

FIRST PRINT

**COMMUNITY SERVICE ORDERS (AMENDMENT) BILL
1986**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Community Service Orders Act 1979 so as—

- (a) to enable the establishment of attendance centres; and
- (b) to enable a court to require a person convicted of an offence to attend an attendance centre and participate in development, educational or other programmes under a community service order.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

Schedule 1 (1) amends the long title of the Principal Act in consequence of the amendment made by Schedule 1 (2) (c).

Schedule 1 (2) (a) and (b) insert definitions of “attendance centre” and “development programme” into section 3 of the Principal Act. “Development programme” is defined as a personal development, educational or other programme.

Schedule 1 (2) (c) provides that a reference in the Principal Act to the performance of community service work includes a reference to attendance at attendance centres and participation in development programmes. The effect of this amendment is to apply the provisions of the Principal Act concerning community service orders to orders requiring attendance at attendance centres and participation in development programmes.

Schedule 1 (3) inserts proposed section 3A into the Principal Act which provides for the establishment of attendance centres.

Schedule 1 (4) substitutes section 6 of the Principal Act so as to enable a court to make a community service order requiring attendance at an attendance centre and participation in a development programme. The substituted section also prevents a court from making a community service order requiring a person to attend an attendance centre and participate in a development programme unless the court has been notified that suitable arrangements exist in the area in which the person resides to enable the order to be implemented.

Schedule 1 (5) amends section 7 of the Principal Act so as to include provisions limiting the number of times a week, the number of hours in any one week and the total number of hours for which a person may be required to attend an attendance centre and participate in a development programme under a community service order.

Schedule 1 (6) amends section 10 of the Principal Act to enable a court to include, when making a community service order which requires a person to attend an attendance centre and participate in a development programme, a condition of the order that the person undergo testing or assessment for alcohol or drug use, as directed by the officer assigned to administer the order.

Schedule 1 (7) (a) and (b) amend section 27 of the Principal Act in consequence of the amendment made by Schedule 1 (4).

Schedule 1 (7) (c) and (d) amend section 27 of the Principal Act to enable the Governor-in-Council to make regulations with respect to attendance centres and development programmes.

**COMMUNITY SERVICE ORDERS (AMENDMENT) BILL
1986**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 192, 1979

**SCHEDULE 1—AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979**

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CHICAGO, ILLINOIS

**COMMUNITY SERVICE ORDERS (AMENDMENT) BILL
1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Community Service Orders Act 1979 for the purpose of establishing attendance centres and to provide for related matters.

Community Service Orders (Amendment) 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Community Service Orders (Amendment) Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 192, 1979

15 3. The Community Service Orders Act 1979 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979

20

(1) Long title—

After "work", insert "and participation in development programmes".

(2) Section 3 (**Interpretation**)—

25 (a) Section 3, definition of "attendance centre"—

After the definition of "assigned officer", insert:

"attendance centre" means premises declared to be an attendance centre under section 3A;

*Community Service Orders (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979—*continued*

(b) Section 3, definition of “development programme”—

After the definition of “conviction”, insert:

“development programme” means a personal development, educational or other programme;

5 (c) Section 3 (2)—

At the end of section 3, insert:

10 (2) In this Act (section 6 excepted), a reference to the performance of community service work by a person in respect of whom a community service order has been made includes a reference to the attendance by that person at an attendance centre and the participation by that person in such development programmes as the assigned officer directs.

(3) Section 3A—

After section 3, insert:

15 **Establishment of attendance centres**

3A. (1) Premises to which this section applies are premises which belong to or are under the control of or are occupied by the Crown or a person acting on behalf of the Crown.

20 (2) The Minister may, by order published in the Gazette, declare any premises specified or described in the order, being premises to which this section applies, to be an attendance centre for the purpose of carrying out or giving effect to this Act.

