

Parole Time Credit

Legislation for a new Parole Time Credit scheme was passed by the ACT Assembly on 26 November 2019 - the *Sentencing (Parole Time Credit) Legislation Amendment Act 2019*.

The Act can be located [here](#).

Parole time credit is the time spent in the community in accordance with parole conditions that is to be counted towards an offender's sentence. It is also known as clean street time or time to count.

The provisions of the Act are yet to be commenced. They will commence no later than 26 May 2020 and could be commenced earlier by Ministerial notice, once implementation arrangements are in place.

Once the provisions commence a parolee who meets the criteria for parole time credit who is returned to custody following cancellation of their parole order will serve the time remaining on their head sentence at the time the parole order was cancelled, not the period that remained to be served when parole was granted.

Why is the Parole Time Credit scheme being introduced?

Currently, if an offender's parole order is cancelled they are required to serve the period spent on parole in compliance with their conditions when they return to prison. This has the effect of extending the time a person serves under sentence. This operates as a disincentive for eligible offenders to apply for parole, increasing the number of people released from prison without support and supervision.

The introduction of parole time credit will mean that an eligible offender who is returned to custody will serve the time that was remaining on their sentence on the day their parole order is cancelled by the Sentence Administration Board (SAB) or found by a court to have committed a new offence, not what was remained to be served from the day of release on parole.

Research by the Bureau of Crime Statistics and Research has found strong evidence that offenders released from prison on parole are less likely to re-offend than offenders released from prison without any supervision.

Therefore, counting time served on parole encourages offenders to apply for parole (during which the offender will be supported through rehabilitation and reintegration), reinforces a rehabilitative approach to sentence administration, and assists in reducing reoffending. By introducing parole time credit, the ACT becomes aligned with other Australian jurisdictions on the treatment of offenders on parole.

Who will be eligible for parole time credit?

Offenders who are sentenced by the court or whose parole order is cancelled after the commencement date and are not subject to the exceptions contained in S 161D and 161E of the Act.

Information sheet

Sentencing (Parole Time Credit) Legislation Amendment Act 2019

The following exceptions to eligibility for parole time credit apply if an offender breaches a parole obligation by committing an offence (the second offence) whilst on parole:

- (a) the second offence was committed within 3 months after the offender's parole release date; or
- (b) the offender's parole offence is a serious offence or a serious non-ACT offence, and the offender's second offence is a serious offence; or
- (c) the offender's parole offence is a family violence offence or a non-ACT family violence offence, and the offender's second offence is a family violence offence

A serious offence means a serious violent, sex or drug offence. These are defined in S161B of the Act.

Exceptions- special circumstances

If the Court is satisfied there are special circumstances to warrant the application of parole time credit, it may take the parole time credit, either wholly or partly, to be time served against the parole sentence.

If the offender commits a Non ACT second offence, and the Board is satisfied there are special circumstances, it may take the parole time credit, either wholly or partly, to be time served against the parole sentence.

How is parole time credit calculated?

The Parole Time Credit begins on the commencement of the offender's parole order and ends on the day before the day mentioned in the table.

	Additional circumstances	When PTC ends
1	The offender is arrested without a warrant under s 144	The day of arrest
2	An arrest warrant is issued under s 145 for the offender	The day the warrant is issued
3	A warrant is issued for the offender under s 206 in relation to a hearing, and the SAB resolves to cancel the offender's parole under s 148 or s 156.	The day the warrant is issued
4	The offender's parole is cancelled as the offender fails to report as per core conditions of the order, or another direction of the Director- General on 2 or more occasions	a) The earliest day when the offender failed to report; or b) If the SAB determines a later day.
5	The offender commits an offence against territory law punishable by imprisonment while on parole and is convicted or found guilty by a court of the offence	a) The day the court determines the offence was committed; or

		b) If the court determines the offence was committed on more than one day, or within a range of days – the earliest day determined by the court.
6	In any other case	The day a parole order is cancelled.

If an offender on parole for a serious violent or serious sexual offence is found guilty of an offence of a lesser severity, the offender is entitled to parole time credit.

Offenders do not need to apply for parole time credit. It will be applied by a judge at court or by the Sentence Administration Board (SAB) as a matter of routine for those eligible.

The Sentence Administration Unit within ACT Correctives Services can be contacted for any queries at PTC@ACT.GOV.AU

Examples of the application of parole time credit

Example one

Previously if an offender was released on parole with 12 months remaining on their sentence and that offender breached their parole eight months into the parole period, they were liable to serve the full 12 months that had been outstanding on their sentence at the time that they were released on parole. With parole time credit applied they are liable to serve only four months, considering the eight-month period they spent in the community under supervision by ACTCS.

Example two

An offender is subject to a parole order in the ACT and they commit an offence in New South Wales. The offender is taken into custody in New South Wales. The offender therefore fails to report to their Community Corrections Officer as required by the conditions of their parole order.

The Community Corrections Officer notifies the Sentence Administration Board (SAB) of the offender's failure to report and the SAB determines the offender's parole order should be cancelled.

The parole order is cancelled on the earliest date that the offender failed to report, in accordance with new part 7.5A.3 and table 161G.

At a later date the Board is made aware that the offender has been convicted of an offence in New South Wales and is being held in custody. The date of the offending in New South Wales is two weeks before the date previously determined by the SAB as the date parole time credit ended.

Information sheet

Sentencing (Parole Time Credit) Legislation Amendment Act 2019

In this example, under S151(2) the SAB must decide the date or earliest date when the offence was committed. This will be done with reference to the date the court in New South Wales determined the offending occurred.

The SAB is then taken to have cancelled the offender's parole order under S148 on the earlier date, and the amount of parole time credit which will be counted against the offender's sentence in the ACT will be reduced by two weeks.