

COMMUNITY CORRECTIONS LEGISLATION AMENDMENT ACT

No. 61 of 1990

AN ACT to amend the *Bail Act 1982* to provide for home detention conditions, to rename the *Offenders Probation and Parole Act 1963* as the *Offenders Community Corrections Act 1963* and amend that Act to provide for home detention orders, to repeal the *Community Corrections Centres Act 1988* and re-enact its provisions in the *Offenders Community Corrections Act 1963*, and for related purposes.

[Assented to 17 December 1990.]

The Parliament of Western Australia enacts as follows:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Community Corrections Legislation Amendment Act 1990*.

Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

PART 2—BAIL ACT 1982

Principal Act

3. In this Part the *Bail Act 1982** is referred to as the principal Act.

*[*Reprinted as at 6 February 1989 (date of commencement) and amended by Acts Nos. 49 and 70 of 1988.]*

Section 3 amended

4. Section 3 of the principal Act is amended in subsection (1) by inserting in the appropriate alphabetical positions the following definitions—

“ “chief executive officer of corrective services” means the chief executive officer of the department principally assisting the Minister to whom the administration of the *Prisons Act 1981* is for the time being committed by the Governor with that administration;

“community corrections officer” has the same meaning as in the *Offenders Community Corrections Act 1963*;

“home detention condition” means a home detention condition imposed under clause 3 of Part D of the Schedule; ”.

Section 13 amended

5. Section 13 of the principal Act is amended—

(a) by inserting after the section designation “13.” the subsection designation “(1)”; and

(b) by inserting the following subsection—

- “ (2) A home detention condition shall not be imposed as a condition of bail except by a judicial officer. ”.

Section 24 repealed and a section substituted

6. Section 24 of the principal Act is repealed and the following section is substituted—

Information may be referred to police officer for verification or for report

“ 24. (1) A judicial officer or authorized officer who is called upon to consider a case for bail may—

- (a) request that any information placed before the judicial officer or authorized officer by the defendant for the purposes of the case be verified by a police officer, and to that end may refer to a police officer the prescribed form mentioned in section 8 (1) (b), after it has been completed or revised;

- (b) request that a report on any matter mentioned in Part C of the Schedule, so far as it applies to a defendant whose case is being or to be considered, be made by a police officer.

(2) Where a reference or request is made under subsection (1) a police officer shall, as soon as is practicable—

- (a) make a report to the judicial officer or the authorized officer accordingly; and
- (b) furnish a copy of the report to the defendant or his solicitor or counsel. ”.

Section 24A inserted

7. After section 24 of the principal Act the following section is inserted—

**Information may be referred to community
corrections officer for verification or
for report**

“ 24A. (1) A judicial officer who is called upon to consider a case for bail may refer to a community corrections officer any matter referred to in section 24 (1) and may request a community corrections officer to do any matter referred to in that section.

(2) A judicial officer who is called upon to consider a case for bail and who desires to impose a home detention condition as a condition on a grant of bail, shall request that a report be made by a community corrections officer about the suitability of the defendant to be subject to a home detention condition.

(3) Where a reference or a request is made under subsection (1) or a report is requested under subsection (2) a community corrections officer shall, as soon as is practicable, make a report to the judicial officer and, at the discretion of the judicial officer, copies may be made available to the prosecution or to the defendant or his solicitor or counsel.

(4) Where a community corrections officer makes a report that a defendant is suitable to be subject to a home detention condition, the officer shall annex to the report and provide to the defendant or his solicitor or counsel, a list of those conditions in rules made under section 50L that may be applied to the defendant by the chief executive officer of corrective services while the defendant is subject to the home detention condition. ”.

Section 27A inserted

8. The principal Act is amended by inserting after section 27 the following section—

Transmission of papers to chief executive officer of corrective services

- “ 27A. A judicial officer who grants bail subject to a home detention condition shall ensure that a copy of the bail record form and of the bail undertaking are sent as soon as is practicable to the chief executive officer of corrective services. ”.

Section 28 amended

9. Section 28 of the principal Act is amended in subsection (2)—

- (a) by deleting the comma at the end of paragraph (c) and substituting a semi-colon; and
- (b) by inserting after paragraph (c) the following paragraph—

- “ (d) that he will comply with any home detention condition which may be imposed as a condition on a grant of bail to him pursuant to clause 3 of Part D of the Schedule, ”.

Section 46 amended

10. Section 46 of the principal Act is amended in subsection (1) by—

- (a) deleting “or” at the end of paragraph (a) (i);
- (b) deleting “and” at the end of paragraph (a) (ii) and substituting the following—

- “ or ”; and

(c) inserting after paragraph (a) (ii) the following—

“ (iii) is, or has been, in breach of a home detention condition mentioned in section 28 (2) (d); and ”.

Part VIA inserted

11. After Part VI of the principal Act the following Part is inserted—

“ **PART VIA—ADMINISTRATION OF HOME
DETENTION CONDITIONS**

**Powers of chief executive officer
of corrective services**

50A. The chief executive officer of corrective services has all of the powers conferred under this Act on a community corrections officer and may review, vary, or rescind a direction given by a community corrections officer.

Powers of persons engaged under contract

50B. Subject to the person's contract, a person engaged under section 5F (1) of the *Offenders Community Corrections Act 1963* has the functions, powers and duties of a community corrections officer under this Act.

Powers and duties of community corrections officers

50C. (1) A community corrections officer may give such reasonable directions to a defendant subject to a home detention condition as are necessary for the proper administration of the condition and any other condition imposed on the grant of bail to the defendant including, without limiting the generality of the foregoing, directions as to—

- (a) when the defendant may leave the place where he is required by the home detention condition to remain;

- (b) the period of any authorized absence from the place where he is required by the home detention condition to remain;
- (c) when the defendant shall return to the place where he is required by the home detention condition to remain;
- (d) the method of travel to be used by the defendant during any absence from the place where he is required by the home detention condition to remain;
- and
- (e) the manner in which the defendant shall report his whereabouts.

(2) For the purpose of ascertaining whether or not a defendant is complying with a home detention condition or any direction given pursuant to subsection (1), a community corrections officer may, at any time—

- (a) enter or telephone the place where the defendant is required by a home detention condition to remain;
- (b) enter or telephone the defendant's place of employment or any other place where the defendant is permitted or required to attend; or
- (c) question any person at any place referred to in paragraph (a) or (b).

(3) A person who—

- (a) hinders a person exercising powers under subsection (2); or
- (b) fails to answer a question put pursuant to subsection (2) (c) or gives an answer that the person knows is false or misleading in a material particular,

commits an offence.

Penalty: \$2 000 or imprisonment for 6 months or both.

(4) A community corrections officer—

- (a) shall keep such records and make such returns and reports in relation to defendants subject to home detention conditions as the chief executive officer of corrective services directs; and
- (b) shall make any records relating to a defendant subject to a home detention condition available on the request of the chief executive officer of corrective services to him.

