

NORTHERN TERRITORY OF AUSTRALIA
PRISONS (CORRECTIONAL SERVICES)
(COMMUNITY SERVICE ORDERS) REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1996, No. 33*

Regulations under the *Prisons*
(*Correctional Services*) Act

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Prisons (Correctional Services) Act*.

Dated 28 June 1996.

K.J.A. ASCHE
Administrator

PRISONS (CORRECTIONAL SERVICES)
(COMMUNITY SERVICE ORDERS) REGULATIONS

1. CITATION

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

2. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Sentencing Act 1995*.

3. DEFINITIONS

In these Regulations, unless the contrary intention appears -

"offender" means an offender, within the meaning of the *Sentencing Act*, who is subject to a community service order;

"supervising officer" includes a probation officer.

4. DUTIES OF SUPERVISING OFFICERS

A supervising officer shall -

(a) supervise such offenders as directed by the Director;

* Notified in the *Northern Territory Government Gazette* on 1 July 1996.

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- (b) report to the Director on such matters as the Director may require, including -
 - (i) the attendance record;
 - (ii) the work attitude; and
 - (iii) the conduct,
 - of an offender on a day on which work was performed by the offender under a community service order;
- (c) satisfy himself or herself on the day on which an offender is to perform work under a community service order that the person who attends is the offender named in the order; and
- (d) attend at a court when required by the Director or the court for the purpose of giving evidence or providing a report in any proceedings against an offender for a breach of a community service order.

5. CONFLICT OF INTERESTS

A supervising officer shall not personally benefit, directly or indirectly, from any work performed by an offender under a community service order, otherwise than as a member of, and in common with other members of, the community.

6. OFFENDERS TO ATTEND

(1) An offender shall not absent himself or herself from the place at which he or she is required to perform work under a community service order, except with the approval of his or her supervising officer.

(2) The Director may exempt an offender from attending at a place to perform work under a community service order for all or part of a day, if the Director is satisfied that reasonable grounds exist for excusing the offender from performing that work.

(3) An offender may apply to the Director for an exemption under subregulation (2) not less than 24 hours before the day on which he or she is to perform work under the community service order or such lesser period as the Director may, in a particular case, determine.

(4) The Director may require an offender to provide such information or evidence in support of the offender's application under subregulation (3) as the Director thinks fit.

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7. OFFENDERS TO FURNISH MEDICAL CERTIFICATE

An offender who does not present himself or herself for the performance of work under a community service order at the time appointed for the performance of that work on the grounds of sickness shall, within 72 hours after the time at which the offender was required to present for the performance of that work or such further time as the Director may allow, furnish the Director with a certificate, signed by a medical practitioner, stating the facts on which the offender relies.

8. BEHAVIOUR OF OFFENDERS

An offender shall not -

- (a) report to work whilst under the influence of alcohol or a dangerous drug within the meaning of the *Misuse of Drugs Act*;
- (b) use or consume alcohol or a dangerous drug within the meaning of the *Misuse of Drugs Act* whilst at work or during a rest break under regulation 16; or
- (c) damage, deface or otherwise injure (normal wear and tear excepted) any equipment, material or other matter supplied to him or her or on which he or she is working under a community service order.

9. SUPERVISING OFFICERS MAY ORDER OFFENDERS TO CEASE WORK

(1) A supervising officer may order an offender who is, in the opinion of the supervising officer, under the influence of or who has used or consumed alcohol or a dangerous drug within the meaning of the *Misuse of Drugs Act*, to cease work for the day.

(2) A supervising officer may order an offender to cease work where, in the opinion of the supervising officer, the offender is in breach, under section 39(1) of the *Sentencing Act*, of his or her community service order.

(3) Where, under this regulation, an offender is ordered to cease work, he or she shall, on being so ordered, leave the place of work and shall, at the discretion of the supervising officer, be responsible for his or her own means of transport from that place.

10. DIRECTOR MAY HOLD INQUIRY

(1) Where, under regulation 9, an offender is ordered to cease work the Director may inquire into the circumstances in relation to which the order to cease work was made.

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(2) For the purposes of carrying out an inquiry under subregulation (1), the Director may require the supervising officer or the offender to provide him or her with such information as the Director may require regarding the circumstances in relation to which the offender was ordered to cease work.

11. OFFENDER MAY BE SUSPENDED

(1) The Director may, where he or she is satisfied that an offender in respect of whom a community service order has been made under section 34 of the *Sentencing Act* has, under section 39(1) of that Act, breached the order, suspend him or her from attending at a place to perform work under the order, by notice served on the offender.

(2) A suspension under subregulation (1) shall remain in force until the offender is dealt with under section 39 of the *Sentencing Act*.

(3) A notice under subregulation (1) may be served on the offender by -

- (a) delivering it to him or her personally; or
- (b) posting it to him or her at his or her last known place of residence or business.

(4) A notice under subregulation (1) shall be in accordance with Form 1.

12. CIRCUMSTANCES IN WHICH WORK DEEMED TO BE PERFORMED

Unless alternative arrangements are earlier made by a supervising officer, where an offender attends at a place at which he or she is directed to attend to perform work under a community service order and his or her supervising officer is not present at the place within one hour after the time directed for the commencement of the performance of the work, the offender shall be deemed to have performed work under the community service order for 8 hours.

13. PROTECTIVE CLOTHING

(1) An offender who is supplied with, and directed by a supervising officer to wear or use, protective clothing or equipment, shall wear or use the protective clothing or equipment while performing work under a community service order.

(2) An offender shall, when performing work under a community service order -

- (a) wear protective footwear of the type, if any, approved by the Director; and
- (b) provide such footwear at his or her own expense.

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14. TRAVELLING TIME

If an offender is required by or under a community service order to report to a supervising officer at a particular place and on so reporting is transported, or directed to report, to another place for the performance of work under the community service order, the reasonable time spent in travelling to the other place shall be counted as time worked by him or her under the community service order.

15. INJURY TIME

Where an offender is, by reason of injury sustained in the course of, or as a result of, work performed by him or her under a community service order, unable to perform or complete work under a community service order that he or she would otherwise be required to perform, the time that he or she might reasonably have been expected to spend on that work had he or she not been injured shall be counted as time worked by him or her under the community service order.

16. REST BREAKS

An offender required to work for a full day of 8 hours under a community service order shall be entitled to -

- (a) a 10 minute rest break in the forenoon;
- (b) a 10 minute rest break in the afternoon; and
- (c) a meal break of one hour,

which time shall be counted as time worked by him or her under the community service order.

17. REHABILITATION PROGRAMS

For the purposes of section 94E(3) of the Act, a community service advisory committee may approve a rehabilitation program that may be participated in under a community service order.

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SCHEDULE

FORM 1

Regulation 11

CASE No.....

NORTHERN TERRITORY OF AUSTRALIA

Prisons (Correctional Services) Act

NOTICE OF SUSPENSION OF OFFENDER

TO

I am satisfied that you have breached, under section 39(1) of the *Sentencing Act*, the community service order that you entered into on.....

YOU ARE HEREBY NOTIFIED that you are suspended from attending at a place to perform work under the order.

The matter of the breach of the order shall now be referred to the court and you are not to attend for further work under the order unless directed to do so by the court.

Dated

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Director of Correctional Services
