

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1991, No. 39*

Regulations under the *Criminal Law*
(*Conditional Release of Offenders*) Act

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Criminal Law (Conditional Release of Offenders) Act*.

Dated 29 July 1991.

J.H. MUIRHEAD
Administrator

AMENDMENTS TO THE CRIMINAL LAW (CONDITIONAL RELEASE OF
OFFENDERS) (HOME DETENTION ORDERS) REGULATIONS

1. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Criminal Law (Conditional Release of Offenders) Amendment Act 1990*.

2. PRINCIPAL REGULATIONS

The Criminal Law (Conditional Release of Offenders) (Home Detention Orders) Regulations are in these Regulations referred to as the Principal Regulations.

3. REPEAL AND SUBSTITUTION

Regulation 2 of the Principal Regulations is repealed and the following substituted:

"2. INTERPRETATION

"In these Regulations, unless the contrary intention appears -

* Notified in the *Northern Territory Government Gazette* on 7 August 1991.

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'authorised Surveillance Officer' means a Probation Officer and includes a Surveillance Officer appointed under section 19G(1) of the Act to whom one or more of the functions and powers, under section 19G(2), of a Surveillance Officer who is a Probation Officer have been delegated by the Director;

'offender' means an offender who is subject to a home detention order."

4. CONDUCT OF OFFENDERS

Regulation 3 of the Principal Regulations is amended -

- (a) by omitting from paragraph (b) "supervision of a" and substituting "supervision of an authorised" and by inserting after "directions of that" the word "authorised";
- (b) by omitting from paragraph (d) "notify a" and substituting "notify an authorised";
- (c) by omitting from paragraph (g) "permit a" and substituting "permit an authorised";
- (d) by omitting paragraph (h) and inserting the following:
 - "(h) accept, when required by the Director -
 - (i) telephone calls by a Surveillance Officer to the premises or place specified in the order or to the offender's place of employment;
 - (ii) telephone calls from a machine, equipment or device associated with a monitoring device to the premises or place specified in the order; and
 - (iii) visits by a Surveillance Officer to a place the offender is, in accordance with paragraph (c), authorised to attend;"
- (e) by omitting from paragraph (j) "directed by a" and substituting "directed by an authorised";
- (f) by omitting from paragraph (m) "tests as a" and substituting "tests as an authorised" and by inserting after "offender's blood" the words ", breath or urine";

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- (g) by omitting paragraph (n) and substituting the following:
- "(n) permit an authorised Surveillance Officer or a person in the company of an authorised Surveillance Officer to enter, and not in any way obstruct such an authorised Surveillance Officer or person from entering, the building or place specified in the order or a building at that place;"
- (h) by omitting paragraph (p) and substituting the following:
- "(p) permit an authorised Surveillance Officer to conduct, and not in any way obstruct him or her from conducting, a search, as permitted by the Act, of -
- (i) the offender;
 - (ii) the premises or place specified in the order; or
 - (iii) a building at the place specified in the order;"
- (j) by omitting from paragraph (r) "a Surveillance Officer; and" and substituting "a Surveillance Officer;"
- (k) by omitting from paragraph (s) "given by a" and substituting "given by an authorised";
- (m) by omitting from paragraph (s) "Surveillance Officer." and substituting "Surveillance Officer;" and
- (n) by adding at the end the following:
- "(t) permit an authorised Surveillance Officer or a person in the company of an authorised Surveillance Officer to inspect, and not in any way obstruct such an authorized Surveillance Officer or person from inspecting, a monitoring device, or any machine, equipment or device associated with a monitoring device, whether or not it is located on the premises or place specified in the order or a building at that place;
- (u) not, without the approval of the Director, possess a firearm within the meaning of the *Firearms Act* on the premises or place specified in the order; and

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- (w) if a person other than the offender brings a firearm within the meaning of the *Firearms Act* onto the premises or place specified in the order, immediately notify a Surveillance Officer."

5. SCHEDULE

The Schedule to the Principal Regulations is amended -

- (a) by omitting from paragraph (a) "or a Surveillance Officer" and substituting "or an authorized Surveillance Officer";
 - (b) by omitting from paragraph (d) "and";
 - (c) by omitting paragraph (e) and substituting the following:
"(e) (strike out where not applicable)
wear or have attached a monitoring device and allow the placing or installation in the premises or place of residence of the offender a machine, equipment or device associated with a monitoring device in accordance with the directions of the Director; and"
 - (f) (such other conditions, if any, as the court thinks fit and specifies here).";
 - (d) by omitting "Clerk/Master of the Court" and substituting "Judge/Magistrate/Clerk/Master of the Court"; and
 - (e) by omitting "and with any direction given by the Director of Correctional Services or a Surveillance Officer" and substituting "and with any reasonable direction given by the Director of Correctional Services".
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