



PROBATION OF OFFENDERS (No. 2).

No. 66 of 1973.

ANALYSIS.

1. Short title, citation, and commencement.
2. Discharge or suspension of probation order.
3. Expiry of Part.
4. Power to make work orders.
5. Effect of work orders.
6. Variation, &c., of work order.
7. Operation and enforcement of work order.
8. Interim rules.

AN ACT to amend the *Probation of Offenders Act 1973*.
 [28 November 1973.]

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 (No. 2) 1973*. Short title, citation, and commencement.

(2) The *Probation of Offenders Act 1973* is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

2 After section eight of the Principal Act the following section is inserted:—

Discharge or suspension of probation order.

“ 8A—(1) Where a person against whom a probation order has been made becomes subject to guardianship or liable to be detained under the *Mental Health Act 1963* that order may be discharged or its operation suspended until the occurrence of a specified event—

(a) in the case of an order made by a court of summary jurisdiction, by any court of summary jurisdiction on the application of a probation officer; or

(b) in the case of an order made in the Supreme Court, by that Court on an application on behalf of the Crown.

“(2) An application made under paragraph (a) or under paragraph (b) of subsection (1) of this section may be heard *ex parte*.

“(3) In relation to a probation order made by the Supreme Court, rules of court may be made for the purposes of this section under section twelve of the *Criminal Code Act 1924* as if this section were contained in the *Criminal Code*.”

Expiry of Part.

3 Section ten of the Principal Act is repealed.

Power to make work orders.

4 Section eleven of the Principal Act is amended by omitting from subsection (1) the word “ Saturdays ” and substituting therefor the word “ days ”.

Effect of work orders.

5 Section twelve of the Principal Act is amended—

(a) by omitting from subsection (1) the words “ Saturday or Saturdays ” and substituting therefor the words “ day or days ”;

(b) by inserting after that subsection the following subsection:—

“(1A) In determining a day for the purposes of subsection (1) of this section a probation officer or a supervisor shall endeavour to fix a day on which a person, against whom a work order has been made, is not gainfully employed, but except for the purposes of complying with the foregoing provisions of this subsection he shall not fix a day other than a Saturday.”; and

(c) by omitting from subsection (5) the word “ Saturday ” and substituting therefor the word “ day ”.

6 Section thirteen of the Principal Act is amended by omitting from paragraph (c) of subsection (3) the word “ Saturdays ” and substituting therefor the word “ days ”.

Variation, &c.,
of work order.

7 Section fourteen of the Principal Act is amended—

Operation and
enforcement of
work order.

(a) by inserting after subsection (1) the following subsection:—

“(1A) It shall be a defence in any proceedings for an offence under paragraphs (a) and (b) of subsection (1) of this section for the defendant to show that the failure referred to therein arose from his conscientious objection on religious grounds at any specified time or his attendance at any place for religious worship.”.

(b) by omitting from paragraph (b) of subsection (2) the word “ Saturdays ” and substituting therefor the word “ days ”;

(c) by transposing the word “ or ” at the end of paragraph (a) of that subsection to the end of paragraph (b) thereof; and

(d) by inserting after that paragraph the following paragraph:—

“(c) impose a term of imprisonment not exceeding three months.”.

8 Section twenty of the Principal Act is amended by inserting in subsection (1), after the word “ eight,”, the word “ eight A,”.

Interim rules.