations on temporary appointments:

- a person must not act in the office continuously for more than 12 months; and
- a person must not be appointed to act unless they are eligible to be appointed as a member under the appropriate section of the Act.

### 2.5.4 TERMINATION

The appointment of a Parole Board member may be terminated either through the resignation of the member or through the removal from office of the appointed member by the Administrator of the Northern Territory.

#### Resignation

Under section 3E of the *Parole Act* a member can resign their appointment by submitting a written and signed resignation to the Minister. This is actioned by the Secretariat and the member's appointment is terminated by the Administrator of the Northern Territory.

#### Removal from Office by the Administrator of the Northern Territory

Under section 3EA of the *Parole Act* the Administrator of the Northern Territory:

- must terminate the appointment of an appointed member from office if the member ceases to be eligible for appointment as a member;
- may terminate the appointment of an appointed member for inability, inefficiency, misconduct, or physical or mental incapacity.

Action under section 3EA would be initiated on the recommendation of the Chairperson following consultation and discussion with the member and would be subject to the provisions of procedural fairness.

On the direction of the Chairperson, a termination request would be submitted to the Minister for their information and endorsement prior to the Administrator's consideration.

### 2.6 REMUNERATION

As an independent statutory body remuneration for Parole Board members other than the Chairperson, who is not remunerated, is provided in accordance with the provisions of the *Assembly Members and Other Statutory Officers (Remuneration and Other Entitlements) Act*.

The Parole Board has been assessed by the Office of Parliamentary Council as a Quasi-Judicial Bodies – Appeals and Review/Determination of Important Rights (the Determination) and assigned to the B2 Level 1 category.

The Statutory Bodies Classification Structure 2012 came into effect from 1 March 2012 and provides information about the remuneration entitlements of Parole Board members.

Should Parole Board members have any questions about the calculation of fees and allowances or experience any difficulty receiving payments they should contact the Parole Board Administrator.

#### 2.6.1 SITTING FEES

Payment of sitting fees is coordinated by the Parole Board Administrator. Sitting fees are paid at the conclusion of each meeting of the Parole Board that the member has attended.

Payments are processed by the Department of Corporate and Information Services through the NT Government payroll system and are taxable. Members will receive a payment summary at the end of each financial year.

Sitting fees are calculated according to the Determination. Clause seven (7) identifies that an aggregate of the following shall be included when calculating remuneration of members:

- (a) the time spent by the member attending the meeting;

- (b) the time spent by the member conducting the business of the body if the meeting was held on that day;
- (c) any travelling time approved by the chairperson of the body (whether or not the meeting was held on that day);
- (d) any time spent by the member preparing for the meeting in excess of the time the chairperson of the body considers to be normal preparation time, if the excess time is approved by the chairperson having regard to the unusual circumstances of the case (whether or not the meeting was held on that day).

Other clauses provide capacity to remunerate members for time spent in the above activities when not conducted on the day of the meeting.

#### Preparation Time

In recognition of the extensive preparation time undertaken by Parole Board members a general determination has been approved by the Administrator of the Northern Territory for the calculation of fees for preparation time in accordance with a schedule. A copy of the schedule is included in the Appendices.

### 2.6.2 TRAVEL ALLOWANCE

Travel arrangements for Parole Board members when travelling on Parole Board business will be made by the Parole Board Administrator. Travel allowance will usually be paid prior to travel being undertaken.

Part 3 of the Determination identifies that members are entitled to be paid Travel Allowance for 'each overnight stay at a place (whether in the Territory or not) away from the member's usual place of residence for any of the following purposes:

- (a) attending a meeting of the body;
- (b) conducting the business of the body.'

The rate of travel allowance payable is the rate set by the Office of the Commissioner for Public Employment that is applicable to NT Government employees.

## SECTION 3 ANNUAL REPORT

It is a requirement of section 3H of the *Parole Act* that the Parole Board prepare and give to the Minister a report of its activities for the year ending 31 December. This report must be tabled by the Minister in Parliament within 10 sittings days after receiving it.

The Annual Report also provides an opportunity to:

- increase the community's awareness of the role of the Parole Board in the criminal justice system; and
- ensure that victims, their families and the communities into which parolees are released understand the parole process and the range of information considered by the Parole Board.

Key information presented in the Annual Report includes:

- A review of the year by the Chairperson
- Profile of the members, secretariat and probation and parole officers
- Background information on parole including understanding the non-parole period, the principles of parole, monitoring parolees and managing non-compliance
- Conditions of parole
- Key statistics of Parole Board decisions and parole outcomes
- Partnerships with NAAJA and CAALAS
- Projects undertaken

# SECTION 4 MEETINGS

## 4.1 SCHEDULING OF MEETINGS

Section 3F(1) of the *Parole Act* states that the 'Parole Board must meet as often as the Chairperson thinks necessary'.

Due to the increasing workload of the Parole Board, the Chairperson has determined that there should be two divisions of the Parole Board and two ordinary meetings of the Parole Board held each month, one for each division of the Board. This will reduce the workload of the majority of Parole Board members and maintain the high standard of Parole Board decisions.

The two ordinary monthly meetings of the Parole Board will normally be held on the last Tuesday and Wednesday of each month respectively at the Supreme Court or at another location determined by the Chairperson.

Each calendar year, two ordinary meetings of the Parole Board will be held in a region of the Northern Territory other than Darwin, usually Alice Springs.

Four meetings per calendar year will consider matters concerning prisoners serving a life sentence for the crime of murder. These meetings are usually held in March, June, September and December and are convened prior to an ordinary meeting of the Parole Board.

## 4.2 CONSTITUTION

As to the Constitution of the Parole Board, section 3EB of the *Parole Act* provides the following:

### 4.2.1 PRISONERS SERVING A LIFE SENTENCE FOR MURDER

For a matter relating to a prisoner who is serving a term of imprisonment for life for the crime of murder, the Parole Board is constituted by:

- (a) the Chairperson;
- (b) the Commissioner; and
- (c) eight other Parole Board members nominated by the Chairperson:
  - (i) one of whom must be a member mentioned in section 3B(1)(c);

## SECTION 4 MEETINGS

- (ii) one of whom must be a member mentioned in section 3B(1)(d);
- (iii) one of whom must be a member mentioned in section 3B(1)(e); and five of whom must be members mentioned in section 3B(1)(f).

### 4.2.2 ALL OTHER PRISONERS

For a matter relating to any other prisoner, the Parole Board is constituted by: (a) the Chairperson; (b) the Commissioner; and (c) four other Parole Board members nominated by the Chairperson: (i) one of whom must be a member mentioned in section 3B(1)(c); one of whom must be a member mentioned in section 3B(1)(e); and two of whom must be members mentioned in section 3B(1)(f).

### 4.3 QUORUMS

A quorum represents the minimum number of members that must be present for a meeting of the Parole Board to be convened in accordance with the *Parole Act*. While the Parole Board is comprised of 18 members, they are not all required for every meeting.

#### 4.3.1 PRISONERS SERVING A LIFE SENTENCE FOR MURDER

For matters concerning prisoners serving a sentence of imprisonment for life for the crime of murder all six of the member categories must be represented and there must be the Chairperson and a minimum of seven other members present.

Decisions relating to the release on parole of a prisoner who is serving a life sentence for the crime of murder must pursuant to section 3F(5)(b) of the *Parole Act* be a unanimous decision of the Parole Board members attending the meeting.

#### 4.3.2 ALL OTHER PRISONERS

For all other matters, there must be the Chairperson and a minimum of three members present.

Decisions relating to the release of all other prisoners on parole are determined by a majority of votes of all Parole Board members who are attending the meeting: section 3F(5)(c) of the *Parole Act*.

### 4.4 PREPARATION FOR MEETINGS

Parole Board members should accept a request to attend a meeting of the Parole Board only if they are confident their work and personal commitments will allow sufficient time for preparation for the meeting.

It is the practice of the Parole Board to make decisions on the written materials that are on each prisoner's and parolee's file. The files are generally made available on each Parole Board member's iPad on the Friday of the week prior to the Parole Board meeting.

It is expected that prior to attending the meeting Parole Board members will have read the materials provided, developed an understanding of their content and have formed a preliminary view about the recommendation contained in the parole report on each file.

### 4.5 PAROLE DISCUSSIONS AND DECISION MAKING PRINCIPLES

The structure of Parole Board membership is designed to draw upon a diverse group of members of the community that combine, knowledge, skills, experience and expertise in a range of fields.

To ensure that maximum benefit is obtained from this depth of experience it is expected that members will:

- approach the meetings in a collegiate style;
- listen to the views and issues identified by other members;
- actively participate in the discussion of individual matters during meetings;
- base their decisions on information contained in the reports provided, their common sense and life experience;
- critically analyse the information provided;
- make decisions that are impartial, free from external influence and consistent with the Principles of Parole outlined in the Annual Report.



## 4.6 DECISION MAKING FRAMEWORK

### 4.6.1 OVERALL RISK TO COMMUNITY

Primary consideration should be given to the risk or likelihood of the prisoner re-offending while on parole and to the level of danger created by the prisoner being granted parole. Prisoners who are likely to re-offend or may be dangerous should not be released on parole. Dangerousness is a function of the likelihood of a prisoner re-offending and the level of harm that will occur if the prisoner does re-offend.

### 4.6.2 CRIMINAL HISTORY AND PAROLE HISTORY

Past behaviour can be a good indicator of future behaviour. Relevant factors that may contribute to the risk of re-offending or suggest prospects of rehabilitation may be found through an analysis of a prisoner's criminal history.

Factors include:

- Remarks made by the sentencing Judge or Magistrate when imposing sentence
- Age of prisoner at the time of the first offence – the earlier the offender engaged in criminal offending the greater risk of re-offending
- The nature and circumstances of prior offence(s)
- The number of prior offences
- The pattern of offending
- Escalation or de-escalation of offences – are the offences getting more or less serious?
- Gaps in offending – are the gaps getting smaller or larger? Small gaps between episodes of offending tend to suggest that there is a greater risk of re-offending. Large gaps between episodes of offending tend to suggest that there is a lesser risk of re-offending.
- History of compliance during supervision – does the prisoner have a history of re-offending or breaching conditions while on parole or under court ordered supervision in the community?

### 4.6.3 DISINHIBITORS

These are factors that may limit the prisoner's ability to control impulsive urges to engage in anti-social and criminal behaviour.

Factors include:

- Lack of support in the community
- High level of dysfunction in the receiving community
- Peer pressure – are the prisoner's associates a good influence?
- Deprived upbringing and lack of education
- Poor or reduced cognitive ability. This may be caused by FASD, failure to thrive and exposure to domestic violence at a young age, and is likely to result in the offender having reduced insight into the triggers of his offending behaviour and a reduced capacity to control his impulsivity and feelings of anger, arousal, jealousy, rejection and anxiety
- Substance use
- Intelligence - how will the prisoner's level of intelligence affect the prisoner's ability to follow direction?
- Impulsivity
- Sexual deviance
- Anti-social personality
- Callousness, instrumentality – increased risk of violence and resistance to treatment

### 4.6.4 RESPONSIVITY

It is important to ensure rehabilitation programs delivered to prisoners while they are in prison are consistent with the prisoner's learning and cognitive ability and that prisoners are being managed according to their risk level. Taking these factors into consideration ensures prisoners get the treatment they need in a way that works for them.

Factors include:

- A proper assessment of the prisoner's level of risk and cognitive ability upon incarceration.
- The development of a management plan for each prisoner
- The availability of suitable rehabilitation programs
- The assessment of the prisoner to undertake appropriate rehabilitation programs consistent with the prisoner's culture and ethnicity, cognitive ability and level of risk

## SECTION 4 MEETINGS

- The successful completion of appropriate rehabilitation programs by the prisoner including Sexual Offender Treatment Programs, Violent Offender Treatment Programs and Family Violence Program
- The availability and completion of suitable education and vocational courses

### 4.6.5 INSTITUTIONAL/ COMMUNITY BEHAVIOUR

Analysing the prisoner's conduct while incarcerated and under supervision in the community in the past for the purpose of determining whether the prisoner's conduct demonstrates an acceptance of responsibility, recognition of the need to change his or her behaviour and a preparedness to change. Prisoners who are trying to reform are less likely to breach their conditions of parole and are more likely to be successfully reintegrated in the community.

Factors include:

- The prisoner's security rating in the prison
- The number of episodes of misconduct while incarcerated
- Attitude to and level of co-operation with prison officers
- Work undertaken within the prison
- Work undertaken outside the prison
- Conduct while working outside the prison
- Progress in accordance with prisoner management plan
- Previous compliance or non-compliance with conditions of parole and suspended sentences of imprisonment

Institutional reports and the prisoner's criminal history contain information about these factors.

### 4.6.6 PRISONER CHANGE

Evidence the prisoner has benefited from participation in treatment and rehabilitation and education programs and has undergone change on a personal level.

Factors include:

- Is the prisoner motivated to change his ways and lead a law-abiding life
- Has the prisoner taken steps that demonstrate the prisoner has gained insight into the factors that may trigger the prisoner's offending
- Has the prisoner taken steps to change their ways
- Have the steps been successful

Reports, assessments and recommendations made by a variety of professionals, including medical practitioners, psychiatrists, psychologists, custodial staff and/or probation and parole officers, contain information about these factors.

### 4.6.7 RELEASE PLAN

The suitability of post-release plans and the extent to which sufficient supports are in place in the community to assist the prisoner's reintegration into the community.

Factors include:

- Does the prisoner have suitable post-release accommodation
- Does the prisoner have family or other support in the community
- Is there adequate through-care available for the prisoner
- Has the prisoner found employment
- Is the prisoner likely to find employment
- Does the prisoner's post-release plan minimise the prisoner's exposure to any triggers that may increase the risk of re-offending
- Are the prisoners post-release plans such that the probation and parole officer is able to manage the prisoner and ensure compliance with the proposed conditions of parole

### 4.6.8 ABORIGINAL AND TORRES STRAIT ISLANDERS

The majority of prisoners in the Northern Territory are Aboriginal or Torres Strait Islanders who identify with a particular community. It is important

that the appropriate members of their community are consulted and a proper assessment is made before a prisoner is released on parole in their community.

Factors include:

- Have community Elders been advised that the Parole Board is considering releasing the prisoner on parole in the community?
- Do the Elders wish to make any recommendations about the conditions of parole?
- Do the relevant members of the community understand the conditions of parole and the obligations that will be imposed on the prisoner while in the community?
- Is there any objection to the prisoner being released on parole in the community?
- Are there any payback issues that need to be mediated?
- What is the likely effect of the prisoner's release on that community?

#### 4.6.9 VICTIMS

It is most important to ensure that the victims of an offender's crime(s) will be safe and free from harm if a prisoner is released on parole and that victims are accorded an opportunity to make submissions about whether a prisoner should or should not be granted parole.

Factors include:

- Is there a risk of harm to the victim(s) if the prisoner is released on parole?
- Have the victim(s) been advised and consulted?
- Have the victim(s) been given an opportunity to make submissions about parole?
- What is the whereabouts of the victim(s)?
- Are the proposed conditions of parole likely to ensure the safety of the victims?
- What is the likely effect of the prisoner's release on the victim(s) and their family?