Powers of members of the Police Force

50D. (1) For the purpose of ascertaining whether or not a defendant is complying with a home detention condition, a member of the Police Force may—

- (a) require the defendant to produce a copy of his bail undertaking and any notice by the chief executive officer of corrective services under section 50E (a) for inspection; and
- (b) require the defendant to explain why he is absent from the place where he is required by the home detention condition to remain.

(2) A defendant who fails to comply with subsection (1) (a) or who fails to explain when required to do so under subsection (1) (b) or who gives an explanation that the defendant knows is false or misleading in a material particular, commits an offence.

Penalty: \$2 000 or imprisonment for 6 months or both.

Chief executive officer of corrective services may substitute a different place of detention and apply conditions

50E. The chief executive officer of corrective services may, at any time, by notice in writing given to a defendant granted bail subject to a home detention condition—

- (a) substitute a different place for the place where a defendant is required by a home detention condition to remain;

- (b) require the defendant to comply with such of the conditions specified in the list provided to the defendant under section 24A (4) as are specified in the notice.

Chief executive officer of corrective services may revoke bail

50F. (1) Where a home detention condition has been imposed as a condition on a grant of bail to a defendant the chief executive officer of corrective services may, in his absolute discretion, by instrument signed by him and if practicable, given to the defendant, revoke the bail.

(2) Without limiting the generality of subsection (1), the power to revoke bail may be exercised where the defendant—

- (a) is not likely to comply with any requirement of his bail undertaking mentioned in section 28 (2) (a) or (b); or
- (b) is, or has been, or is likely to be in breach of any condition of his bail undertaking mentioned in section 28 (2) (c).

(3) Subject to subsection (4), where the chief executive officer of corrective services revokes bail he shall include a statement of his reasons for the cancellation in the instrument cancelling the bail.

(4) Where the chief executive officer of corrective services is of the opinion that it would be in the interest of the defendant or any other person, or the public, to withhold from the defendant any or all of the reasons referred to in subsection (3), the chief executive officer of corrective services may so withhold the reason or reasons.

(5) Where the chief executive officer of corrective services revokes bail, he may, whenever necessary, issue a warrant directed to all members of the Police Force to have the defendant arrested and brought before an appropriate judicial officer.

Effect of revocation of bail

50G. (1) A defendant arrested pursuant to a warrant issued under section 50F shall be taken as soon as is practicable before an appropriate judicial officer unless he is arrested less than 24 hours before the time at which he is due to appear in accordance with his bail undertaking, in which case he shall be held in custody and brought before an appropriate judicial officer at that time.

(2) The judicial officer before whom a defendant appears under this section may—

- (a) remand the defendant in custody to appear at the time and place specified, or deemed by section 31 (3) to be specified, in his bail undertaking; or
- (b) grant fresh bail to the defendant in accordance with this Act, other than clause 2 of Part B of the Schedule.

Exclusion of the rules of natural justice

50H. The rules known as the rules of natural justice (including any duty of procedural fairness) do not apply to or in relation to the doing or omission of any act, matter or thing under this Part by the chief executive officer of corrective services.

Delegation by chief executive officer of corrective services

50J. The chief executive officer of corrective services may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to any person any power or duty under this Part, other than this power of delegation.

**Community corrections officer
may enter to retrieve equipment**

50K. Where pursuant to rules made under section 50L any device or equipment has been installed at the place where a defendant is required by a home detention condition to remain, a community corrections officer may, at any time, enter that place to retrieve the device or equipment.

Rules

50L. (1) The chief executive officer of corrective services may, with the approval of the Minister, make rules for the purposes of this Part which may provide for the manner of ensuring that defendants are complying with home detention conditions and for conditions to be applied to defendants granted bail subject to home detention conditions including conditions—

- (a) requiring a defendant to wear any device;
- (b) requiring a defendant to permit the chief executive officer of corrective services to install any device or equipment at the place where the defendant is required by a home detention condition to remain.

(2) Rules made under this section may confer a discretionary authority on any person or class of persons.

(3) Sections 41 and 42 of the *Interpretation Act 1984* do not apply to rules made under this section. ”.

Section 54 amended

12. Section 54 of the principal Act is amended in subsection (1) (a) by—

- (a) deleting “or” at the end of subparagraph (i);
- (b) inserting at the end of subparagraph (ii) the following—
“ or ”; and

- (c) inserting after subparagraph (ii) the following subparagraph—

“ (iii) is, or has been, in breach of a home detention condition mentioned in section 28 (2) (d); ”.

Section 55 amended

13. Section 55 of the principal Act is amended in subsection (1) by—

- (a) deleting “or” at the end of paragraph (b); and
- (b) inserting after paragraph (b) the following—

“ (ba) he is, or has been, in breach of a home detention condition mentioned in section 28 (2) (d); or ”.

Schedule, Part B amended

14. Clause 4 of Part B of the Schedule to the principal Act is amended by—

- (a) deleting “or” at the end of paragraph (a);
- (b) deleting the full stop at the end of paragraph (b) and substituting the following—

“ ; or ”; and

- (c) inserting after paragraph (b) the following paragraph—

“ (c) where bail was granted subject to a home detention condition, he has, since the previous occasion when his case for bail was considered, complied with the home detention condition for a period of one month or more. ”.

Schedule, Part D amended

15. Part D of the Schedule to the principal Act is amended by inserting after clause 2, the following clause—

Home detention condition may be imposed

“ 3. (1) A judicial officer may, subject to this clause, impose a home detention condition as a condition on a grant of bail.

(2) A home detention condition shall not be imposed unless the defendant is over the age of 17 years and the judicial officer is satisfied—

- (a) after considering a report from a community corrections officer about the defendant and his circumstances, that the defendant is suitable to be subject to a home detention condition;
- (b) that the place where it is proposed the defendant will remain while subject to the home detention condition is a suitable place; and
- (c) that unless a home detention condition is imposed, the defendant will not be released on bail.

(3) A home detention condition is a condition that while the defendant is on bail the defendant shall—

- (a) remain at and not leave the place specified in the bail record form and in the bail undertaking (or in a notice under section 50E) until the time specified, or deemed by section 31 (3) to be specified, in the bail undertaking except—
 - (i) to work in gainful employment approved by a community corrections officer;
 - (ii) with the approval of a community corrections officer, to seek gainful employment;
 - (iii) to obtain urgent medical or dental treatment for the defendant;
 - (iv) for the purpose of averting or minimizing a serious risk of death or injury to the defendant or to another person;

- (v) to obey an order issued under a written law (such as a summons) requiring the defendant's presence elsewhere;
 - (vi) for a purpose approved of by a community corrections officer; or
 - (vii) on the direction of a community corrections officer;
- (b) not leave the State;
- (c) comply with every reasonable direction of a community corrections officer;
- (d) comply with such of the conditions specified in the list provided under section 24A (4) as may be specified in a notice given under section 50E (b);
- and
- (e) when requested to do so, produce a copy of his bail undertaking and any notice by the chief executive officer of corrective services under section 50E for inspection by a community corrections officer or a member of the Police Force. ”.

