

OFFENDERS PROBATION AND PAROLE.

No. 57 of 1976.

AN ACT to amend the Offenders Probation and
Parole Act, 1963-1971.

[Assented to 16th September, 1976.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Offenders Probation and Parole Act Amendment Act, 1976.*

Short title
and
citation.

(2) In this Act the Offenders Probation and Parole Act, 1963-1971 is referred to as the principal Act.

Reprinted
as
approved
for reprint
16th
January,
1970 and
amended by
Acts Nos.
40 of 1970
and 16 of
1971.

(3) The principal Act as amended by this Act may be cited as the Offenders Probation and Parole Act, 1963-1976.

Commence-
ment.

2. The provisions of this Act shall come into operation on such date or dates as is or are, respectively, fixed by proclamation.

Long title
amended.

3. The long title of the principal Act is amended by adding after the word "Parole", the words "or under Community Service Orders".

Section 3
amended.

4. Section 3 of the principal Act is amended by adding after the passage "PART II.—PROBATION OF OFFENDERS, ss. 6-20.", the passage "PART IIA.—COMMUNITY SERVICE ORDERS, ss. 20A-20S."

Section 4
amended.

5. Section 4 of the principal Act is amended—

(a) by adding after the interpretation "authority" interpretations as follows—

"children's court" means a children's court established under the Child Welfare Act, 1947;

"community service order" means an order made under section twenty B of this Act; ;

(b) by substituting for the interpretation "Comptroller General" an interpretation as follows—

"Director" means the Director of the Department of Corrections appointed under the Prisons Act, 1903, and includes his duly appointed deputy when acting for the time being in his stead; ; and

- (c) by inserting before the interpretation “member” an interpretation as follows—

“District Court” means The District Court of Western Australia; .

6. Section 5 of the principal Act is amended— Section 5
amended.

- (a) by deleting paragraph (a) of subsection (1) and substituting a paragraph as follows—

(a) does not apply to or with respect to a person under the age of seventeen years who is convicted of an offence by a children’s court unless that person is committed to the Supreme Court or the District Court for sentence pursuant to section twenty of the Child Welfare Act, 1947; ; and

- (b) by adding after subsection (4) a subsection as follows—

(5) In Part II or IIA of this Act a reference to the court by which a probation order or community service order was made shall be deemed to include a reference—

- (a) where the order was made by the Supreme Court—to any sitting of the Supreme Court in its criminal jurisdiction at any place in the State;
- (b) where the order was made by the District Court—to any sitting of the District Court in its criminal jurisdiction at any place in the State;
- (c) where the order was made by a court of petty sessions—to any court of petty sessions sitting at the place at which the order was made,

notwithstanding that the judge, stipendiary magistrate or justices, as the case may be, constituting the court may not be the same as made the order originally. .

Section 9
amended.

7. Section 9 of the principal Act is amended by adding after subsection (10) a subsection as follows—

(11) Nothing in this section shall be construed as preventing a court that makes a probation order in respect of any offence from also making a community service order in respect of that offence. .

Section 11
repealed.

8. The principal Act is amended by repealing section 11.

Section 16
amended.

9. Section 16 of the principal Act is amended—

(a) by adding after subsection (2) a subsection as follows—

(2a) The court of petty sessions before which the probationer is required to appear or is directed to be brought pursuant to subsection (2) of this section may exercise the jurisdiction and powers conferred on it by this section notwithstanding any provision of any other Act. ;

(b) by deleting paragraph (b) of subsection (3) and substituting a paragraph as follows—

(b) if the probation order was made by a court of summary jurisdiction—deal with the probationer for the offence in respect of which the probation 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; ; and

(c) as to subsection (6)—

- (i) by deleting the words “a Court of Session” in line two, and substituting the words “the District Court”; and
- (ii) by deleting the words “before the court of that offence” in the last line, and substituting the words “of that offence and was before the court for sentencing”.

10. Section 17 of the principal Act is amended— Section 17 amended.

(a) by repealing subsection (2) and substituting subsections as follows—

(2) A summons or warrant issued under this section shall require or direct the person so convicted to appear or to be brought before—

- (a) the supervising court, if the probation order was made by a children’s court;
- (b) the court by which the probation order was made or the supervising court, if the order was made by a court of petty sessions; or
- (c) the court by which the probation order was made, if the order was made by the Supreme Court or the District Court.