#### 4.6.10 CASE-SPECIFIC FACTORS

Other factors that may be considered include:

- Submissions made by the prisoner or the prisoner's legal representative, the prisoner's family, friends or potential employers.
- Capacity of Community Corrections to supervise the prisoner
- Experience and qualifications of probation and parole officers who are available to supervise the prisoner on parole
- Availability of rehabilitation programs in the community to which the prisoner is to be granted parole

#### 4.6.11 CONDITIONS OF PAROLE

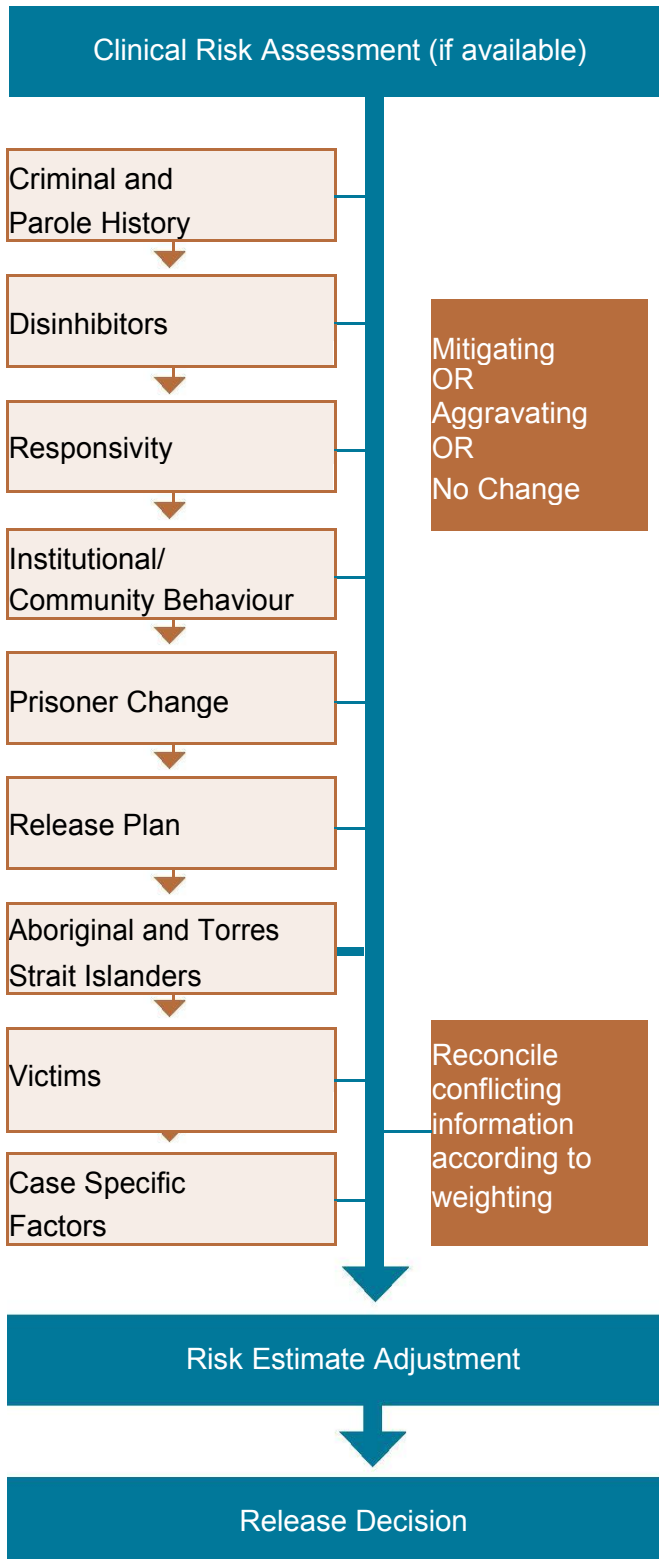
Conditions of parole must be appropriate for the management of each prisoner who is released on parole.

Factors include:

- Can the prisoner be managed on parole?
- Are the standard conditions of parole adequate?
- What additional conditions of parole are required?
- What are the key potential triggers of any re-offending and how can they be managed in the community?
- Has the offender committed a sexual offence? If so, what additional conditions are required?
- Should the prisoner be subject to a curfew?

# SECTION 4 MEETINGS

## 4.6.12 DECISION MAKING FRAMEWORK



## 4.7 ATTENDANCE BY PERSONS MAKING AN APPLICATION FOR PAROLE

It is the practice of the Parole Board to decide parole matters on written information without the prisoner being present. However, a prisoner or their legal representative may write to the Secretary of the Parole Board requesting that the prisoner attend their parole hearing. Applications are determined by the Chairperson after consultation with members of the Parole Board.

The Chairperson may also require a prisoner to be brought before the Parole Board pursuant to section 3G of the *Parole Act*.

Attendance may be facilitated via video link to the prison or in person under the supervision of custodial officers. A prisoner may be accompanied by their legal representative at their appearance before the Parole Board subject to a request being approved by the Chairperson.

Prior to the meeting the Parole Board Administrator may compile questions from members of the Parole Board to be asked by the Chairperson of the prisoner at the hearing of the application for parole.

## 4.8 ATTENDANCE BY OTHER PERSONS

The Secretary and Parole Board Administrator attend all meetings of the Parole Board to record decisions and provide information about relevant administrative matters.

Departmental staff and other persons may seek permission to attend general meetings of the Parole Board. All requests must be provided in writing to the Secretary and should state the attendee's name, position and the purpose of their attendance at the meeting.

All requests of this nature are submitted to the Chairperson for consideration before the meeting. No observer shall be allowed to attend meetings of the Parole Board without the permission of the Chairperson.

## 4.9 OUT OF SESSION MEETINGS

An out-of-session decision is made when an urgent matter arises that needs to be addressed before the next meeting of the Parole Board.

Pursuant to section 6 of the *Parole Act* the Chairperson may make decisions out of session to:

- amend a condition of parole including the release date;
- grant permission to a parolee to travel;
- revoke the parole of a prisoner; and
- approve the release of a prisoner on parole where the Parole Board has previously approved the prisoner's release on parole subject to the fulfilment of a condition precedent, such as the prisoner obtaining suitable accommodation in the community or entry to a specified community rehabilitation program.

Where an out-of-session decision is made by the Chairperson the

- minutes will be circulated to all members; and
- the file will be available to members for review at the next meeting.

When an out-of-session meeting of Parole Board members is convened, members will be contacted by the Secretary or Parole Board Administrator and the meeting may be conducted in person or by telephone or by email depending upon the urgency of the matter, the nature of the matter that requires a decision and the availability of members of the Parole Board.

Minutes of an out-of-session meeting will be circulated to all members.

#### 4.10 NATURAL JUSTICE

The extent to which the rules of natural justice apply to a person who may be affected by a decision of a board or tribunal normally depends on the functions of the board or tribunal, the nature of the decision that is to be made by the board or tribunal, whether a person's rights will be adversely affected and whether the relevant statutory provisions expressly exclude the application of the principles of natural justice.

Section 3HA of the *Parole Act* states that, subject to the Act, 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 Chairperson or direction of the Parole Board under the Act.

Section 3HA was inserted in the *Parole Act* following the decision of the Court of Appeal of the Northern Territory in *R v Chairman of the Parole Board; Ex parte Patterson* (1986) 43 NTR 13. The case involved judicial review of a decision of the Chairman of the Parole Board revoking the parole of a parolee. The purpose of section 3HA is to enable the Parole Board to operate without being bound by the rules of natural justice. It is a facultative provision, which recognises the exigencies under which the Parole Board is required to operate from time to time. The fact that the Parole Board is not bound by the rules of natural justice does not mean that the Parole Board cannot or should not accord prisoners and parolees natural justice when it is able to do so.

It is well recognised that decision makers will make better and more informed decisions if the party or parties affected by the relevant decision are accorded natural justice or procedural fairness.

The fundamental principles of natural justice are:

- The members of the Parole Board dealing with a parole matter are impartial and unbiased;
- An entitlement to a fair hearing. This means that (1) the prisoner should be informed about all of the material that is before the Parole Board when the prisoner's matter is being considered; (2) the prisoner should be given an opportunity to be heard and to place information either orally or in writing before the Parole Board; (3) the prisoner should be given an opportunity to respond to any material or submissions that are adverse to the prisoner's case; (4) any decision of the Parole Board must be based on the evidence or information before the Parole Board; (5) the Parole Board must act reasonably when making its decisions.
- The Parole Board must provide reasons for its decision and prisoners must be informed of the decision of the Parole Board.

## SECTION 4 MEETINGS

Given the number and range of decisions that the Chairperson and the Parole Board are required to make, the variety of circumstances in which decisions are required to be made and time constraints, it is not always possible for a prisoner or parolee to be accorded natural justice to the extent identified above. However, over the past few years the Parole Board has made a number of changes to its practices and procedures in an endeavour to increase the extent to which natural justice and procedural fairness is accorded to prisoners and parolees, and improve prisoners' understanding of the parole process.

The practice of the Parole Board is to accord natural justice in the following ways:

- The parole process is explained to prisoners by their probation and parole officer or by their legal representatives. Aboriginal prisoners are able to obtain assistance from lawyers and through care workers who are employed by NAAJA or CAALAS.
  - Prisoners are read parole reports by the probation and parole officers before they are submitted to the Parole Board and their comments on the recommendations are recorded.
  - A Memorandum of Understanding has been developed with NAAJA and CAALAS for a Prisoner Support Program. This allows Aboriginal prisoners to be legally represented and their legal representatives take instructions from prisoners and make written submissions to the Parole Board.
  - Outcomes of Parole Board decisions are recorded and provided to both the prisoner and their legal representative.
  - Community Corrections endeavours to provide the parolee with an opportunity to comment if a revocation is being considered and there is no imminent perceived risk to community safety.
  - When a parolee's parole is revoked the parolee is informed that they may re-apply for parole and that they may make submissions about the circumstances in which they came to breach their conditions of parole and any other matter they wish to address.
- The Parole Board has conducted a number of oral hearings at which the prisoner has been permitted to appear either in person or by way of video conferencing when the Parole Board is considering applications for parole by prisoners who are serving a sentence of imprisonment for life for the crime of murder.

### 4.11 RECORDING OF OUTCOMES

Final decisions of the Parole Board about each matter are recorded and published in minutes of each meeting.

Minutes of each meeting of the Parole Board are prepared by the Administrator and the Secretary. After the final draft of the minutes is approved by the Chairperson the minutes are distributed to members of the Parole Board for their consideration. The minutes are formally accepted or duly amended at the following meeting of the Parole Board.

### 4.12 NOTIFICATION OF PARTIES

Approved minutes are distributed to all Community Corrections officers and select custodial and program staff. Excerpts for relevant offenders are also provided to CVSU, CAALAS and NAAJA as appropriate.

Prisoners, parolees, legal representatives and other interested parties are formally notified of the outcome of their matter by letter from the Secretary of the Parole Board. A copy of all correspondence is kept on the prisoner's parole file and is made available to all members of the Parole Board when they receive their copy of the prisoner's file on their iPad.

## SECTION 5 KEY STAKEHOLDERS

### 5.1 LEGAL REPRESENTATIVES/ADVOCATES

In recognition of the barriers faced by many offenders to successful reintegration the Department of Correctional Services has developed partnerships with NAAJA and CAALAS to supplement the through-care provided by Community Corrections.

The Prisoner Support Program that has been developed has a strong focus on assisting Aboriginal prisoners to obtain and complete parole. In order to fulfil these roles the organisation provides access to legal advice and representation, which includes the obtaining of reports and making of submissions for consideration of the Parole Board. The Prisoner Support Program is an important initiative to provide wrap-around supports for Indigenous offenders who are over represented in the criminal justice system.

While the majority of prisoners are represented by NAAJA or CAALAS, some prisoners and parolees may obtain private representation or will be represented by the Northern Territory Legal Aid Corporation.

#### 5.1.1 NORTH AUSTRALIAN ABORIGINAL JUSTICE AGENCY (NAAJA)

NAAJA has established a Prison Support Officer Project and an Indigenous Through Care Project.

The Prisoner Support Officer Project started in September 2009. It has two Prison Support Officers who are based at the Darwin Correctional Centre. Their roles include:

- Supporting Aboriginal prisoners applying for parole by liaising between the prisoner and their probation and parole officer and providing access to legal advice and representation.
- Providing post-release support to some Aboriginal prisoners leaving prison to reside in the Darwin region after serving an extended sentence.
- Making referrals to the Darwin Correctional Centre's Prisoner Services for prisoners with complex needs, including substance abuse, mental health issues, homelessness and other non-vocational barriers to assist them prepare for release.

## SECTION 5 KEY STAKEHOLDERS

NAAJA's Indigenous Through Care Project started in February 2010. It has four case managers who each provide case management to up to 15 Aboriginal clients. Their roles include:

- Accepting referrals of clients, including from the Darwin Correctional Centre, the NAAJA Prison Support Officer, external service providers or the family of Aboriginal prisoners.
- Assessing the transitional needs of Aboriginal prisoners prior to their release, interviewing Aboriginal prisoners individually to determine their needs for rehabilitation, accommodation, family support and employment prospects.
- Developing individual case management plans in partnership with the prisoners who will have identified their goals upon their release.
- Identifying relevant services that can be accessed to achieve their transitional goals.
- Working in partnership with key stakeholders to provide the essential services to contribute to the success of transition from prison back into the community. These include community groups and government agencies.

### 5.1.2 CENTRAL AUSTRALIAN ABORIGINAL LEGAL AID SERVICE (CAALAS)

In 2011, Northern Territory Correctional Services worked with CAALAS to develop a Memorandum of Understanding to guide two programs:

- Prisoner Support Program; and
- Youth Justice Advocacy Project.

The Memorandum of Understanding was signed and came into effect on 23 March 2012. The objectives of the Prisoners Support Program are:

- Assist Aboriginal prisoners to understand parole by explaining the process of parole and the role of Community Corrections and the Parole Board.
- Assist Aboriginal prisoners to obtain and complete parole by:
  - (a) Raising their awareness of the factors contributing to their offending behaviours; and

(b) Helping them identify relevant education and rehabilitation programs to be completed while in custody and upon release.

- Assist Aboriginal prisoners to develop viable post-release plans with due consideration for community safety and the position of victims of crime in the criminal justice system. Where appropriate, the Prisoner Support Program will prepare submissions to the Parole Board on behalf of clients who are seeking parole.

CAALAS has worked closely with the Department of Correctional Services and the Parole Board to:

- help prisoners develop suitable release plans and provide them with support in the community; and
- make submissions on behalf of prisoners.

### 5.2 CRIMES VICTIMS SERVICES UNIT

The Crime Victims Services Unit (CVSU) is the conduit for the flow of information between agencies in the criminal justice system and registered victims.

CVSU has a responsibility for ensuring compliance with statutory obligations relating to the provision of information to victims as detailed in the *Victims of Crime Rights and Services Act*.

Section 22 of the Act specifies the information that must be provided to registered persons:

#### **22 Information to be given to registered persons**

- (1) The CVSU must give a registered person the following information that relates to the relevant offender:
  - (a) the earliest possible date of release on parole and any changes to the date;
  - (b) the date when the Parole Board is to consider release on parole;
  - (c) the actual date of release on parole;
  - (d) the conditions of a parole order that are relevant to the registered person or relevant offence;



- (e) the revocation or cancellation of a parole order;
  - (f) transfer to another prison interstate or overseas;
  - (g) escape from the custody of the Commissioner of Correctional Services and any recapture;
  - (h) the date of release from a custodial correctional facility under a suspended sentence order;
  - (i) the conditions of a suspended sentence order;
  - (j) the variation, revocation, cancellation or discharge of a suspended sentence order;
    - (ja) the date of the release from a custodial correctional facility under an administrative home detention permit;
    - (jb) the conditions of an administrative home detention permit;
    - (jc) the variation, revocation, cancellation or discharge or an
  - (k) the actual date of discharge from a custodial correctional facility, unless the offender is discharged from the sentence at the end of a period of release under a parole order, suspended sentence order or supervision order;
  - (l) any other sentence or order that affects the earliest possible date of release, period of imprisonment or period of a suspended sentence order or supervision order;
  - (m) if known – the locality where the offender will reside while subject to a suspended sentence order, parole order or supervision order or administrative home detention permit or after discharge from the sentence;
  - (n) the death of the offender;
  - (o) any further information specified by regulation.
- (1A) If the relevant offence was a serious sex offence, the CVSU must also give a registered person notice of the following:
- (a) that the *Serious Sex Offenders Act* may apply in relation to the offender;
  - (b) the making of any application or appeal under that Act in relation to the offender, other than an application made under section 23, 33, 40, 65 or 66 of that Act;
  - (c) whether the application or appeal is successful or unsuccessful, or is discontinued or otherwise determined;
  - (d) if an order is made under that Act in relation to the offender:
    - (i) the fact that the order has been made; and
    - (ii) the terms of the order (including its expiry date, if any).
- (2) On application to the CVSU by a registered person, the CVSU must give the registered person the following information that relates to the relevant offender:
- (a) transfer to another prison in the Territory;
  - (b) the status of the security rating and any change in the status;
  - (c) courses or programs undertaken for rehabilitation;
  - (d) approved leave of absence from a custodial correctional facility;
  - (e) any further information specified by regulation.
- Under section 23 of the Act the Secretary is responsible for the provision of information about parolees and their victims to CVSU.