PART 3—OFFENDERS PROBATION AND PAROLE ACT 1963

Principal Act

16. In this Part the *Offenders Probation and Parole Act 1963** is referred to as the principal Act.

[*Reprinted as at 24 August 1988 and amended by Acts Nos. 87 of 1982, 34, 38, 49 and 70 of 1988 and 5 of 1990.]

Long title repealed and another long title substituted

17. The long title to the principal Act is repealed and the following long title is substituted—

“ An Act to provide for the release of offenders on probation orders, community service orders, parole orders, home detention orders, or work release orders, for conditions applicable to those orders and to work and development orders, for the establishment and management of community corrections centres and for related purposes. ”.

Short title amended

18. Section 1 of the principal Act is amended by deleting “*Offenders Probation and Parole Act 1963.*” and substituting the following—

“ *Offenders Community Corrections Act 1963.* ”.

Section 4 amended

19. Section 4 of the principal Act is amended by—

- (a) deleting the definition of “prison” and substituting the following definition—

“ “prison” means—

(a) a prison as defined in the *Prisons Act 1981*;

(b) a police lock up; ”; and

- (b) inserting in the appropriate alphabetical positions, the following definitions—

“ “community corrections centre” means premises or a place declared to be a community corrections centre under section 5M;

“community corrections centre order” means—

- (a) a home detention order;
- (b) a work release order; and
- (c) a work and development order issued under Part VIAA of the *Justices Act 1902*;

“community corrections officer” means—

- (a) a person appointed and holding office as a community corrections officer under section 5D; or
- (b) a person appointed as an honorary community corrections officer under section 5E;

“community work” includes any form of work, service or activity approved for the purpose of this definition by the chief executive officer;

“department” means the department principally assisting the Minister to whom the administration of the *Prisons Act 1981* is for the time being committed by the Governor with that administration;

“home detention order” means an order made by the chief executive officer for the release of a prisoner under section 50A;

“programme” means a programme of activities approved as a community corrections programme under section 5P;

“supervisor” in relation to a community corrections centre, means the community corrections officer who is at the relevant time in control of the centre;

“volunteer” means a person whose name appears in the register of volunteers kept under section 5G. ”.

Section 5A repealed

20. Section 5A of the principal Act is repealed.

Part 1A inserted

21. After Part 1 of the principal Act the following Parts are inserted—

“

PART 1A—OFFICERS

Division 1—Chief executive officer

Responsibilities and powers of chief executive officer

5A. (1) Subject to this Act and the control of the Minister, the chief executive officer is responsible for—

- (a) the proper administration of probation orders, community service orders, parole orders and community corrections centre orders; and
- (b) the control and management of community corrections centres.

(2) The chief executive officer has all of the powers and immunities conferred under this Act on a community corrections officer and may review, vary, or rescind a decision made, or a direction or order given, by a community corrections officer, a person engaged under section 5F, or a volunteer.

Delegation by chief executive officer

5B. The chief executive officer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the chief executive officer, delegate to any person—

- (a) any power or duty under this Act, other than this power of delegation;
- (b) any power or duty under Part VIAA of the *Justices Act 1902*.

Division 2—Officers

Appointment of officers

5C. There may be appointed under and subject to the *Public Service Act 1978*, such officers, other than community corrections officers, including a person to be the secretary of the Parole Board, as are required for the purposes of this Act.

Appointment of community corrections officers

5D. (1) There may be appointed under and subject to the *Public Service Act 1978*, such community corrections officers as are required for the purposes of this Act.

(2) The functions, powers and duties of a community corrections officer are as set out in this Act, in regulations made under this Act, and in rules made in that behalf by the Judges of the Supreme Court.

(3) A community corrections officer shall—

- (a) keep such records and make such returns and reports as the chief executive officer directs; and
- (b) make any records relating to an offender available on request of the chief executive officer to the chief executive officer or the supervisor of the community corrections centre at which the community corrections officer is working.

(4) A community corrections officer is—

- (a) in relation to a probation order in respect of which he has been assigned under section 9 (10) to be the community corrections officer, subject to direction by the court that made the probation order; and
- (b) in relation to a parole order in respect of which he has been assigned under section 41 (4) to supervise the prisoner to whom the parole order relates, subject to direction by the Parole Board,

but otherwise is under the control of the chief executive officer.

Appointment of honorary community corrections officers

5E. (1) The chief executive officer may by instrument appoint any person, not being a member of the Police Force, to be an honorary community corrections officer for the purposes of this Act and may at any time remove any person so appointed.

(2) The terms and conditions of the appointment of an honorary community corrections officer are as stated in the instrument of appointment.

(3) Subject to the instrument of appointment, an honorary community corrections officer has the functions, powers and duties of a community corrections officer.

Chief executive officer may engage persons under contract

5F. (1) The chief executive officer may engage under contract for services such persons to provide professional, technical or other assistance as the chief executive officer considers necessary for the purposes of this Act.

(2) Subject to the contract, a person engaged under subsection (1) has the functions, powers and duties of a community corrections officer.

Volunteers

5G. (1) The chief executive officer may by instrument authorize a person to work as an unpaid volunteer for the purposes of this Act.

(2) The terms and conditions of the appointment of a volunteer are as stated in the instrument of appointment.

(3) Subject to the instrument of appointment, a volunteer has the functions, powers and duties of a community corrections officer.

(4) The chief executive officer shall give the original of the instrument of authority to a person authorized to work under subsection (1) and shall keep a register containing copies of instruments of authority given to persons under this section.

(5) A volunteer is under the control of the chief executive officer.

Compensation for injury

5H. A person who is—

(a) an honorary community corrections officer; or

(b) a volunteer,

is, while working for the purposes of this Act, to be regarded for the purposes of the *Workers' Compensation and Assistance Act 1981* as a worker employed by the Crown and for the purposes of that Act the person's weekly earnings are to be taken to be the amount that the Minister considers is reasonable in the circumstances.

Immunity from liability

5J. A person who is—

(a) a community corrections officer;

(b) a person contracted under section 5E; or

(c) a volunteer,

is not personally liable in any action or suit whatsoever in respect of anything done or omitted in good faith in the exercise or purported exercise of any power or duty conferred on or delegated to the person by or under this or any other Act.

Assistance by police officers

5K. (1) Subject to the directions of the Commissioner of Police, a member of the Police Force may, upon the request of the chief executive officer or a community corrections officer, assist in the exercise or performance of any power or duty conferred or imposed by this Act.

(2) A member of the Police Force acting under subsection (1) shall, in addition to the powers and duties conferred and imposed on him by or under any other law, have the powers and be subject to the responsibilities and shall receive the protection from liability which in like circumstances would be conferred or imposed on a community corrections officer.

PART 1B—COMMUNITY CORRECTIONS CENTRES

Division 1—Preliminary

Interpretation

5L. In this Part, unless the contrary intention appears—

“centre” means a community corrections centre;

“offender” means a person who is the subject of a community corrections centre order.

Division 2—Establishment

Proclamation of community corrections centres

5M. (1) The Governor may by proclamation declare any premises or place to be a community corrections centre for the purposes of this Act.

(2) The Governor may amend or revoke a proclamation made under subsection (1).