(2a) Where a warrant issued under this section directs a person to be brought before the Supreme Court or the District Court and he cannot forthwith be brought before that court because it is not then in session, the warrant has effect as if it directed him to be brought

before a court of petty sessions and that court shall commit him to custody or release him on bail, with or without sureties, to be brought or to appear before the Supreme Court or District Court, as the case requires. ;

(b) by deleting paragraphs (a) and (b) of subsection (3) and substituting paragraphs as follows—

(a) the supervising court, if the probation order was made by a children's court;

(b) the court by which the probation order was made or the supervising court, if the order was made by a court of petty sessions; or

(c) the court by which the probation order was made, if the order was made by the Supreme Court or the District Court, ;

(c) as to subsection (6)—

(i) by deleting the words "petty sessions" in the last line of paragraph (a), and substituting the words "summary jurisdiction";

(ii) by deleting paragraph (b) and substituting a paragraph as follows—

(b) it is proved to the satisfaction of—

(i) the supervising court, if the probation order was made by a children's court;

(ii) the court by which the probation order was made or the supervising court, if the probation order was made by a court of petty sessions; or

(iii) the court by which the probation order was made, if the order was made by the Supreme Court or the District Court,

that the probationer has been convicted of and dealt with in respect of an offence, other than an offence against section sixteen of this Act or against a law of another State or a Territory corresponding to section fifty G of this Act, committed in this State or elsewhere during the probation period, ; and

(iii) by deleting the word "it" in the penultimate line, and substituting the words "the court by which the order was made";

(d) as to subsection (7)—

(i) by deleting the words "petty sessions" in line two, line eight and line eleven, and substituting the words "summary jurisdiction" in each case;

(ii) by deleting the words "a Court of Session" in lines three and four, and substituting the words "the District Court"; and

(iii) by deleting the words "Court of Session" in line five, and substituting the words "District Court";

(e) as to subsection (8)—

(i) by deleting the words "a Court of Session" in line two and substituting the words "the District Court";

- (ii) by deleting the words "Court of Session" in line seven and in the last line, and substituting the words "District Court" in each case; and
 - (iii) by deleting the words "it had just convicted him before that court of that offence" in lines seven and eight, and substituting the words "he had just been convicted of that offence and was before that court for sentencing"; and
- (f) by adding after subsection (8) a subsection as follows—
- (8a) A court may exercise the powers conferred on it by this section notwithstanding any provision of any other Act. .

Section 18
amended.

11. Section 18 of the principal Act is amended—
- (a) by deleting the words "a court of session" in line two, and substituting the words "the District Court"; and
 - (b) by deleting the words "or chairman" in the last line.

Section 20
amended.

12. Section 20 of the principal Act is amended—
- (a) by adding after paragraph (a) of subsection (1) a paragraph as follows—
 - (aa) the making of a community service order; ;
 - (b) by deleting the word "foregoing" in lines two and three of paragraph (b) of subsection (1); and
 - (c) by deleting the words "petty sessions" in line two of subsection (4), and substituting the words "summary jurisdiction".

13. The principal Act is amended by adding after section 20 a heading and section as follows—

Heading and section 20A added.

PART IIA.—COMMUNITY SERVICE ORDERS.

20A. (1) In this Part unless the contrary intention appears—

Interpretation of this Part.

“advisory committee” means a community service advisory committee appointed under section twenty R of this Act;

“approved work” means work that is declared by an advisory committee to be approved work for the purposes of this Part;

“offender” means a person in respect of whom a community service order is made;

“prescribed requirement” means a requirement imposed by this Part or the regulations on a person in respect of whom a community service order is made;

“relevant officer” in relation to a community service order means the probation officer for the time being assigned under section twenty B of this Act to be the relevant officer in respect of that order;

“supervisor” means a supervisor appointed under and in accordance with the regulations;

“work” includes any form of work, service or activity.

(2) A reference in this Part to the number of hours of work specified in a community service order shall, where that number has been varied pursuant to section twenty H or twenty K of this Act, be construed as a reference to that number as so varied. .

Section 20B
added.

14. The principal Act is amended by adding after section 20 a section as follows—

Community
service
orders in
respect of
convicted
persons.

20B. (1) Subject to sections twenty D and twenty E of this Act, when a person of or over seventeen years of age is before a court for sentencing after being convicted of any offence punishable by a term of imprisonment otherwise than in default of payment of a fine, the court may, instead of sentencing him, make an order requiring him to perform unpaid work in accordance with this Part and the regulations for such number of hours (being in the aggregate not less than forty nor more than two hundred and forty) as may be specified in the order.

