



## REPATRIATION POLICY

### Background

The scheme is *an emergency measure* designed to assist those persons who do not have sufficient resources to travel to their home, and who do not have access to other resources. The primary aim is to return a defendant to his or her community, where the support of the family or community is readily available. The scheme also aims to reduce the level of re-offending by defendants who are on bail and unable to return home.

### General

These guidelines are to be applied fairly, and should be available to applicants on request. Any dispute as to their application is to be referred immediately to the Senior Registrar or Principal Registrar and Director for resolution.

A number of government agencies are involved in repatriation and there are a range of policies, some of which are basic and others more in-depth. Additionally, there are a number of non-government organisations who provide funding and / or facilitate Return to Country programs.

The applicant for repatriation must consider all other repatriation options prior to applying to the Local Court. Other repatriation options include:

1. Territory Families, Housing and Communities – Post Detention Repatriation
2. Correctional Services Directive – Repatriation Transport of Prisoners Released
3. Larrakia Nation – Return to Country Program
4. Tangentyere Council – Return to Country Program
5. Various Land Councils such as:
  - a. Anindilyakwa Land Council; and
  - b. Thamarrurr Development Corporation (TDC) & Venture Housing.

Larrakia Nation, Tangentyere Council and the various Land Councils offer culturally sensitive services with respect to their Return to Country programs.

**Note:** The Court is empowered to order that a defendant reside, return to, or vacate a specific location. The presiding Judge cannot, however, order a Registrar to repatriate a defendant, nor can the presiding Judge order Corrections to facilitate a defendant's repatriation.

## Eligibility

The Northern Territory Local Court may provide assistance to persons who meet the following criteria:

1. The person has been charged with an offence against a law of the Northern Territory, or an offence against a law of the Commonwealth in the Northern Territory;
2. The person was under an obligation to attend before the Local Court;
3. The Local Court has released the person under one of the following circumstances:
  - On bail or otherwise at large, following an adjournment;
  - By acquittal;
  - By conviction without sentence;
  - By the imposition of a non-custodial sentence, on conviction or otherwise;
  - By a custodial sentence which is suspended **immediately**;
  - If anytime, however brief, is spent in a Correctional Centre, Correctional Services should arrange repatriation.

**Note:** NT Correctional Services (NTCS) Directive states:

- Prisoners being released under supervision by NTCS will be repatriated to the place where the prisoner will be required to reside pursuant to the Local Court order.
  - Where a prisoner has Court ordered conditions, but is not subject to supervision by NTCS, the General Manager (Correctional Centre) may determine, on a case by case basis, dependent on the best interests of the prisoner and/or community, to arrange transport repatriation upon release.
4. The applicant is unable through his or her own resources to return home, and assistance is not available from any other source.

## Restrictions

1. Assistance will not be granted where it may lead to a breach of a Court order.
2. Assistance generally will cover travel to the applicant's usual place of residence, unless the Local Court has ordered return to another location.
3. No assistance will be granted for interstate or international travel.
4. No payment of cash will be made to an applicant.
5. Assistance will not be granted for aircraft charters or other forms of non-scheduled transport unless there are exceptional circumstances and the cost of travel is reasonable.
6. Applications will not be approved if the person has received assistance in the previous 6 months.
7. Applications will not be approved where the defendant has previously failed to board and the debt for failing to board remains outstanding.

## Applications

Assistance must be requested in writing using the appropriate form. The grant of assistance is not a right, and may be refused if the application is considered without merit.

Pre-emptive applications submitted in advance will not be considered. Applicants are advised to wait until the necessary court orders have been issued by the presiding Judge before submitting the application.

Generally, an application should be made on the day of the court appearance, and applications for same day travel must be filed with the Registry at least five (5) hours before the scheduled departure time. Applications for next day travel must be filed by 2:00pm the day before proposed travel. If applications are not submitted within these timeframes, the application may be refused.

The applicant should, whenever possible, produce evidence of his or her usual place of residence, employment or prospects of employment, and financial circumstances. The approving officer may require an authorisation from the applicant to make reasonable enquiries at banks etc. to confirm that the applicant is without the means to pay for travel.

Approving officers should use their discretion, having regard to the applicant's circumstances, the urgency of travel, and the time needed for enquiries to be completed.

For applicants legally represented by NAAJA or NTLAC, it will generally be accepted that those clients have already undergone a means test in order to qualify for NAAJA and NTLAC assistance.

Should a party be deemed eligible for repatriation, it is incumbent upon the applicant – be it the defendant or their legal representative – to arrange for transportation, whether by flight or bus.

## Administrative Arrangements

1. After the application is received by the Local Court, the approving Registrar should peruse the Local Court file for any relevant orders or comments of the Local Court.
2. The approving Registrar is then responsible for checking the REPAT register to confirm the defendant is eligible for a REPAT – Eg has not been provided a REPAT in the past 6 months or failed to board previously.
3. Assistance should be limited to returning the defendant to his or her usual place of residence by the most direct route, the least expensive mode of travel, and using the earliest possible departure following the Local Court appearance. Assistance may be in the form of the total fare, or where the applicant has some means, a partial fare.
4. Once it is determined the defendant is eligible, the endorsed form is to be sent to an available officer for the creation of a movement requisition, to be sent to a delegate for financial approval and payment.
5. Collection or availability of tickets should be arranged so that the defendant does not have the opportunity to convert them to cash.

## Payment of Costs

The Local Court repatriation costs are not currently funded and rely on the day to day operational budget to pay for repatriation. The Local Court will, however, assume financial responsibility for the transportation costs upon approval of the repatriation request.

After a Judge has made an order for a defendant to reside, return to, or vacate a specific location, the defendant or their legal representative may apply to a Local Court Registrar using the application form to seek eligibility / approval for repatriation to be paid for by the Local Court.

Any assistance is granted subject to the condition that the Northern Territory may claim and recover repatriation costs from an applicant if it is discovered subsequently that the applicant had sufficient means at the time to pay for the travel.

Costs may also be claimed where the applicant willfully fails to travel, and the fare is forfeited in whole or in part to the transport company.

## Document Information

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## Endorsement

Document Approval	Signature	Date
Sarah Milligan	<i>Sarah Milligan</i>	21 May 2024