

NORTHERN TERRITORY OF AUSTRALIA

23-3-87

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Regulations 1986, No. 50\*

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

I, ERIC EUGENE JOHNSTON, 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 nineteenth day of December, 1986.

E.E. JOHNSTON  
Administrator

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

1. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Criminal Law (Conditional Release of Offenders) Amendment Act 1986*, other than sections 1 and 2 of that Act.

2. PRINCIPAL REGULATIONS

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

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\* Notified in the *Northern Territory Government Gazette* on 23rd December, 1986.

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(Community Service Orders) Regulations*

3. DUTIES OF SUPERVISING OFFICERS

Regulation 3 of the Principal Regulations is amended -

(a) by omitting paragraphs (a), (b) and (c) and substituting the following:

"(a) supervise such offenders in relation to an area as directed by the Director;

"(b) report to the Director on such matters as he 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;" and

(b) by omitting from paragraph (d) "who is alleged to be the offender is that offender." and substituting the following:

"who attends is the offender named in the order; and

(e) 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."

4. OFFENDERS TO ATTEND

Regulation 5 of the Principal Regulations is amended -

(a) by omitting from subregulation (2) "A Supervising Officer may, with the approval of the Director, excuse" and substituting "The Director may exempt"; and

(b) by adding at the end the following:

"(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 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 his application under subregulation (3) as he thinks fit."

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5. OFFENDERS TO FURNISH MEDICAL CERTIFICATE

Regulation 6 of the Principal Regulations is amended by omitting subregulation (2).

6. BEHAVIOUR OF OFFENDERS

Regulation 7 of the Principal Regulations is amended -

(a) by omitting from paragraph (a) all words after "whilst under the influence of any drugs or alcohol"; and

(b) by omitting paragraph (b) and substituting the following:

"(b) use or consume any drugs or alcohol whilst at work or during a rest break under regulation 13; or".

7. SUPERVISING OFFICERS MAY ORDER OFFENDERS TO CEASE WORK

Regulation 8 of the Principal Regulations is amended -

(a) by omitting from subregulation (1) all words after "consumed any drug or alcohol" and substituting "to cease work for the day;"; and

(b) by omitting subregulation (2) and substituting the following:

"(2) A Supervising Officer may order an offender to cease work where, in the opinion of the Supervising Officer, the offender is in breach, as specified in section 25(1) of the Act, of his community service order.

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

8. NEW REGULATIONS

The Principal Regulations are amended by adding after regulation 8 the following:

"8A. DIRECTOR MAY HOLD INQUIRY

"(1) Where, under regulation 8, an offender is ordered to cease work the Director may enquire into the circumstances under 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 with such information as he may require regarding the circumstances under which the offender was ordered to cease work.

"8B. OFFENDER MAY BE SUSPENDED

"(1) The Director may, where he is satisfied that an offender in respect of whom a community service order has been made under section 20 of the Act has, as specified in section 25(1) of the Act, breached the order, by notice in writing served on the offender, suspend him from attending at a place to perform work under the order.

"(2) A suspension under subregulation (1) shall remain in force until the offender is dealt with under section 25 of the Act.

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

(a) delivering it to him personally; or

(b) posting it to him at his last known place of residence or business."

9. NOTICE TO BE GIVEN

Regulation 9 of the Principal Regulations is amended by omitting subregulation (1).

10. PROTECTIVE CLOTHING

Regulation 10 of the Principal Regulations is amended by adding at the end the following:

"(2) An offender shall when performing work under a community service order wear protective footwear of a type approved by the Director and which the offender shall provide at his own expense."

11. CHAIRMAN

Regulation 14 of the Principal Regulations is amended by omitting subregulation (3).

12. REPEAL AND SUBSTITUTION

Regulation 15 of the Principal Regulations is repealed and the following substituted:

"15. MEETINGS OF ADVISORY COMMITTEE

"(1) The Chairman of an advisory committee shall call a meeting of the committee at the request of the Director.

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"(2) At a meeting of an advisory committee one-half of the members appointed to the committee shall constitute a quorum."

13. NEW REGULATIONS AND SCHEDULE

The Principal Regulations are amended by adding after regulation 18 the following:

"19. PRESCRIBED HOURS AND AMOUNTS

"(1) For the purposes of section 21B(1) of the Act the prescribed number of hours of work is 8 hours for each \$100 or part thereof of the fine or sum of money adjudged by the court to be paid.

(2) For the purposes of -

- (a) section 21B(3) of the Act, the prescribed amount is \$25; and
- (b) section 21C(5) of the Act, the prescribed amount is \$100.

