

COMMUNITY SERVICE ORDERS (AMENDMENT) BILL 1986

NEW SOUTH WALES



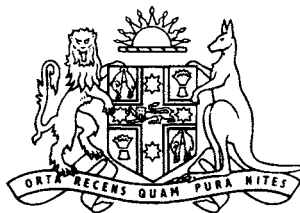
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SCHEDULE 1—AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979

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)

**20 AMENDMENTS TO THE COMMUNITY SERVICE ORDERS ACT
1979**

(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

15 (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.

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.