(2) Without limiting the generality of subsection (1) of this section, that subsection applies to a person who has been convicted of an offence referred to therein before the date of the coming into operation of section fourteen of the Offenders Probation and Parole Act Amendment Act, 1976 if he has neither been sentenced for that offence nor dealt with under section nine of this Act before that date.

(3) The court that makes a community service order shall specify in the order a court of petty sessions being the court of petty sessions nearest to the place where the offender intends to reside, or being the court of petty sessions that the court making the order deems most convenient in the circumstances, to be the supervising court in respect of the order, and the court of petty sessions so appointed, or such other court of petty sessions as is substituted for that court pursuant to section twenty C of this Act, shall for the purposes of this Act be the supervising court in respect of that order.

(4) A court of petty sessions when acting as a supervising court shall be constituted by a stipendiary magistrate.

(5) A community service order shall require the offender to report himself in person at a place or to a person specified in the order within such time (if any) as is so specified.

(6) 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.

(7) 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 in the prescribed form and—

- (a) cause a copy of it to be given to the offender;
- (b) cause a copy of it to be sent to the Chief Probation Officer; and
- (c) except where the court is itself the supervising court, cause a copy of it to be sent to the clerk of the supervising court together with such documents and information relating to the offender and the offence in respect of which the order was made as it considers likely to be of assistance to the supervising court.

(8) The Chief Probation Officer shall assign a probation officer to be the relevant officer in respect of the community service order and may from time to time so assign another probation officer in place of the officer previously assigned.

(9) Nothing in this section shall be construed as preventing a court that makes a community service order in respect of any offence from also making a probation order in respect of that offence or imposing any disqualification on the offender.

(10) A person who feels himself aggrieved by a summary conviction of a court of summary jurisdiction for an offence in respect of which a community service order is made may, pursuant to those provisions of Part VIII of the Justices Act, 1902, that relate to an ordinary appeal under that Act, appeal against that conviction notwithstanding that no imprisonment is adjudged thereby without the option of a fine. .

Section 20C
added.

15. The principal Act is amended by adding after section 20 a section as follows—

Substitution
of new
supervising
court.

20C. (1) Where the supervising court is satisfied that an offender has changed or proposes to change his place of residence, so that some other court of petty sessions is or will be the nearest court of petty sessions to the new place of residence of the offender or the most convenient in the circumstances of the case, the supervising court may, by order, amend the community service order that relates to the offender by substituting that other court of petty sessions as the supervising court in place of the court originally appointed as such.

(2) Where a community service order is amended as provided in subsection (1) of this section the court making the amending order shall send to the new supervising court referred to in the amending order a copy of the amending order together with such documents and information relating to the offender and the offence in respect of which the community service order was made, as it considers likely to be of assistance to that court. .

Section 20D
added.

16. The principal Act is amended by adding after section 20 a section as follows—

Circum-
stances in
which a
community
service
order may
be made.

20D. (1) A court shall not make a community service order in respect of a person unless the person consents and the court—

(a) has been notified by a probation officer that arrangements exist for persons

who reside in the area in which that person intends to reside to perform work under such an order;

(b) is satisfied, after considering a report from a probation officer about the person and his circumstances, and, if the court thinks necessary, hearing a probation officer,—

(i) that the person is a suitable person to perform work under such an order; and

(ii) that, if such an order is made, work of a suitable nature can be provided for the person under the arrangements mentioned in paragraph (a) of this subsection.

(2) Without prejudice to any other powers that the court may exercise, where a person is before a court for sentencing the court may, in order to obtain any notification, report or information from a probation officer for the purposes of subsection (1) of this section, adjourn the hearing of the proceedings and release the person 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 or with any of the prescribed requirements;

(c) that the order may be reviewed on his application or on the application of the relevant officer. .

Section 20E
added.

17. The principal Act is amended by adding after section 20 a section as follows—

Maximum
hours of
service in
case of
multiple or
subsequent
orders.

20E. (1) Where a court makes community service orders in respect of two or more offences of which a person has been convicted, the court shall not order the person to perform work under those orders for a number of hours that, in the aggregate, exceeds two hundred and forty.

(2) Where a court makes a community service order in respect of a person and there is or are in force in respect of that person one or more other such orders, the court shall not order the offender to perform work for a number of hours that would require him, after the making of the first-mentioned order, to perform work under that order and the previous order or orders for a number of hours that, in the aggregate, exceeds two hundred and forty. .

Section 20F
added.

18. The principal Act is amended by adding after section 20 a section as follows—

Obligations
of
offender.