### **23 Information to be given about consideration of parole**

- (1) The Secretary to the Parole Board must inform the Director of the date on which the Parole Board is to consider the release on parole of a relevant offender:
  - (a) if possible – at least one month before the date; or
  - (b) as soon as practicable before the date.

Section 24 of the *Act* provides the legislative framework for the rights of a registered person to make a submission to the Parole Board.

### **24 Registered person may make submission to Parole Board**

- (1) A registered person may make a written submission to the Parole Board about a relevant offender to be considered for release on parole.
- (2) Subsection (1) does not prevent the Parole Board from receiving submissions from any other person.

## SECTION 5 KEY STAKEHOLDERS

### 5.3 ELDERS

#### 5.3.1 CONSULTATION WITH ELDERS

The *Parole Act* says that Elders and community members must be consulted when the Parole Board is considering the release on parole of a prisoner who is serving a life sentence for murder.

In practice, probation and parole officers consult with family, Elders and local police when writing reports for the Parole Board about the release of any prisoner, particularly to a remote community. The process of consulting with family and Elders is essential in providing the parolee with a secure and supportive environment that is more likely to end in a successful parole application and completing parole.

#### 5.3.2 ELDERS VISITING PROGRAM

The Elders Visiting Program (EVP) was developed in partnership between the Department of Correctional Services, Aboriginal and Torres Strait Islander Commission (ATSIC), Community Councils and Elders.

The program started in 2005 and operates in the Darwin and Alice Springs Correctional Centres, as well as the Don Dale Juvenile Detention Centre. The program recognises that cultural contact with Indigenous Elders can improve the reintegration prospects of Indigenous offenders by maintaining links to community and culture while in custody.

The EVP is based on the following two guiding principles:

1. Supporting the mental health and wellbeing of Indigenous prisoners by maintaining their links to community and culture while in prison; and
2. Improving the reintegration prospects of Indigenous offenders by Elders talking with prisoners about behaviours that led to their incarceration and discussing their post-release plans, obligations and expectations upon returning to community.

The EVP also provides an important cultural link between Indigenous prisoners and Corrections staff, advising staff on cultural and community

issues that may impact on a prisoner's behaviour or ability to address their offending. Elders participating in the program keep the community informed on the prisoner's progress and also on prison processes, such as attending funerals and conducting sorry business.

The eleven communities and regions participating in the EVP are Tennant Creek, Nhulunbuy, Kalkarinji, Yuendumu, Hermannsburg, Katherine, Lajamanu, Tiwi Islands, Groote Eylandt, Ngukurr and Beswick.

An evaluation of the EVP was undertaken by the Batchelor Institute of Indigenous Tertiary Education and finalised in May 2011, making a total of 47 recommendations.

There were four recommendations that had a potential for impact upon the activities of the Parole Board. These were focused on feedback processes from the EVP to the Parole Board, suitability of returning prisoners to a community and possible inclusion of an Elder on the Parole Board.

The Chairperson and Secretary have held meetings with Elders and staff from the EVP to discuss ways in which the recommendations can be incorporated into the day-to-day operation of the Parole Board. Elders have also attended Parole Board meetings and spoken to members about their views on parole and parole conditions.

### 5.4 ABORIGINAL INTERPRETER SERVICES

The Offender Management Framework identifies the importance of the probation and parole officer ascertaining the offender's ability to understand the parole process and provide informed consent for a number of assessments.

Where there are concerns about a prisoner's capacity to understand English the probation and parole officer should seek assistance from the Aboriginal Interpreter Service and use an interpreter.

# SECTION 6

## COMMUNITY CORRECTIONS & SECRETARIAT

### 6.1 COMMUNITY CORRECTIONS

Community Corrections performs a variety of statutory functions in relation to the supervision of offenders in the community. It provides pre and post-sentencing advice to courts and the Parole Board regarding the management and compliance of offenders in the community. Community Corrections supervises both adult and juvenile offenders through a process of assessing each offender's risks and needs in order to develop individual plans designed to address their offending behaviour.

Probation and parole officers use a participative case management model, which involves working directly with offenders, but may also involve employers, families, significant others and program service providers when developing goals and strategies to reduce the risk of the person re-offending. Compliance checks are also conducted outside normal business hours by surveillance officers.

There are five regional and three remote Community Corrections offices in the Territory which service the following key communities:

REGIONAL	Alice Springs	Alice Springs, Ampilatawatja, Areyonga, Atitjere, Bonya, Docker River, Engawala, Finke, Hermannsburg, Imanpa, Kings Canyon, Haasts Bluff, Kintore, Laramba, Mt Liebig, Mutitjulu, Nyrippi, Papunya, Santa Teresa, Titjikala, Ti Tree, Utopia, Wallace Rockhole, Willowra, Wilora, Yuelamu and Yuendumu
	Tennant Creek	Ali Curung, Borroloola, Canteen Creek, Elliot, Epenarra, Robinson River and Tennant Creek
	Katherine	Barunga, Beswick, Binjari, Bulman, Jilkminggan, Kalkarindji, Katherine, Lajamanu, Mataranka, Minyerri, Ngukurr, Pine Creek, Timber Creek, Urapunga and Yarralin
	Palmerston	Adelaide River, Batchelor, Belyuen, Jabiru, Maningrida, Milikapiti, Milingimbi, Nguiu, Gunbalanya and Ramingining
REMOTE	Casuarina	Darwin metropolitan region
	Wadeye	Daly River, Peppimenarti, Wadeye
	Groote Eylandt	Alyangula, Angurugu, Bickerton Island, Numbulwar and Umbakumba
	Nhulunbuy	Galiwinku, Gapuwiyak, Nhulunbuy, Ski Beach, Yirrkala

Community Corrections is also responsible for the provision of Secretariat support to the Parole Board of the Northern Territory.

# SECTION 6 COMMUNITY CORRECTIONS & SECRETARIAT

## 6.2 ROLE OF THE PROBATION AND PAROLE OFFICER

Probation and parole officers are employed by the Community Corrections branch of NTDCS to manage offenders on community-based supervision orders. Parole is one type of order that probation and parole officers are responsible for supervising.

The function of probation and parole officers under section 3R of the *Parole Act* is to:

- supervise persons released on parole as assigned by the Parole Board;
- supervise persons who are mentally impaired and unfit for trial and are therefore made subject to a non-custodial supervision order within the meaning of Part IIA of the *Criminal Code*;
- prepare reports as required by the Parole Board;
- maintain case records and statistics as required by the Parole Board;
- carry out the directions of the Parole Board in relation to a parole order;
- investigate and make reports to the Parole Board on the employment and place of living available to each person applying for release on parole; and
- perform such other duties as directed by the Parole Board or the Chairperson.

A probation and parole officer from Community Corrections will begin working with the prisoner eight months before their non-parole period is due to end so a report can be written for the Parole Board.

In preparing the report the probation and parole officer will work with the prisoner, prison staff, victims, support and treatment services (government and non-government) and community members to gather all the information they need.

The probation and parole officer will encourage the prisoner to think about their plans if parole is granted, where they wish to live, what they want to do, what support they might need and what steps they need to take while they are on parole to ensure they don't return to prison.

Probation and parole officers use the information gathered to provide detailed reports to the Parole Board. The report will include recommendations on whether the prisoner should be released to parole and conditions that should be imposed.

The Parole Board may set any conditions of parole the Parole Board see fit. Probation and parole officers are trained to recommend a condition of parole only where there is an established link between the recommended condition and the prisoner's offending.

## 6.3 OVERVIEW OF THE SECRETARIAT

The Secretariat is responsible for the efficient day-to-day operation of the Parole Board, including the oversight and coordination of all administrative matters, scheduling of matters to meetings and the provision of information to the Parole Board.

The Secretariat is comprised of four staff from Community Corrections:

- the Secretary is appointed under the *Parole Act* and attends meetings;
- the Parole Board Secretariat Manager, who oversees day to day operational matters and acts as the Secretary in their absence; and
- two Parole Board Administrators.

## 6.4 ROLE OF THE SECRETARY

Pursuant to Section 3K(1) of the *Parole Act* the Minister may appoint a person to be Secretary to the Parole Board. This position is currently held by the Executive Director of Community Corrections.

Section 3K(2) of the Act defines the responsibilities of the Secretary as follows:

- (a) act generally as Secretary to the Parole Board;
- (b) record minutes of meetings of the Parole Board;
- (c) prepare the agenda of parole cases for each meeting of the Parole Board;
- (d) prepare parole orders and other documents as directed by the Parole Board; and

- (e) carry out such other duties as directed by the Parole Board or Chairperson.

The *Victims of Crime Rights and Services Act* governs the responsibilities of delegated officers in ensuring that registered victims and concerned persons are provided with information in accordance with the legislation.

Section 23 (1) of the *Victims of Crimes Rights and Services Act* requires the Secretary to inform the Director of the Crimes Victims Services Unit of the date on which the Parole Board is to consider the release on parole of a prisoner with a registered victim or concerned person.

## 6.5 ROLE OF THE PAROLE BOARD ADMINISTRATOR

The Parole Board Administrator (PBA) is an employee of Community Corrections and is responsible for the day-to-day administration of the Parole Board. Responsibilities include:

- (a) Create and maintain all Parole Board files, check all documentation and list cases before the Parole Board, and request parole reports in a timely manner.
- (b) Prepare draft agendas/minutes/files and coordinate and manage the attendance of Parole Board members at respective meetings.
- (c) Prepare all parole orders, instruments and correspondence for the Secretary and/or Chairperson's signature.
- (d) Accurately maintain parole registers, databases and record/statistical systems to support the annual report and all other reporting in a timely manner.
- (e) Support probation and parole officers in the preparation of reports, including collating and distributing relevant criminal histories, court correspondence, court transcripts and other reports.
- (f) Undertake duties relevant to the Parole Board as directed by the Secretary of the Parole Board.
- (g) Provide support to the administration of Community Corrections and probation and parole officers as directed.

The PBA attends all meetings of the Parole Board and is responsible for taking minutes and preparing outcome correspondence as detailed above. If the Secretary or PBA is unclear about the intention of the Parole Board clarification will be sought from the Chairperson.

# SECTION 7

## INFORMATION MANAGEMENT

### 7.1 SECURITY AND CONFIDENTIALITY OF PAROLE BOARD INFORMATION

Parole Board deliberations and the materials and information that support them are to be kept confidential. Parole Board files contain extremely sensitive information of a personal nature about offenders, victims, their families and other community members.

The Parole Board and its members are required to comply with and satisfy the requirements of the Information Privacy Principles contained in the *Information Act* and the Australian Government's Privacy Principles.

Parole Board members must ensure the security of all Parole Board documentation and information, especially when stored at home or in transit. Where arrangements have been made for the delivery of Parole Board files, it is the responsibility of the receiving member to ensure that suitable arrangements are put in place to receive and secure the materials upon delivery. Where electronic distribution of papers is used the receiving member must ensure that the mobile device that receives the information is secured and protected at all times.

Members are not to discuss the decisions of the Parole Board, or the information that those decisions were based upon, with any person other than members of the Parole Board or staff employed in the Secretariat, unless their duty as a member of the Parole Board requires them to do so.

From time to time Parole Board members may be approached by members of the public who are critical of a decision of the Parole Board. In such circumstances, in order to maintain the integrity of Parole Board decisions, it is important that members do not discuss the matter with the member of the public even if they were in the minority and voted against the decision of the Parole Board. They should suggest that if the member of the public has any concerns those concerns should be raised in writing with either the Secretary or the Chairperson. In order to maintain the integrity of decisions of the Parole Board, the

voting outcomes of various matters that are determined at a meeting of the Parole Board are also confidential. Parliament has determined that certain matters shall be determined by a majority of members present at a meeting and that certain matters shall be determined unanimously.

## 7.2 INFORMATION MANAGEMENT SYSTEM

Parole Board members must be efficient, economical and ethical in their use and management of public resources.

Communication devices, such as iPads, are public resources provided for business purposes, and all members have a responsibility to ensure their proper use.

## 7.3 REQUESTS TO ACCESS PAROLE BOARD FILE

### Prisoners

Prisoners are able to apply under the *Information Act* to see their Parole Board file. These applications must be made in writing through the Department of Correctional Services Information Coordinator, outlining specific documents required. Upon such an application being received the Secretary will review the documents and provide a recommendation to the Chairperson as to what may be appropriately disclosed. The Chairperson will make the final decision as to what access to the file will be granted to a prisoner. Information regarding victims or that may jeopardise the safety of individuals will not be disclosed.

### Departmental Staff

Through the provision of Secretariat services to the Parole Board, Community Corrections holds a range of information that may be of value to other staff members within the Department of Correctional Services in fulfilling their roles and responsibilities.

The Chairperson has provided direction that all information held on Parole Board files should be accessible to probation and parole officers to ensure they have accurate and timely information to fulfill their statutory responsibilities.

Where information has been provided to the Parole Board, or prepared as part of a statutory requirement of the Parole Board, the information may not be used by other staff within the Department without consultation with the Secretary and the authorisation of the Chairperson. Information that will require the Chairperson's authorisation prior to release includes:

- Victim and witness statements
- Psychological reports requested by the Parole Board
- Parole reports and other reports prepared by probation and parole officers

## 7.4 MEDIA REQUESTS

All media requests should be referred to the Department of Correctional Services' media manager in the first instance. Given the independent nature of the Parole Board, the Secretary will then advise the Chairperson of the request for their determination.

## 7.5 INFORMATION SHARING PURSUANT TO LEGISLATION

As referenced in section 7.3, Community Corrections in their role as Secretariat to the Parole Board holds information that may be of value to other staff members within NTDCS or other agencies to fulfil their roles and responsibilities.

Where information presented to the Parole Board has been gathered to meet specific statutory obligations the release of information requires the approval of the Chairperson.

Applications for information are anticipated under the following legislation:

*Serious Sex Offender Act*

*Child Protection (Offender Reporting and Registration) Act*

The Parole Board recognises its responsibilities to comply with the information sharing provisions of legislation. In order to ensure the integrity of the decision making processes in relation to such requests, the following processes have been established:

- Requests for access to Parole Board information shall be made in writing to the Chairperson, stipulating the legislation and the appropriate sections of the Act.
- Each request shall be assessed on a case-by-case basis.
- The sensitivity of victim and witness submissions is recognised. These submissions are unlikely to be released unless there are exceptional circumstances.

### 7.5.1 SERIOUS SEX OFFENDER ACT

The *Serious Sex Offenders Act* was passed by the Northern Territory Government in July 2013. The Act allows for applications for continuing detention or supervision orders to be made through the Supreme Court for sex offenders deemed to pose a serious or unacceptable risk of committing further offences of a sexual nature.

The primary objective of the Act is to enhance the protection and safety of victims of serious sex offences and those in the broader community, with the secondary objective being the increased ability for the provision of continuing rehabilitation, care and treatment of serious sex offenders.

The Attorney-General may submit an application to the court for a supervision order or a continuing detention order for a prisoner who meets the criteria of a serious sex offender as established in the legislation.

Section 110(1) of the Act states that 'on the written request of the Attorney-General, a person in possession or control of information that relates to the behaviour, or physical or mental condition, of a qualifying offender, supervisee or detainee must give the information to the Attorney-General.'