(4) Section 6—

Omit the section, insert instead:

25 **Circumstances in which a community service order may be made**

6. (1) A court shall not make a community service order in respect of a person unless the person consents to the making of the order.

Community Service Orders (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979—*continued*

(2) A court shall not make a community service order for the performance of community service work by a person unless—

(a) the court has been notified by a probation officer or a person authorised in accordance with the regulations—

5 (i) that arrangements exist in the area in which the person resides or intends to reside for the person to perform community service work under the order; and

10 (ii) that community service work can be provided in accordance with those arrangements; and

(b) the court is satisfied, after considering a report from a probation officer or a person so authorised about the person to whom the order is to relate, and, after hearing (if the court thinks necessary) evidence from a probation officer or a person so authorised, that the person to whom the order is to relate is a suitable person to perform community service work under the order.

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20 (3) A court shall not make a community service order requiring a person to attend an attendance centre and participate in development programmes unless—

25 (a) the court has been notified by a probation officer or a person authorised in accordance with the regulations that arrangements exist in the area in which the person resides or intends to reside for the person to attend an attendance centre and participate in development programmes under the order; and

30 (b) the court is satisfied, after considering a report from a probation officer or a person so authorised about the person to whom the order is to relate, and, after hearing (if the court thinks necessary) evidence from a probation officer or a person so authorised, that the person to whom the order is to relate is a suitable person to attend an attendance centre and participate in development programmes.

*Community Service Orders (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979—*continued*(5) Section 7 (**Number of hours of community service work**)—

Section 7 (3)—

After section 7 (2), insert:

5 (3) Where a court makes a community service order requiring a person to attend an attendance centre and participate in development programmes, the court shall not, in the order—

- 10 (a) require the person to attend or participate more than 3 times in any one week;
- (b) require the person to attend or participate for a total period of more than 15 hours in any one week; or
- (c) specify a total period of less than 20 hours for attendance or participation.

(6) Section 10 (**Conditions**)—

Section 10 (2)—

15 At the end of section 10, insert:

20 (2) Without affecting or limiting the generality of subsection (1), a court may, when making a community service order requiring a person to attend an attendance centre and participate in development programmes, specify in the order (as a condition to be complied with by the person during the period for which the order remains in force) that the person undergo testing or assessment for alcohol or drug use, as directed by the assigned officer.

(7) Section 27 (**Regulations**)—

25 (a) Section 27 (1) (a) (i)—

Omit “6 (a)”, insert instead “6 (2) (a) or (3) (a)”.

(b) Section 27 (1) (a) (ii)—

Omit “6 (b)”, insert instead “6 (2) (b) or (3) (b)”.

Community Service Orders (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979—*continued*

(c) Section 27 (1) (h)—

Omit “and” where secondly occurring.