20F. (1) A person in respect of whom a community service order is in force shall—

- (a) perform for the number of hours specified in the order such approved work as the relevant officer directs at such times as the relevant officer directs;
- (b) perform that work in a satisfactory manner;
- (c) while performing that work comply with any reasonable direction of a supervisor; and
- (d) inform the relevant officer of any change in his address.

(2) In giving directions to a person under subsection (1) of this section the relevant officer shall, so far as practicable, avoid—

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

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

(3) Subject to sections twenty H and twenty J of this Act a person in respect of whom a community service order is in force shall perform the number of hours of work specified in the order during the period of twelve months beginning with the date of the order. .

19. The principal Act is amended by adding after section 20 a section as follows—

Section 20G added.

20G. A community service order shall remain in force until—

Duration of community service order.

- (a) the offender has performed approved work in accordance with section 20F of this Act for the number of hours specified in the order;
- (b) the order is discharged pursuant to section twenty K of this Act; or
- (c) the offender is sentenced for the offence in respect of which the order was made. .

20. The principal Act is amended by adding after section 20 a section as follows—

Section 20H added.

20H. (1) If at any time while a community service order is in force the offender fails to comply with any requirement of the order or with any prescribed requirement he is guilty of an offence against this section.

Breach of requirements of, or relating to, community service order.

(2) If at any time while a community service order is in force it appears on complaint in writing to a justice that the offender has failed

to comply with the order or with any prescribed requirement, the justice may issue a summons requiring the offender to appear—

- (a) where the order was made by a court of petty sessions, at that court or at the supervising court;
- (b) where the order was made by a court other than a court of petty sessions, at the supervising court,

at the time specified in the summons, or may if the complaint is in writing and on oath, issue a warrant for the arrest of the offender and directing that he be brought before a court of petty sessions, being one of the courts referred to in paragraph (a) or (b) of this subsection, as soon as practicable after his arrest.

(3) The court of petty sessions before which the offender is required to appear or is directed to be brought pursuant to subsection (2) of this section may exercise the jurisdiction and powers conferred on it by this section notwithstanding any provision of any other Act.

(4) If the court of petty sessions before which an offender appears or is brought pursuant to subsection (2) of this section, convicts the offender of an offence against subsection (1) of this section, that court may—

- (a) without prejudice to the continuation of the community service order, impose on him a fine not exceeding two hundred dollars;
- (b) subject to subsection (5) of this section, and with his consent, increase the number of hours for which he is required to perform work under the community service order;
- (c) if the community service order was made by a court of summary jurisdiction deal with the offender for the offence in respect of which the

community service 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

- (d) in any other case—commit him to custody or release him on bail, with or without sureties, to be brought or to appear before the court by which the community service order was made.

(5) Where a court of summary jurisdiction exercises the power referred to in paragraph (b) of subsection (4) of this section, that court—

- (a) may, if it thinks necessary, extend, in relation to the community service order, the period of twelve months specified in subsection (3) of section twenty F of this Act;
- (b) shall not increase the number of hours for which the offender is required to perform work under the community service order to such an extent as would require him, after the making of that increase, to perform work under that order and all other such orders in force in respect of him (if any) for a number of hours that, in the aggregate, exceeds two hundred and forty.

(6) Where a court of summary jurisdiction exercises the power referred to in paragraph (d) of subsection (4) of this section, that court shall as soon as practicable thereafter send to the Crown Solicitor a certificate signed by a justice certifying that the offender has failed to comply with such requirement of the community service order, or prescribed requirement, as is specified in the certificate, together with such other particulars of the case as the court thinks desirable.

(7) A certificate given pursuant to and in accordance with subsection (6) of this section is admissible as evidence before any court of the failure of the offender to comply with the requirement specified in the certificate and of the other particulars (if any) specified in the certificate.

(8) Where an offender is brought or appears before the Supreme Court or the District Court and it is proved to the satisfaction of the court before which he is brought or appears that the offender has failed to comply with a requirement of the community service order, or with a prescribed requirement, that court may deal with him for the offence in respect of which the community service order was made in any manner in which that court could deal with him if he had just been convicted of that offence and was before the court for sentencing.

(9) In proceedings before the Supreme Court or the District Court under this section, any question whether an offender has failed to comply with a requirement of a community service order, or with a prescribed requirement, shall be determined by the judge and not by the verdict of a jury.

(10) A complaint under this section for failure to comply with a requirement of a community service order, or with a prescribed requirement, may aver that the defendant is the person in respect of whom the relevant community service order was made.

