

CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) ORDINANCE 1978

No. 68 of 1978

An Ordinance to amend the *Criminal Law (Conditional Release of Offenders) Ordinance*

[Assented to 13 July 1978]

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Criminal Law (Conditional Release of Offenders) Ordinance* 1978. Short title

2. The *Criminal Law (Conditional Release of Offenders) Ordinance* is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. Sections 4, 5, 6, and 7 and each Part inserted in the Principal Ordinance by section 9 shall come into operation on such dates as are respectively fixed by the Administrator by notice in the *Gazette*. * Commencement

4. The Principal Ordinance is amended by inserting before section 1 the following heading: Insertion of heading

“PART I—PRELIMINARY”.

5. Section 3 of the Principal Ordinance is repealed and the following section substituted:

“3. In this Ordinance, unless the contrary intention appears— Definitions
‘advisory committee’ means a committee appointed under section 31;

‘approved work’, in relation to a community service order, means work declared to be approved work by an advisory committee under section 31(3);

‘attendance centre’, in relation to an attendance order, means a place to which section 9(2) refers and includes any other place at or from which an offender is ordered or directed from time to time to carry out any activities;

‘attendance order’ means an order made in accordance with section 9(1);

‘community service order’ means an order made in accordance with Part V;

* Notified in the *Northern Territory Government Gazette* No. 29 of 21 July 1979. Sections 1, 3, and 8 commenced 13 July 1978.

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‘court’ means the Supreme Court or a court of summary jurisdiction;

‘Director’ means Director within the meaning of the *Prisons Ordinance*;

‘Field Officer’ means a Correctional Services Field Officer by virtue of, or appointed under, section 3B;

‘law of the Territory’ means a law in force in the Territory other than an Act or regulation under an Act;

‘offender’ means a person convicted of an offence against a law of the Territory;

‘Supervising Officer’ means a Supervising Officer appointed under section 32.”.

Insertion
of new Part

6. The Principal Ordinance is amended by inserting after section 3 the following heading and sections:

“PART II—ADMINISTRATION

Delegation

“3A.(1) The Director may, by instrument in writing, delegate to a person or authority all, or any, of his powers, functions and authorities under this Ordinance (except this power of delegation) in relation to a matter or class of matters or to a district or part of the Territory so that the delegated powers, functions and authorities may be exercised by the delegate with respect to a matter or class of matters or the district or part of the Territory specified in the instrument of delegation.

(2) A delegation under sub-section (1) is revocable in writing at will and does not prevent the exercise of a power, function or authority by the Director.

Appointment
of Field
Officers

“3B.(1) All Parole Officers appointed under the *Parole of Prisoners Ordinance* are by virtue of that employment Correctional Services Field Officers under this Ordinance.

(2) The Director may appoint a person not being a person referred to in sub-section (1) to be a Correctional Services Field Officer.”.

New heading
inserted

7. The Principal Ordinance is amended by inserting before section 4 the following heading:

“PART III—CONDITIONAL RELEASE”

Failure to
comply with
conditions
of recognizance
or release

8. Section 6 of the Principal Ordinance is amended—

(a) by omitting sub-sections (1) and (2) and substituting the following sub-sections:

“(1) If a member of the Police Force has reason to believe that a person released in pursuance of an order made under section 5—

- (a) has failed during the period of good behaviour to comply with a condition specified in the order in accordance with sub-section (1)(a)(ii) of that section;
- (b) has failed to pay, as provided in the order, the penalty or an instalment of the penalty for the payment of which he has given security; or
- (c) has been convicted, whether within or outside the Territory, of an offence committed during the period of good behaviour,

that member may, without warrant, arrest that person.

“(2) If a member of the Police Force arrests a person under sub-section (1), he shall, as soon as practicably possible, take the person before a justice.