"20. FORMS

"For the purposes of the Act and these Regulations -

- (a) a community service order made under section 20 shall be in accordance with Form 1;
- (b) a community service order made under section 21A shall be in accordance with Form 2;
- (c) a notification under section 21A(5) shall be in accordance with Form 3;
- (d) a written statement under section 21C(4) shall be in accordance with Form 4;
- (e) a notice of revocation under section 21D(2)(a) shall be in accordance with Form 5;
- (f) a notice of revocation under section 21D(2)(b) shall be in accordance with Form 6;
- (g) a notice of compliance under section 21E(2), shall be in accordance with Form 7;
- (h) a notice under regulation 8B shall be in accordance with Form 8;
- (j) an information under section 25(2) shall be in accordance with Form 9;

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- (k) a summons to appear under section 25(2)(a) shall be in accordance with Form 10;
  - (m) a warrant for the arrest of an offender under section 25(2)(b) shall be in accordance with Form 11; and
  - (n) an application for the review of a community service order under section 26 shall be in accordance with Form 12.
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"SCHEDULE

"FORM 1

Regulation 20(a)

CASE No.:.....

NORTHERN TERRITORY OF AUSTRALIA

*Criminal Law (Conditional Release of Offenders) Act*

COMMUNITY SERVICE ORDER UNDER SECTION 20

In the \*Supreme Court  
\*Court of Summary Jurisdiction

WHEREAS you .....  
(Name in full)

of ..... came before  
.....  
at ..... on the ..... day of .....  
19.... and having been convicted of .....

IT IS HEREBY ORDERED AND DIRECTED, with your consent,  
that in respect of the offence you are to perform unpaid  
approved work in accordance with Part V of the *Criminal  
Law (Conditional Release of Offenders) Act* for the period  
of ..... hours. You are therefore required to report in  
person to

.....  
..... at .....  
within ..... hours/days.  
(Other terms and conditions of the order)

Dated this ..... day of ....., 19 ..

BY THE COURT

\*Master/\*Clerk of the Court







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(Community Service Orders) Regulations*

"FORM 3

Regulation 20(c)

CASE No.:.....

NORTHERN TERRITORY OF AUSTRALIA

*Criminal Law (Conditional Release of Offenders) Act*

NOTICE OF THE MAKING COMMUNITY SERVICE ORDER  
UNDER SECTION 21A

To the Master/Clerk of Court\* .....

WHEREAS ..... was convicted in the ..... court ..... on ..... 19.... and was fined an amount of ..... and the above named, with his/her\* consent, has entered into a community service order requiring him/her\* to perform ..... hours unpaid approved work to satisfy payment of the amount.

YOU ARE HEREBY NOTIFIED, in accordance with section 21A(5) of the *Criminal Law (Conditional Release of Offenders) Act*, of the making of the community service order in respect of the above named on ..... 19....

Dated this ..... day of ..... , 19 ..

Director of Correctional Services

\* Delete whichever is not applicable.







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

"FORM 7

Regulation 20(g)

CASE No.:.....

NORTHERN TERRITORY OF AUSTRALIA

*Criminal Law (Conditional Release of Offenders) Act*

NOTICE OF COMPLIANCE WITH COMMUNITY SERVICE ORDER

To the Master/Clerk of Court\* .....

WHEREAS ..... on  
the ..... day of ..... 19.... entered into a  
community service order under section 21A of the *Criminal  
Law (Conditional Release of Offenders) Act* and was  
required under the terms and conditions of the order to  
perform ..... hours of approved work in order to  
satisfy the payment of fine/s in the amount of \$.....

YOU ARE HEREBY NOTIFIED that the above named has completed  
the hours of work required and has complied with the terms  
and conditions of the order.

Dated this ..... day of ..... , 19 ..

Director of Correctional Services

\* Delete whichever is not applicable.



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(Community Service Orders) Regulations*

"FORM 9

Regulation 20(j)

CASE No.:.....

NORTHERN TERRITORY OF AUSTRALIA

*Criminal Law (Conditional Release of Offenders) Act*

INFORMATION FOR FAILING TO COMPLY WITH A  
COMMUNITY SERVICE ORDER

I, ....., of the Department  
of Correctional Services, Darwin in the Northern  
Territory, MAKE OATH AND SAY:

WHEREAS ..... ("the offender")  
on the ..... day of ..... 19...,  
at ..... before .....  
was convicted of .....  
.....  
and ordered to perform ..... hours unpaid approved  
work in accordance with Part V of the *Criminal Law  
(Conditional Release of Offenders) Act*

AND the offender consented to the making of the order and  
to the terms and conditions thereof and undertook to  
comply with the order and the terms and conditions  
by signing and receiving a copy of the order on  
..... 19.... (a copy of the order is annexed  
hereto and marked "A")

AND the offender has breached the order in that he/she\*  
has - .....  
.....  
.....  
.....

