

NORTHERN TERRITORY OF AUSTRALIA

**PRISONS (CORRECTIONAL SERVICES) (COMMUNITY ORDERS)
AMENDMENT REGULATIONS 2014**

Subordinate Legislation No. 29 of 2014

Table of provisions

1	Citation	2
2	Regulations amended.....	2
3	Regulation 1 amended	2
4	Regulation 3 replaced.....	2
	3 Definitions	
5	Part 2, Division 3 and Part 3 repealed	3
6	Regulation 24A inserted	3
	24A Part does not apply to home detainees	
7	Regulation 35 and Part 6 repealed	4
8	Regulations further amended	4
9	Expiry of Regulations.....	4

Schedule Regulations further amended



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 29 of 2014*

Prisons (Correctional Services) (Community Orders) Amendment Regulations 2014

I, Sally Gordon Thomas, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Correctional Services Act*.

Dated 9 September 2014

S. G. THOMAS
Administrator

By Her Honour's Command

J. W. ELFERINK
Minister for Correctional Services

* Notified in the *Northern Territory Government Gazette* on 9 September 2014.

1 Citation

These Regulations may be cited as the *Prisons (Correctional Services) (Community Orders) Amendment Regulations 2014*.

2 Regulations amended

These Regulations amend the *Prisons (Correctional Services) (Community Orders) Regulations*.

3 Regulation 1 amended

Regulation 1

omit

Prisons (Correctional Services) (Community

insert

Correctional Services (Non-custodial

4 Regulation 3 replaced

Regulation 3

repeal, insert

3 Definitions

In these Regulations:

approved project means a rehabilitation program or work or both approved under section 167 of the Act.

firearm, see section 3(1) of the *Firearms Act*.

home detainee means:

- (a) a non-custodial offender who is subject to a home detention order; or
- (b) a prisoner for whom an administrative home detention permit is in force.

required treatment means:

- (a) assessment and treatment (including counselling):
 - (i) for misuse of alcohol or a drug; or

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- (ii) addressing other personal factors that contribute to the offender's criminal behaviour; or
 - (b) medical, psychological or psychiatric assessment and treatment; or
 - (c) counselling.

restricted drug, for a non-custodial offender, means any of the following:

- (a) a dangerous drug as defined in section 3(1) of the *Misuse of Drugs Act*;
- (b) a Schedule 4, 8 or 9 substance as defined in section 7 of the *Medicines, Poisons and Therapeutic Goods Act*;
- (c) any other drug specified in the offender's non-custodial order as one that he or she is not permitted to use.

supervisor, in relation to a non-custodial offender who is required under a non-custodial work order to be at a place to participate in an approved project, means the person designated by the Commissioner as the supervisor of the place.

training program means:

- (a) a prescribed program (as defined in section 3 of the *Sentencing Act*); or
- (b) any other course, training, education or similar activity.

5 Part 2, Division 3 and Part 3 repealed

Part 2, Division 3 and Part 3

repeal

6 Regulation 24A inserted

Before regulation 25, in Part 4

insert

24A Part does not apply to home detainees

This Part does not apply in relation to a home detainee.

7 Regulation 35 and Part 6 repealed

Regulation 35 and Part 6

repeal

8 Regulations further amended

The Schedule has effect.

9 Expiry of Regulations

These Regulations expire on the day after they commence.

Schedule Regulations further amended

regulation 8

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
regulation 4	an community	a non-custodial non-custodial
Part 2, heading	Community work obligations	Non-custodial work orders
Part 2, Division 1, heading, after "of"		non-custodial
regulation 5(1)	an offender subject to a community work obligation	a non-custodial offender subject to a non-custodial work order
regulation 5(3)(a) and (4)	surveillance officer or supervising	probation and parole
regulation 5(5) and (6)	Director (<i>all references</i>)	probation and parole officer
regulation 6(1)	all words from "if an" to "order is"	if a non-custodial offender subject to a non-custodial work order (other than a community work order) is
regulation 6(2)	a probation officer or supervising	the supervisor or a probation and parole
regulations 7(1) and 8(1)	all words from "if an" to "obligation"	if a non-custodial offender subject to a non-custodial work order
regulation 8(2) and (3)	a probation officer or supervising	the supervisor or a probation and parole
regulation 9, heading, after "in"		approved