“(2A) The justice before whom a person is brought in accordance with sub-section (2), may, if the order was made—

- (a) by a court of summary jurisdiction—commit the person to appear before a court of summary jurisdiction to be dealt with by that court and either release him on bail, with or without sureties, or commit him to custody; or
- (b) by the Supreme Court—commit the person to appear before that court to be dealt with by that court and either release him on bail, with or without sureties, or commit him to custody.”;
- (b) by omitting from sub-section (3) all words from and including “Where a person” to and including “under sub-section (2)” and substituting “Where a person appears before a court in pursuance of sub-section (2A) to be dealt with by the court”;
- (c) by omitting from sub-section (5) all words from and including “before an appropriate” and substituting “committed to appear before an appropriate court under sub-section (2A)”;
- (d) by omitting—
 - (i) from sub-section (6) (a) all words from and including “and then deal” and substituting “and either release him on bail, with or without sureties, or commit him to custody; or”;
 - (ii) from sub-section (6)(b) all words from and including “before the court” and substituting “committed to appear before the court under sub-section (2A)”.

9. Section 9 of the Principal Ordinance is repealed and the following headings and sections substituted:

“PART IV—ATTENDANCE ORDERS

Attendance
orders

“9.(1) Subject to this section and to sections 10, 11 and 12, when a person is before a court for sentencing after being convicted of an offence punishable by a law of the Territory (otherwise than in default of payment of a fine), the court, instead of sentencing him, may make an order requiring him to do such things as may be required of him for such number of hours (being in the aggregate not more than 120) as may be specified in the order.

“(2) An attendance order may require the offender to present himself in person—

- (a) at or to a place and to a person specified in the order within such time (if any) as is specified in the order; or
- (b) at or to such a place and to such a person within such time and by such means as the Director may, by notice in writing served on the offender, direct.

“(3) An attendance order may require the offender to pay, on such terms and conditions as the court making the order thinks fit, such damages for injury or compensation for loss, caused by or arising out of the act or omission that constitutes the offence in respect of which the order is made, as the court thinks reasonable.

“(4) The court by which an attendance order is made shall, forthwith after the order is made, cause the order to be reduced to writing, sealed and signed and the Master or clerk of the court (as the case may be) shall—

- (a) cause a copy of it to be given to the offender before the offender is entitled to leave the precincts of the court by which the order is made; and
- (b) cause a copy of it to be sent to the Director.

“(5) Where an order made under this section contains a requirement in accordance with sub-section (2)(b), the Director shall cause the appropriate notice to be served on the offender as soon as possible after the order is made.

“(6) Nothing in this section shall be construed as preventing a court that makes an attendance order in respect of an offence from also making an order under Part III in respect of that offence or, when the law permits—

- (a) from imposing any disqualification on the offender; or
- (b) from cancelling or suspending a licence, permit or other authority held by the offender.

Circumstances
in which an
attendance
order may
be made

“10.(1) A court shall not make an attendance order in respect of an offender unless the offender consents to the making of the order and to the terms of the order and the court—

- (a) has been notified by a Field Officer that arrangements have been or will be made for the offender to carry out the activities that the order will require; and

- (b) is satisfied, after considering a report from a Field Officer about the offender and his circumstances, and, if the court thinks necessary, hearing a Field Officer—
 - (i) that the offender is a suitable person to carry out those activities;
 - (ii) that, if such an order is made, suitable activities can be provided at or from an attendance centre for the offender under the arrangements mentioned in paragraph (a); and
 - (iii) that the attendance centre is a reasonable distance from the offender's place of residence.

“(2) Without prejudice to any other powers that the court may exercise, where an offender is before a court for sentencing, the court may, in order to obtain any notification, report or information for the purposes of sub-section (1), adjourn the hearing of the proceedings and release the offender on bail, with or without sureties, to appear at the adjourned hearing.

“(3) Where a court proposes to make an attendance order, it shall, before making the order, explain or cause to be explained to the person in respect of whom it is proposed to make the order in language likely to be readily understood by him—

- (a) the purpose and effect of the order;
- (b) the consequences that may follow if he fails to comply with the order; and
- (c) that the order may be reviewed on his application or on that of the Director.