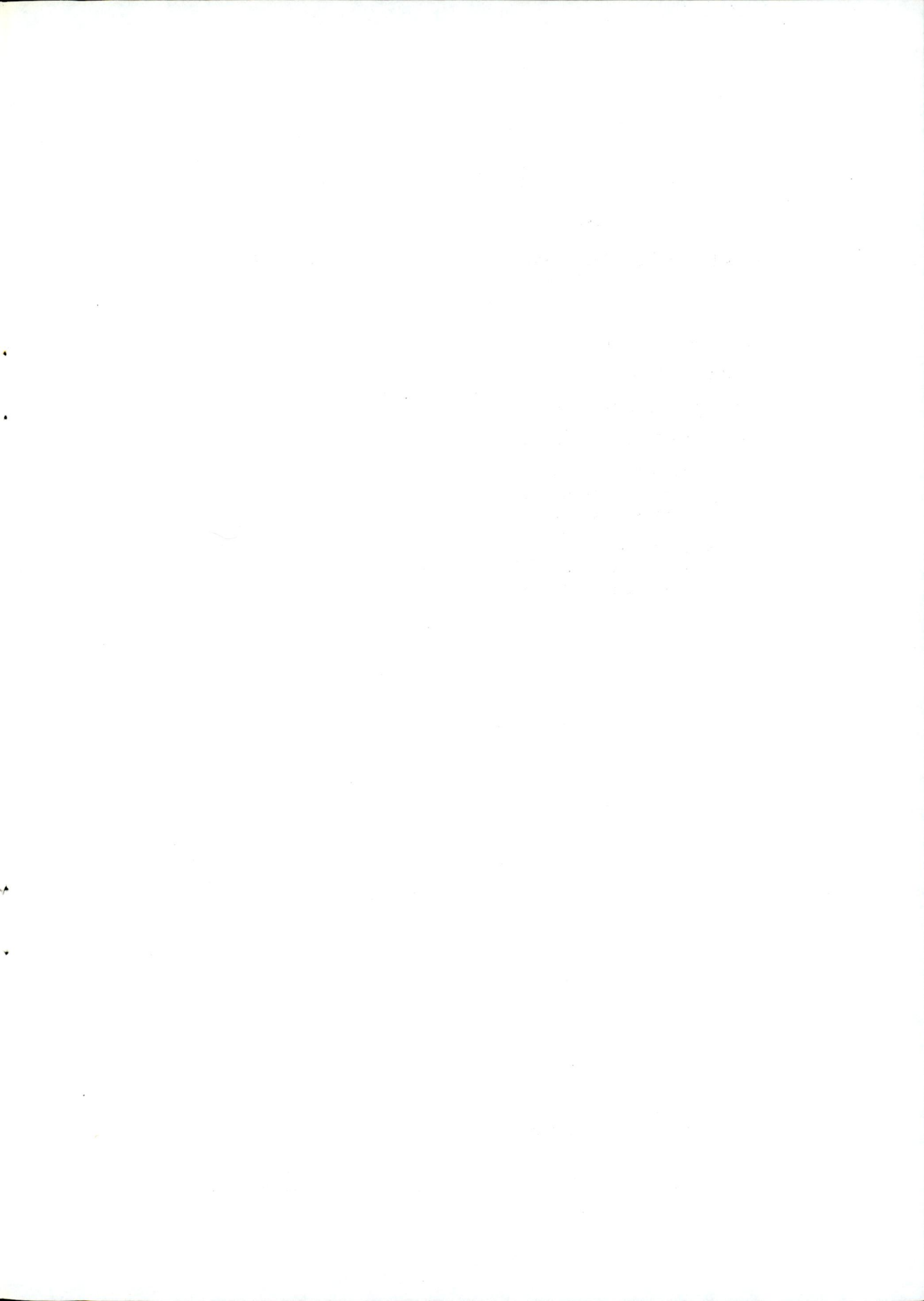
(d) Section 27 (1) (j), (k)—

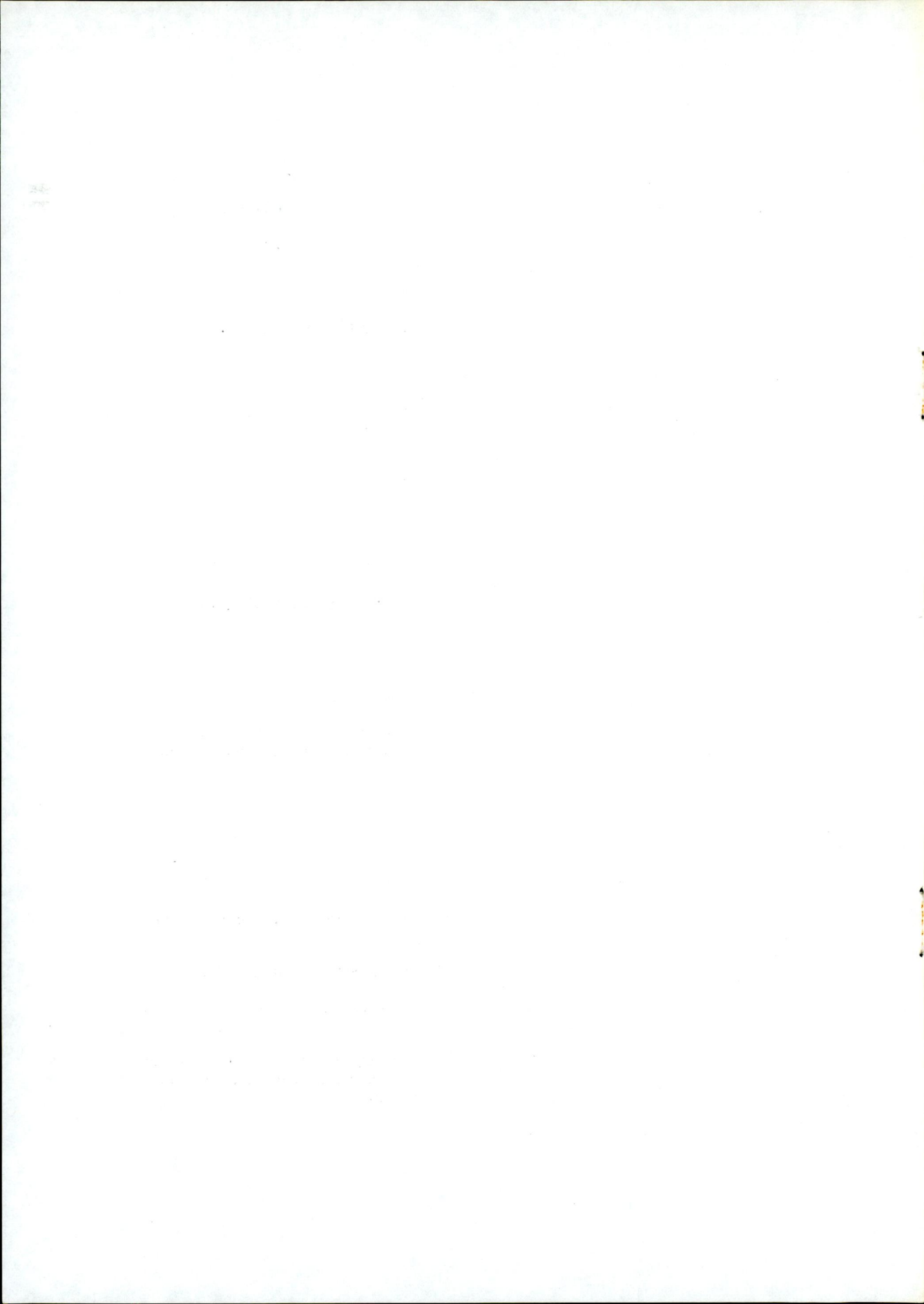
After section 27 (1) (i), insert:

- 5 (j) providing for the management of attendance centres and
 the provision and administration of development
 programmes; and
- 10 (k) providing for the appointment and payment of persons to
 manage or assist in the management of attendance centres
 and the administration of development programmes.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986