### 7.5.2 CHILD PROTECTION (OFFENDER REPORTING AND REGISTRATION) ACT

The *Child Protection (Offender Reporting and Registration) Act* is 'an Act to require certain offenders who commit sexual or certain other serious offences against children to keep police informed of their whereabouts and other personal details for a period of time in order to reduce the likelihood that they will re-offend and in order to facilitate the investigation and prosecution of any future offences that they may commit, to prohibit certain offenders from working in child-related employment, to enable courts to make orders prohibiting certain offenders from engaging in specified conduct, and for related purposes.'

Section 71 states that 'the Commissioner (of Police) may apply to a court for a child protection prohibition order prohibiting a reportable offender from engaging in specified conduct'.

In order to achieve this, Section 87 requires the 'Commissioner to be given information relating to reportable offenders'. Sub-section (1) states 'when determining whether to make an application under this Part, the Commissioner may, by notice in writing, direct any public authority to provide to the Commissioner, on or before a day specified in the notice, any information held by the public authority that is relevant to an assessment of whether the reportable offender poses a risk to the lives or sexual safety of one or more children or children generally.'



## SECTION 8

### APPLICATIONS FOR PAROLE

The standard procedure for a prisoner being considered for parole is as follows: six months before the expiry of the prisoner's non-parole period a probation and parole officer from Community Corrections will spend up to six months working with the prisoner and their family and community to consider the suitability of the prisoner for release on parole, and how best to manage their risk of re-offending in the community.

At the end of this period, the probation and parole officer will prepare a parole report, which is submitted to the Parole Board. A description of the contents of the parole report is contained at 8.11 below. The parole report will contain a recommendation of the probation and parole officer as to whether a prisoner should or should not be granted parole.

Alternatively, a prisoner or legal representative of a prisoner may write to the Chairperson or the Secretary requesting that the person be granted parole.

It is the practice of the Parole Board to make decisions based upon the papers before the Board. In order to assess an application for parole the Parole Board is provided with a range of documents.

In the offender parole file, you can expect to find:

- Documents: non-parole period advice, Crown facts, sentencing remarks, criminal history
- Reports: parole report, institutional report, exit reports, psychiatrist/psychologist report.
- Submissions: submissions made on behalf of victims, submissions made by the legal representatives of the prisoner.
- Prisoner's application for parole.

#### 8.1 FACTORS TO BE CONSIDERED IN ASSESSING AN APPLICATION FOR PAROLE

When considering whether to release a prisoner on parole, the Parole Board considers each case on its own merits taking into account:

- the interests and safety of the community;
- the rights of the victim;
- the remarks of the sentencing Judge;
- the needs of the prisoner;
- the prisoner's insight as to the causes of his or her offending behaviour; and

## SECTION 8 APPLICATIONS FOR PAROLE

- the prisoner's acceptance of responsibility and attitude and motivation for change.

The following is a guide to the factors taken into consideration by the Parole Board:

- the nature and circumstance of the offence(s);
- comments made by the sentencing Judge or Magistrate when imposing sentence;
- the prisoner's criminal history and patterns of offending;
- the prisoner's previous history of supervision in the community;
- the possibility of the prisoner re-offending while on parole and the nature of the offence(s) they could commit;
- the risk of harm to the community and the victim;
- release plans, including accommodation and employment;
- reports, assessments and recommendations made by a variety of professionals;
- rehabilitation and educational courses undertaken by the prisoner;
- reports about the prisoner's behaviour while in prison;
- the security rating of the prisoner within the prison;
- victim's safety, welfare and whereabouts;
- representations made by the victim or by persons related to the victim;
- submissions made by the prisoner, their family, friends, legal representative, potential employers or any other relevant individuals; and
- whether the prisoner can be supervised appropriately in the community.

Prior to releasing a prisoner to parole, the Parole Board may request additional information from the probation and parole officer through the submission of a supplementary report.

### 8.2 NPP ADVICE

Under the *Sentencing Act*, a Judge or Magistrate sentencing an offender to a term of imprisonment for more than 12 months may fix a non-parole period. The non-parole period is the minimum time the court determines that a prisoner must serve in prison before becoming eligible to be granted parole because the sentencing Judge considers that the crime calls for such punishment. The purpose of a non-parole period is to provide for mitigation of the punishment of the prisoner in favour of the prisoner's rehabilitation through conditional freedom, when appropriate, once the prisoner has served the minimum term of imprisonment that justice requires the prisoner must serve having regard to all of the circumstances of the case.

The *Parole Act* provides that once the non-parole period has expired, it is the function of the Parole Board to determine if and when a prisoner is suitable to be released on parole for the balance of his unserved sentence of imprisonment. A prisoner does not have a right to be granted parole upon the expiry of the non-parole period. It is for the Parole Board to determine if a prisoner should be granted parole. A prisoner will be granted parole only if the Parole Board is satisfied that the prisoner is appropriately reformed and is not a danger to the community.

Parole is a form of strict conditional release into the community under the supervision of a probation and parole officer. The prisoner's liberty depends upon satisfactory compliance with the conditions imposed by the Parole Board. A prisoner who is on parole is still serving the sentence imposed on them by the court. However, if a prisoner's parole is revoked the prisoner will be required to serve the balance of the sentence of imprisonment not served at the time the prisoner was granted parole. If a prisoner's parole is revoked the prisoner does not get any credit for time served in the community while on parole.

The NPP advice is a document that provides key information about the sentencing of the offender, including:

- the sentencing court and Judge/Magistrate;
- the offence(s) and sentence(s) of imprisonment imposed by the court;
- the date the sentence commenced;
- the date the prisoner is eligible to be released on parole; and
- the full time date of the sentence.

### 8.3 AGREED FACTS

The majority of criminal proceedings in the Northern Territory (and elsewhere in Australia) are resolved by a plea of guilty. In circumstances where an accused person has indicated an intention to plead guilty, it is the custom of prosecution and defence lawyers in the Northern Territory to negotiate the facts that the accused person is prepared to admit in court. Those facts are reduced to writing in a document called the Crown Facts or Agreed Facts, which is tendered in evidence. The Crown Facts form the factual basis on which a sentencing Judge or Magistrate sentences a person who has pleaded guilty to a charge of having committed a criminal offence. The Crown Facts provide the account of events constituting each element of the offence.

Where the offender has been found guilty following a trial by jury in the Supreme Court, the facts constituting the offence and the circumstances in which the offence was committed will be found in the sentencing remarks of the trial judge. It is the responsibility of the trial judge to make all relevant factual findings consistent with the verdict of the jury and the evidence before the court.

Where the offender has been found guilty following a summary trial in the Court of Summary Jurisdiction, the trial Magistrate will set out the facts of the offending in his reasons for finding the offender guilty. Sometimes these facts are also repeated in the Magistrate's sentencing remarks.

### 8.4 SENTENCING REMARKS

When a Judge or Magistrate sentences a person for an offence it is customary for the Judge or Magistrate to state the reasons for passing the sentence imposed on the offender. These reasons

are called 'sentencing remarks'. The sentencing remarks are pronounced orally at the time of sentence. A transcript is then made of those remarks.

The sentencing remarks summarise the facts of the offending, remark on the objective seriousness of the offending, set out the offender's personal circumstances and antecedents, state the relevant sentencing objects, provide an assessment of the offender's prospects of rehabilitation, set out all aggravating and mitigating factors and state the sentence that was imposed on the offender.

The sentencing remarks must be taken into account by the probation and parole officer preparing the parole report and are an important document for the consideration of the Parole Board.

### 8.5 CRIMINAL HISTORY

The criminal history of an offender is usually contained in a document entitled Information for Courts. The document contains the date of birth of the offender, a history of all prior convictions of the offender, the dates when the offences were committed, the dates when the offender was dealt with by the court and the sentences that were imposed on the offender for each offence.

It is not uncommon for offenders in the Northern Territory to have a criminal history that extends for more than five pages; some offenders have a criminal history of over 20 pages. When perusing an offender's criminal history it is important to note that: (1) more often than not, the number of offences will far exceed the number of episodes of offending; and (2) there will often be considerable gaps between episodes of offending. Gaps in the offending may indicate that for considerable periods of time an offender has been law abiding and therefore has some prospects of rehabilitation. Alternatively, the gaps may indicate periods when an offender has been in prison.

Additional records from other jurisdictions may be included where relevant. Relevant information from a prisoner's criminal history is summarised in the parole report to identify trends or escalation of offending.

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### 8.5.1 PATTERNS OF VIOLENT BEHAVIOUR

The Parole Board has requested that the PPO when preparing the parole report undertake an analysis of the criminal history and highlight where an offender has a history of violent offending. Particular care should be taken to identify instances of violent re-offending, especially while the offender is on parole.

The Parole Board will take the risk factors associated with patterns of violent behaviour into account when making a decision on an offender's application for release to parole.

### 8.6 INSTITUTIONAL REPORT

This report provides a brief overview of the prisoner's behaviour in the custodial facility. A short summary is provided on the prisoner's engagement with programs and employment, any behavioural or drug-related incidents, and their current security rating.

Where it is indicated the prisoner has completed a treatment program, a separate exit report will be provided with in-depth information.

### 8.7 PRISON SECURITY RATING

Security rating refers to each prisoner's personal security rating based upon individually assessed circumstances, which include security, management concerns, and individual and special needs.

The basic principle underpinning the assessment and sentence management procedures is to ensure that prisoners are classified at the lowest level of security necessary to ensure their continuing custody, the good order and security of the correctional centre and the safety and protection of the general public (including victims), staff and other prisoners.

Prisoners classified as having a security rating of medium or above will not generally be approved for release on parole, as failure to progress to a low/open rating is often an indicator of poor behaviour. A prisoner with a poor behavioural record in prison is unlikely to behave appropriately in the community if granted parole. Probation and parole officers recommending the release of such

prisoners must specifically address this in their report and provide a comprehensive plan to manage the offender in the community. A prisoner with a medium security rating may be granted parole towards the very end of the prisoner's sentence of imprisonment in order to undertake rehabilitation programs in the community that were unavailable to the prisoner in prison.

#### 8.7.1 HIGH

Prisoners who exhibit behavioural tendencies that indicate they may be potentially dangerous or those who are seriously violent and/or disruptive to the security and good order of the centre.

#### 8.7.2 MEDIUM

Prisoners, who by their demonstrated performance, attitude and personal circumstances, warrant containment within a secure perimeter and level of personal supervision. These prisoners have been assessed as unlikely to cause unprovoked and deliberate injury to another or serious threat to the good order and security of the centre.

#### 8.7.3 LOW

This rating is provided for prisoners assessed as presenting little or no threat to the security and good order of the correctional centre but about whom there is still some doubt about their reliability to be left unsupervised for periods of time.

Prisoners may be permitted outside a secure perimeter under the direct supervision of a designated supervisor as approved by the Superintendent.

Prisoners who have escaped or attempted to escape during their custodial episode cannot progress past this security rating unless deemed suitable upon completion of an Escape Risk Assessment (ERA).

It will be necessary to attain this security rating to be considered for supervised leave of absence.

Prisoners in this rating must have a proven commitment and motivation towards participation in assessment and intervention, and must participate in a structured day.

#### 8.7.4 OPEN

This rating is given to prisoners who are well advanced in serving their period of imprisonment and have demonstrated consistently good conduct and attitude.

Prisoners working away from the centre are under the direction of a designated supervisor and will have this rating.

It is necessary to attain this security rating to be considered for unsupervised leave of absence (e.g. to visit family members)

#### 8.7.5 YOUTH DETENTION

Youth detention operates with the same range of security ratings as in the adult custodial environment. However, the process and frequency of review differs significantly. Security ratings are representative of a detainee's current behaviour and circumstances and may fluctuate quickly.

In reviewing the security rating, sentence management staff consider recent incident reports, daily behavioural reports, education participation reports and feedback from program providers to determine the detainee's overall standard of behaviour. At this stage progression to lower security ratings is not linked to participation in programs to address offending behaviour.

This dynamic review process acknowledges the different needs of young people in managing their behaviour and encouraging detainees to display appropriate conduct within the centre.

#### 8.8 IDENTIFIED DRUG USER (IDU) STATUS

Prisoners found guilty of a prison misconduct offence related to alcohol, drugs or paraphernalia have an Identified Drug User (IDU) status applied for a period of 12 months. Should a prisoner commit a further drug or alcohol-related offence within the 12 months, the 12 -month period commences at the finding of guilt at the second misconduct hearing.

Where a prisoner provides a positive result, the prisoner is referred to Prisoner Services for assessment for treatment programs.

Prisoners with an IDU status have a security rating of no lower than a medium for a period of no less than 12 months and must show a commitment in addressing their substance misuse prior to a security rating review.

#### 8.9 BEHAVIOURAL INCIDENTS

A behavioural incident may be either accidental or deliberate. Serious behavioural incidents are those incidents that result or have the potential to result in significant harm or danger to prisoners or staff, or those incidents that clearly contravene the legislation, policies or guidelines.

While some behavioural incidents may result in an increase in a prisoner's security rating, they can also provide insight into a prisoner's behaviour and willingness to follow instruction and comply with rules, which are important considerations for the Parole Board.

##### 8.9.1 PRISON

Behavioural incidents will be summarised in the institutional report, with further information about serious incidents contained in the parole report.

**Level 1** reportable incidents include, but are not limited to:

- death
- escape
- serious assaults
- hostage
- self-harm (serious)
- prisoner disturbance

**Level 2** reportable incidents include, but are not limited to:

- assaults
- possession of prohibited items
- threatening behaviour
- hunger strike
- hospitalisation

## SECTION 8 APPLICATIONS FOR PAROLE

**Level 3** internal incidents (non-reportable) include, but are not limited to:

- unhappy with non-approval for special buy
- misuse of prisoner telephone system
- not ready for unlock
- inappropriate behaviour

### 8.9.2 YOUTH DETENTION

Incidents at the Centre

Serious incidents must be reported and may include:

- death
- any suicide attempt
- serious assaults
- any life-threatening episode, including medical emergencies
- physical assaults, including sexual assaults
- fire-related incidents
- accidents, including motor vehicles, equipment, industrial and sporting
- poisoning and overdosing
- explosions
- toxic fumes
- escape or major breach of security
- any incident that results in the hospitalisation of a detainee.

### 8.10 PRISON PROGRAMS

Unless there are exceptional circumstances, prisoners participating in a rehabilitation program to address offending behaviour should not be released to parole until the program is completed. Although specific programs may have been recommended by the sentencing Judge/Magistrate, some prisoners may not be assessed and waitlisted in time to complete the required programs prior to their parole eligibility date. On some occasions, such prisoners may be considered suitable to access the necessary interventions in the community if released to parole.

#### 8.10.1 VIOLENT OFFENDER TREATMENT PROGRAM (VOTP)

Specialised assessments are conducted on offenders convicted of serious violent offences, including domestic violence. These assessments provide information about an offender's risk of violent recidivism and their specific treatment needs. That information is used as part of a case formulation that determines suitability for inclusion in a Violent Offender Treatment Program (VOTP). The VOTP operates on a closed group format.

The VOTP identifies and treats the underlying attitudes of a person who commits serious acts of physical violence, exhibits a willingness to inflict harm on others and has feelings of justification and an attitude of entitlement related to doing so.

The VOTP (Intensive) has eleven possible modules:

- Introduction
- Life pathways
- Offence process
- Pro-social thinking
- Managing emotions
- Victim awareness
- Self-management
  
- Anger and violence
- Interpersonal relationships
- The making of a man
- Substance use and violence

Offenders are assessed using pre and post-treatment measures, as well as an ongoing process of case formulation throughout the intervention. Pre-treatment assessments include specialised assessments that identify relevant risk factors that form targets for treatment. The modules or activities in a program are used to address risk factors.

At the conclusion of treatment a post-treatment specialised assessment is completed to provide an indication of progress towards addressing treatment needs and overall reductions in, and management of, risk of recidivism. The information in that assessment is incorporated into a comprehensive exit report, which includes general information about the offender, their participation, their overall progress and any recommendations for further treatment.

