



ALS

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NSW Law Reform Commission
By Email: nsw_lrc@agd.nsw.gov.au

Response to Parole Scoping Paper

This submission is made in response to the NSW Law Reform Commission ('the Commission') Scoping Paper on Paroles. Specifically, we ask the Commission to also take into account the following two issues which were not identified in the Scoping Paper.

1. The role of full-time rehabilitation centres in parole and revocation considerations.
2. Legislative clarity of 'street time'.

The role of full-time rehabilitation centres in parole and revocation considerations

We refer to page 2 of the Scoping paper regarding the Commission's considerations into the role of the Drug Court. We ask that the Commission also consider the role of full-time rehabilitation centres to ensure that any legislative reform recommendations include the State Parole Authority ('the Authority') take into account such referrals given to appropriate offenders with drug and alcohol issues. Specifically we ask the Commission to consider a legislative requirement for the Authority to rescind the parole revocation to facilitate a sentencing deferral for rehabilitation made by the courts for new offences under section 11 of the Crimes (Sentencing Procedure) Act 1999 (previously known as a "Griffiths Remand" per *Griffiths v The Queen* (1977) 137 CLR 293).

Legislative clarity of 'street-time'

We ask the Commission to consider legislative reform regarding the definition of 'street-time' as contained in section 171(3) of the Crimes (Administration of Sentences) Act 1999 insofar as taking into account the time spent in custody outside of NSW, including in circumstances where the offender is awaiting extradition to NSW. This aspect should be included as the person is not "at liberty" or "on the street" and such a consideration would ensure fairness in the administration of justice.

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