

REGULATIONS 1979, No. 22*

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

I, JOHN ARMSTRONG ENGLAND, 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 this twenty-fifth day of September, 1979.

J. A. ENGLAND
Administrator

CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) (COMMUNITY SERVICE ORDERS) REGULATIONS

1. These Regulations may be cited as the Criminal Law (Conditional Release of Offenders) (Community Service Orders) Regulations. Citation

2. In these Regulations, unless the contrary intention appears— Interpretation
 - “offender” means an offender who is subject to a community service order;
 - “Supervising Officer” includes a Field Officer.

3. A Supervising Officer shall— Duties of Supervising Officers
 - (a) supervise offenders named in, or in relation to an area specified in, a written direction of the Director;
 - (b) report to the Director—
 - (i) when required by the Director; and
 - (ii) in relation to such matters as the Director may require, in relation to the execution of the Supervising Officer’s duties;
 - (c) report to the Director on the next business day after the day on which work has been performed by an offender who is under his supervision, in relation to—
 - (i) the attendance record of the offender;
 - (ii) the work attitude of the offender;
 - (iii) the conduct of the offender; and
 - (iv) such other matters as the Director may require, on the day on which work was performed by that offender; and
 - (d) satisfy himself on the day on which an offender is to perform work under a community service order that the person who is alleged to be the offender is that offender.

*Notified in the *Northern Territory Government Gazette* on 5 October, 1979.

*Criminal Law (Conditional Release of Offenders)
(Community Service Orders) Regulations*

Conflict of
interests

4. No Supervising Officer shall personally benefit, directly or indirectly, from any approved 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.

Offenders to
attend

5.(1) An offender shall not absent himself from the place at which he is required to perform work under a community service order except with the approval of his Supervising Officer.

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

Offenders to
furnish medical
certificates

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

(2) An offender referred to in sub-regulation (1) shall, if practicable, inform his Supervising Officer of the relevant facts prior to the appointed time.

Behaviour of
offenders

7. An offender shall not—

- (a) report to work whilst under the influence of any drugs or alcohol, other than drug or alcohol that has been prescribed for his use and consumption by a Territory;
- (b) use or consume any drugs or alcohol whilst at work, other than drugs or alcohol which have been prescribed for his use or consumption by a registered medical practitioner or dentist in pursuance of a law in force in the Territory; or
- (c) damage, deface or otherwise injure (normal wear and tear excepted) any equipment, material or other matter supplied to him or on which he is working under a community service order.

Supervising
Officers may
order offenders to
cease work

8.(1) A Supervising Officer may order an offender who is, in the opinion of the Supervising Officer, under the influence of or has used or consumed any drugs or alcohol, other than drugs or alcohol prescribed for his use or consumption by a registered medical practitioner or dentist in pursuance of a law in force in the Territory, to cease work.

(2) Time worked by an offender in the circumstances described in sub-regulation (1) shall not be counted as time worked under a community service order.

Notice to be
given

9.(1) Where an offender is unable to present himself as directed in or under a community service order at or to a particular place to perform work under a community service order, he shall give to his Supervising Officer as much notice of his inability to present himself as is possible in the circumstances.

(2) Unless alternative arrangements are earlier made by a Supervising Officer, where an offender attends at a place at which he is directed to attend to perform work under a community service order and his Supervising Officer is not present at that place within one hour after the time directed for the commencement of the performance of that work, the offender shall be deemed to have performed work under the community service order for a full day of 8 hours.

Protective
clothing

10. An offender who is supplied with, and directed by a Supervising Officer to wear or use, protective clothing or equipment, shall so wear or use, as the case may be, that protective clothing or equipment while performing work under a community service order.

11. 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 a community service order, the reasonable time spent in travelling to that other place shall be counted as service under that order. Travelling time

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

13. A person required to work for a full day of 8 hours under a community service order shall be entitled to— Rest breaks

- (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 under the community service order.

14.(1) The Minister shall appoint a member of each community service advisory committee appointed under section 31 of the Act to be the chairman of that committee. Chairman

(2) Where the chairman of the community service advisory committee is absent from a meeting of the committee, the members present at the meeting shall elect one of their number to preside at the meeting.

(3) The chairman of a community service advisory committee or other member presiding at a meeting shall have a casting as well as a deliberative vote on any matter before a meeting of the committee.

15.(1) A community service advisory committee shall meet at least twice in each year. Meetings of advisory committee

(2) A meeting of the committee shall be called by the chairman giving 7 days notice to each member.

(3) The chairman of a community service advisory committee shall call a meeting at the request of the Director of not less than one-half of the members of the committee.

16.(1) The chairman of a community service advisory committee shall cause minutes of its proceedings to be recorded and kept. Minutes

(2) The Director shall provide the committee with a secretary to keep its minutes and other records.

17. Subject to these Regulations, a community service advisory committee shall determine its own procedures. Procedures