### 8.10.2 SEXUAL OFFENDER TREATMENT PROGRAM (SOTP)

The SOTP uses up-to-date and well-recognised methods to address sexual offending behaviours. It offers practical ways of understanding offending patterns and helps offenders admit more fully what they have done and how their offending behaviour has impacted on victim(s). The program helps participants understand that they need to take full responsibility for their actions, while at the same time it also provides them with practical ways in which to tackle their own problems. The SOTP operates on a closed group format.

Participation in modules is dependent on the outcome of individual assessments. The program is structured around eight modules, which are typically delivered over an eight-month period.

#### Program Modules

- Introduction
- Knowing ourselves
- Telling my offending story
- Victims
- It's all about feelings
- Relationships
- Sexuality
- Family, Community and Future

Those prisoners convicted of sexual offences and assessed as high/moderate or high risk of re-offending, or who have received no prior treatment interventions for their sexual offending, or dropped out of treatment, would be seen as the highest priority for offender programs and rehabilitation

service. In addition, some offenders who have already undertaken treatment may also warrant further treatment from a clinician.

Prisoners are assessed using pre and post-treatment measures, as well as an ongoing process of case formulation throughout the intervention. Pre-treatment assessments include specialised assessments that identify relevant risk factors that form targets for treatment. The modules or activities in a program are used to address risk factors. At the conclusion of treatment a post-treatment specialised assessment is completed to provide an indication of progress towards addressing treatment needs and overall reductions in, and management of, risk of recidivism. The information in that assessment is incorporated into a comprehensive exit report, which includes general information about the offender, their participation, their overall progress and any recommendations for further treatment.

### 8.10.3 FAMILY VIOLENCE PROGRAM

Family Violence Program (FVP) is a gazetted perpetrator program under section 78 of the *Sentencing Act*. Participants learn that family violence is a crime and is not acceptable. Their beliefs, attitudes and behaviour are challenged in a non-threatening manner and they learn to take responsibility for their thoughts, feelings and behaviour. The FVP operates on a closed group format.

The program addresses:

- What is family violence?
- The law and family violence
- Who does family violence hurt?
- Recognising and responding appropriately to anger
- How to behave in a better way
- Violence and substance abuse
- Taking responsibility for own behaviour

The program runs as a five-day program.

### 8.10.4 INTENSIVE ALCOHOL AND OTHER DRUGS PROGRAM (IADP)

The Intensive Alcohol and Other Drugs Program is a new program that combines traditional psycho-educational components with intensive treatment. Offenders who clearly have a serious alcohol or illicit drug problem will be assessed for suitability to participate in an Alcohol/Illicit Drugs Program, closed group, which will be focused on treatment for alcohol and illicit drugs abuse, rather than psycho-educational approaches alone.

The Intensive Alcohol and Other Drugs Program is comprised of nine modules, which cover education and awareness about drug and alcohol use, and also address treatment needs related to offending. It is comprised of stand-alone modules, which can be delivered in an open or closed group format. Participants can complete isolated program modules or all modules as required or available.

- Introduction
- Understanding my addiction
- My motivation to change
- Thinking straight
- Managing and understanding feelings
- My life story
- Victim Empathy
- My offence process
- Relapse prevention

All proposed participants should have a generalised assessment to determine risks related to future offending before inclusion in the program. This assessment will identify offenders who have treatment needs related to alcohol and other drugs use.

Offenders are assessed using pre and post-treatment measures, as well as an ongoing process of case formulation throughout the intervention. Pre-treatment assessments include specialised assessments that identify relevant risk factors that form targets for treatment. The modules or activities in a program are used to address risk factors. At the conclusion of treatment a post-treatment specialised assessment is completed to provide an indication of progress towards addressing treatment needs and overall reductions in, and management of, risk of recidivism. The information in that assessment is incorporated into a comprehensive exit report, which includes general information about the offender, their participation, their overall progress and any recommendations for further treatment.

### 8.10.5 SAFE SOBER STRONG PROGRAM (SSS)

The Safe Sober Strong Program is a new program that has been developed by the Offender Programs branch. This program was introduced in Darwin Correctional Centre and Alice Springs Correctional Centre in December 2012 and is also available to youth detainees. The Safe Sober Strong program is a psycho-educational offence-related program designed to be flexible so as to meet the needs of a wide range of offenders with varied sentence lengths.

The Safe Sober Strong Program uses a cognitive behavioural approach to increase client awareness of offending behaviour, and to provide strategies that enhance pro-social thinking and goal setting. The program includes modules that address problem areas empirically related to recidivism. It uses a range of treatment methods that have been shown to reduce recidivism.

The Safe Sober Strong Program is comprised of stand-alone modules that can be delivered in a closed group format. Participants can complete isolated program modules or all modules as required or available.



## Modules

- Welcome
- Understanding yourself
- Getting ready to change
- Managing emotions - anger
- Managing emotions – jealousy and loneliness
- Managing emotions – stress
- Problem solving
- Thinking about crime
- Other people’s feelings
- My future

## Optional Modules

- Me and my people
- Safe drinking levels
- Alcohol, drugs and me
- Staying strong
- Family fighting

This program can be delivered to any individual housed in a Northern Territory correctional centre. It can be delivered in a group setting or on an individual basis, specifically the program is suitable for, males and females on remand or serving a sentence for any type of offence. There is a modified version for juveniles, which has been running since February 2013.

The total length of the Safe Sober Strong Program is 37.5 hours. This is comprised of 15 2.5-hour sessions. The first 10 modules are considered core modules and the last five are optional, based on need. The total program duration is eight weeks, which includes two 2.5-hour sessions per week. The program sessions can be run in isolation and clients can participate in the program for 1-15 sessions.

The Communication and Problem Solving Program aims to provide clients who are on remand or serving short sentences an opportunity to participate in an intervention. Longer-term sentenced clients can benefit from participation in the program because it provides an introduction to the therapeutic environment with the aim to facilitate readiness and motivations for change in clients prior to participation in more intensive programs.

### 8.10.6 INDIVIDUAL INTERVENTION PROGRAMS

Individual intervention and counselling is offered within Darwin Correctional Centre for non-criminogenic needs such as anxiety, stress, grief or adjustment to prison.

### 8.10.7 EXTERNAL PROGRAMS – DARWIN

Hope Alcohol and Other Drugs Program<sup>6</sup>

The Catholic CareNT HOPE Alcohol and Other Drugs program aims to increase participants’ self-awareness of contributing factors to substance use and its effect on self, family and relationships. The program gives participants the opportunity to increase awareness, analyse and learn strategies to reduce the problems associated with substance misuse. It is run over 12 weeks, which consists of one session per week for two hours (12 sessions in total).

The Catholic Care facilitator also provides up to two individual sessions at a prisoner’s self-request, concurrent to the program, if review of a particular module and further consolidation of information is required.

Prison In-Reach AOD Program

The Alcohol and Other Drugs Psycho-Educational Prison In-Reach AOD Program is delivered by Health to prisoners on remand or sentenced to less than 6 months.

The program is flexible and may be run as either individual sessions or a group program.

<sup>6</sup> The Hope Alcohol and Other Drugs Program will not run in the new Darwin Correctional Precinct.

## SECTION 8 APPLICATIONS FOR PAROLE

### 8.10.8 EXTERNAL PROGRAMS - ALICE SPRINGS

#### Alcohol Awareness Program

The Central Australian Aboriginal Alcohol Programs Unit (CAAAPU) delivers an Alcohol Awareness Program to assist Aboriginal people with alcohol and drug rehabilitation, and to provide ongoing treatment and education. The program is run over four weeks, which consists of one session per week for two hours (four sessions in total).

#### DRUMBEAT

DRUMBEAT is a flexible program that combines experiential learning with cognitive behavioural therapy, and engages young people and adults who may be anxious or resistant to 'talk based' therapies. It is a therapeutic program using rhythm, developed by Holyoake to reach alienated young people of those at risk of problematic health and social outcomes.

DRUMBEAT explores relationship issues such as:

- peer pressure
- bullying
- dealing with emotions
- identity
- social responsibility
- teamwork

The Holyoake DRUMBEAT program is run over 10 weeks, which consists of one session per week for two hours (10 sessions in total).

#### Safe and Smart

The Safe and Smart program delivered by Drug and Alcohol Services Alice Springs (DASA) is a psychological-education alcohol program adapted to meet the low literacy and oracy skills of the ASCC clientele. The program is based upon the nationally accredited SMART program. The program is run over eight weeks, which consists of one session per week for 1.5 hours (eight sessions in total).

#### Alcohol Intervention

Congress provides one-to-one alcohol interventions to women in custody, on a case-by-case basis, in two-hour sessions once per week

### 8.11 PAROLE REPORT

The parole report provides comprehensive background information and analysis on the prisoner under the following headings:

- Significant Background
- Social History
- Finances
- Cultural/Religious Factors
- Education
- Employment
- Medical and Psychiatric Issues
- Generalised Problems
- Circumstances of offending
- Substance Misuse and Treatment History
- Offending History and Response to Supervision
- Programs/Counselling and Courses
- Relevant Attitudes
- Attitude Toward Current Offence and Victim
- Attitude and Understanding of Parole
- Victim and Community Considerations
- Post Release Plans
- Support Networks
- Community Programs and Treatment
- Accommodation
- Employment/Training
- Evaluation
- Recommendation – not granted (including prisoner's comments), deferred, granted with or without additional conditions.
- Team Leader comments supporting the officer's evaluation and recommendation.

One of the purposes of the parole report is to present the prisoner's post-release plans and how they will be managed in the community. This includes the prisoner's proposed accommodation and support networks in the community, as they are important factors. These may assist a prisoner to remain stable and free of alcohol consumption, substance abuse, dangerous drugs and further offending.

### 8.12 VICTIMS

The safety of the community and the rights of victims are one of the key issues the Parole Board considers when assessing a request for parole.

Probation and parole officers have been instructed that all attempts must be made to contact victims in the preparation of a parole report. Witness Assistance Services and the Crimes Victims Services Unit are often the primary contacts for the probation and parole officer in attempting to locate victims. However, many victims are not registered with these services. Even if a victim is not registered, the probation and parole officer will attempt to contact them or their family as the inclusion of victim information in the parole report is required.

The victim/s, their family or their representative may choose not to provide information to the probation and parole officer for their report and provide a separate statement directly to the Parole Board. This information will be made available to the probation and parole officer for use in preparing the report.

### 8.13 PAYBACK

The following policy was approved by the Parole Board on 30 September 2009 and remains the policy of the Parole Board.

#### 8.13.1 PRINCIPLES:

1. The Parole Board recognises customary law within the framework of the general law of the Northern Territory.
2. The term "payback" is an imprecise and possibly misleading description referring to aspects of customary law involving some element of physical punishment for transgressions.

The term incorporates important customary law practices, such as restitution and reconciliation, not just between the victim and the offender, but for their respective families and the community as a whole.

3. The practice of customary law may vary from community to community and within communities.
4. The Parole Board does not condone acts that contravene the Criminal Code, including acts that form part of the customary law of a community. In particular, the Parole Board does not condone unlawful acts of violence under the guise of customary law.

#### 8.13.2 PAROLE ORDERS WHERE "PAYBACK" MAY APPLY:

1. It is the responsibility of probation and parole officers to report to the Parole Board upon becoming aware that an applicant for parole might, upon release, be subject to physical harm as a consequence of payback.
2. The relevant probation and parole officer shall, in those circumstances and from the earliest available opportunity, actively encourage mediation between all persons concerned in order to resolve the issue either by the withdrawal of the threat of payback or the satisfying of any requirement for payback by non-violent means.
3. In the event that the issue is not satisfactorily resolved, the applicant for parole must be advised of the situation to enable the applicant to make an informed decision whether or not to seek parole and, if so, to address the conditions to be attached to any parole order.
4. In making a parole order in such cases the Parole Board will seek to impose conditions of parole that limit the possibility of physical harm being caused to the parolee or any other person through payback.
5. Where an applicant is granted parole and may be subject to payback the Parole Board shall inform the Northern Territory Police Service of his or her pending release, the conditions of parole and details relating to any possible payback.

### 8.14 POST RELEASE PLANS

#### 8.14.1 SUPPORT NETWORKS

Sex offenders and other complex parolees, including prisoners serving a life sentence, may have a formal Support & Awareness Group (S&AG) whose members assist the probation and parole officer in monitoring the parolee's progress and compliance once released to parole.

Members of the group should be informed about the parolee's offences and previous history, and they should fully understand the role and requirement of being a S&AG member. Careful consideration is given to the relevance and intentions of members, e.g. their ability to be honest when the parolee is non-compliant and report this to the probation and parole officer. Generally these groups are developed through participation in a program, such as the Sex Offender Treatment Program, and are further developed by the probation and parole officer prior to release.

The North Australian Aboriginal Justice Agency (NAAJA) and the Central Australian Aboriginal Legal Aid Service (CAALAS) both provide through-care services, which can support high-need Indigenous parolees on release. The through-care case worker works with the probation and parole officer to provide support to parolees to address their transitional needs, including rehabilitation, accommodation, employment, education, training, health, life skills, reconnection to family, and community and social connectedness.

#### 8.14.2 COMMUNITY PROGRAMS AND TREATMENT

##### Attendance at a Residential Rehabilitation Program

A requirement to attend a residential rehabilitation program is frequently placed on parolees with drug and/or alcohol-related offending, particularly if they have not completed a relevant program in prison. The intensive support provided in these programs is often beneficial in assisting a prisoner to reintegrate back into the community, as most offer general life skills and assistance with employment and accommodation.

The prisoner will be subject to an assessment for suitability for a specific program and the proposed release date will coincide with the availability of a bed at the facility. The parolee will generally be transported directly to the program from prison. The parolee will be subject to regular supervision processes, and will receive regular visits from their probation and parole officer while at the facility.

##### **Banyan House**

Located in Berrimah, provides a residential therapeutic community for male and female adults with alcohol and drug addictions and any co-occurring mental health disorders. Program duration is specific to each individual and may extend to 12 months.

##### **Barkly Region Alcohol and Drug Aboriginal Advisory Group (BRADAAG)**

Located in Tennant Creek, provides a three-month residential program for male and female adults.

##### **Central Australian Aboriginal Alcohol Programs Unit (CAAAPU)**

Located on the outskirts of Alice Springs, provides an eight-week residential drug and alcohol program for male and female Indigenous adults.

##### **Council for Aboriginal Alcohol Programs Services (CAAPS)**

Located in Berrimah, provides a three-month residential program for male and female Indigenous adults and youth and their families.

##### **Drug & Alcohol Services Association (DASA)**

Located in Alice Springs, provides a 12-week residential drug and alcohol program for male and female adults. DASA also provides a further Transitional After Care Units (TACU) Program, which is a semi-independent residential program for clients who have already undergone a period of abstinence, of no less than three months, from alcohol and/or other drugs. DASA also offer an Independent Living Program, whereby clients must have already undergone a period of abstinence, of no less than six months, from alcohol and/or other drugs.

### **Foundation of Rehabilitation with Aboriginal Alcohol Related Difficulties (FORWAARD)**

Located in Stuart Park, provides a 12-week residential and day program for male and female Indigenous adults.

### **Nhulunbuy Alcohol and Other Drugs Rehabilitation Service (NAODRS)**

Located in Gove and run by the Department of Health, provides a three-month residential drug and alcohol program for male and female adults.

### **Sunrise Top End Drug and Alcohol Services (formerly Salvation Army Bridge Program)**

Located in Berrimah, provides a 12-week residential drug and alcohol program for male and female adults in a Christian setting.

### **Venndale**

Located 35km south of Katherine, provides a 12-week residential drug and alcohol program for male and female adults. Also provides a further three-month after-care program with supported accommodation at the Venndale Transitional After Care (VTAC) units in Katherine East.

Family Violence Program (formerly Indigenous Family Violent Offending Program)

The Family Violence Program is a five-day program run in a group work context. The program aims to reinforce that family violence is a crime and is not acceptable. It challenges the attitudes and behaviours that allows violence and abuse to occur, and develops capacity in offenders to accept responsibility for the violence they have committed. The program is offered in urban and remote areas, which means participants are able to remain in their community while learning and practising skills and strategies so that they are better equipped to cease violent behaviours.

