

FIRST COLUMN. Substance.	SECOND COLUMN. Prescribed quantity.
Normorphine	20.0 grammes
Opium	5 grammes
Oxycodone	1.5 grammes
Oxymorphone	0.5 grammes
Pethidine	5.0 grammes
Phenadoxone	2.5 grammes
Phenazocine	0.25 grammes
Phendimetrazine	3.5 grammes
Phenmetrazine	2.5 grammes
Phenoperidine	0.25 grammes
Phentermine	1.5 grammes
Pholcodine	0.75 grammes
Piminodine	2.5 grammes
Propiridine	25.0 grammes
Psilocin (otherwise than in divided doses)	0.1 grammes
Psilocin (in divided doses)	10 doses
Psilocybin (otherwise than in divided doses)	0.1 grammes
Psilocybin (in divided doses)	10 doses
Racemethorphan	1.5 grammes
Racemoramide	2.0 grammes
Racemorphan	0.45 grammes
Thebacon	0.5 grammes
Thebaine	0.75 grammes
Trimiperidine	3.0 grammes
Tetrahydrocannabinol	40 individual preparations containing any proportion of tetrahydrocannabinol each of which is capable of being ignited and the smoke therefrom inhaled

PROBATION OF OFFENDERS.

No. 82 of 1971.

AN ACT to amend the *Probation of Offenders Act* 1934. [14 December 1971.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Probation of Offenders Act* 1971. Short title and citation.

(2) The *Probation of Offenders Act* 1934, as subsequently amended, is in this Act referred to as the Principal Act.

Heading. **2** Before section one of the Principal Act the following heading is inserted:—

**“ PART I
“ PRELIMINARY ”.**

Interpretation. **3** Section two A of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

- “(1) In this Act, unless the contrary intention appears—
 ‘ employee ’ means a person subject to a work order;
 ‘ probation order ’ means an order under section three placing, or requiring a person to be placed, under the supervision of a probation officer appointed under this Act or of such other person as may be named in the order;
 ‘ supervisor ’ means a person appointed under section seven G as a supervisor for the purposes of section seven B;
 ‘ work order ’ means an order made under subsection (1) of section seven A;
 ‘ work order committee ’ means a committee appointed under section seven F.”.

Heading. **4** After section two A of the Principal Act the following heading is inserted:—

**“ PART II
“ ADMINISTRATION ”.**

Probation officers. **5** Section seven of the Principal Act is transposed to follow the heading inserted by section four of this Act, and is renumbered two B.

Heading. **6** After section two B of the Principal Act as renumbered by section five of this Act the following heading is inserted:—

**“ PART III
“ PROBATION ”.**

Conditional release of offenders. **7** Section three of the Principal Act is amended by inserting in subsection (2B), after the word “ imprisonment ”, the words “, or made a work order,”.

If offender fails to observe conditions. **8** Section six of the Principal Act is amended—
 (a) by omitting subsections (1) to (4) and substituting therefor the following subsections:—

“(1) Where an offender is bound by a recognizance under this Act to appear for conviction or sentence—

- (a) before the Supreme Court, proceedings may be taken, as prescribed by rules of court made under section twelve of the *Criminal Code Act 1924* as if this Part were contained in the *Criminal Code*, to bring the offender before that court for the purposes of subsection (3) of this section; or

(b) before a court of summary jurisdiction, proceedings may be taken, as prescribed by rules made under section one hundred and forty-four of the *Justices Act* 1959, to bring the offender before a court of summary jurisdiction for the purposes of subsection (3) of this section.

“(2) Rules made for the purposes of either paragraph of subsection (1) of this section may provide for the arrest of an offender and for proceedings thereon before a justice or court of summary jurisdiction.”;

(b) by renumbering subsection (5) as subsection (3); and

(c) by omitting from that subsection the words “bound by a recognizance under this Act” and substituting therefor the words “brought under subsection (1) of this section”.

9 After section six of the Principal Act the following Part is inserted:—

“ PART IV

“ WORK ORDERS

“ 7. This Part shall commence on a date to be fixed by proclamation and shall expire at the end of a period of two years from that date. Commencement and expiry of Part.

“ 7A—(1) Instead of sentencing a person to undergo a term of imprisonment, the Supreme Court and courts of summary jurisdiction may, with the person’s consent, adjudge that he for his offence attend at such places and times as shall be notified to him in writing by a probation officer or a supervisor, on so many Saturdays, not exceeding twenty-five, as the court may order, and thereafter to do such things for such times as may be required of him under section seven B. Power to make work orders.