Departmental report as to centres

5N. The annual report of the department prepared for the purposes of the *Financial Administration and Audit Act 1985* shall include a report on the operations of centres and programmes and other operations of the department under this Part.

Division 3—Community Corrections Programmes

Community corrections programmes

5P. (1) The chief executive officer may by instrument approve programmes of activities as community corrections programmes which offenders may undertake and perform.

(2) Programmes may include, but are not restricted to, any of the following—

- (a) community, voluntary or charitable work;
- (b) programmes for the treatment of alcoholics or drug dependent persons;
- (c) counselling programmes;
- (d) social and life skills courses; and
- (e) educational, occupational and personal training courses.

Division 4—Management

Chief executive officer may make rules

5Q. (1) The chief executive officer may, with the approval of the Minister, make rules for—

(a) the management, control and security of—

(i) centres generally or a specified centre; and

(ii) offenders;

and

(b) the determination under section 5ZF (4) (b) (ii) of the hours that an offender shall devote to a programme.

(2) It is the intention that rules made under subsection (1) shall complement regulations made by the Governor under section 5ZE and if there is any inconsistency between a rule made by the chief executive officer and a regulation made by the Governor, the rule shall, to the extent of the inconsistency, be read and have effect subject to the regulation.

(3) Rules made under this section may confer a discretionary authority on any person or class of persons.

(4) Sections 41 and 42 of the *Interpretation Act 1984* do not apply to rules made under this section.

(5) The chief executive officer shall publish rules made under this section in such manner as he considers necessary to bring relevant rules to the attention of community corrections officers, offenders and persons visiting centres.

(6) The chief executive officer shall take reasonable steps to have rules made under this section made known—

(a) to every offender who is illiterate; and

(b) in a language that he understands, to every offender who does not understand English.

Powers and duties of supervisors

5R. (1) The supervisor of a centre is responsible to the chief executive officer for the management, security and good order of the centre and may give reasonable directions to community corrections officers, persons engaged under section 5F and volunteers for the purpose of this Part.

(2) The supervisor of a centre shall advise offenders of their obligations under the orders and this obligation is to be taken to have been performed if a written statement of those obligations is attached to the order given to the person.

(3) A supervisor shall as soon as possible report to the chief executive officer any use of force by the supervisor or another community corrections officer to compel an offender to obey a direction or to compel a person to obey an order to leave a centre.

Powers and duties of community corrections officers

5S. (1) A community corrections officer—

- (a) subject to subsection (5), shall comply with the reasonable directions of the supervisor of the centre at which the community corrections officer is working;
- (b) shall maintain the good order of the centre at which the community corrections officer is working; and
- (c) shall report immediately to the supervisor anything which might reasonably be thought to jeopardize the management, security or good order of a centre.

(2) A community corrections officer may give such reasonable directions to offenders and other persons as are necessary for the management, security or good order of a centre.

(3) A community corrections officer may use reasonable force to compel an offender to obey a direction given to that offender if the community corrections officer believes on reasonable grounds that the use of force is necessary—

- (a) to prevent the offender or another person being killed or seriously injured; or

(b) to prevent serious damage to property.

(4) A community corrections officer may, if necessary, use reasonable force to compel a person to obey an order by a supervisor to leave a centre and is not liable for injury or damage caused in using such force.

(5) For the purpose of subsection (1) (a), a direction given by a supervisor—

(a) to search any person in a centre;

(b) to use reasonable force to compel an offender to obey a direction given to that offender; or

(c) to use reasonable force to compel a person to obey an order to leave a centre,

is not a reasonable direction.

Search

5T. (1) A supervisor may at any time order a community corrections officer to—

(a) search any part of a centre;

(b) search and examine anything in a centre;

(c) require a person wishing to enter a centre to submit to search and examination of the person and anything in the person's possession or under the person's control,

if the supervisor believes that the search is necessary for the security or good order of the centre or the offenders in it.

(2) A supervisor may at any time order a search by a community corrections officer to be terminated.

(3) If a person other than a community corrections officer or an offender refuses to submit to a search by a community corrections officer the supervisor may order the person to leave the centre immediately.

(4) A person who disobeys a supervisor's order under subsection (3) commits an offence.

Penalty: \$1 000.

(5) A community corrections officer may search and examine an offender, a visitor or any other person in a centre if the community corrections officer believes the search is necessary for the security or good order of the centre or the offenders in it.

(6) A community corrections officer is not liable for any injury or damage caused in carrying out a search under this section.

Seizure

5U. (1) In carrying out searches under section 5T a community corrections officer may seize anything found in a centre, whether in a person's possession or not, which the officer believes on reasonable grounds jeopardizes or is likely to jeopardize the security or good order of the centre or the safety of persons in it.

(2) A community corrections officer who seizes anything under subsection (1) shall immediately inform the supervisor.

(3) The supervisor shall deal, in accordance with the regulations, with anything, which is not a drug available only on prescription, seized under subsection (1).

Access to centres

5V. (1) The supervisor of a centre may authorize any person to enter the centre.

(2) An authority under subsection (1) is subject to the conditions determined by the supervisor.

(3) A person who is authorized to enter a centre and who, while at the centre—

- (a) contravenes this Act, or the regulations;
- (b) contravenes a direction given by the supervisor;
- (c) contravenes a condition to which the authority to enter is subject; or
- (d) does anything which, in the supervisor's opinion threatens the management, security or good order of the centre,

shall, if ordered by the supervisor, leave the centre immediately.

(4) A person who disobeys an order to leave a centre given to that person by the supervisor under subsection (3) commits an offence.

Penalty: \$1 000.

Division 5—Discipline of offenders

Disciplinary offences

5W. An offender who—

- (a) disturbs or interferes with any other person working or doing anything under a community corrections centre order or a community service order;
- (b) assaults, threatens, insults or uses abusive language to a supervisor, community corrections officer or other employee of the Department;
- (c) fails to comply with a reasonable direction of a community corrections officer or a volunteer;

- (d) uses or is under the influence of, alcohol, drugs, glue, petrol or any other intoxicating substance when participating in a programme;
- (e) is in possession of alcohol, drugs, glue, petrol or any other intoxicating substance not lawfully issued to him when participating in a programme;
- (f) contravenes a rule made by the chief executive officer under section 5Q; or
- (g) commits any act or omission of insubordination or misconduct that is subversive of the good order or management of a centre,

commits a disciplinary offence.

Institution of charges of disciplinary offences

5X. (1) A charge of a disciplinary offence alleged to have been committed by an offender may be made by any community corrections officer and shall be brought forthwith to the attention of the supervisor who shall, as he thinks appropriate and having regard to the nature of the alleged disciplinary offence and to the alleged circumstances—

- (a) if the offender so agrees, suspend further action with respect to the charge on condition of the good behaviour of the offender for a stated period not exceeding 2 months and order the withdrawal of the charge at the end of that period if the condition has been observed; or
- (b) direct that the charge be withdrawn or that a further or different charge be laid; or
- (c) determine the charge.