“11.(1) The activities that an offender is required to do under or in pursuance of an attendance order shall be such activities, having therapeutic value for, or educational value to, the offender, as a Field Officer directs him to carry out at the attendance centre or elsewhere.

What may
be done
under an
order

“(2) An offender shall not be required to carry out activities under an attendance order for more than 4 hours (exclusive of time allowed for meals) in any one day.

“12.(1) Where a court makes attendance orders in respect of 2 or more offences of which an offender has been convicted, the court shall not order the offender to carry out activities under those orders for a number of hours that, in the aggregate, exceeds 120.

Where
more than
one order
made

“(2) Where a court makes an attendance order in respect of an offender and there is or are in force in respect of that offender one or more other such orders, the court shall not order the offender to carry out activities for a number of hours that would require him, after the making of the first-mentioned order, to carry out activities under that order and the previous order or orders for a number of hours that, in the aggregate, exceeds 120.

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Duties of
offender
and Field
Officer in
carrying in
out order

“13.(1) An offender in respect of whom an attendance order is in force—

(a) shall—

- (i) travel, at his own expense, to the attendance centre on the days; and
- (ii) report there at the times,

on which he is required so to do;

- (b) shall carry out at the attendance centre for the number of hours specified in the order such activities as a Field Officer may, in accordance with this Part, direct;
- (c) shall carry out those activities in a satisfactory manner;
- (d) shall, while carrying out those activities, comply with any reasonable direction of a Field Officer; and
- (e) shall inform a Field Officer of any change in his residential address.

“(2) In giving directions to an offender under sub-section (1), a Field Officer shall, so far as practicable avoid—

- (a) any conflict with the offender’s religious beliefs; and
- (b) any interference with the times (if any) at which the offender normally works or attends a school or other educational establishment.

Duration
of attendance
order

“14. An attendance order remains in force until—

- (a) the offender has carried out activities in accordance with the order and this Part for the number of hours specified in the order;
- (b) the order is discharged under section 16; or
- (c) the offender is sentenced for the offence in respect of which the order was made.

Breach
of terms
of order

“15.(1) An offender shall not—

- (a) fail to attend as required or otherwise fail to comply with an attendance order;
- (b) fail to carry out his obligations under section 13(1);
- (c) disturb or interfere with any other person working or doing anything under an attendance order or a community service order;
- (d) assault, threaten, insult or use abusive language to a Field Officer;
- (e) change his address for the purpose of evading the execution of this Ordinance; or
- (f) commit a breach of the regulations.

Penalty: 200 dollars.

“(2) Where a member of the Police Force has reason to suspect that an offender has committed an offence against sub-section (1), that member may, without warrant, arrest that offender.

“(3) If a member of the Police Force arrests an offender under sub-section (2), he shall, as soon as practicably possible, take the offender before a justice.

“(4) The justice before whom an offender is brought in accordance with sub-section (2) may, if the attendance order was made—

- (a) by a court of summary jurisdiction—commit the offender to appear before a court of summary jurisdiction and either release him on bail, with or without sureties, or commit him to custody; or
- (b) by the Supreme Court—commit the offender to appear before that court and either release him on bail, with or without sureties, or commit him to custody.

“(5) Where, in pursuance of sub-section (4), an offender is brought or appears before a court of summary jurisdiction or the Supreme Court, the court, if it is satisfied that an offence has been committed may, instead of imposing a penalty—

- (a) revoke the attendance order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence; or
- (b) subject to sub-section (6) and with the offender’s consent, increase the number of hours for which he is required to carry out activities under the order.

“(6) Where a court exercises the power referred to in sub-section (5)(b), that court shall not increase the number of hours for which an offender is required to carry out activities under the order to such an extent as would require him, after the making of that increase, to carry out activities under that order and all other such orders in force in respect of him (if any) for a number of additional hours that, in the aggregate, exceeds 60.

“(7) In proceedings for an offence under this section, the averment in the complaint of the prosecutor that the defendant is the person in respect of whom the relevant order was made is evidence of the matter so averred.