(11) In any proceedings under this section upon a complaint averring the fact referred to in subsection (10) of this section the person charged with failure to comply with a requirement of a community service order, or with a prescribed requirement, 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 community service order was made and if he admits that conviction no further proof of the conviction so admitted is necessary. .

21. The principal Act is amended by adding after section 20 a section as follows—

Section 20J added.

20J. Where a community service order is in force and, on the application of the offender or the relevant officer, it appears to the supervising court that it would be in the interests of justice to do so having regard to circumstances that have arisen since the order was made, the court may extend, in relation to the order, the period of twelve months specified in subsection (3) of section twenty F of this Act. .

Extension of time for performing work.

22. The principal Act is amended by adding after section 20 a section as follows—

Section 20K added.

20K. (1) Where a community service order is in force and, on the application of the offender or the relevant officer made—

Discharge and amendment of community service orders and substitution of other penalties or orders.

(a) in the case of an order made by a court of summary jurisdiction—to the supervising court; or

(b) in any other case—to the court by which the order was made,

it appears to the court to which the application is made 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, the court may—

(c) discharge the order; or

(d) reduce the number of hours for which the offender is required to perform work under the order.

(2) Where a community service order is in force and, on the application of the relevant officer, it appears to the supervising 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, the court may—

- (a) if the order was made by a court of summary jurisdiction—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) in any other case—commit the offender to custody or release him on bail, with or without sureties, to be brought or to appear before the court by which the order was made,

and where the court exercises the power referred to in paragraph (b) of this subsection it shall as soon as practicable thereafter send to the Crown Solicitor such particulars of the case as it thinks desirable.

(3) A supervising court may exercise the powers conferred on it by this section notwithstanding any provision of any other Act.

(4) Where an offender is brought or appears before the Supreme Court or the District Court and 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 community service order was made, that court may deal with the offender for the offence in respect of which the order was made in any manner in which that court could deal with him if he had just been convicted of that offence and was before the court for sentencing.

23. The principal Act is amended by adding after section 20 a section as follows—

Section 20L
added.

20L. (1) Where an application is made to a court under section twenty J or subsection (1) or (2) of section twenty K of this Act by the relevant 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.

Notice of
applications
etc.

(2) Where an application is made to a court under section twenty J or subsection (1) of section twenty K of this Act 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 relevant officer. .

24. The principal Act is amended by adding after section 20 a section as follows—

Section 20M
added.

20M. Where, pursuant to section twenty H, twenty J or twenty K of this Act, a court—

Notification
of discharge,
amendment
of orders
etc.

- (a) discharges a community service order;
- (b) varies the number of hours for which an offender is required to perform work under a community service order;
or
- (c) extends the period of twelve months specified in subsection (3) of section twenty F of this Act,

the court shall cause notice in writing of the discharge, variation or extension to be given to the offender, the relevant officer and (if that court is not the supervising court) the supervising court. .

Section 20N
added.

25. The principal Act is amended by adding after section 20 a section as follows—

Order to be
taken into
account in
sentencing.

20N. Where a person 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 person, shall take into account—

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

Section 20P
added.

26. The principal Act is amended by adding after section 20 a section as follows—

Application
of certain
provisions
of Justices
Act, 1902
and
Prisons
Act, 1903.

20P. (1) The provisions of the Justices Act, 1902, so far as applicable, and subject to such adaptations as are necessary, extend and apply to and with respect to all complaints, summonses and warrants referred to in this Part and for the purposes of such application each of those complaints shall be regarded as a complaint for an offence and each of those summonses shall be regarded as a summons to answer a complaint.

(2) The provisions of sections one hundred and fifteen to one hundred and twenty-three, both inclusive, of the Justices Act, 1902, so far as they are applicable, with such adaptations as are necessary, extend to and apply to and with respect to the admission of offenders to bail pursuant to the foregoing provisions of this Act, and for the purposes of so applying those provisions every such offender shall be regarded as a person charged with an indictable offence and directed to be tried therefor.

(3) The provisions of section fifty-two of the Prisons Act, 1903, extend and apply to and with respect to the case of a prisoner who is in custody as mentioned in that section and in respect of whom a summons is issued pursuant to section twenty H or twenty L of this Act. .

27. The principal Act is amended by adding after section 20 a section as follows—

Section 20Q
added.

20Q. An offender shall in respect of—

Compensation
for
injury.