#### **8.14.3 ACCOMMODATION**

All prisoners must have confirmed accommodation approved by the probation and parole officer prior to being released to parole. If surveillance at the residence is required, e.g. to conduct curfew or random breath-testing checks, the requisite checks will be

undertaken prior to the residence being approved. Where a prisoner intends to reside in public housing, they must be approved and registered as a tenant.

The Department of Correctional Services provides post-release supported accommodation through two six-bed houses managed and operated by Anglicare NT in Alice Springs and BRADAAG in Tennant Creek. Both houses provide male adults with transitional accommodation and a range of support services for up to six months.

Where a prisoner is unable to identify appropriate accommodation and this is the only thing preventing their release, the Parole Board may still agree to release them pending the arrangement of a suitable placement. The probation and parole officer will continue to work with the prisoner and their release may be expedited once accommodation has been secured.

#### **8.14.4 EMPLOYMENT/TRAINING**

Employment and/or training can provide parolees with structured, pro-social use of their time, and assist in their reintegration into the community through developing life skills and independence. Prisoners may have confirmed employment plans on release, particularly if they are already engaged with an employer and intend to continue in that position.

#### **8.15 PROXIMITY TO FULLTIME DISCHARGE DATE**

As there is no provision for a parolee to be credited with time spent on parole if parole is revoked, the Parole Board must consider the length of parole when determining if it is appropriate to release a prisoner on parole, and if so under what conditions.

In some cases, where a prisoner is nearing the end of their sentence, it may be appropriate to release the prisoner on parole despite poor behaviour or refusal or inability to address the prisoner's offending behaviour while in prison. The purpose of parole in these cases is to provide some short-term supervision and management of the prisoner's return to the community and thereby reduce the risk of re-offending.

## SECTION 8 APPLICATIONS FOR PAROLE

Consideration should be given to:

- (a) The length of time remaining to be served by the prisoner
- (b) The likelihood of the prisoner accepting and complying with parole supervision requirements;
- (c) The risk of re-offending during the supervision period;
- (d) The benefits to the community, if any, of granting parole for a short period.
- (e) Availability of rehabilitation programs in the community.
- (f) Whether the prisoner has obtained employment.

Where a prisoner is a high risk offender (particularly sex offenders and violent offenders) and is unlikely to comply with supervision requirements, the prisoner will not be granted parole.

### 8.16 APPLICATIONS FROM PERSONS SERVING A LIFE SENTENCE

When considering whether a prisoner who is serving a term of imprisonment for life for the crime of murder should be released on parole, the Parole 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 Aboriginal or Torres Strait Islanders, the likely effect of the prisoner's release on that community.

### 8.17 CONSIDERATIONS FOR YOUNG PEOPLE

The *Youth Justice Act* is founded on 19 general principles, which focus on the rehabilitation and diversion of young people from further contact with

the criminal justice system. The Parole Board has regard to these principles. The following three principles of the *Youth Justice Act* are of particular importance to the Parole Board:

- a youth should be kept in custody for an offence (whether on arrest, in remand or under sentence) only as a last resort and for the shortest appropriate period of time;
- a youth must be dealt with in the criminal justice system in a manner consistent with his or her age.
- punishment of a youth must be designed to give him or her an opportunity to develop a sense of social responsibility and otherwise to develop in beneficial and socially acceptable ways.

The Parole Board endeavours to release young people who are not dangerous offenders on parole as close to their NPP date as possible.

# SECTION 9

## SUBSEQUENT APPLICATIONS FOR PAROLE

### 9.1 WHEN A SUBSEQUENT APPLICATION WILL BE RECEIVED

There are a number of reasons for which a prisoner may submit a subsequent application for parole. The most common are:

1. When the prisoner was previously on parole and the parole was revoked;
2. When the prisoner has previously declined parole; and
3. When the prisoner has previously been denied parole.

More information has been provided on each of these scenarios.

#### 9.1.1 PRISONERS WHOSE PAROLE HAS BEEN REVOKED

An offender whose parole has been revoked or cancelled is entitled to reapply for parole under section 13 of the *Parole Act*.

When an offender is revoked for re-offending they may be required to complete a new sentence prior to being eligible for parole. During the process of admission (to the prison) a sentence calculation will be completed; where a prisoner is eligible for parole a Non-Parole Period Advice will be prepared with the prisoner's new eligibility date.

If the prisoner wishes to seek more information on the process of applying for parole after a breach they may ask to speak to the probation and parole officer.

For more information on revocation of parole refer to Section 13 Breach of Parole Orders.

#### Convictions for violent offending

In recognition of the prevalence of violent offending in the Northern Territory and the social and community impacts of this violence, the Parole Board has established the following guidelines that shall apply to:

- A parolee who has a history of violent offending;
- Whose current release on parole relates to offences that include a sentence for violent offending; and
- Whose parole has been revoked for further violent offending.

# SECTION 9 SUBSEQUENT APPLICATIONS FOR PAROLE

The Parole Board will not consider an application for parole from the prisoner for a minimum of six months after the prisoner resumes the sentence for which they were originally released on parole.

## 9.1.2 PRISONERS WHO HAVE PREVIOUSLY DECLINED PAROLE

Some prisoners may decide they do not wish to be considered for parole and will advise the Parole Board of their decision. There is nothing to stop the prisoner changing their mind and applying for parole before the expiry of their sentence.

Should a prisoner change their mind there may be delays in considering their application associated with the preparation of a parole report for the Parole Board's consideration.

## 9.1.3 PRISONERS WHO HAVE PREVIOUSLY BEEN DENIED PAROLE

If the Parole Board makes a decision to deny a prisoner's application the prisoner is entitled to re-apply at any time during their sentence.

The prisoner will receive a letter from the Parole Board advising that their application has been denied and providing an overview of the reasons for the Board's decision. The prisoner should address the issues identified by the Parole Board in any subsequent application for parole.

## 9.2 PROCESS OF APPLYING FOR SUBSEQUENT PAROLE

An offender making a subsequent application for parole in one of the categories identified above will need to write to the Parole Board requesting parole.

The prisoner is able to seek assistance in the preparation of a letter to the Parole Board requesting parole. This may be through a lawyer, advocate or support person.

NTDCS has a Memorandum of Understanding with NAAJA and CAALAS to provide assistance to Aboriginal prisoners through the Prisoner Support Program and Through Care Project. For more information, refer to Section 5 Key Stakeholders. Aboriginal prisoners are also able to seek

assistance from Aboriginal Liaison Officers in the preparation of letters to the Parole Board.

The Offender Management Framework provides the probation and parole officer with guidance on assisting prisoners in the preparation of correspondence for the Parole Board. There are other avenues through which prisoners can receive assistance in the preparation of correspondence to the Parole Board. These should all be exhausted before any assistance is provided.

If the prisoner wishes to seek more information on the process of applying for parole they may ask to speak to the prison-based probation and parole officer.



# SECTION 10

## MAKING A PAROLE ORDER

The Parole Board must set a date for the commencement of the parole order, which must not be before the end of the non-parole period.

The release date may be recommended by the probation and parole officer and should take into consideration availability of transport to the planned accommodation or community or entry into a residential treatment program etc.

Unless there are exceptional circumstances, a parole order should not commence less than two weeks from the date of the decision to allow time for the parole order to be signed by the prisoner and appropriate repatriation arrangements to be made.

The parole order will remain in force until the full time expiry date of the sentence, unless revoked or cancelled earlier.

The Parole Board cannot make a parole order in relation to an offender who is subject to a continuing detention order or awaiting the outcome of an application for a continuing detention order, under the *Serious Sex Offenders Act*.

### 10.1 STANDARD CONDITIONS OF PAROLE

The parole of all prisoners is subject to certain conditions. The purpose of the Parole Board setting conditions of parole is to ensure that parolees are appropriately supervised while they are in the community, manage the factors that underlie a parolee's offending behaviour, assist parolees to be successfully reintegrated into the community and keep the community safe.

There are eight standard conditions that apply to all prisoners released on parole, which are:

1. the parolee must be of good behaviour and must not commit another offence during the period of the order;
2. the parolee shall be subject to supervision on parole of a probation and parole officer, appointed in accordance with this parole order, and shall obey all reasonable directions of the probation and parole officer appointed;

## SECTION 10 MAKING A PAROLE ORDER

3. the parolee shall report to the probation and parole officer, or other person nominated by the probation and parole officer, in the manner, places and times directed by the officer and shall be available for interview at such times and places as a probation and parole officer or nominee may from time to time direct;
  4. the parolee shall not leave the Northern Territory without the written permission of the supervising probation and parole officer;
  5. the parolee shall enter into employment arranged or agreed upon by the probation and parole officer and shall notify the probation and parole officer of any intention to change employment before such change occurs. If this is impossible then notification must occur within such period after the change as may have been directed by the probation and parole officer;
  6. the parolee shall reside at an address arranged or agreed upon by the probation and parole officer and shall notify the probation and parole officer of any intention to change address before such change occurs. If this is impossible then notification must occur within such period after the change as may have been directed by the probation and parole officer;
  7. the parolee shall not associate with any person specified in a direction by the probation and parole officer to the parolee;
  8. the parolee shall not frequent or visit any place or district specified in a direction by the probation and parole officer to the parolee.
1. the parolee shall immediately upon release enter into the \*\*\*\*\* residential rehabilitation program for a period of \*\*\*\*\* weeks/days, participate fully and do nothing to cause his early discharge;
  2. the parolee shall immediately upon release (or immediately upon completion of the residential rehabilitation program) travel to \*\*\*\*, reside there for the duration of this parole order and not leave without the prior permission of his/her probation and parole officer, except for urgent personal medical or dental treatment;
  3. the parolee shall not purchase or consume alcohol for the duration of this parole order;
  4. the parolee shall submit to random breath testing as directed by his/her probation and parole officer or a police officer;
  5. the parolee shall not consume and/or possess |a dangerous drug or abuse a prescribed substance that is lawfully obtained for the duration of this parole order;
  6. the parolee shall submit to random urinalysis for the purpose of detecting the presence of dangerous drugs in his/her urine;
  7. the parolee shall participate in assessment, counselling and/or treatment as directed by his/her probation and parole officer;
  8. the parolee shall attend for alcohol misuse assessment, counselling and/or treatment as directed by his/her probation and parole officer;
  9. the parolee shall have no contact directly or indirectly with children (can be specified e.g. male/female) under the age of 16 years, except under the supervision of an adult who is aware of his offence history;
  10. the parolee shall not threaten or assault the victim (insert full name here) for the duration of this parole order;
  11. the parolee shall not contact, threaten or assault (insert full name here) for the duration of this parole order;
  12. the parolee shall have no contact directly or indirectly with (insert full name here) or the victim's family (insert full name here) for the duration of this parole order;

### 10.2 ADDITIONAL CONDITIONS

The purpose of parole is to facilitate the successful reintegration of prisoners back into the community in a manner in which they are least exposed to the risk factors that give rise to their offending. Where necessary, the Parole Board may place additional conditions on a parole order to appropriately supervise the prisoner while on parole, assist the parolee to successfully complete their parole and maximise the safety of the community. Common additional conditions include the following:

13. the parolee shall remain at his/her agreed residence between the hours of \_\_\_pm and \_\_\_am, the following day and not leave without prior permission from his/her probation and parole officer, except for urgent personal medical or dental treatment for the duration of this parole order;
14. the parolee shall reside where directed by his/her probation and parole officer and not leave the premises at any time of the day or night without first obtaining permission from his/her probation and parole officer, except for urgent personal medical or dental treatment for the duration of this parole order;
15. the parolee shall make himself/herself available for checks at any place by his/her probation and parole officers and/or surveillance officers at any time of the day or night;
16. the parolee will not have possession or control a firearm;
17. the parolee shall not engage in any conduct that would give rise to grounds for a domestic violence order.

The above list is not exhaustive and the Parole Board may add any conditions they feel necessary. The conditions are outlined on the parole order so parolees are aware of their conditions.

### 10.3 MANAGEMENT OF CONDITIONS IN THE COMMUNITY

#### 10.3.1 CONDITIONS RELATING TO MOVEMENT RESTRICTIONS

##### Reside in a particular Community

These conditions are generally used for parolees who are released to specific communities where they have family support and limited exposure to risks such as alcohol. They are also used to reduce the likelihood of an offender coming into contact with a victim, without revealing the whereabouts of the victim. These conditions allow the parolee to move freely throughout their community. However, permission is required from the Parole Board before they relocate to another community. Parolees subject to these conditions may also be required to obtain permission from their probation and parole officer before leaving the community, except in the case of a medical or dental emergency.

##### Not Enter a Specified Community or Region

This condition is frequently used for parolees from remote communities who are at a higher risk of criminal activity in a regional town or to ensure a parolee does not come in contact with a victim. The parolee is required to obtain permission from their probation and parole officer before entering the specified location, except in the case of a medical or dental emergency.

##### Curfew

Curfews have two principal functions, which are quite discrete. The first function is as part of a stepped or structured re-integration into the community. The second function is less structured: it is simply to facilitate monitoring and reduce exposure to criminogenic stressors. The consequences of a breach of curfew are affected by the extent of the breach, the circumstances in which the breach occurred and the functions that curfew is serving.

Curfews are monitored at random by surveillance officers, who may attend the residence at any time during the curfew hours. The frequency of checks is determined by the extent to which the probation and parole officers consider the parolee needs monitoring, the extent and duration of the parolee's compliance with the curfew and other parole conditions while on parole and the purpose of the curfew.

The parolee will be alerted by door knocking or a telephone call and is required to present to surveillance officers and sign the surveillance register. Surveillance officers do not have the power to enter a residence and search for a parolee.

#### 10.3.2 NIL ALCOHOL AND RANDOM BREATH TESTING (RBT)

Nil alcohol conditions are frequently placed on parolees where alcohol is a criminogenic risk factor, and the parolee was intoxicated at the time of the offending. Alcohol consumption is monitored through random RBTs, generally conducted by surveillance officers who may attend at any place the parolee is permitted to be, including their place of employment, residence and other approved locations. The parolee is tested in a private location on a Draegar handheld Alcotest machine. Parolees are subject to random testing with frequency determined by the probation

## SECTION 10 MAKING A PAROLE ORDER

and parole officer in accordance with the parolee's history of misusing alcohol, the likely consequences of the parolee misusing alcohol and the extent and duration of the parolee's compliance with the conditions of parole. All parolees are tested a minimum of three times per month.

### 10.3.3 NIL DANGEROUS DRUGS, PRESCRIBED SUBSTANCES AND URINALYSIS

Nil dangerous drug conditions are frequently placed on parolees where drug usage is a criminogenic risk factor, and the parolee was under the influence of one or more dangerous drugs at the time of the offending. Drug usage incorporates the use of illicit substances and abuse of prescribed substances. Community Corrections policy requires probation and parole officers to direct all offenders with a urinalysis condition to frequent random urinalysis. There is limited availability of urinalysis in some remote communities, and probation and parole officers are discouraged from recommending conditions that cannot be monitored effectively. Urinalysis is conducted by third party pathology agencies on a minimum of a monthly basis.

### 10.3.4 GENERAL ATTENDANCE AT COUNSELLING

These conditions recognise the need for further counselling. Following the parolee's release a referral will be made to a suitable agency, which determines the immediate needs of the parolee. Those who have finished or are assessed as not requiring counselling may be re-referred at a later time if there appears to be a need for further counselling or the parolee indicates they are having difficulty in successfully reintegrating into the community.

### 10.3.5 RESTRICTED ASSOCIATIONS WITH SPECIFIC PERSONS

In order to protect the victim and the community, a parolee may be subject to conditions limiting or prohibiting their association with other people. This may include non-association with co-offenders or criminal associates, association with young people or contact directly or indirectly with victims or their family.