(2) Where the supervisor proposes to determine a charge, the supervisor must call upon the offender to admit or deny the charge and must endorse the charge with a note of whether the offender admits or denies that charge.

Hearing of charges

5Y. (1) Subject to this Act, every charge of a disciplinary offence shall be heard and determined in the presence of the offender charged in the centre or some other suitable place as notified to the offender.

(2) Subject to this Act, written notice shall be given to the offender of every charge and the time and place when and where the charge is to be heard and determined.

(3) A notice under subsection (1) may be given personally or posted to the last known residential address of the offender and, in the absence of evidence to the contrary, a notice so posted shall be deemed to have been duly given.

(4) Where the offender does not admit the charge or having been given the notice required by subsection (2) does not appear, the charge shall be heard and determined by the supervisor in accordance with the procedure prescribed by regulations.

(5) The supervisor shall not be bound by the rules of evidence but may admit any evidence which in the supervisor's opinion is relevant to the charge and may decline to admit repetitious material.

Offender not to be legally represented

5Z. (1) An offender shall not be represented by a legal practitioner in proceedings under this Division before a supervisor.

(2) Subject to subsection (1), if the supervisor is satisfied after making appropriate inquiries that an offender who is charged with a disciplinary offence does not for any reason comprehend sufficiently the nature or circumstances of the alleged offence or the nature of the proceedings, the supervisor may appoint a person nominated or agreed to by the offender, or in the absence of such nomination or agreement, some other person to assist and represent the offender in the proceedings.

Penalties for disciplinary offences

5ZA. Where either the offender admits the charge or the supervisor finds the charge proved, the supervisor may impose one or more of the following penalties—

- (a) a reprimand;
- (b) in the case of an offender subject to a work and development order, extension of the order by not more than 2 weeks;
- (c) in the case of an offender subject to a work release order, or to a home detention order, forfeiture of not more than 3 days' remission of sentence to which the offender is or may become entitled under section 29 of the *Prisons Act 1981* or not more than 3 days' reduction from a minimum term of sentence or a non-parole period or extended service period, being a reduction granted or able to be granted to the offender under the regulations.

Record of charges and penalties

5ZB. (1) Upon imposing a penalty for a disciplinary offence, a supervisor shall enter in the records of the community corrections centre a statement of the nature of the offence for which the supervisor has imposed a penalty, the date of the offence, the name of the offender and the penalty imposed, and the supervisor shall sign and date the entry.

(2) The supervisor of a centre shall send to the chief executive officer forthwith particulars of every entry made under subsection (1).

Division 6—Miscellaneous

Exclusion of the rules of natural justice

5ZC. The rules known as the rules of natural justice (including any duty of procedural fairness) do not apply to or in relation to the doing or omission of any act, matter or thing under this Part by the chief executive officer.

Compensation for injury

5ZD. An offender—

- (a) while undertaking and performing a programme;
and
- (b) while travelling in order to undertake and perform a programme,

is to be regarded for the purposes of the *Workers' Compensation and Assistance Act 1981* as a worker employed by the Crown and for the purposes of that Act the offender's weekly earnings shall be taken to be the amount that the Minister considers reasonable in the circumstances.

Regulations

5ZE. (1) Without limiting the generality of section 52, regulations made for the purposes of this Part may—

- (a) regulate the procedure for notifying offenders of disciplinary charges and the hearing and determination of disciplinary charges;
- (b) regulate the conduct of offenders;
- (c) authorize and regulate the taking of blood and urine from an offender for the purposes of proceedings under Division 5 where there is reasonable suspicion that the offender may have committed a disciplinary offence;
- (d) regulate the procedure for searches and seizures carried out under this Part;
- (e) provide for the transport of offenders participating in programmes;
- (f) prescribe forms; and
- (g) prescribe powers of persons conducting programmes.

PART 1C—COMMUNITY CORRECTIONS CENTRE ORDERS

**Conditions applicable to offenders subject
to community corrections centre orders**

5ZF. (1) Every offender subject to a community corrections centre order is subject to and shall comply with the following conditions—

- (a) an offender who is in prison when the community corrections centre order is made, other than an offender subject to a home detention order, shall report to a community corrections officer within 72 hours after being released from prison;
- (b) the offender shall report to the supervisor of a community corrections centre in accordance with the requirements of the community corrections centre order;
- (c) the offender shall attend at the place or places on the dates and at the times required by a supervisor;
- (d) the offender shall undertake and perform such programmes as a supervisor determines and directs and shall devote to such programmes an aggregate of the required number of hours for each period of 1 week during which the offender is subject to the order, including—
 - (i) not less than 8 hours of community work;
and
 - (ii) not more than 6 hours of personal development activities,

as determined in the case of that offender by the supervisor;

- (e) the offender shall undertake and perform in a manner satisfactory to the responsible community corrections officer the community corrections programmes required to be undertaken by the offender for the purposes of the order;

- (f) the offender shall comply with every reasonable direction of a community corrections officer or a volunteer;
- (g) the offender shall, if so directed by a supervisor, submit to testing for alcohol or drug use;
- (h) the offender shall notify an officer if unable to attend when and where required to do so, and obtain an officer's approval for any failure to so attend;
- (i) the offender shall not commit any offence while subject to the order;
- (j) the offender shall comply with any prescribed conditions.

(2) Every offender subject to a work release order is, in addition to the conditions in subsection (1), subject to and shall comply with the following conditions—

- (a) the offender shall not leave the State;
- (b) the offender must obtain the prior approval of a community corrections officer before changing his residential address or place of employment.

(3) Every offender subject to a work and development order is, in addition to the conditions in subsection (1), subject to and shall comply with the following conditions—

- (a) the offender shall not leave the State without the prior approval of a supervisor;
- (b) the offender shall notify a community corrections officer within 48 hours if the offender changes his residential address or place of employment.

(4) In subsection (1) (d) "the required number of hours" means—

- (a) in the case of an offender who is—
 - (i) subject to a work and development order; or

- (ii) released from prison subject to a work release order for the purposes in section 5OX (5) (b) (ii),

14 hours;

- (b) in the case of an offender who is released from prison subject to a work release order for the purposes specified in section 5OX (5) (b) (i) and who fails to engage in gainful employment—

- (i) for each of the first 2 weeks during which the offender is subject to the order, 14 hours; and

- (ii) for each of the third and following weeks during which the offender is subject to the order, the number of hours, being not less than 14 and not more than 22, determined in accordance with the rules made by the chief executive officer under section 5Q (1) (b); and

- (c) in the case of an offender released from prison subject to a home detention order—

- (i) if in full time employment, 8 hours; or

- (ii) if not in full time employment, 12 hours.

(5) The chief executive officer may determine any question in relation to the extent to which an offender is engaged—

- (a) in gainful employment; or

- (b) in full time or other than full time employment,

and a determination by the chief executive officer under this subsection is final.

