

1998
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Stanhope)

Crimes (Amendment) Bill (No. 6) 1998

A BILL

FOR

**An Act to amend the *Crimes (Amendment) Act*
(No. 3) 1998**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1. Short title

This Act may be cited as the *Crimes (Amendment) Act (No. 6)*
5 1998.

2. Commencement

(1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) Sections 3 and 4 commence on the day on which the *Crimes*
10 *(Amendment) Act (No. 3) 1998*, other than sections 1 and 2, commences.

3. Substitution

Sections 5, 6 and 7 of the *Crimes (Amendment) Act (No. 3) 1998* are repealed and the following sections substituted:

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“5. Making of orders

Section 556G of the Principal Act is amended by omitting subsection (3) and substituting the following subsections:

- 5 ‘(3) On referral under section 154CA of the *Magistrates Court Act 1930*, the Magistrates Court may order the relevant fine defaulter—
- (a) to perform unpaid work for the number of hours specified in the order; and
 - (b) to report to a Community Corrections Officer within the time (if any) specified in the order.
- 10 ‘(3A) The number of hours for which the order shall be made shall be the lesser of—
- (a) the number calculated at the rate of 1 hour for each \$12.50, or part thereof, of the outstanding fine; or
 - (b) 208.’.

15 **“6. Payment of fine—effect on order**

Section 556H of the Principal Act is amended—

- (a) by omitting paragraph (1) (a) and substituting the following paragraph:

20 ‘(a) the number of hours for which the offender is required to work pursuant to the order shall, upon payment of part of the amount of the outstanding fine in relation to which the order was made, be reduced by 1 hour for each multiple of \$12.50 in the amount paid, and’; and
- (b) by omitting subsections (2) and (3).

25 **“7. Prerequisites for order**

Section 556J of the Principal Act is amended by omitting from paragraph (2) (b) ‘and of the commission of an offence’.

“7A. Contravention of order etc.—non-fine defaulters

Section 556K of the Principal Act is amended—

- 30 (a) by omitting from subsection (1) ‘offender who’ and substituting ‘offender who is the subject of a community service order under subsection 556G (1) and who’; and
- (b) by omitting from paragraphs (1) (a), (c), (d) and (e) ‘a community service order’ and substituting ‘the order’.

“7B. Insertion

After section 556K of the Principal Act the following section is inserted:

‘556KA. Contravention of order etc.—fine defaulters

5 ‘(1) The Magistrates Court shall revoke a community service order under subsection 556G (3) if, on application by a Community Corrections Officer, the Court is satisfied that the offender has, without reasonable excuse, refused or failed to—

- (a) comply with the order;
- 10 (b) inform a Community Corrections Officer of any change in his or her address;
- (c) comply with the directions of a Community Corrections Officer with regard to the performance of work pursuant to the order;
- (d) perform work pursuant to the order in a satisfactory manner; or
- 15 (e) comply with any reasonable request of a supervisor while performing work pursuant to the order.

‘(2) Where a community service order is revoked under subsection (1), the offender’s liability for the outstanding fine shall be reduced at the rate of \$12.50 per hour for the time worked by the offender in accordance with the order.

“7C. Conviction while under order—non-fine defaulters

Section 556N of the Principal Act is amended—

- 25 (a) by omitting from subsection (1) all the words before paragraph (a) and substituting ‘Where an offender in respect of whom a community service order under subsection 556G (1) is in force—’; and
- (b) by omitting from subsection (3) all the words before ‘is convicted’ and substituting ‘Where an offender in respect of whom a community service order under subsection 556G (1) is in force’.

30 **“7D. Insertion**

After section 556N of the Principal Act the following section is inserted:

‘556NA. Conviction while under order—fine defaulters

35 Where an offender in respect of whom a community service order under subsection 556G (3) is in force is convicted of an offence, the order is revoked by force of this section.’.

"7E. Power of court—apprehended offender

Section 556Q of the Principal Act is amended—

- 5 (a) by omitting from subsection (1) all the words before 'is about to leave the Territory' and substituting 'Where an offender in respect of whom a community service order under subsection 556G (1) is in force is brought before the Magistrates Court pursuant to section 556P and the Court is satisfied that the offender'; and
- (b) by adding at the end the following subsection:
- 10 '(3) Where—
- (a) an offender in respect of whom a community service order under subsection 556G (3) is in force is brought before the Magistrates Court pursuant to section 556P; and
- 15 (b) the Court is satisfied that the offender is about to leave the Territory with the intention of avoiding any of the requirements of the relevant community service order, this Part or the *Supervision of Offenders (Community Service Orders) Act 1985*;
- the Court shall revoke the order.'."

20 **4. Substitution**

Sections 9 and 10 of the *Crimes (Amendment) Act (No. 3) 1998* are repealed and the following sections substituted:

"9. Power of court where non-fine defaulters apprehended

25 Section 556T of the Principal Act is amended by adding at the end the following subsection:

'(3) In this section—

"offender" means a person to whom a community service order under subsection 556G (1) relates.'

"10. Completion of community service order

30 Section 556V of the Principal Act is amended by adding at the end the following subsection:

'(2) On the discharge of a community service order made under subsection 556G (3), the outstanding fine in relation to which the order was made is discharged.'

"11. Schedule 5

Schedule 5 to the Principal Act is amended by omitting from Form 2 the first paragraph after 'Whereas—' and substituting the following paragraph:

- 5 • *(name and address of person in respect of whom the order is to be made) is a fine defaulter in respect of whom a referral has been made to the Court under section 154CA of the Magistrates Court Act 1930, and'.*"

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