# SECTION 11

## NOT GRANTING PAROLE

### 11.1 PERSONS WHO CHOSE NOT TO APPLY FOR PAROLE

Prisoners may choose not to apply for parole and serve their full sentence. This is a matter for the prisoner. However, a probation and parole officer will still visit the prisoner to confirm they are making an informed decision.

Prisoners are encouraged to write to the Parole Board about their decision not to apply for parole and outline their reasons. This letter may be sent directly to the Parole Board or given to the probation and parole officer to submit with the parole report.

Prisoners who write to the Parole Board will have their letter submitted to the next meeting. Should they change their mind and wish to apply for parole they must write to the Parole Board informing them of this in order to for approval to generate a fresh application and parole report.

On some occasions prisoners may refuse to write a letter regarding their decision, in which case the Parole Board will receive notification of this from the probation and parole officer. Probation and parole officers do not write the letters on behalf of the prisoner.

### 11.2 DEFERRAL OF CONSIDERATION OF APPLICATION

The Parole Board may agree to defer consideration of an application to a later meeting. A deferral may be recommended by the probation and parole officer, e.g. to allow time for an assessment for or completion of a program, in which case the officer will suggest an appropriate deferral period, or to make further enquiries about the prisoner's post-release plans. Meeting administration processes requires a report from the probation and parole officer to be completed 12 days prior to the scheduled meeting.

An updated institutional report will be provided for all deferrals over three months. If a matter is deferred for up to three months, a further institutional report will be provided only if the deferral is due to a custodial factor, e.g. a review of the prisoner's security rating or completion of a program.

# SECTION 11 NOT GRANTING PAROLE

## 11.3 REFUSAL OF APPLICATION

The decision not to grant parole is generally premised on one of three factors: (1) an unacceptable risk of the prisoner re-offending while on parole, (2) an unacceptable risk of the offender not complying with parole conditions and (3) inadequate or unrealistic post-release plans.

Where the Parole Board is satisfied there are strong concerns regarding the release of a prisoner, it may refuse parole without setting a timeframe for reconsideration. The prisoner will receive a letter from the Parole Board advising them why their application has been refused. The letter of refusal will not disclose victim information or intelligence received by the Parole Board.

The prisoner is also informed they are able to re-apply for parole at any time. All prisoners who have been refused parole are able to re-apply at any time by writing to the Parole Board and requesting their case be reconsidered. A copy of the letter will also be sent to NAAJA or CAALAS if the prisoner is one of their clients.

A probation and parole officer will continue to visit the prisoner annually to discuss any changes to their circumstances and enquire as to their interest in making a new application for parole.

## 11.4 CONSIDERATION OF A PRISONER AFTER A DECISION TO REFUSE PAROLE

The reasons for the Parole Board's decision to refuse parole are reviewed when the Parole Board considers a further application for parole from the prisoner.

As a general rule, a prisoner will not be granted parole unless the Parole Board is satisfied that the prisoner can be managed appropriately in the community if parole is granted.

A prisoner who has been refused parole must write to the Parole Board and request they be reconsidered for parole. The prisoner should demonstrate how their circumstances have changed since their previous application, e.g. completed a rehabilitation program,

developed better post-release plans, improved their security rating etc.

An institutional report will generally accompany any further request for parole by a prisoner, to confirm they are compliant with minimum behavioural standards and to update the Parole Board about the prisoner's situation.

# SECTION 12

## MONITORING PAROLE ORDERS

The Parole Board may request updates on a parolee's progress through the submission of a progress report from the supervising probation and parole officer. This most commonly occurs in the case of parolees who are serving a sentence of imprisonment for life for murder, sex offenders and young offenders.

### 12.1 REQUEST FOR VARIATION OF CONDITIONS

A parolee may request a variation to the conditions of their parole, either through a progress report submitted by their probation and parole officer, or directly to the Parole Board sometimes with the assistance of a solicitor.

Parole conditions may be varied or revoked because of the extent to which the parolee has succeeded in rehabilitating themselves in the community or because of a change in the parolee's circumstances.

A variation to a parole order does not come into force until notice of the variation is given to the parolee.

### 12.2 TRAVEL REQUESTS

#### 12.2.1 INTRASTATE TRAVEL

Intrastate travel by a parolee may generally be approved by a probation and parole officer, with consideration given to the purpose of travel, urgency, ability to supervise the parolee and their risk and level of compliance.

Where a parolee proposes travel arrangements that substantially alter the circumstances of their supervision (e.g. an extended period in a remote area with no telephone contact) approval must be sought from the Parole Board.

#### 12.2.2 INTERSTATE TRAVEL

When assessing an application for interstate travel appropriate consideration will be given to the parolee's conditions of release, previous offending, whereabouts of the victim, reasons for the request and the reporting framework for an extended stay.

## SECTION 12 MONITORING PAROLE ORDERS

Permission for interstate travel is usually granted by a Team Leader, unless the proposed travel would substantially alter the circumstances of supervision (e.g. an extended period) in which case approval must be sought from the Parole Board.

There are National Operating Procedures for interstate travel and transfer for parolees, which have been agreed on between all Australian jurisdictions. The National Operating Procedures provide two options - an unsupervised travel permit or a supervised travel permit.

An unsupervised travel permit will involve discussion with the jurisdiction to which the prisoner is travelling but does not require their approval.

A supervised travel permit requires the approval of the jurisdiction to which the parolee is travelling. The parolee will temporarily report to a probation and parole officer in the jurisdiction in which they are travelling and will be monitored closely.

### 12.2.3 TRAVEL FOR PRISONERS SERVING A LIFE SENTENCE

Any proposed interstate travel requested by a parolee who is serving a life sentence within five years of their release on parole must be approved by the Parole Board. Unless there are exceptional circumstances or the period of travel is brief, the receiving jurisdiction must approve a supervised travel permit before approval is granted by the Parole Board.

### 12.2.4 INTERNATIONAL TRAVEL

Probation and parole officers must refer all requests for overseas travel by parolees to the Parole Board for approval.

In determining whether to grant approval, the Parole Board will consider the extent of the parolee's reintegration into the community, including maintaining regular contact with their probation and parole officer, compliance with the conditions of the parole order and stable accommodation and/or employment.

Applications for travel from parolees should be supported by their probation and parole officer and include evidence of the need to travel overseas.

Parolees who are approved to travel overseas must provide their probation and parole officer with details of their itinerary, including departure and return dates.



## SECTION 13

### BREACH OF PAROLE ORDERS

A breach of parole may fall into one of two categories:

- **Re-offending** – the parolee has committed a fresh offence while on parole.
- **Conditional** – the parolee has breached one or more of the conditions of their parole order.

Parole of serious offenders is monitored on a strict compliance model. Parole of less serious offenders is monitored on a therapeutic compliance model and probation and parole officers use an element of discretion in managing some forms of non-compliance. Parolees who fail to attend supervision appointments may be cautioned, with their behaviour reported to the Parole Board if it fails to improve. Direct contraventions, such as positive breath tests or eviction from a treatment program, must be referred to the Parole Board.

The revocation or cancellation of a parole order is a particularly serious matter, because time spent on parole (i.e. “street time”) does not count as time served. A parolee whose parole order has been revoked is required to serve the balance of the sentence of imprisonment that was outstanding at the time they were granted parole. A prisoner is entitled to re-apply for parole after their parole has been revoked; there is no limit on the number of times they may re-apply.

Section 64(2) of the *Sentencing Act* says:

Where:

- (a) a person has been sentenced or committed in the Territory to a term of imprisonment for an offence committed while a parole order under the *Parole Act* is or was in force in relation to the person; and
- (b) the parole order is, because of the sentence or committal, taken to have been revoked under section 5(8) of that Act;

the court by which the person is sentenced or committed must order the person to be imprisoned for the term that the person had not served at the time when the person was released from prison under the parole order, which term of imprisonment commences at the expiration of the term of

# SECTION 13 BREACH OF PAROLE ORDERS

imprisonment to which the person is sentenced or committed for the later offence.

When the Parole Board receives a revocation report it may:

- note the contents of the report and continue to monitor the parolee;
- issue a warning letter to the parolee;
- vary the parole order by amending existing conditions or by imposing new conditions; or
- issue an instrument revoking the parole order.

## 13.1 WARNING LETTER

While there is no statutory or regulatory provision for the Parole Board to issue a warning letter, many probation and parole officers will recommend the issue of a warning rather than immediate revocation for less serious conditional breaches of parole.

In such circumstances the warning is regarded as strengthening the probation and parole officers supervisory role as well as placing the parolee firmly on notice that continued failure to comply with parole conditions will result in revocation. A warning letter or stern warning letter is issued on behalf of the Parole Board by the Secretary, and is delivered to the parolee by their probation and parole officer. The Parole Board may request a progress report to confirm the parolee's compliance has improved after the parolee is served with the warning letter.

## 13.2 VARIATION OF PAROLE ORDER

Sections 5(6) and 5(6AA) of the *Parole Act* provide the Chairperson with the authority to amend a parole order by varying or revoking a condition at any time before the expiration of the order. Under section 5(7) of the Act, the variation does not take effect until the notice of the variation is given to the parolee.

## 13.3 REVOCATION OF PAROLE ORDER

The Chairperson has the authority to make a decision about the revocation of a parolee's parole order and issue an instrument of revocation under section 5(6) and section 5(6AA) of the *Parole Act*. However, where it is

possible to do so, revocation reports are considered at Parole Board meetings.

When either the Parole Board or the Chairperson has made a revocation decision an Order Revoking Parole Order is signed by the Chairperson and given to Northern Territory Police. The revocation instrument gives the Northern Territory Police authority to arrest the parolee and bring him or her before the Court of Summary Jurisdiction. The Northern Territory Police Summary Prosecutions Unit shall appear on behalf of the Parole Board for all breach matters when they are before the Court of Summary Jurisdiction.

Where the court is satisfied that a parolee's parole has been revoked by the Chairperson or the Parole Board, the court must issue a warrant for the commitment of the parolee to prison to serve the unserved balance of the parolee's sentence. The Board will be informed of this via a revocation advice from the probation and parole officer.

## 13.4 REFERRAL TO COURT OF SUMMARY JURISDICTION

Where it is apparent there may be extenuating circumstances surrounding non-compliance with a parole order, the Parole Board may request the Commissioner of Police to have a parolee arrested and brought before the Court of Summary Jurisdiction. The revocation report by the probation and parole officer is also provided to police to assist in prosecuting the breach. In referring the matter to the Court of Summary Jurisdiction, the Parole Board is ensuring there is opportunity to thoroughly explore elements of reasonable doubt and test the evidence. The court will then decide if there has been a breach of conditions of parole and, if so, whether or not to cancel the parole order.

## 13.5 CANCELLATION BY THE COURT

Regardless of whether the Parole Board has revoked a parolee's parole, the Northern Territory Police have power to arrest a person where they have reasonable grounds for suspecting that the person has breached their conditions of parole. Where this occurs the person is brought before the Court of Summary Jurisdiction and the court may cancel the parole order and commit the parolee to prison to serve the balance of their sentence.

### 13.6 CONVICTION FOR FURTHER OFFENDING

A parole order is “deemed to be revoked” when a parolee is sentenced to serve a term of imprisonment for an offence(s) committed during the parole period. Prosecutions should inform the court that the offender committed the fresh offence(s) while on parole and when the offender is sentenced for the fresh offence the court should also pronounce that parole for the prior offence has been revoked. The probation and parole officer will then submit a revocation advice to the Parole Board.

Offenders must generally serve any period of imprisonment to which they are sentenced for the offences before they are eligible to re-apply for parole on their previous matter. On some occasions, the court may declare the sentences to be concurrent, in which case the prisoner is still not eligible for parole until the expiry of the sentence for the fresh offence or the non-parole period of the sentence for the fresh offence. Alternatively, the court may fix a new non-parole period for both the old and new sentences of imprisonment.

## SECTION 14

### TERMINATION OF A PAROLE ORDER

A termination report is provided to the Parole Board to confirm a parolee's successful completion of a period of parole. It outlines the milestones of their progression through the parole period, including compliance with specific conditions.

A termination report may also be provided in the event a parole order is registered interstate or following the death of a parolee.

## SECTION 15

### TRANSFER OF A PAROLE ORDER

The *Parole Orders (Transfer) Act* commenced in 1984 as part of a national scheme under which a parolee can transfer to another jurisdiction and have their parole order registered under the corresponding Act in that jurisdiction.

A parolee wishing to move permanently to another state/territory must make an application to transfer their parole to that jurisdiction. This is an administrative process coordinated by their probation and parole officer and a central transfers coordinator in each jurisdiction. A parolee cannot relocate to another jurisdiction without the approval of the receiving jurisdiction, nor can their order be informally supervised. The receiving jurisdiction undertakes collateral checks and determines if the parolee will be accepted for transfer.

If the transfer is approved, the receiving jurisdiction may simply register the existing parole order, or issue a new parole order, which may or may not have the same conditions. Once the parolee commences reporting to the new jurisdiction, the parole order is registered and the parolee becomes subject to the laws and regulations of the receiving jurisdiction instead of the originating jurisdiction.

The Parole Board has no authority over the decision of a parolee to apply for a transfer to another jurisdiction or the decision to reject/approve the incoming transfer of a parolee from another jurisdiction. These are administrative decisions made within the Northern Territory Department of Correctional Services. In the case of high-profile offenders and lifers, the Parole Board is informed of the application to transfer through a progress report.

The Parole Board is informed of incoming registrations via an incoming transfers report. A termination report is issued for parolees whose orders have been registered in another jurisdiction.

## SECTION 16 EXTRADITIONS

Extradition involves the return of an offender from another jurisdiction following the revocation of their parole order. The decision to extradite an offender is generally made by the Secretary with consideration given to the risk of the offender re-offending. The Secretary may seek advice from the Chairperson on individual matters.

Following the extradition and return to custody of an offender, a revocation advice will be provided to the Parole Board by the probation and parole officer.

# SECTION 17

## APPENDICES

### 17.1 PAROLE MATTER TYPES

#### **Parole Application**

The initial consideration of a prisoner to consider release to parole. Also relates to the initial consideration of release for a prisoner whose parole has been revoked.

#### **Supplementary Report**

Additional information supplied to support information in a parole report.

#### **Progress Report**

A report on a parolee's progress and compliance while on parole. May be used to request a variation or revocation of conditions, or inform the Parole Board of the parolee's intention to travel or transfer interstate.

#### **Revocation Report**

A report outlining non-compliance with a parole order.

#### **Revocation Advice**

A report informing the Parole Board of a parolee's return to custody following the revocation of their parole.

#### **Termination Report**

A report informing the Parole Board of the parolee's successful completion of their parole period.

#### **Offender Request**

Letter from a prisoner or parolee, usually requesting to be considered for parole or a variation of the conditions of a parole order.

#### **Miscellaneous**

All other correspondence to the Parole Board, including submissions from victims and complaints.

The Parole Board may request a psychological or psychiatric report be ordered to assist with decisions relating to the release of a prisoner to parole. These reports will be included on the prisoner's file and will be accompanied by a report from the probation and parole officer.

# SECTION 17 APPENDICES

## 17.2 GLOSSARY

### Detainee

A youth under 18 years of age who is subject to a sentence of imprisonment and held in a youth detention centre.

### Criminogenic need (crime producing)

The underlying causes of offending; certain aspects (e.g. substance abuse) of an individual's functioning should be targeted by intervention to bring about a reduction in offending.

### Highly Protected

Unauthorised release could reasonably be expected to cause serious harm to an organisation or individual.

### Prisoner

An adult who is subject to a sentence of imprisonment and held in a custodial facility.

### Professional over-ride

Professional knowledge and experience may be employed to over-ride the assessed risk level of a prisoner/parolee score and place them in a higher risk category.

### Program integrity

International research shows that effective treatments share qualities in common, such as being intensive, delivered in a group format and relatively long.

### Responsivity

An offender's suitability for available interventions that are matched to their learning style, culture, etc.