“(8) In any proceedings under this section, upon a complaint averring the fact referred to in sub-section (7), the person charged with the offence may be asked by the court before which he appears or is brought whether he was convicted of the offence in respect of which the relevant order was made and, if he admits that conviction, no further proof of the conviction so admitted is necessary.

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“(9) It is a defence in proceedings for an offence against sub-section (1)(a) for the offender to show that the failure arose—

- (a) from his conscientious objections on religious grounds to attend; or
- (b) because of a religious obligation to attend at a place for religious worship,

at a specified time.

Review of
order

“16.(1) Where an attendance order is in force and, on the application of the offender or the Crown Law Officer made to the court that made the order, it appears to that court that it would be in the interests of justice to do so, having regard to circumstances that have arisen or become known since the order was made, it may—

- (a) discharge the order;
- (b) revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which it could deal with him if it had just convicted him of that offence; or
- (c) reduce the number of hours for which the offender is required to carry out activities under the order.

“(2) Where an application is made to a court under sub-section (1) by the Crown Law Officer, the court shall summon the offender to appear before it on the hearing of the application and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

“(3) Where an application is made to a court under sub-section (1) by the offender, the court shall cause notice of the application and of the time and place fixed for the hearing to be served on the Crown Law Officer.

“(4) Without limiting the matters that a court may take into consideration in reviewing an attendance order, grounds for reviewing such an order include the fact—

- (a) that the offender is in custody on a charge for another offence;
- (b) that the offender’s behaviour is such that the carrying out of the terms of the order is impossible; or
- (c) that the operation of the order offends other persons.

Order to
be taken
into
account in
sentencing

“17. Where an offender in respect of whom an attendance order has been made is subsequently sentenced by a court for the offence in respect of which the order was made, the court, in sentencing the offender—

- (a) shall take into account that the order was made; and
- (b) may take into account anything done under the order.

“18.(1) An offender shall, in respect of—

- (a) activities carried out by him under an attendance order; and
- (b) travelling done by him in order to carry out, and in relation to, those activities,

Compensation
for injury

be deemed to be a workman employed by the Crown for the purposes of the *Workmen's Compensation Ordinance* (notwithstanding paragraph (b) of the definition of “workman” in section 6(1) of that Ordinance) and where, for the purpose of calculating the compensation payable under that Ordinance in respect of a compensable injury suffered by an offender, reference to weekly pay is necessary, the offender shall be dealt with as though he had a weekly pay equal to the estimate published by the Commonwealth Statistician of the average weekly earnings per employed male unit (or female unit in the case of a female offender) for the last preceding June quarter in the Territory.

“(2) For the purposes of sub-section (1), the *Workmen's Compensation Ordinance* shall be deemed to bind the Crown.

“19.(1) If it appears to a justice that there is reason to suspect that an offender—

- (a) will leave the Territory before the expiration of; or
- (b) will not comply with,

Absconding
offender

an attendance order to which he is subject, the justice may issue a warrant for the offender's arrest.

“(2) On the arrest of an offender under a warrant issued under sub-section (1), he shall be brought before justices who may, if the attendance order was made—

- (a) by a court of summary jurisdiction—remand him to another court of summary jurisdiction, which may revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence; or
- (b) by the Supreme Court—remand him in custody to be brought before that court, which may revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence.

“PART V—COMMUNITY SERVICE ORDERS

“20.(1) Subject to this section and to sections 21, 22 and 23(3), when a person is before a court for sentencing after being convicted of an offence against a law of the Territory (otherwise than in default of payment of a fine) the court, instead of sentencing him, may make an order requiring him to perform unpaid approved work in accordance

Community
service
orders

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with this Part for such number of hours (being in the aggregate not more than 240) as may be specified in the order.

“(2) A community service order may require the offender to present himself in person—

- (a) at or to a place and to a person specified in the order within such time (if any) as is specified in the order; or
- (b) at or to such a place and to such a person within such time and by such means as the Director may, by notice in writing served on the offender, direct.

