



PROBATION OF OFFENDERS AMENDMENT ACT 1994

No. 63 of 1994

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**PROBATION OF OFFENDERS AMENDMENT ACT 1994**

No. 63 of 1994

AN ACT to amend the *Probation of Offenders Act 1973***[Royal Assent 25 November 1994]**

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 *Probation of Offenders Amendment Act 1994*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Probation of Offenders Act 1973** is referred to as the Principal Act.

Section 8 amended (Power to vary probation order)

4—Section 8 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:—

(1) If any court makes a probation order against a person, an application for a variation of the order may be made—

(a) by the person; or

(b) by a police officer; or

(c) by a probation officer; or

(d) on behalf of the Crown.

(1A) If an application to vary a probation order made by a court of summary jurisdiction is made by a police officer or a probation officer, a justice may summon the person against whom the order was made to appear before the court at the hearing of the application.

(2) If an application to vary a probation order made by the Supreme Court is made on behalf of the Crown, the person against whom the order was made may be brought before the Supreme Court in accordance with rules of court made under the *Criminal Code Act 1924* as if this Part were contained in the *Criminal Code*.

* No. 2 of 1973. For this Act, as amended to 1 August 1987, see the continuing Reprint of Statutes. Subsequently amended by No. 7 of 1988, No. 5 of 1990, No. 43 of 1991 and No. 10 of 1993.

Section 9 amended (Breach of probation order)

5—Section 9 (4) of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraph:—

- (c) in the case of a probation order under section 7 (3), impose any or all of the following:—
 - (i) a fine not exceeding 10 penalty units;
 - (ii) a term of imprisonment not exceeding 6 months;
 - (iii) a new probation order.

Section 9A repealed

6—Section 9A of the Principal Act is repealed.

Section 12 amended (Effect of community service orders)

7—Section 12 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) (b) “report to a supervisor at” and substituting “attend”;
- (b) by omitting subsection (5) and substituting the following subsections:—

(5) If, in attempting to comply with subsection (1) (b), an employee notified of any special provision for his or her transportation finds, after due inquiry, that there is no transportation as notified, the employee is to wait for the transportation for one hour.

(5A) If at the end of one hour there is no transportation as notified, the employee—

(a) is at liberty for the rest of the relevant day;
and

(b) is taken to have done all that is required of the employee under this section on that day.

(5B) A probation officer or supervisor may give an employee details of the work activity that the employee is to perform on a particular day, before that day.

(5C) If an employee attending a specified place at a specified time—

(a) finds, after due inquiry, that no supervisor is in attendance; and

(b) has not previously received details of the work activity that he or she is to perform—
the employee is to wait for a supervisor for one hour.

(5D) If a supervisor has not been in attendance at the specified place at the end of one hour the employee—

(a) is at liberty for the rest of the relevant day; and

(b) is taken to have done all that is required of the employee under this section on that day.

Transitional provisions

8—On and from the day on which this Act commences, the operation of a probation order which is suspended immediately before that day ceases to be suspended.

*[Second reading presentation speech made in:—
House of Assembly on 15 September 1994
Legislative Council on 26 October 1994]*