NOW the said ..... makes application for  
the issue of a summons/warrant\* under section 25(2) of  
the Act.



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Taken and sworn before me this ..... day of  
..... 19.... at ..... in the  
Northern Territory.

.....  
Informant

.....  
Justice of the Peace/  
Stipendiary Magistrate

\* Delete whichever is not applicable.

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"FORM 10

Regulation 20(k)

CASE No.:.....

NORTHERN TERRITORY OF AUSTRALIA

*Criminal Law (Conditional Release of Offenders) Act*

SUMMONS FOR FAILING TO COMPLY WITH A  
COMMUNITY SERVICE ORDER

To: .....  
of ..... ("the offender")  
WHEREAS the offender .....  
on the ..... day of ..... 19....  
at ..... before .....  
was convicted of .....  
.....  
and ordered to perform ..... hours unpaid approved  
work in accordance with Part V of the *Criminal Law  
(Conditional Release of Offenders) Act*

AND the offender consented to the making of the order  
and to the terms and conditions thereof by signing and  
receiving a copy of the order on .....  
19.... (a copy of the order is annexed hereto and marked  
"A")

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

AND the offender has breached the order in that he/she\*  
has .....  
.....  
.....

AND information was laid on oath by .....  
Probation and Parole Officer of the Department of  
Correctional Services in the Northern Territory of  
Australia, before the undersigned, having the powers of a  
Justice of the Peace for the Northern Territory of  
Australia, deposing to the above-mentioned particulars.

These are therefore to direct you to appear before the  
..... on the ..... day of .....  
19...., at ..... o'clock in the ..... noon to  
show cause why you should not be dealt with by that court  
under section 25 of the *Criminal Law (Conditional Release  
of Offenders) Act*.

Dated this ..... day of ..... 19...., in  
the Northern Territory.

.....  
Justice of the Peace/  
Stipendiary Magistrate

\* Delete whichever is inapplicable.

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

"FORM 11

Regulation 20(m)

CASE No.:.....

NORTHERN TERRITORY OF AUSTRALIA

*Criminal Law (Conditional Release of Offenders) Act*

WARRANT FOR FAILING TO COMPLY WITH A  
COMMUNITY SERVICE ORDER

To: .....  
Commissioner of Police and to each and all of the  
Constables and Peace Officers of the Northern Territory.

WHEREAS ..... ("the offender")  
on the ..... day of ..... 19....  
at ..... before .....  
was convicted of .....  
.....  
and ordered to perform ..... hours unpaid approved  
work in accordance with Part V of the *Criminal Law  
(Conditional Release of Offenders) Act*

AND the offender consented to the making of the order  
and to the terms and conditions thereof by signing and  
receiving a copy of the order on the .....  
19.... (a copy of the order is annexed hereto and marked  
"A")

AND the offender has breached the order in that he/she\*  
has .....  
.....  
.....

AND information was laid on oath by .....  
Probation and Parole Officer of the Department of  
Correctional Services, before the undersigned, having the  
powers of a Justice of the Peace for the Northern



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

"FORM 12

Regulation 20(n)

CASE No.:.....

NORTHERN TERRITORY OF AUSTRALIA

*Criminal Law (Conditional Release of Offenders) Act*

APPLICATION

In the \*Supreme Court  
\*Court of Summary Jurisdiction

Between APPLICANT ..... Name  
..... Address  
and  
RESPONDENT ..... Name  
..... Address

The above-named applicant says that on the .....  
day of ..... 19.... at .....

And the applicant now applies for .....  
.....

.....  
Applicant

SUMMONS TO RESPONDENT

*Criminal Law (Conditional Release of Offenders) Act*

TO THE ABOVE-NAMED RESPONDENT

WHEREAS this application was made before me on the  
..... day of ..... 19.... you are  
therefore commanded to appear at ..... on  
the ..... day of ..... 19.... at  
..... o'clock in the ..... noon before me or  
such other Justices of the Peace for the said Territory

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as may then be there to answer the said application and to be further dealt with according to law.

.....  
Justice of the Peace

\* Delete whichever is not applicable ".

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