

First print



New South Wales

Children (Community Service Orders) Amendment (Maximum Hours) Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to increase the maximum number of hours of community service work that a person who is of or above the age of 16 may be required to perform under a children's community service order that is imposed in respect of an offence for which the maximum term of imprisonment provided by law exceeds 6 months.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Children (Community Service Orders) Act 1987* set out in Schedule 1.

Schedule 1 Amendments

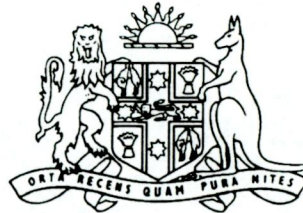
Section 13 (2) of the *Children (Community Service Orders) Act 1987* provides that the maximum number of hours of community service work to be performed by a person in respect of whom a children's community service order has been made as an alternative to detention is not to exceed the number prescribed by the regulations in respect of the offence (or class of offences) in respect of which the order was made. The section currently provides that, if the regulations do not prescribe such a number, the maximum hours are not to exceed 100 hours.

Schedule 1 [1] repeals and re-enacts section 13 (2) so as to specify the maximum number of hours concerned. The re-enacted subsection retains the 100 hour limit for persons under the age of 16 and for those of or above that age whose offence is one for which the maximum sentence provided by law does not exceed 6 months. It provides for 2 different levels for more serious offences committed by persons of or above the age of 16: a maximum of 200 hours if the maximum sentence applicable to the offence concerned exceeds 6 months but does not exceed 1 year, and a maximum of 250 hours if the maximum sentence applicable exceeds 1 year.

Schedule 1 [1] also inserts proposed subsection (2AA), which empowers the regulations to reduce the maximum hours specified.

Schedule 1 [2] makes a consequential amendment.

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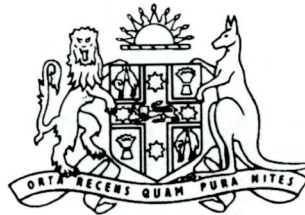


New South Wales

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New South Wales

Children (Community Service Orders) Amendment (Maximum Hours) Bill 1996

No. , 1996

A Bill for

An Act to amend the *Children (Community Service Orders) Act 1987* to increase the maximum number of hours of community service work that certain persons may be required to perform under a children's community service order; and for related purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Children (Community Service Orders) Amendment (Maximum Hours) Act 1996*.

2 Commencement

5

This Act commences on a day to be appointed by proclamation.

**3 Amendment of Children (Community Service Orders) Act 1987
No 56**

The *Children (Community Service Orders) Act 1987* is amended as set out in Schedule 1.

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Schedule 1 Amendments

(Section 3)

[1] Section 13 Number of hours of community service work

Omit section 13 (2). Insert instead:

- | | | |
|-------|--|----|
| (2) | The number of hours of community service work to be performed by a person in respect of whom a children's community service order is made by a court is not to exceed: | 5 |
| (a) | in respect of an offence committed by a person under the age of 16 years—100 hours, and | 10 |
| (b) | in respect of an offence committed (whether before, on or after the commencement of this subsection) by a person of or above the age of 16 years: | |
| (i) | 100 hours, if the offence concerned is an offence for which the maximum term of imprisonment provided by law does not exceed 6 months, and | 15 |
| (ii) | 200 hours, if the offence concerned is an offence for which the maximum term of imprisonment provided by law exceeds 6 months but does not exceed one year, and | 20 |
| (iii) | 250 hours, if the offence concerned is an offence for which the maximum term of imprisonment provided by law exceeds one year. | 25 |
- (2AA) The regulations may vary the number of hours specified in subsection (2) in respect of a class of offences, but not so as to exceed the number so specified.

[2] Section 13 (3A)

Insert after section 13 (3):

(3A) Despite subsection (3), if:

- (a) the person concerned is of or above the age of 16 years, and 5
- (b) at least one of the orders was made in respect of an offence for which the maximum term of imprisonment provided by law exceeds 6 months,

