

Mr Speaker Monaghan took the Chair at 10 am.

VISITORS
Parap Primary School

Mr SPEAKER: Honourable members, I advise of the presence in the gallery of Year 5 students from Parap Primary School accompanied by their teachers. Welcome, kids; it is great to have you here.

Members: Hear, hear!

COMMUNITY BASED SENTENCES (INTERSTATE TRANSFER) BILL
(Serial 99)

Mr PAECH (Attorney-General and Justice): Mr Speaker, I present a bill titled Community Based Sentences (Interstate Transfer) Bill 2023 (Serial 99).

Bill read a first time.

Mr PAECH (Attorney-General and Justice): Mr Speaker, I move that the bill be now read a second time.

The purpose of this bill is to allow for an offender serving a community-based sentence to apply for a transfer to another state or territory that has a corresponding community-based sentence.

The Northern Territory has developed this bill with other Australian states and territories as part of a national scheme. The bill is being introduced to allow offenders of certain community-based sentences to be closer to home, with family and support networks. Supporting offenders provides better reintegration prospects into the community and a greater likelihood of offenders fulfilling their sentence and reducing their chances of future offending.

The bill enhances the flexibility of community-based sentences by providing a formal process for offenders to have their sentence transferred, registered and managed interstate.

The Territory will be participating in a national scheme based on an agreed model law, which has already been adopted and implemented by participating states and territories. The Northern Territory is committed to supporting a cohesive national approach to the provision and enforcement of corrective services.

The Territory already transfers offenders with community-based sentences in and out of the Northern Territory on an informal basis. This bill solidifies the agreed standards and processes and reduces the existing administrative burden arising from the informal process. We will soon be speaking the same language when it comes to interstate transfers with the rest of Australia.

The bill will apply to adults who have been sentenced after conviction or a finding of guilty of offences and individuals under the age of 18 years old who have been given a community-based sentence under the *Sentencing Act 1995*.

This bill does not apply to offenders on a parole order, offences that impose a fine or other financial penalty, or a sentence that requires reparation.

The bill provides autonomy for the Territory when considering whether to accept applications for transfer of a community-based sentence. The local authority that will consider applications to transfer into the Territory or interstate is the Commissioner of Correctional Services. The commissioner will have the discretion to accept and decline a transfer and registration request, even where all registration criteria are fully met. The discretion includes where an individual expresses concern for their safety or where the offender has a history of not complying with directions.

The local authority also has the power to impose preconditions to confirm the offender's ability and willingness to comply with the sentence in the Northern Territory.

In preparation of this bill the Department of the Attorney-General and Justice engaged with numerous stakeholders, such as the Northern Territory Legal Aid Commission; North Australian Aboriginal Justice Agency; Top End Women's Legal Service; Katherine Women's Information and Legal Service; Chief Justice of the Supreme Court; and Chief Judge of the Local Court. I thank all stakeholders for their valuable contributions to the development of this bill.