“(3) A community service order may require the offender to pay, on such terms and conditions as the court making the order thinks fit, such damages for injury or compensation for loss, caused by or arising out of the act or omission that constitutes the offence in respect of which the order is made, as the court thinks reasonable.

“(4) The court by which a community service order is made shall, forthwith after the order is made, cause the order to be reduced to writing, sealed and signed and the Master or clerk of the court (as the case may be) shall—

- (a) cause a copy of it to be given to the offender before the offender is entitled to leave the precincts of the court by which the order is made; and
- (b) cause a copy of it to be sent to the Director.

“(5) Where an order made under this section contains a requirement in accordance with sub-section (2)(b), the Director shall cause the appropriate notice to be served on the offender as soon as possible after the order is made.

“(6) Nothing in this section shall be construed as preventing a court that makes a community service order in respect of an offence from also making an order under Part III in respect of that offence or, when the law permits—

- (a) from imposing any disqualifications on the offender; or
- (b) from cancelling or suspending a licence, permit or other authority held by the offender.

“(7) A person who feels himself aggrieved by an order made under this section may appeal against the severity of the order in the same way as if a penalty otherwise than the order had been imposed by the court.

“21.(1) A court shall not make a community service order in respect of an offender unless the offender consents to the making of the order and to the terms of the order and the court—

- (a) has been notified by a Field Officer that arrangements have been or will be made for the offender to perform approved work under such an order; and
- (b) is satisfied, after considering a report from a Field Officer about the offender and his circumstances, and, if the court thinks necessary, hearing a Field Officer—

- (i) that the offender is a suitable person to perform that work; and
- (ii) that work is approved work and can be provided under the arrangements mentioned in paragraph (a) for the offender to carry out.

“(2) Without prejudice to any other powers that the court may exercise, where an offender is before a court for sentencing, the court may, in order to obtain any notification, report or information for the purposes of sub-section (1), adjourn the hearing of the proceedings and release the offender on bail, with or without sureties, to appear at the adjourned hearing.

“(3) Where a court proposes to make a community service order, it shall, before making the order, explain or cause to be explained to the person in respect of whom it is proposed to make the order in language likely to be readily understood by him—

- (a) the purpose and effect of the order;
- (b) the consequences that may follow if he fails to comply with the order; and
- (c) that the order may be reviewed on his application or on that of the Crown Law Officer.

“22.(1) Where a court makes a community service order in respect of 2 or more offences of which an offender has been convicted, the court shall not order the offender to carry out activities under those orders for a number of hours that, in the aggregate, exceeds 240.

Where more than one order made

“(2) Where a court makes a community service order in respect of an offender and there is or are in force in respect of that offender one or more other such orders, the court shall not order the offender to carry out activities for a number of hours that would require him, after the making of the first-mentioned order, to carry out activities under that order and the previous order or orders for a number of hours that, in the aggregate, exceeds 240.

“23.(1) An offender in respect of whom a community service order is in force—

Duties of offender and Field Officer in carrying out order

- (a) shall perform for the number of hours specified in the order such approved work as a Field Officer directs;
- (b) shall perform that work in a satisfactory manner;
- (c) shall, while performing that work, comply with any reasonable direction of a Field Officer; and
- (d) shall inform a Field Officer of any change in his residential address.

“(2) In giving directions to an offender under sub-section (1), a Field Officer shall, so far as practicable, avoid—

- (a) any conflict with the offender's religious beliefs; and

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- (b) any interference with the times (if any) at which the offender normally works or attends a school or other educational establishment.

“(3) An offender shall not be required to perform work under a community service order for more than 8 hours (exclusive of time allowed for meals) in any one day.

Duration of
community
service
order

“24. A community service order remains in force until—

- (a) the offender has performed approved work in accordance with the order and this Part for the number of hours specified in the order;
- (b) the order is discharged pursuant to section 26; or
- (c) the offender is sentenced for the offence in respect of which the order was made.