Chief executive officer may suspend

5ZG. The chief executive officer may, where an offender is ill or in other exceptional circumstances—

- (a) where the offender is subject to a work and development order issued under Part VIAA of the *Justices Act 1902*, suspend the operation of the order for a period or periods not exceeding an aggregate of 2 months and any period of suspension of such an order shall be disregarded in calculating the period of operation of the order or, should it become necessary, the unexpired period of the sentence; and
- (b) where the offender is subject to a work release order or to a home detention order, suspend the condition imposed by section 5ZF (1) (d).

Regulations

5ZH. Without limiting the generality of section 52, regulations made for the purposes of this Part may—

- (a) prescribe conditions applicable to—
 - (i) home detention orders;
 - (ii) work release orders; or
 - (iii) work and development orders issued under Part VIAA of the *Justices Act 1902*;
- (b) make provision for the authorization of absences from attendance at a programme;
- (c) regulate the consequences of injury and sickness with respect to community corrections orders;
- (d) prescribe the grant of remission to certain offenders; and
- (e) prescribe forms. ”.

Sections 6 and 7 repealed

22. Sections 6 and 7 of the principal Act are repealed.

Section 20Q repealed and a section substituted

23. Section 20Q of the principal Act is repealed and the following section is substituted—

Compensation for injury

“ 20Q. An offender—

- (a) while performing work under a community service order; and
- (b) while travelling in order to perform work under a community service order,

is to be regarded for the purposes of the *Workers' Compensation and Assistance Act 1981* as a worker employed by the Crown and for the purposes of that Act the offender's weekly earnings shall be taken to be the amount that the Minister considers reasonable in the circumstances. ”.

Division 4 of Part III repealed

24. Division 4 of Part III of the principal Act is repealed.

Part IIIA repealed and a Part substituted

25. Part IIIA of the principal Act is repealed and the following Part is substituted—

“ **PART IIIA—HOME DETENTION ORDERS**

Release on home detention order

50A. (1) Subject to this section, the chief executive officer may, in his absolute discretion—

- (a) by order in writing direct that a prisoner be released from prison on the day specified in the order subject to a home detention order; and
- (b) impose conditions on the home detention order.

(2) A home detention order shall not be made in respect of a prisoner unless—

- (a) the prisoner is serving a term of imprisonment, or an aggregate of terms of imprisonment, (without regard to remission) of less than one year;
- (b) the prisoner has served—
 - (i) one month of the term or the aggregate (as the case may be); or
 - (ii) one third of the term or the aggregate (as the case may be),

whichever is the longer;

- (c) the prisoner is not entitled to be released from prison on parole; and
- (d) the prisoner is not eligible to be considered for release on parole.

(3) In exercising the discretion under subsection (1), the chief executive officer shall have regard to—

- (a) the nature and circumstances of the offence or offences for which the prisoner is imprisoned;
- (b) the risk to the security of the public that the release of the prisoner under this section would impose; and
- (c) the views of other people residing at the place where it is proposed the prisoner will remain while subject to the home detention order.

(4) Subsection (3) is a directory provision only and a breach of that subsection does not affect any issue relating to the lawfulness of the release of a prisoner under subsection (1).

(5) Without limiting the generality of subsection (1), conditions imposed by the chief executive officer may include conditions—

- (a) requiring the prisoner to wear any device;
- (b) requiring the prisoner to permit the installation of any device or equipment at the place where the prisoner is required by the home detention order to remain.

(6) A prisoner shall not be released from prison under this section unless he has made a written declaration that he understands the obligations of and any conditions imposed on the home detention order and undertakes to comply with them.

Home detention order

50B. (1) A home detention order is an order that during the period of the order the prisoner shall—

- (a) remain at and not leave the place specified in the home detention order except—
 - (i) to work in gainful employment approved by a community corrections officer;

- (ii) with the approval of a community corrections officer, to seek gainful employment;
 - (iii) to obtain urgent medical or dental treatment for the prisoner;
 - (iv) for the purpose of averting or minimizing a serious risk of death or injury to the prisoner or to another person;
 - (v) to obey an order issued under a written law (such as a summons) requiring the prisoner's presence elsewhere;
 - (vi) for a purpose approved of by a community corrections officer;
 - (vii) on the direction of a community corrections officer; or
 - (viii) to participate in a programme; and
- (b) comply with the conditions applicable to a home detention order in section 5ZF and with any conditions imposed by the chief executive officer.

(2) A prisoner subject to a home detention order shall not be permitted to leave the State while subject to the order.

(3) The period of a home detention order is the period beginning on the day the prisoner is released under section 50A and ending on the day when, if the prisoner was not released under section 50A, he would have been released having regard to the part, if any, of the term or terms of imprisonment that would have been remitted under section 29 of the *Prisons Act 1981* if that section had been duly applied to the term or terms of imprisonment.

**Chief executive officer may change
a home detention order**

50C. While a prisoner is subject to a home detention order, the chief executive officer, by notice in writing given to the prisoner, may in his absolute discretion at any time—

- (a) substitute a different place for the place where an offender is required by the home detention order to remain;
- (b) amend or revoke any condition imposed on the home detention order; or
- (c) impose conditions or further conditions on the home detention order.

Powers of community corrections officers

50D. (1) A community corrections officer may give such reasonable directions to a prisoner as are necessary for the proper administration of the home detention order including, without limiting the generality of the foregoing, directions as to—

- (a) when the prisoner may leave the place where he is required by the condition to remain;
- (b) the period of any authorized absence from the place where he is required by the condition to remain;
- (c) when the prisoner shall return to the place where he is required by the condition to remain;
- (d) the method of travel to be used by the prisoner during any absence from the place where he is required by the condition to remain; and
- (e) the manner in which the prisoner shall report his whereabouts.

(2) For the purpose of ascertaining whether or not a prisoner is complying with a home detention order, a community corrections officer may, at any time—

- (a) enter or telephone the place where the prisoner is required by the home detention order to remain;
- (b) enter or telephone the prisoner's place of employment or any other place where the prisoner is permitted or required to attend; or
- (c) question any person at any place referred to in paragraph (a) or (b).

(3) A person who—

- (a) hinders a person exercising powers under subsection (2); or
- (b) fails to answer a question put pursuant to subsection (2) (c) or gives an answer that the person knows is false or misleading in a material particular,

commits an offence.

Penalty: \$2 000 or imprisonment for 6 months or both.

Power of chief executive officer to cancel or suspend home detention order

50E. (1) The chief executive officer may, in his absolute discretion, by instrument signed by him and given if practicable to the prisoner, cancel or suspend a home detention order.

(2) Subject to subsection (3), where the chief executive officer cancels a home detention order he shall include a statement of his reasons for the cancellation in the instrument cancelling the order.

(3) Where the chief executive officer is of the opinion that it would be in the interest of the prisoner or any other person, or the public, to withhold from the prisoner any or all of the reasons referred to in subsection (2), the chief executive officer may so withhold the reason or reasons.

(4) Where the chief executive officer cancels or suspends a home detention order, he may, whenever necessary, by warrant authorize any member of the Police Force or other officer to apprehend the prisoner and return him to prison.