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

be deemed to be a worker employed by the Crown for the purposes of the Workers' Compensation Act, 1912 and where, for the purpose of calculating the compensation payable under that Act in respect of a compensable injury suffered by an offender, reference to weekly earnings is necessary, the offender shall be deemed to have had weekly earnings 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 this State. .

28. The principal Act is amended by adding after section 20 a section as follows—

Section 20R
added.

20R. (1) The Minister may appoint one or more community service advisory committees for the purposes of this Act.

Advisory
committees.

(2) An advisory committee shall consist of three, four or five persons one of whom shall have been nominated for membership of the committee by the body known as the Trades and Labor Council of Western Australia.

(3) An advisory committee may declare any form of work it thinks fit to be approved work for the purposes of this Part. .

Section 20S
added.

29. The principal Act is amended by adding after section 20 a section as follows—

Regulations
under this
Part.

20S. Without limiting the generality of section fifty-two of this Act regulations made for the purposes of this Part may—

- (a) provide for the appointment of supervisors to supervise offenders in the performance of work under community service orders;
- (b) regulate the conduct of supervisors and of offenders;
- (c) provide for the health and safety of supervisors and offenders;
- (d) prescribe the maximum number of hours of work that an offender may be required to perform under a community service order on any one day;
- (e) provide for travelling and transport arrangements to be made for offenders performing work under community service orders;
- (f) prescribe the effect of injury and sickness in relation to community service orders;
- (g) prescribe periods to be taken into account in computing the number of hours of work performed by an offender under a community service order;
- (h) regulate the holding of meetings of advisory committees and the procedure to be observed at such meetings. .

30. Section 21 of the principal Act is amended— Section 21
amended.

(a) by repealing subsection (2) and substituting subsections as follows—

(2) Where a general matter or a matter affecting a male prisoner is to be dealt with by the Board, the Board shall consist of seven members, namely—

- (a) a judge nominated with his consent by the Chief Justice of the Supreme Court either generally or for a specified term;
- (b) the Director; and
- (c) three men and two women appointed by the Governor.

(2a) Where a matter affecting a female prisoner is to be dealt with by the Board, the Board shall consist of five members, namely—

- (a) the judge nominated under paragraph (a) of subsection (2) of this section;
- (b) the Director;
- (c) the two women appointed under paragraph (c) of subsection (2) of this section; and
- (d) one of the men appointed under paragraph (c) of subsection (2) of this section nominated by the Governor at the time of his appointment as member.

(2b) The persons holding office under paragraph (c) of subsection (2) of this section immediately before the coming into operation of section thirty of the Offenders Probation and Parole Act Amendment Act, 1976 shall be deemed to have been appointed under that

paragraph as re-enacted by that section and, subject to this Act, each of them shall hold office for the unexpired portion of the term for which he or she was appointed to office. ; and

- (b) by deleting the passage "subsection (2) of this section" in lines three and four of paragraph (a) of subsection (3), and substituting the passage "subsection (2) or (2a) of this section, as the case may require".

Section 23
amended.

31. Section 23 of the principal Act is amended by deleting the words "Comptroller General" in line two of paragraph (b) of subsection (3), and substituting the word "Director".

Section 40
amended.

32. Subsection (2) of section 40 of the principal Act is amended—

- (a) by deleting the words "a court of sessions" in lines two and three of paragraph (a), and substituting the words "the District Court"; and
- (b) by deleting the words "Comptroller General" in line nine, and substituting the word "Director".

Section 49
amended.

33. Section 49 of the principal Act is amended by deleting the words "Comptroller General" in lines fourteen and fifteen, and substituting the word "Director".

Section 50G
amended.

34. Section 50G of the principal Act is amended by deleting the words "a Court of Session", in line two of subsection (7) and substituting the words "the District Court".

Section 50H
amended.

35. Section 50H of the principal Act is amended by deleting the words "a Court of Session" in line four of subsection (9), and substituting the words "the District Court".

36. Section 50J of the principal Act is amended— Section 50J amended.

(a) by deleting the words “a Court of Session” in—

(i) line five of subsection (7);

(ii) lines three and four of subsection (8); and

(iii) the penultimate and last lines of subsection (8),

and substituting the words “the District Court” in each case; and

(b) by deleting the words “Court of Session” in line seven of subsection (7), and substituting the words “District Court”.

37. Section 50K of the principal Act is amended Section 50K amended. by deleting the words “a Court of Session” in line four of subsection (9), and substituting the words “the District Court”.

38. Section 51A of the principal Act is amended Section 51A amended. by inserting before the word “and” in line two of paragraph (a) of subsection (1), the passage “, IIA”.