the sum of the numbers of hours referred to in subsection (3) (a) and (b) may exceed 100 hours, but must not exceed 250 hours. However, the number of hours of work remaining to be performed under orders made in respect of offences other than offences of the kind referred to in paragraph (b) must not, at any time, exceed 100 hours. 10
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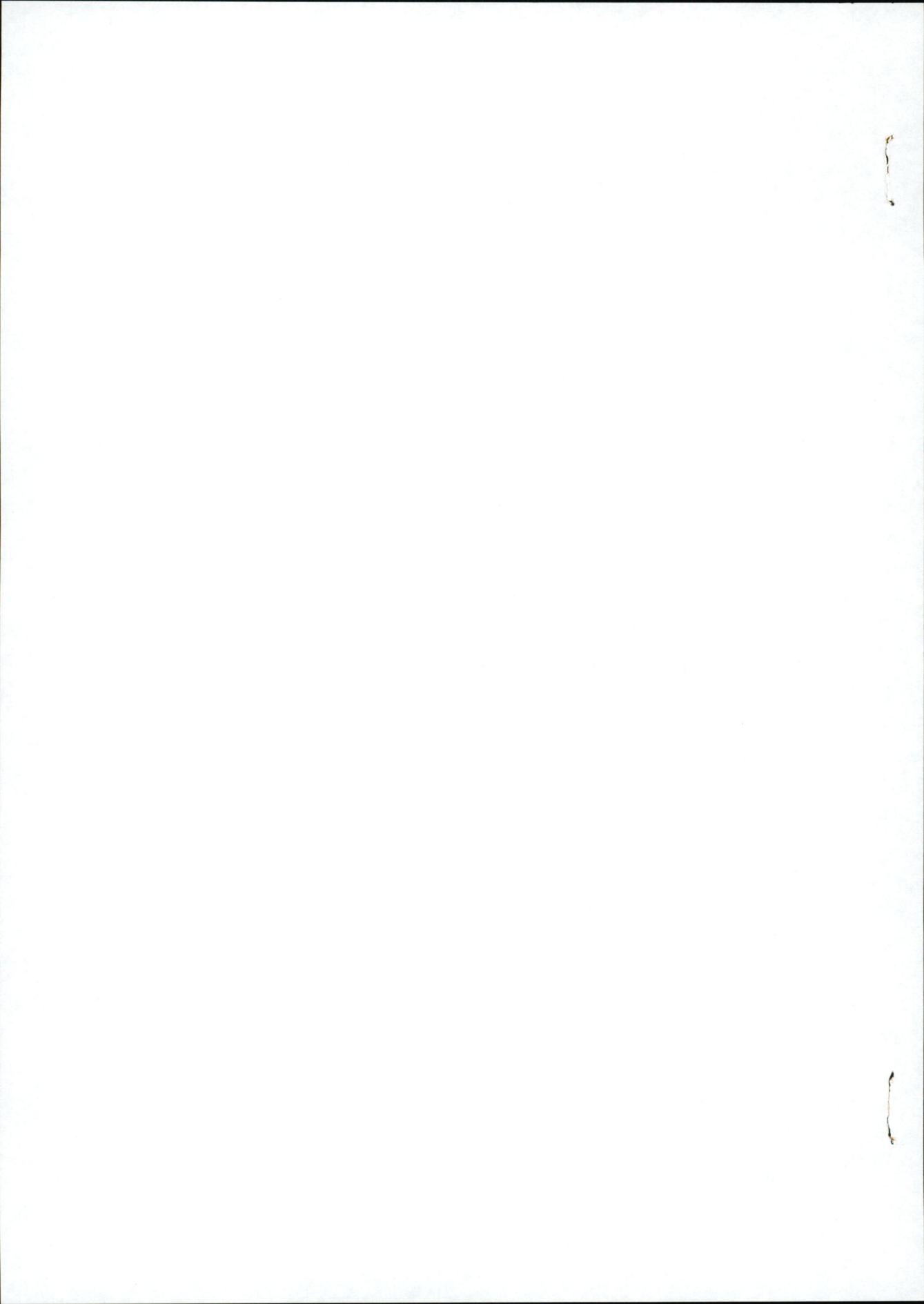


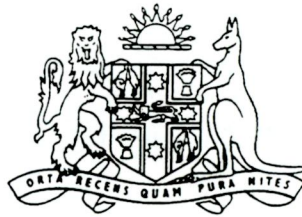
New South Wales

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New South Wales

Children (Community Service Orders) Amendment (Maximum Hours) Act 1996 No 35

Act No 35, 1996

An Act to amend the *Children (Community Service Orders) Act 1987* to increase the maximum number of hours of community service work that certain persons may be required to perform under a children's community service order; and for related purposes. [Assented to 25 June 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Children (Community Service Orders) Amendment (Maximum Hours) Act 1996*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

**3 Amendment of Children (Community Service Orders) Act 1987
No 56**

The *Children (Community Service Orders) Act 1987* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 13 Number of hours of community service work

Omit section 13 (2). Insert instead:

- (2) The number of hours of community service work to be performed by a person in respect of whom a children's community service order is made by a court is not to exceed:
 - (a) in respect of an offence committed by a person under the age of 16 years—100 hours, and
 - (b) in respect of an offence committed (whether before, on or after the commencement of this subsection) by a person of or above the age of 16 years:
 - (i) 100 hours, if the offence concerned is an offence for which the maximum term of imprisonment provided by law does not exceed 6 months, and
 - (ii) 200 hours, if the offence concerned is an offence for which the maximum term of imprisonment provided by law exceeds 6 months but does not exceed one year, and
 - (iii) 250 hours, if the offence concerned is an offence for which the maximum term of imprisonment provided by law exceeds one year.

(2AA) The regulations may vary the number of hours specified in subsection (2) in respect of a class of offences, but not so as to exceed the number so specified.

[2] Section 13 (3A)

Insert after section 13 (3):

(3A) Despite subsection (3), if:

- (a) the person concerned is of or above the age of 16 years, and
- (b) at least one of the orders was made in respect of an offence for which the maximum term of imprisonment provided by law exceeds 6 months,

the sum of the numbers of hours referred to in subsection (3) (a) and (b) may exceed 100 hours, but must not exceed 250 hours. However, the number of hours of work remaining to be performed under orders made in respect of offences other than offences of the kind referred to in paragraph (b) must not, at any time, exceed 100 hours.

[Minister's second reading speech made in—
Legislative Council on 6 June 1996
Legislative Assembly on 19 June 1996]