**Effect of cancellation or suspension
of home detention order**

50F. (1) Where—

- (a) a home detention order is cancelled or suspended;
or
- (b) the prisoner has not complied with the conditions of or imposed on the order or has not completed the performance of his obligations under the order,

the original warrant of commitment or other authority for the prisoner's imprisonment from which he was released under section 50A is again in force and, except as provided by this section, no part of the time between his being so released and his recommencing to serve the unexpired portion of his term or terms of imprisonment shall be regarded as time served in respect of that term or terms.

(2) Where a home detention order is suspended and not subsequently cancelled and the prisoner is returned to prison, the period completed under the home detention order shall be regarded as time served in respect of the term or terms of imprisonment that the prisoner was serving when released under section 50A.

(3) In subsection (2), "period completed under the home detention order" means the period beginning on the day when the prisoner was released from prison under section 50A and ending on the day when the home detention order is suspended.

(4) Where under subsection (1) a prisoner is returned to prison, section 29 of the *Prisons Act 1981* continues to apply to the term or terms of imprisonment that the prisoner was serving when released under section 50A and the prisoner is entitled to any remission that that section provides.

Sentence deemed served

50G. If—

- (a) a home detention order is not cancelled or suspended during its currency; and
- (b) the prisoner complies with the conditions of and imposed on the order and completes the performance of his obligations under the order,

the period during which the prisoner was subject to the home detention order shall be regarded as time served in respect of the term or terms of imprisonment to which the home detention order relates and the prisoner is to be regarded as being still under sentence during that period.

Exclusion of the rules of natural justice

50H. The rules known as the rules of natural justice (including any duty of procedural fairness) do not apply to or in relation to the doing or omission of any act, matter or thing under this Part by the chief executive officer.

Community corrections officer may enter to retrieve equipment

50J. Where under this Part any device or equipment has been installed at the place where a prisoner is required by a home detention order to remain, a community corrections officer may, at any time, enter that place to retrieve the equipment. ”.

Section 50X amended

26. Section 50X of the principal Act is amended in subsection (5) by deleting paragraphs (a), (b) and (c) and substituting the following paragraphs—

- “ (a) for the purpose of undertaking and performing a programme; and
- (b) for the purpose of—
- (i) seeking or engaging in gainful employment; or
 - (ii) engaging gratuitously in work for a charitable or voluntary organization approved by the chief executive officer. ”.

Section 50Y repealed and a section substituted

27. Section 50Y of the principal Act is repealed and the following section is substituted—

Sentence deemed served

“ 50Y. If—

- (a) a work release order is not cancelled or suspended during its currency; and
- (b) the prisoner complies with the conditions of the order and completes the performance of his obligations under the order,

the period during which the prisoner was subject to the work release order shall be regarded as time served in respect of the term of imprisonment or detention to which the work release order relates and the prisoner is to be regarded as being still under sentence during that period. ”.

Section 50ZE amended

28. Section 50ZE of the principal Act is amended by repealing subsection (1) and substituting the following subsection—

“ (1) Where—

- (a) a work release order is cancelled or suspended during its currency; or
- (b) the prisoner has not complied with the conditions of the order or has not completed the performance of his obligations under the order,

the original warrant of commitment or other authority for the prisoner's imprisonment or detention from which he was released under the work release order is again in force and, except as provided by this section, no part of the time between his being so released and his recommencing to serve the unexpired portion of his term of imprisonment shall be regarded as time served in respect of that term. ”.

Section 52 repealed and a section substituted

29. Section 52 of the principal Act is repealed and the following section is substituted—

Regulations

- “ **52.** The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act. ”.

Consequential and minor amendments

30. The provisions of the principal Act referred to in Column 1 of the Table below are amended in the manner set out opposite them in Column 2.

TABLE

Column 1	Column 2
s. 4	<p>Delete the definition of "another State".</p> <p>Delete the definition of "authority".</p> <p>In the definition of "chief executive officer", delete "principally assisting the Minister to whom the administration of the <i>Prisons Act 1981</i> is for the time being committed by the Governor with that administration".</p> <p>Delete the definition of "parole officer".</p> <p>Delete the definition of "probation officer".</p> <p>In the definition of "the parole period", delete "parole officer" and substitute "community corrections officer".</p> <p>In the definition of "the probation period", delete "probation officer" and substitute "community corrections officer".</p> <p>Delete the definition of "Territory".</p>
s. 8 (b) (ii)	Delete "and the proceedings of probation officers generally".
s. 9 (7)	Delete ", whether in this State or another State or a Territory".
s. 12 (1a)	Repeal the subsection.
s. 12 (3)	Delete "or is deemed to be discharged".
s. 14 (4)	Repeal the subsection.
s. 16 (5)	Repeal the subsection.

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- s. 16 (8) Repeal the subsection.
- s. 17 (1) Delete "or against a law of another State or a Territory corresponding to section 50G".
- s. 17 (3) Delete "or against a law of another State or a Territory corresponding to section 50G".
- s. 17 (5) Repeal the subsection.
- s. 17 (6) (a) Delete "or against a law of another State or Territory corresponding to section 50G".
- s. 17 (6) (b) Delete "or against a law of another State or Territory corresponding to section 50G".
- s. 17 (9) Repeal the subsection.
- s. 20 (2) Delete "or under a law of another State or a Territory corresponding to Division 1 of Part IIIA".
- s. 20A (1) Delete the definition of "approved work".
- In the definition of "relevant officer", delete "probation officer" and substitute "community corrections officer".
- Delete the definition of "supervisor".
- s. 20B (6a) Delete "programme" and substitute "course".
- s. 20B (6b) (a) Delete "programme" and substitute "course".
- s. 20B (6b) (b) Delete "programme" and substitute "course".
- Delete "approved work" and substitute "community work".
- s. 20D (1a) (a) Delete "programme" and substitute "course".
- s. 20D (1a) (b) (i) Delete "programme" and substitute "course".
- s. 20D (1a) (b) (ii) Delete "programme" and substitute "course".
- s. 20F (1) (a) Delete "approved work" and substitute "community work".
- s. 20F (1) (c) Delete "supervisor" and substitute "person authorized to supervise him".
- s. 20F (1) (ca) Delete "programme" and substitute "course".

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- s. 20F (3) Delete “programme” and substitute “course”.
- s. 20G (a) (i) Delete “approved work” and substitute “community work”.
- s. 20G (a) (ii) Delete “programme” and substitute “course”.
- s. 20R Repeal the section.
- s. 20S (a) Delete “supervisors” and substitute “persons”.
- s. 20S (b) Delete “supervisors” and substitute “persons supervising offenders”.
- s. 20S (c) Delete “supervisors” and substitute “persons supervising offenders”.
- s. 20S (e) Delete “programmes” and substitute “courses”.
- s. 21 (4) Delete “in accordance with section 6 (1) or section 35 (1)” and substitute “under section 5C or 5D (1)”.
- s. 34 (1) (c) Delete “of parole officers generally” and substitute “under this Part of community corrections officers generally”.
- s. 50X (4) (a) Delete “and the *Community Corrections Centres Act 1988*”.
- s. 51 Delete “a parole officer, probation officer or any other officer appointed under or for the purposes of this Act” and substitute “a community corrections officer, a person engaged under section 5F, or a volunteer”.
- s. 51A (1) (a) Delete “Part II, IIA and Division 1 of Part IIIA” and substitute “Part II and IIA”.