Breach of
terms of
order

“25.(1) An offender shall not—

- (a) fail to attend as required or otherwise fail to comply with a community service order;
- (b) fail to carry out his obligations under section 23(1);
- (c) disturb or interfere with any other person working or doing anything under an attendance order or a community service order;
- (d) assault, threaten, insult or use abusive language to a Field Officer or Supervising Officer;
- (e) change his address for the purpose of evading the execution of this Ordinance; or
- (f) commit a breach of the regulations.

Penalty: 200 dollars.

“(2) Where a member of the Police Force has reason to suspect that an offender has committed an offence against sub-section (1), that member may, without warrant, arrest that offender.

“(3) If a member of the Police Force arrests an offender under sub-section (2), he shall, as soon as practicably possible, take the offender before a justice.

“(4) The justice before whom an offender is brought in accordance with sub-section (2) may, if the community service order was made—

- (a) by a court of summary jurisdiction—commit the offender to appear before a court of summary jurisdiction and either release him on bail, with or without sureties, or commit him to custody; or
- (b) by the Supreme Court—commit the offender to appear before that court and either release him on bail, with or without sureties, or commit him to custody.

“(5) Where, in pursuance of sub-section (4), an offender is brought or appears before a court of summary jurisdiction or the Supreme Court, that court, if it is satisfied that an offence has been committed may, instead of imposing a penalty—

- (a) revoke the community service order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence; or
- (b) subject to sub-section (5) and with the offender’s consent, increase the number of hours for which he is required to perform work under the order.

“(6) Where a court exercises the power referred to in sub-section (3)(a)(ii) or (4)(b), that court shall not increase the number of hours for which an offender is required to carry out activities under the order to such an extent as would require him, after the making of that increase, to perform work under the order and all other orders in force in respect of him (if any) for a number of additional hours that in the aggregate exceeds 112.

“(7) In proceedings for an offence under this section, the averment in the complaint of the prosecutor that the defendant is the person in respect of whom the relevant order was made is evidence of the matter so averred.

“(8) In any proceedings under this section, upon a complaint averring the fact referred to in sub-section (7), the person charged with the offence may be asked by the court before which he appears or is brought whether he was convicted of the offence in respect of which the relevant order was made and, if he admits that conviction, no further proof of the conviction so admitted is necessary.

“(9) It is a defence in proceedings for an offence against sub-section (1)(a) for the offender to show that the failure arose—

- (a) from his conscientious objection on religious grounds to attend; or
- (b) because of a religious obligation to attend at a place for religious worship,

at a specified time.

“26.(1) Where a community service order is in force and, on the application of the offender or the Crown Law Officer made to the court that made the order, it appears to that court that it would be in the interests of justice to do so, having regard to circumstances that have arisen or become known since the order was made, it may—

- (a) discharge the order;
- (b) revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which it could deal with him if it had just convicted him of that offence; or

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of order

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(c) reduce the number of hours for which the offender is required to carry out activities under the order.

“(2) Where an application is made to a court under sub-section (1) by the Crown Law Officer, the court shall summon the offender to appear before it on the hearing of the application and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

“(3) Where an application is made to a court under sub-section (1) by the offender, the court shall cause notice of the application and of the time and place fixed for the hearing to be served on the Crown Law Officer.

“(4) Without limiting the matters that a court may take into consideration in reviewing a community service order, the grounds for reviewing such an order include the fact—

- (a) that the offender is in custody on a charge for another offence;
- (b) that the offender’s behaviour is such that the carrying out of the terms of the order is impossible; or
- (c) that the operation of the order offends other persons.

“27. Where an offender in respect of whom a community service order has been made is subsequently sentenced by a court for the offence in respect of which the order was made, the court, in sentencing the offender—

- (a) shall take into account that the order was made; and
- (b) may take into account anything done under the order.