“(2) A memorandum of an order under this section in the prescribed form and supplemented by the prescribed information shall be drawn up, be sealed or signed as prescribed, and be given to the person against whom the order is made before he is entitled to depart from the court by which the order is made.

“(3) A work order shall be made only where it appears to the court that provision has been or will be made for the doing of work by the person against whom it is made.

“(4) A copy of a work order shall be sent forthwith to the Secretary of the Attorney-General’s Department.

“ 7B—(1) Where a work order has been made against a person, a probation officer or a supervisor shall notify him in writing that on a specified Saturday or Saturdays he is required to report to a supervisor at a specified place and time and of any special provision made for his transportation to that place. Effect of work orders.

“(2) Subject to subsection (3) of this section, transportation for the purposes of subsection (1) may be by public transport, or by departmental transport, or by one for part of the way and by the other for part of the way.

“(3) For the purposes of subsection (1) of this section, an employee shall not be required to travel between his place of abode and the place at which he is required to report, in addition to the distance for which transportation is provided, a distance, measured by the shortest practicable route, of more than seven miles.

“(4) In pursuance of subsections (1), (2), and (3) of this section, it is lawful to provide that an employee shall travel by departmental transport leaving a specified place at a specified time for a specified destination and then by public transport similarly, leaving him to use such means as he may have or choose to go to the first-mentioned place and from the specified destination of the public transport to the place at which he is required to report, or to make any similar simpler or more complicated provision.

“(5) If an employee in attempting to comply with subsection (1) of this section finds, after due inquiry, no means of transportation as mentioned in the notification thereunder or no supervisor to report to, as the case may be, he shall wait for it or him 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 Saturday, and shall be deemed to have done all that was required of him under this section on that day.

“(6) When an employee has reported to a supervisor in compliance with subsection (1) of this section, he shall do such work or other activity as the latter orders subject to the regulations made under this Act.

“(7) That which an employee is required to do under a work order shall—

- (a) be such work or other activity or such kind or class of work or activity as a work order committee has approved; and
- (b) not be continued for more than eight hours, exclusive of any time allowed for lunch, on any one day.

“(8) An employee shall, in respect of his attendance, travelling, and work or activity under a work order, be deemed to be a worker employed by the Crown for the purposes of the *Workers' Compensation Act 1927* and to be a worker within the meaning of that Act, notwithstanding anything to the contrary in subsection (3) of section four of that Act, paid—

- (a) at a rate equal to the basic rate as defined in that Act;
or
- (b) at the rate of his average weekly earnings, if any, within the meaning of that Act,

whichever is the greater rate.

“(9) In this section ‘departmental transport’ means transport arranged by the Attorney-General’s Department, a probation officer, or a supervisor.

“7c—(1) On application on behalf of the Crown or by the employee, a work order may at any time during its currency be reviewed by the Supreme Court or a court of summary jurisdiction, according as the order was made by the Supreme Court or a court of summary jurisdiction. Variation, &c.,
of work order.

“(2) Before a court reviews a work order under this section, it must appear, by affidavit or otherwise, that—

- (a) the condition or circumstances of the employee—
 - (i) has or have changed since the order was made; or
 - (ii) was or were not such as the court making the order thought it or them to be,
 so that the order should not, in consequence, be put into or continued in execution;
- (b) the employee is in custody awaiting trial or under a sentence of imprisonment;
- (c) the employee is resisting or evading, or attempting to resist or evade, the execution of the order;
- (d) the employee's conduct in respect of any matter required of him by or under this Act in respect of the order is such as to make the execution of the order—
 - (i) impossible; or
 - (ii) difficult for any person concerned with or affected by its execution; or
- (e) the employee has been convicted of a contravention of subsection (1) of section seven D.

“(3) On review of a work order under this section, the court reviewing it may—

- (a) discharge it without more;
- (b) revoke it and order and adjudge that the employee for the offence for which it was made be fined or imprisoned; or
- (c) reduce the number of Saturdays for which it is to last.

“(4) In exercising its power under paragraph (b) of subsection (3) of this section the court shall take into account—

- (a) that the work order was made; and
- (b) anything done under it.

“7d—(1) If an employee—

- (a) fails to attend as required by a probation officer or supervisor;
- (b) fails to carry out in a proper or reasonable manner the work or activity required of him;
- (c) disturbs or interferes with any other person working or doing anything under a work order;
- (d) assaults, threatens, insults, or uses abusive or unfitting language to a probation officer or a supervisor;
- (e) fails to comply with subsection (4) of section seven E;
- (f) changes his place of abode for the purpose of evading the execution of this Act; or

Operation and
enforcement of
work order.