**References to “probation officer”
and “parole officer” amended**

31. The principal Act is amended by deleting “probation officer” or “parole officer” wherever they occur in the provisions referred to in the Table to this section and substituting in each case the following—

“ community corrections officer ”.

TABLE

s. 9 (1)	s. 20D (1a) (a)
s. 9 (10)	s. 20D (1a) (b)
s. 12 (1)	s. 20D (2)
s. 14 (1) (a)	s. 34 (8) (c)
s. 14 (3)	s. 34A (1)
s. 20B (8)	s. 34A (2)
s. 20D (1) (a)	s. 41 (2)
s. 20D (1) (b)	s. 41 (4)

PART 4—REPEAL AND CONSEQUENTIAL AMENDMENTS

Community Corrections Centres Act 1988 repealed

32. The *Community Corrections Centres Act 1988** is repealed.

[*Act No. 37 of 1988.]

Consequential amendments to Justices Act 1902

33. Without limiting the generality of section 40, the provisions of the *Justices Act 1902* referred to in Column 1 of the Table below are amended in the manner set out opposite them in Column 2.

TABLE

Column 1	Column 2
171AA (2)	Delete " <i>Community Corrections Centres Act 1988</i> " and substitute " <i>Offenders Community Corrections Act 1963</i> ".
s. 171AB (1a)	Delete "means the chief executive officer of the department principally assisting the Minister responsible for the administration of the <i>Community Corrections Centres Act 1988</i> ." and substitute—

“ has the same definition as in section 4 of the *Offenders Community Corrections Act 1963*.”.

s. 171AB (2) (a)

Delete “*Community Corrections Centres Act 1988*” and substitute “*Offenders Community Corrections Act 1963*”.

s. 171AD (2)

Delete “*Community Corrections Centres Act 1988*” and substitute “*Offenders Community Corrections Act 1963*”.

PART 5—SAVINGS AND TRANSITIONAL

Staff

34. (1) A person who, immediately before the coming into operation of this Act, held office as a probation officer under section 6 (1) of the *Offenders Probation and Parole Act 1963*, is to be taken as having been appointed as a community corrections officer under section 5D (1) of the *Offenders Community Corrections Act 1963*.

(2) A person who, immediately before the coming into operation of this Act, held office under section 6 (1) of the *Offenders Probation and Parole Act 1963*, other than as a probation officer, is to be taken as having been appointed as an officer under section 5C of the *Offenders Community Corrections Act 1963*.

(3) A person who, immediately before the coming into operation of this Act, held office as an honorary probation officer under section 6 (3) of the *Offenders Probation and Parole Act 1963*, is to be taken as having been appointed as an honorary community corrections officer under section 5E (1) of the *Offenders Community Corrections Act 1963*.

(4) A person who, immediately before the coming into operation of this Act, held office as a parole officer under section 35 (1) of the *Offenders Probation and Parole Act 1963*, is to be taken as having been appointed as a community corrections officer under section 5D (1) of the *Offenders Community Corrections Act 1963*.

(5) A person who, immediately before the coming into operation of this Act, held office under section 35 (1) of the *Offenders Probation and Parole Act 1963*, other than as a parole officer, is to be taken as having been appointed as an officer under section 5C of the *Offenders Community Corrections Act 1963*.

(6) A person who, immediately before the coming into operation of this Act, held office as an honorary parole officer under section 35 (3) of the *Offenders Probation and Parole Act 1963*, is to be taken as having been appointed as an honorary community corrections officer under section 5E (1) of the *Offenders Community Corrections Act 1963*.

(7) A person who, immediately before the coming into operation of this Act, held office as a community corrections officer under section 6 (1) of the *Community Corrections Centres Act 1988*, is to be taken as having been appointed as a community corrections officer under section 5D (1) of the *Offenders Community Corrections Act 1963*.

(8) A person who, immediately before the coming into operation of this Act, was engaged under contract pursuant to section 6 (2) of the *Community Corrections Centres Act 1988*, is to be taken as having been engaged under contract under section 5F (1) of the *Offenders Community Corrections Act 1963*.

(9) A person who, immediately before the coming into operation of this Act, was authorized under section 11 of the *Community Corrections Centres Act 1988* to work as an unpaid volunteer, is to be taken as having been authorized to so work under section 5G (1) of the *Offenders Community Corrections Act 1963*.

(10) Where a subsection of this section applies to a person who held office, was engaged, or was authorized to work, for a term or period, the subsection shall have effect for the balance of that term or period.

Community corrections centres

35. A premises or place declared to be a community corrections centre under section 4 (1) of the *Community Corrections Centres Act 1988* immediately before the coming into operation of this Act is to be taken as having been declared to be a community corrections centre under section 5M (1) of the *Offenders Community Corrections Act 1963*.

Community corrections programmes

36. A programme of activities approved as a community corrections programme under section 15 (1) of the *Community Corrections Centres Act 1988* immediately before the coming into operation of this Act is to be taken as having been approved as a community corrections programme under section 5P (1) of the *Offenders Community Corrections Act 1963*.

Community work and approved work

37. Any form of work, service or activity approved for the purposes of the definition of "community work" in section 3 of the *Community Corrections Centres Act 1988* immediately before the coming into operation of this Act and work declared to be approved work under section 20R of the *Offenders Probation and Parole Act 1963* immediately before the coming into operation of this Act are to be taken as having been approved for the purposes of the definition of "community work" in section 4 of the *Offenders Community Corrections Act 1963*.

Community corrections centre orders

38. If before the coming into operation of this Act, a prisoner was released from prison subject to a work release order made by the Parole Board under Part IIIB of the *Offenders Probation and Parole Act 1963*, and the period during which the prisoner is subject to the order has not expired on the coming into operation of this Act, then section 5ZF of the *Offenders Community Corrections Act 1963* applies to the unexpired part of the period.

Review of community corrections centres legislation

39. (1) After 1 March 1991 the Minister shall carry out a review of the operation and effectiveness of—

- (a) the *Community Corrections Centres Act 1988*; and

- (b) Parts 1B and 1C of the *Offenders Community Corrections Act 1963*,

(other than in relation to home detention orders) in the 2 years prior to that date and shall prepare a report based on that review.

(2) The Minister shall, within 6 months after 1 March 1991, cause the report referred to in subsection (1) to be laid before each House of Parliament.

References to certain expressions in written law

40. Unless the contrary intention appears, a reference in a written law to—

- (a) the *Community Corrections Centres Act 1988* or to a provision of that Act is to be construed as if it had been amended to become a reference to the *Offenders Community Corrections Act 1963* or to the appropriate provision in the *Offenders Community Corrections Act 1963*;
 - (b) “probation officer” is to be construed as if it had been amended to become a reference to “community corrections officer”; and
 - (c) “parole officer” is to be construed as if it had been amended to become a reference to “community corrections officer”.
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