Order to
be taken
into account
in sentencing

“28.(1) An offender shall, in respect of—

- (a) work performed by him under a community service order; and
- (b) travelling done by him in order to perform, and in relation to, that work,

be deemed to be a workman employed by the Crown for the purposes of the *Workmen’s Compensation Ordinance* (notwithstanding paragraph (b) of the definition of “workman” in section 6(1) of that Ordinance) and where, for the purposes of calculating the compensation payable under that Ordinance in respect of a compensable injury suffered by an offender, reference to weekly pay is necessary, the offender shall be dealt with as though he had a weekly pay equal to the estimate published by the Commonwealth Statistician of the average weekly earnings per employed male unit (or female unit in the case of a female offender) for the last preceding June quarter in the Territory.

“(2) For the purposes of sub-section (1), the *Workmen’s Compensation Ordinance* shall be deemed to bind the Crown.

Compensation
for injury

“29(1) If it appears to a justice that there is reason to suspect that an offender—

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offender

- (a) will leave the Territory before the expiration of; or
- (b) will not comply with,

a community service order to which he is subject, the justice may issue a warrant for the offender's arrest.

“(2) On the arrest of an offender under a warrant issued under sub-section (1), he shall be brought before justices who may if the community service order was made—

- (a) by a court of summary jurisdiction—remand him to another court of summary jurisdiction which may revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence; or
- (b) by the Supreme Court—remand him in custody to be brought before that court, which may revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence.

“30.(1) The Director may provide transportation for an offender to attend at, or to travel part of the way to, the place where he is to carry out work in pursuance of a community service order.

Transportation
may be
provided
for offender

“(2) If transportation is to be provided in accordance with sub-section (1), the Director shall give the offender such notice as is reasonable to enable him to avail himself of that transportation.

“(3) If an offender for whom transportation in accordance with this section has been provided finds, after due inquiry, no means of transportation as notified or no Field Officer to whom to report (as the case may be) he shall wait for it or him for one hour and, if, at the end of that hour, he still cannot travel or report, he is at liberty for the rest of the relevant day, and shall be deemed to have done all that was required of him under this section on that day.

“(4) Otherwise than as provided by this section, the offender shall provide transportation at his own expense to and from the place where he is to carry out work.

“(5) A report under sub-section (3) may be made by telephone.

“31.(1) The Executive Member may appoint one or more community service advisory committees for the purposes of this Part.

“(2) An advisory committee shall consist of such persons as are appointed by the Executive Member to be members of the committee.

“(3) An advisory committee shall have such powers and duties as are prescribed.

“32.(1) The Director may appoint a person to be a paid or unpaid Supervising Officer for the purposes of this Part.

Supervising
Officer

Criminal Law (Conditional Release of Offenders)
Ordinance 1978

“(2) A Supervising Officer shall have such powers and duties as are prescribed.

“(3) A Supervising Officer may, with the prior approval of the Director, appoint a person to act in his stead on any day that he specifies, and that person, for the time for which he is so appointed, shall have the powers of a Supervising Officer.

“PART VI—MISCELLANEOUS

Application
of Ordinance

“33. The provisions of this Ordinance are in addition to, and do not derogate from, the provisions of any other law of the Territory.

Regulations

“34. The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and in particular—

- (a) with relation to attendance orders—
 - (i) prescribing the duties of Field Officers and offenders;
 - (ii) regulating the conduct of offenders;
 - (iii) providing for the health and safety of Field Officers and offenders;
 - (iv) prescribing what effect an injury to or the illness of an offender has on an attendance order; and
 - (v) prescribing the periods to be taken into account when calculating the hours during which activities have been carried out under an attendance order; and
 - (b) with relation to community service orders—
 - (i) prescribing the duties of Field Officers, Supervising Officers and offenders;
 - (ii) regulating the conduct of offenders;
 - (iii) providing for the health and safety of Field Officers, Supervising Officers and offenders;
 - (iv) providing for travel and transport arrangements to be made for offenders;
 - (v) prescribing what effect an injury to or the illness of an offender has on a community service order;
 - (vi) prescribing the periods to be taken into account when calculating the hours during which work has been carried out under a community service order; and
 - (vii) prescribing the powers and duties of advisory committees and regulating the holding of their meetings and the procedures they are to observe at those meetings.”.
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