regulation 9(1)	all words from "if an" to "obligation"	if a non-custodial offender subject to a non-custodial work order
regulation 9(2)(b), before "project"		approved
regulation 10(1)(a)	all words from "an offender" to "obligation"	a non-custodial offender subject to a non-custodial work order
regulation 10(1)(b)	a probation officer or supervising officer is of the opinion	the supervisor or a probation and parole officer reasonably believes
regulation 10(1)(b)(i)	offender's community	
regulation 10(2) and (4)	probation officer or supervising	supervisor or probation and parole
regulation 11, heading	whole heading	11 Suspension of obligation to participate in approved project
regulation 11(1)	the Director	a probation and parole officer
regulation 11(1)(a)	all words from "an" to "obligation"	a non-custodial offender subject to
regulation 11(1)(a)(i)	for offender's community	
regulation 11(1)(a)(ii)	for	
regulation 11(2)	Director	probation and parole officer
regulation 11(4)	community	non-custodial work
regulation 11(5)	community work obligation	non-custodial work order
regulation 12, heading	probation officer or supervising	supervisor or probation and parole

regulation 12(1)(a)	all words from "an offender" to "obligation"	a non-custodial offender subject to a non-custodial work order
regulation 12(1)(c)	a probation officer or supervising officer is not	neither the supervisor nor a probation and parole officer is
regulation 12(1)(d)	the Director, a probation officer or supervising	a probation and parole
regulation 12(2)(b)	8 hours	the number of hours for which the offender was required to participate on that day
regulation 12(3)	probation officer or supervising	supervisor or probation and parole
regulation 13(1)(a)	all words from "an offender" to "obligation"	a non-custodial offender subject to a non-custodial work order
regulation 13(1)(c)	a probation officer or supervising	the supervisor or a probation and parole
regulation 14(1)	all words from "if an" to "obligation"	if a non-custodial offender subject to a non-custodial work order
Part 4, heading	Community based orders and community custody orders	Non-custodial offenders other than home detainees
regulation 25, heading	program	training
regulation 25(1)	an	a non-custodial
regulation 25(1)(a)	prescribed program or undergoing	training program or undergo
regulation 25(3)(a) and (4)	surveillance	probation and parole

regulation 25(5)	the Director	a probation and parole officer
regulation 25(6)	is given to the Director	must be given to the probation and parole officer
	Director)	officer)
regulation 26(1)	An	A non-custodial
regulation 27(1)	An prescribed	A non-custodial training
regulation 27(2)	An report	A non-custodial to report
	do	do so
	surveillance	probation and parole
regulation 28, heading	specified	approved
regulation 28(1)	whole subsection	(1) This regulation applies if a non-custodial offender who is subject to a monitoring order is required by the order, or by a direction given by a probation and parole officer, to remain at his or her approved residence during a specified period.
regulation 28(2) and (3)	specified residence <i>(all references)</i>	approved residence
regulation 28(2)(b)	the Director	a probation and parole officer
regulation 28(2)(c)	Director not	probation and parole officer not
	Director)	officer)

regulation 29	all words from "An" to "order:"	A non-custodial offender (other than an offender who is subject only to a community work order):
regulation 29(a)	Director	Commissioner
regulation 29(b)	surveillance	probation and parole
regulation 30	all words from "An" to "order:"	A non-custodial offender:
regulation 30(a) and (b)	surveillance <i>(all references)</i>	probation and parole
regulation 30(c)	surveillance	correctional services
Part 5, heading	detention orders	detainees
regulation 31, heading	specified	approved
regulation 31(1)	all words from "An" to "Act"	A home detainee who is absent from his or her approved residence does not breach his or her home detention order or administrative home detention permit
regulation 31(1)(a), (b) and (c)	offender's	detainee's
regulation 31(1)(a)	surveillance officer that the offender is required to comply with	probation and parole officer
regulation 31(1)(b) and (2)	the Director	a probation and parole officer
regulation 31(1)(c), (2), (3) and (4)	offender <i>(all references)</i>	detainee
regulation 31(1)(b)(iv)	religious worship	practices associated with the detainee's religion or belief system

regulation 31(3)	Director not Director)	probation and parole officer not officer)
regulation 31(3) and (4)	specified (<i>all references</i>)	approved
regulations 32 and 33	An offender subject to a home detention order	A home detainee
regulation 33(a)	Director	Commissioner
regulation 33(b)	surveillance offender's specified	probation and parole detainee's approved
regulation 34	An offender subject to a home detention order	A home detainee
regulation 34(c), (d) and (g)	whole paragraph	
regulation 34(e)	surveillance offender	probation and parole detainee
regulation 34(f)	surveillance offender's specified business; and	probation and parole detainee's approved business.