**COMMUNITY SERVICE ORDERS (AMENDMENT) ACT
1986 No. 110**

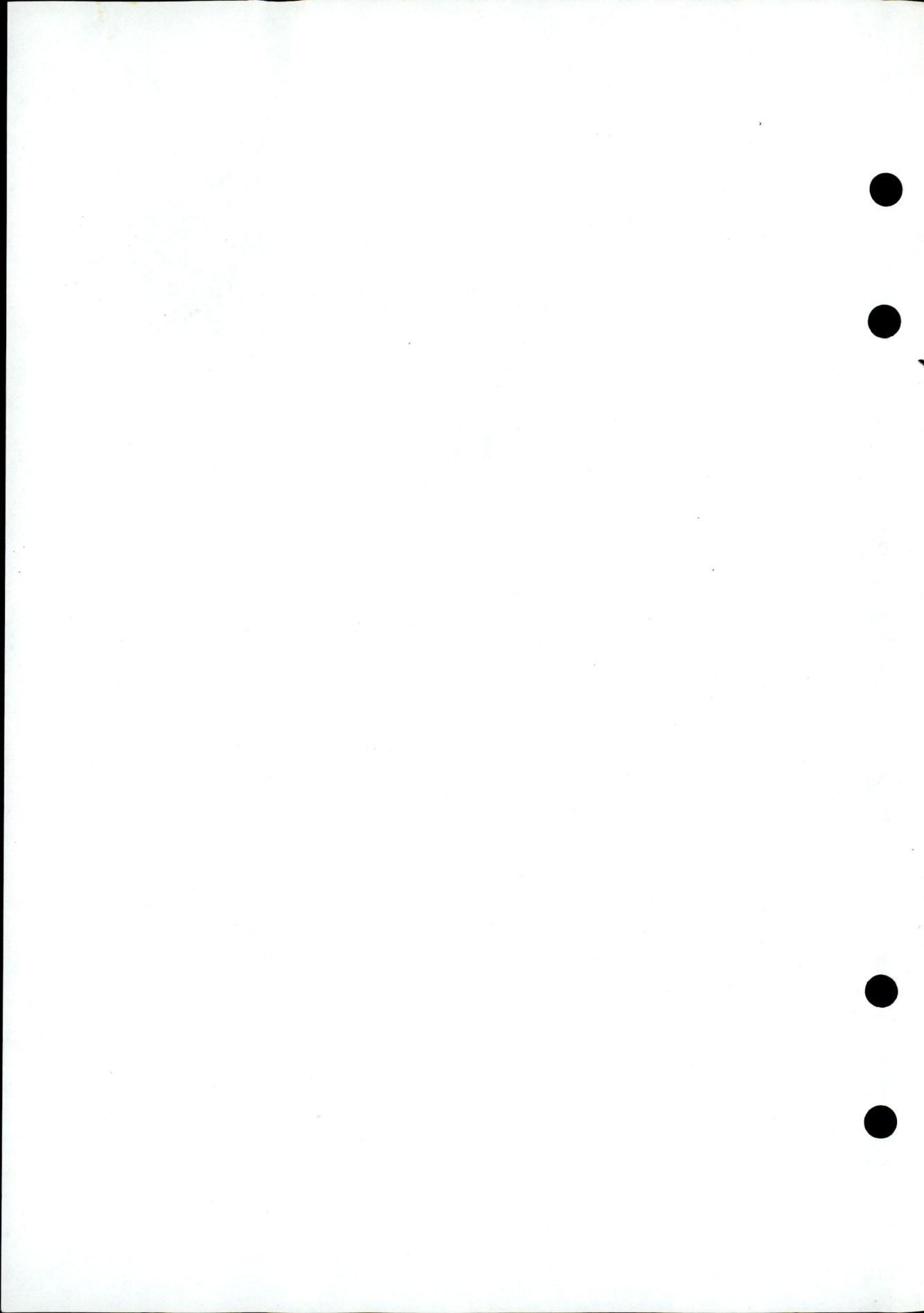
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 192, 1979

SCHEDULE 1—AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979



COMMUNITY SERVICE ORDERS (AMENDMENT) ACT 1986
No. 110

NEW SOUTH WALES



Act No. 110, 1986

An Act to amend the Community Service Orders Act 1979 for the purpose of establishing attendance centres and to provide for related matters.
[Assented to 27 November 1986.]

Community Service Orders (Amendment) 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Community Service Orders (Amendment) Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 192, 1979

3. The Community Service Orders Act 1979 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979

(1) Long title—

After "work", insert "and participation in development programmes".

