



## 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 Director for resolution.

### 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 Court;
3. The court has released the person under one of the following circumstances:
  - On bail or otherwise at large, following an adjournment;
  - By acquittal or 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 any time, however brief, is spent in prison, Correctional Services will arrange repatriation;
4. The applicant is unable through his or her own resources to return home, and assistance is not available from any other source.

## Restrictions

- Assistance will not be granted where it may lead to a breach of a court order.
- Assistance generally will cover travel to the applicant's usual place of residence, unless the Court has ordered return to another location.
- No assistance will be granted for interstate or international travel.
- No payment of cash will be made to an applicant.
- 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.
- Applications will not be approved if the person has received assistance in the previous 6 months.

## Applications

Assistance must be requested in writing using the appropriate form. Court staff should help applicants to complete the form when necessary. The grant of assistance is not a right, and may be refused if the application is considered without merit.

Generally, an application should be made on the day of the court appearance, and must be filed with the Registry at least 5 hours before the scheduled departure time.

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.

## Payment of Costs

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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## Version Control

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## Endorsement

<b>Document Approval</b>	<b>Signature</b>	<b>Date</b>
Kimberley Sturrock		02 February 2021