

## **EXPLANATORY STATEMENT**

### **AUSTRALIAN CAPITAL TERRITORY**

#### **SUPERVISION OF OFFENDERS (COMMUNITY SERVICE ORDERS) (AMENDMENT) ORDINANCE 1985 ORDINANCE NO. 64, 1985**

The Supervision of Offenders (Community Service Orders) Ordinance 1985 (the principal Ordinance) provides for the supervision of adult offenders in respect of whom court orders to perform unpaid work of a nature useful to the community for a certain period have been made. Section 6 of the principal Ordinance requires work under a community service order to be performed in accordance with the directions of an authorized officer and provided that the authorized officer, in giving such directions, was required to take into account, as far as practicable, the religious beliefs of the offender.

The Supervision of Offenders (Community Service Orders) (Amendment) Ordinance 1985 (the proposed Ordinance) amends section 6 of the principal Ordinance to give effect to an undertaking to the Senate Standing Committee on Regulations and Ordinances arising from the Committee's consideration of the principal Ordinance. The Senate Committee took objection to the authorized officer's discretion that he need only take into account an offender's religious beliefs "as far as practicable" in giving a direction under section 6 of the principal Ordinance. The Senate Committee also considered that the authorized officer should be obliged to take into account not only the religious beliefs of the offender when giving a direction under section 6 but all kinds of genuine conscientious objections of an offender to performing certain kinds of community service work.

The effect of each of the provisions in the proposed Ordinance is outlined in the attachment.

Ord. 31/85

**SUPERVISION OF OFFENDERS (COMMUNITY SERVICE ORDERS) (AMENDMENT)  
ORDINANCE 1985**

Section 1 cites the short title of the proposed Ordinance as the Supervision of Offenders (Community Service Orders) (Amendment) Ordinance 1985.

Section 2 amends section 6 of the principal Ordinance to give effect to the Minister's undertaking to the Senate Committee. Section 2 removes the discretion implied by the words "as far as practicable" so that the authorized officer, in giving a direction to an offender, shall be obliged to take into account the religious beliefs of the offender. Also the authorized officer is required by a new sub-section 6(2A) to consult with the offender regarding the nature of the work to be performed by the offender under the community service order and to take into account any matters raised by the offender in the course of consultation, in giving directions pursuant to section 6.

Ord. 31/85