(2) Section 3 (**Interpretation**)—

(a) Section 3, definition of "attendance centre"—

After the definition of "assigned officer", insert:

"attendance centre" means premises declared to be an attendance centre under section 3A;

Community Service Orders (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979—*continued*

(b) Section 3, definition of “development programme”—

After the definition of “conviction”, insert:

“development programme” means a personal development, educational or other programme;

(c) Section 3 (2)—

At the end of section 3, insert:

(2) In this Act (section 6 excepted), a reference to the performance of community service work by a person in respect of whom a community service order has been made includes a reference to the attendance by that person at an attendance centre and the participation by that person in such development programmes as the assigned officer directs.

(3) Section 3A—

After section 3, insert:

Establishment of attendance centres

3A. (1) Premises to which this section applies are premises which belong to or are under the control of or are occupied by the Crown or a person acting on behalf of the Crown.

(2) The Minister may, by order published in the Gazette, declare any premises specified or described in the order, being premises to which this section applies, to be an attendance centre for the purpose of carrying out or giving effect to this Act.

(4) Section 6—

Omit the section, insert instead:

Circumstances in which a community service order may be made

6. (1) A court shall not make a community service order in respect of a person unless the person consents to the making of the order.

SCHEDULE 1—*continued*AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979—*continued*

- (2) A court shall not make a community service order for the performance of community service work by a person unless—
- (a) the court has been notified by a probation officer or a person authorised in accordance with the regulations—
 - (i) that arrangements exist in the area in which the person resides or intends to reside for the person to perform community service work under the order; and
 - (ii) that community service work can be provided in accordance with those arrangements; and
 - (b) the court is satisfied, after considering a report from a probation officer or a person so authorised about the person to whom the order is to relate, and, after hearing (if the court thinks necessary) evidence from a probation officer or a person so authorised, that the person to whom the order is to relate is a suitable person to perform community service work under the order.
- (3) A court shall not make a community service order requiring a person to attend an attendance centre and participate in development programmes unless—
- (a) the court has been notified by a probation officer or a person authorised in accordance with the regulations that arrangements exist in the area in which the person resides or intends to reside for the person to attend an attendance centre and participate in development programmes under the order; and
 - (b) the court is satisfied, after considering a report from a probation officer or a person so authorised about the person to whom the order is to relate, and, after hearing (if the court thinks necessary) evidence from a probation officer or a person so authorised, that the person to whom the order is to relate is a suitable person to attend an attendance centre and participate in development programmes.

Community Service Orders (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979—*continued*

(5) Section 7 (**Number of hours of community service work**)—

Section 7 (3)—

After section 7 (2), insert:

(3) Where a court makes a community service order requiring a person to attend an attendance centre and participate in development programmes, the court shall not, in the order—

- (a) require the person to attend or participate more than 3 times in any one week;
- (b) require the person to attend or participate for a total period of more than 15 hours in any one week; or
- (c) specify a total period of less than 20 hours for attendance or participation.

(6) Section 10 (**Conditions**)—

Section 10 (2)—

At the end of section 10, insert:

(2) Without affecting or limiting the generality of subsection (1), a court may, when making a community service order requiring a person to attend an attendance centre and participate in development programmes, specify in the order (as a condition to be complied with by the person during the period for which the order remains in force) that the person undergo testing or assessment for alcohol or drug use, as directed by the assigned officer.

(7) Section 27 (**Regulations**)—

(a) Section 27 (1) (a) (i)—

Omit “6 (a)”, insert instead “6 (2) (a) or (3) (a)”.

(b) Section 27 (1) (a) (ii)—

Omit “6 (b)”, insert instead “6 (2) (b) or (3) (b)”.

SCHEDULE 1—*continued*AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979—*continued*

(c) Section 27 (1) (h)—

Omit “and” where secondly occurring.

(d) Section 27 (1) (j), (k)—

After section 27 (1) (i), insert:

- (j) providing for the management of attendance centres and the provision and administration of development programmes; and
- (k) providing for the appointment and payment of persons to manage or assist in the management of attendance centres and the administration of development programmes.