## 17.3 ACRONYMS

<b>ACPO</b>	Aboriginal Community Police Officer
<b>ANCOR</b>	Australian National Child Offender Register
<b>AOD</b>	Alcohol & Other Drugs
<b>ASCC</b>	Alice Springs Correctional Centre

<b>BRADAAG</b>	Barkly Region Aboriginal Drug and Alcohol Advisory Group
<b>CAAAPU</b>	Central Australian Aboriginal Programs Unit
<b>CAALAS</b>	Central Australian Legal Aid Service
<b>CAAPS</b>	Council for Aboriginal Alcohol Programs Services
<b>CJ</b>	Chief Justice
<b>CM</b>	Chief Magistrate
<b>CPPO</b>	Community Probation and Parole Officer
<b>CSJ</b>	Court of Summary Jurisdiction
<b>CVSU</b>	Crimes Victims Services Unit
<b>DASA</b>	Drug and Alcohol Services Association
<b>DCC</b>	Darwin Correctional Centre
<b>DPP</b>	Officer of the Department of Public Prosecutions
<b>DVO</b>	Domestic Violence Order
<b>FORWAARD</b>	Foundation of Rehabilitation With Aboriginal Alcohol Related Difficulties
<b>FVP</b>	Family Violence Program
<b>IFVOP</b>	Indigenous Family Violent Offending Program (now FVP)
<b>LSU</b>	Low Security Unit or Living Skills Unit
<b>NAAJA</b>	Northern Australian Aboriginal Justice Agency
<b>NPP</b>	Non-parole period
<b>NTCC</b>	Northern Territory Community Corrections
<b>NTCS</b>	Northern Territory Correctional Services (now NTDCS)
<b>NTDCS</b>	Northern Territory Department of Correctional Services
<b>NTLAC</b>	NT Legal Aid Commission
<b>PPCM</b>	Probation and Parole Case Manager



<b>PPO</b>	Probation and Parole Officer
<b>RM</b>	Regional Manager
<b>SC</b>	Supreme Court
<b>SO</b>	Surveillance Officer
<b>SOTP</b>	Sex Offender Treatment Program
<b>SPU</b>	Summary Prosecutions Unit
<b>SSS</b>	Safe Sober Strong
<b>TEMHS</b>	Top End Mental Health Services
<b>TL</b>	Team Leader
<b>TOIP</b>	Traffic Offender Intervention Program
<b>VOTP</b>	Violent Offender Treatment Program
<b>WAS</b>	Witness Assistance Services
<b>YJC</b>	Youth Justice Court

#### 17.4 RISK ASSESSMENT TOOLS

##### Static-99R

The Static-99R is a 10-item actuarial assessment instrument created by R. Karl Hanson, Ph.D and David Thornton, PH.D. for use with adult male sexual offenders who are at least 18 years of age at time of release to the community. It is the most widely used sex offender risk assessment instrument in the world and is extensively used in the United States, Canada, Australia, the United Kingdom and many other European nations.

##### Violence Risk Scale (VRS)

The Violent Risk Scale was developed by Stephen Wong and Audrey Gordon as they 'felt an instrument was needed that:

1. Adheres to the risk, need and responsivity principles of forensic assessment and treatment;
2. Can assess quantitatively the risk of violence offending, not just general offending;
3. Can identify treatment targets and client's strengths;

4. Can assess the client's readiness for treatment;
5. Can assess the progress of treatment;
6. Can assess quantitatively the risk after treatment.

One of the main objectives of the VRS is to assess the risk of violence for those who are being considered for release from custodial institution to the community.<sup>7</sup> There is also a specialised VRS-SO for use with Sexual Offenders.

##### Level of Service Inventory: Revised – Screening Version (LSI-R:SV)

The Level of Service Inventory – Revised: Screening Version (LSI-R:SV) is a screening instrument that is ideal to use in situations where it may not be feasible to complete the Level of Service Inventory – Revised or Level of Service Inventory/Case Management Inventory assessment for every offender.

Research conducted with the LSI-R:SV shows that it is predictive of a variety of outcomes that are essential in offender management. The LSI-R:SV is able to predict violent recidivism and violations among probation samples while under community supervision, and institutional misconduct among incarcerated offenders. Furthermore, results from the LSI-R:SV are also able to indicate offenders who may require a complete LSI-R or LSI/CMI assessment.

#### 17.5 RECORDING DECISIONS

##### Reasons for Release to Parole

When deciding if a prisoner should be released on parole the Parole Board of the Northern Territory considers a range of factors, with a particular concern for safety of the community and the rights of the victims.

On consideration of the information placed before the Parole Board a decision has been made that the release of the prisoner is appropriate.

<sup>7</sup> Wong, S, Ph.D. , Gordon, A, M. Ed., R. Psy.; The Violence Risk Scale: A brief introduction; [http://www.psynergy.ca/uploads/Psynergy\\_Website\\_VRS\\_brief\\_intro.pdf](http://www.psynergy.ca/uploads/Psynergy_Website_VRS_brief_intro.pdf)

# SECTION 17 APPENDICES

Prisoner - Conduct and attitude		
<b>A</b>	1	The prisoner has had excellent prison performance (eg. minimum security rating, external programs, nil punishments).
	2	The prisoner has had satisfactory prison performance.
	3	The prisoner has had a recent improvement in prison performance.
	4	The prisoner has achieved at least a low prison security rating.
	5	The prisoner has participated in external leave programs: (i) Day leave (ii) Weekend leave (iii) Works release
	6	The prisoner has participated in relevant programs and feedback from the providers was positive.
	7	The prisoner has participated in counselling relevant to their criminogenic needs.
	8	The prisoner is under ongoing psychiatric supervision and is stable on medication.
	9	The prisoner demonstrates insight to their offending behaviour and/or has taken responsibility for their action.

Prisoner – Antecedents		
<b>B</b>	10	The age of the prisoner.
	11	The prisoner has a short history of offending.
	12	It is the prisoner's first time in prison.
	13	The prisoner has previously successfully completed a period of parole.

Prisoner – Reports		
<b>C</b>	14	The probation and parole officer has recommended release in the parole report.
	15	The prisoner has received a positive institutional report.
	16	There is a report by a counsellor noting opportunities for success in the community.

<b>C</b>	17	There is a positive report by a psychiatrist/psychologist about the prisoner's ability to adapt to life in the community.
	18	The report provided by NAAJA/ CAALAS recommends release.

Prisoner - Availability of support		
<b>D</b>	19	The prisoner has the support of their family.
	20	The prisoner has community support.
	21	The prisoner will have access to appropriate services in the community.
	22	The prisoner will have access to the NAAJA/ CAALAS Throughcare Project.

Prisoner - Post Release Plans		
<b>E</b>	23	The prisoner has suitable post-release plans.
	24	The prisoner has suitable accommodation identified.
	25	The prisoner has been accepted to a program upon release, specify .....
	26	The prisoner has completed an application for Centrelink benefits.
	27	The prisoner has employment upon release.
	28	NTDCS have suitable programs available for the prisoners to participate in, to further address their offending behaviour upon release.
	29	The prisoner has access to and is willing to participate in relevant community counselling and programs upon release.
	30	The prisoner has previously completed community-based treatment programs/a residential rehabilitation program.
	31	To be eligible for transfer to another jurisdiction as per the prisoner's request.

Victim		
	32	The victim was not previously known to the prisoner.
	33	The prisoner has indicated they do not intend to contact the victim.
	34	The prisoner's post-release plans are remote from the victim's last known address
<b>F</b>	35	The PPO has spoken with the victim and they do not oppose release. A submission from the victim has been received and they do not oppose release.
	36	
	37	This is not a 'personal' crime but involves an organisation.

Community & Cultural considerations		
	38	No objections were raised by Elders or respected persons to the release of the prisoner to the community.
<b>G</b>	39	Police have been consulted about the release of the prisoner to the community.
	40	The prisoner will not be subject to payback in the community.
	41	The prisoner has a significant role and community responsibilities.

Special circumstances		
	42	The prisoner has limited access to counselling in custody.
<b>H</b>	43	The prisoner is suffering from an illness that requires release on compassionate grounds to enable access to appropriate medical treatment.
	44	The prisoner is unlikely to re-offend due to physical incapacitation.
	45	The prisoner is in imminent danger of dying and is no threat to the public.

Other relevant matters		
<b>I</b>	46	Other.....
		.....

Reasons for Parole Refusal

When deciding if a prisoner should be released on parole the Parole Board of the Northern Territory considers a range of factors, with a particular concern for safety of the community and the rights of the victims.

On consideration of the information placed before the Parole Board a decision has been made that the release of the prisoner is appropriate.

Post release plans		
<b>A</b>	1	The prisoner needs structured post-release plans in the community.
	2	The prisoner needs structured post-release plans –residential rehabilitation centre.
	3	The prisoner needs to develop realistic and achievable post-release plans.
	4	The prisoner needs confirmed post-release accommodation.
	5	The prisoner needs suitable post-release accommodation.
	6	Other .....

Programs to address offending behaviour		
<b>B</b>	7	The prisoner needs to complete program(s) to address violence.
	8	The prisoner needs to complete program(s) that address alcohol and other drugs problems.
	9	The prisoner needs to participate in program(s) to address sexual offending.
	10	The prisoner has not completed programs identified by the Judge/ Magistrate during sentencing.
	11	The prisoner needs to complete program(s), specify .....

# SECTION 17 APPENDICES

Poor Prison Performance		
<b>C</b>	12	The prisoner has numerous misconducts recorded in custody.
	13	The prisoner has experienced a regression in security rating.
	14	The prisoner has numerous positive urinalysis test results.
	15	The prisoner received a poor institutional report.
	16	The prisoner does not have an open or low security classification.
	17	Other .....

Risk of re-offending		
<b>D</b>	18	The prisoner has been assessed as having a high risk by a relevant professional.
	19	The prisoner has a history of similar offences.
	20	The prisoner has not participated in programs relevant to their criminogenic needs.
	21	The prisoner has a lack of insight into their offending behaviour and/or has not taken responsibility for their action.
	22	Other .....

Unlikely to adapt to normal community life		
<b>E</b>	23	The prisoner is unwilling/unlikely to comply with conditions of parole.
	24	The prisoner has prior revocations of parole for breaches.
	25	The prisoner demonstrated a poor response previously whilst under community supervision.
	26	The prisoner was unwilling to comply with medication regimes while in custody.

<b>E</b>	27	The prisoner needs to stabilise on medication.
	28	Other .....

Reports		
<b>F</b>	29	The PPO has not recommended release.
	30	The prisoner has received a poor report from a counsellor/professional (recent).
	31	The prisoner has received a poor institutional report.
	32	Other .....

**G** The prisoner had been seeking parole but has withdrawn their application.

**H** The prisoner has outstanding charges.

**I** Other .....

## Reasons for Parole Deferral

When deciding if a prisoner should be released on parole the Parole Board of the Northern Territory considers a range of factors, with a particular concern for safety of the community and the rights of the victims.

On consideration of the information placed before the Parole Board it became apparent that there were a number of questions requiring additional information. A decision has been made to defer a final decision on the release of the prisoner while further information is sought.

**Post release plans**

<b>A</b>	1	The prisoner needs structured post-release plans in the community.
	2	The prisoner needs confirmed post-release accommodation.
	3	The prisoner needs suitable post-release accommodation.
	4	The prisoner needs to stabilise on medication.
	5	Other .....

**Risk of re-offending**

<b>B</b>	6	The factors that the sentencing Judge/Magistrate recommended relevant to their offending behaviour remained unaddressed.
	7	The prisoner has not participated in programs relevant to their criminogenic needs.
	8	Other .....

**Needs to address offending behavior**

<b>C</b>	9	The prisoner needs to complete program(s) to address violence.
	10	The prisoner needs to complete program(s) that address alcohol and other drugs problems.
	11	The prisoner is on the waitlist for programs relevant to their offending behaviour.
	12	The prisoner is undertaking a program/s relevant to their offending behaviour.
	13	The prisoner needs to complete program(s), specify .....

**Psychological Report requested**

<b>D</b>	14.	Risk assessment
	15	Counselling

<b>D</b>	16	Cognitive impairment
	17	General

**Psychiatric Report requested**

<b>E</b>	18	Diagnosis
	19	Risk assessment
	20	Treatment recommendations
	21	Other .....

**Poor Prison Performance**

<b>F</b>	22	The prisoner has recent misconduct recorded in custody.
	23	The prisoner has experienced a regression in security rating.
	24	The prisoner has numerous positive urinalysis test results.
	25	The prisoner received a poor institutional report.
	26	The prisoner does not have an open or low security classification.
	27	Other .....

**Reports**

<b>G</b>	28	Information contained in the NAAJA/CAALAS report requires clarification.
	29	Information contained in the Institutional Report requires clarification.
	30	Information contained in the parole report required clarification.
	31	Differing recommendations from NAAJA/CAALAS and the PPO require clarification.
	32	Other .....

**H The prisoner has outstanding charges**

<b>I</b>	Other .....
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## Additional Conditions

Prisoners released to parole are subject to a range of conditions governing their behaviour and actions. There are eight standard conditions that apply to all parolees. However, in the interests of community safety and to reduce the risk of the prisoner re-offending you may wish to place additional conditions upon an offender's release.

The following are some conditions that are regularly requested<sup>8</sup>:

- (A) the parolee shall immediately upon release enter into the \*\*\*\*\* residential rehabilitation program for a period of \*\*\*\*\* weeks/days, participate fully and do nothing to cause his early discharge;
- (B) the parolee shall immediately upon release (or immediately upon completion of the residential rehabilitation program) travel to \*\*\*\*, reside there for the duration of this parole order and not leave without the prior permission of his/ her probation and parole officer, except for urgent personal medical or dental treatment;
- (C) the parolee shall not purchase or consume alcohol for the duration of this parole order;
- (D) the parolee shall submit to random breath testing as directed by his/her probation and parole officer or a police officer;
- (E) the parolee shall not consume and or possess a dangerous drug or abuse a prescribed substance that is lawfully obtained for the duration of this parole order;
- (F) the parolee shall submit to random urinalysis for the purpose of detecting the presence of dangerous drugs in his/her urine;
- (G) the parolee shall participate in assessment, counselling and/or treatment as directed by his/her probation and parole officer;
- (H) the parolee shall attend for alcohol misuse assessment, counselling and/or treatment as directed by his/her probation and parole officer;
- (I) the parolee shall have no contact directly or indirectly with children (can be specified e.g. male/female) under the age of 16 years, except under the supervision of an adult who is aware of his offence history;
- (J) the parolee shall not threaten or assault the victim (insert full name here) for the duration of this parole order;
- (K) the parolee shall not contact, threaten or assault (insert full name here) for the duration of this parole order;
- (L) the parolee shall have no contact directly or indirectly with (insert full name here) or the victim's family (insert full name here) for the duration of this parole order;
- (M) the parolee shall remain at his/her agreed residence between the hours of \_\_pm and \_\_am, the following day and not leave without prior permission from his/her probation and parole officer, except for urgent personal medical or dental treatment for the duration of this parole order;
- (N) the parolee shall reside where directed by his/her probation and parole officer and not leave the premises at any time of the day or night without first obtaining permission from his/her probation and parole officer, except for urgent personal medical or dental treatment for the duration of this parole order;
- (O) the parolee shall make himself/herself available for checks at any place by his/her probation and parole officers and/or surveillance officers at any time of the day or night;
- (P) the parolee will not have possession or control a firearm;
- (Q) the parolee shall not engage in any conduct that would give rise to grounds for a domestic violence order.

<sup>8</sup> It is not the intention of this document to limit the ability of the Board to place conditions not provided here on an offender, nor is it the intention to encourage the Board to place additional conditions on the offender that will make the parole order excessively onerous.



## Policy and Procedures Manual



**PAROLE BOARD**  
OF THE NORTHERN TERRITORY

**W:** [www.paroleboard.nt.gov.au](http://www.paroleboard.nt.gov.au)

**E:** [Parole.Administrator@nt.gov.au](mailto:Parole.Administrator@nt.gov.au)

**A:** GPO Box 3196 Darwin NT 0801

**P:** (08) 8935 7477

**F:** (08) 8942 3189