(g) commits a breach of the regulations, he commits an offence for which a probation officer may proceed against him under the *Justices Act 1959*.

“(2) The court before which a complaint under this section is heard may—

- (a) impose a penalty of one hundred dollars; or
- (b) increase the number of Saturdays specified in the order by not more than twenty-five more.

“(3) If it appears to a justice that there is reason to suspect that an employee will—

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

the work order to which he is subject, he may issue his warrant for the employee's arrest.

“(4) On the arrest of an employee under such a warrant he shall be brought before justices forthwith and if it appears to them likely that the employee will so leave or fail to comply they may—

- (a) if the work order was made by the Supreme Court, remand him in custody to be brought before that court, which may revoke that order and adjudge that the employee for the offence for which it was made be fined or imprisoned; or
- (b) if the work order was made by a court of summary jurisdiction—
 - (i) remand him to another court of summary jurisdiction, which may; or
 - (ii) themselves, revoke that order and adjudge that the employee for the offence for which it was made be fined or imprisoned.

Place of
abode.

“7E—(1) For the purposes of subsection (3) of section seven B an employee's place of abode shall be determined by the person giving the notification referred to in subsection (1) of that section.

“(2) If an employee considers that—

- (a) his place of abode has been wrongly determined for the purposes of that subsection; and
- (b) he has, in consequence, been required to travel further than that subsection permits,

he may, after consultation with the person giving the notification, apply forthwith to a justice, who may confirm the notification or refer it to a court of summary jurisdiction, which may on hearing the employee and the person giving the notification or a probation officer confirm or quash the notification.

“(3) For the purposes of subsection (2) of this section—

- (a) a justice shall not refer a notification to a court of summary jurisdiction without first consulting the person giving the notification; and

- (b) consultation may be done by telephone, for which purpose a person answering to a name, personal or of office or position, at a number where the person of that name is reasonably expected to be shall be deemed in the absence of evidence to the contrary to be the person of that name.

“(4) If an employee changes his place of abode he shall give notice of the change forthwith in writing to the Secretary of the Attorney-General’s Department.

“7F—(1) The Minister may appoint so many committees for ^{Committees.} the purposes of section seven B as he thinks fit.

“(2) A committee appointed under this section—

- (a) shall consist of three, four, or five persons of whom one shall have been nominated for the purpose by the body of persons known as the Tasmanian Trades and Labor Council; and

- (b) shall not decide upon a form of work or activity for the purposes of section seven B without the concurrence of the member so nominated.

“7G—(1) The Minister may appoint supervisors for the purposes ^{Appointment of officers.} of this Part, either by name or by reference only to an office or position held by the person to be appointed.

“(2) A probation officer or a supervisor appointed under subsection (1) of this section may appoint any person a supervisor to act in his place on a specified day.

“(3) Every supervisor shall on his appointment be given a warrant of appointment in the prescribed form, which by its production to an employee shall be conclusive evidence that the person producing it is a supervisor.

“7H. Nothing in this Part affects the operation of Part III.” ^{Effect of Part.}

10 Before section eight of the Principal Act the following heading ^{Heading.} is inserted:—

“ PART V

“ MISCELLANEOUS.”

11 Section eight of the Principal Act is amended by adding, at ^{Regulations.} the end thereof the following subsection:—

“(2) Regulations for the purposes of Part IV may—

- (a) regulate the execution of work orders;
- (b) prescribe the conduct of supervisors and of employees;
- (c) provide for the health and safety of supervisors and employees;
- (d) prescribe the effect of injury and sickness in relation to work orders;
- (e) regulate the conduct of the public at places where employees attend or act; and

- (f) provide for penalties not exceeding one hundred dollars for contraventions of regulations made pursuant to paragraph (e) of this subsection.”.

Interim
rules.

12—(1) The Minister may make rules for the purposes of subsection (1) of section six and of section seven c of the Principal Act with all the powers of the judges within the meaning of section twelve of the *Criminal Code Act 1924* or of the Governor and the rule committee under section one hundred and forty-four of the *Justices Act 1959*, as the case may require.

(2) Rules made under this section shall come into force on their publication in the *Gazette* and continue in force until rescinded by rules made under the relevant section mentioned in subsection (1) of this section.

MARINE SEARCH AND RESCUE.

No. 83 of 1971.

AN ACT to make provision with respect to the carrying out of certain marine search and rescue operations and matters incidental thereto.

[14 December 1971.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title.

1 This Act may be cited as the *Marine Search and Rescue Act 1971*.