

1990 - No. 72

COMMUNITY SERVICE ORDERS ACT 1979 - REGULATION

(Relating to enforcement of fines)

NEW SOUTH WALES



[Published in Gazette No. 21 of 9 February 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Community Service Orders Act 1979, has been pleased to make the Regulation set forth hereunder.

MICHAEL YABSLEY
Minister for Corrective Services.

Commencement

1. This Regulation commences on 9 February 1990.

Amendment

2. The Community Service Orders Regulation 1988 is amended:
 - (a) by omitting Part 3 and by inserting instead the following Part:

PART 3 - FINE DEFAULT ORDERS

Form of order

11. For the purposes of section 26A of the Act, the prescribed form is Form 6.

Notice of order

12. For the purposes of section 26A (4) of the Act, the manner in which notice of an order is to be given is by service, personally or by post, of a copy of the order.

Payment of amount in satisfaction of order

13. For the purposes of section 261 of the Act, the prescribed manner of making a payment referred to in that section is by taking a certificate, issued by the assigned officer in Form 7, to a Local Court and paying the appropriate amount to the Clerk of the Local Court.

Report of breach

14. A report for the purposes of section 26K (1) of the Act is to be prepared in Form 8 and is to be served personally or by post on the person in respect of whom the relevant community service order was made.

(b) by omitting Forms 6–9 in Schedule 1 and by inserting instead the following forms:

Form 6

COMMUNITY SERVICE ORDERS ACT 1979

COMMUNITY SERVICE ORDER - FINE DEFAULT

Name of offender:

Address:

Date of birth:

Offence:

Date of order:

Place of order:

Court reference:

By virtue of the above order, the offender was ordered to pay the sum of:

.....
The time allowed to pay the amount having expired, the total amount still outstanding is:

The offender is therefore ordered to perform community service work in the following terms:

Work as directed by the assigned officer for a period of:

.....
For the purpose of enabling the administration of this order to be commenced, the offender is required to report to

Probation and Parole Office on or before

The term of the order is to be twelve months unless the order is completed sooner by:

1990 - No. 72

- (a) completion of the work;
- (b) subsequent imprisonment of the offender; or
- (c) breach proceedings under section 26K of the Act.

Dated this day of 19 at
..... Local Court.

Penalty	\$
Court costs	\$
Prof. costs	\$

Authorised Justice.

NOTICE TO OFFENDER

1. You may satisfy this order by paying the amount shown in full or by making arrangements with the Clerk of the Local Court to pay by instalments.
2. Failure to report as directed will result in the order being revoked and the issue of a warrant for your commitment to prison.
3. You should telephone the Probation and Parole Office before Reporting. There may be a Reporting Centre closer to your home than the office specified in the order.

Form 7

COMMUNITY SERVICE ORDERS ACT 1979

CERTIFICATE REGARDING HOURS WORKED

WHEREAS a community service order/s (for fine default) was/were made by an authorised Justice at the Local Court at on the
day of 19, in respect of of

Now I the assigned officer in respect of the order/s, report that the person in respect of whom the order/s was/were made has performed a total of hours of community service work.

To satisfy the order/s, the sum of dollars (\$) must be paid.

Details of fine/s
Court ref.

Penalty	\$
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1990 - No. 72

Court costs	\$
Prof. costs	\$
Other	\$

.....

Assigned officer

.....
(date)

To the Clerk of the Local Court,

Receipt No. date issued Clerk of the Local Court
Officer-in-Charge,
Probation and Parole Service,

Form 8

COMMUNITY SERVICE ORDERS ACT 1979

REPORT OF BREACH OF COMMUNITY SERVICE ORDER (FINE DEFAULT)

Whereas a community service order (for fine default) was made by an authorised Justice at the Local Court at

on the day of 19, in respect of
..... of

Now I,

....., the assigned officer in respect of the order, report that the person in respect of whom the order was made has failed without reasonable cause or excuse to comply with the order (or a requirement in respect of the order) in that:

- [] the person failed to report
- [] the person failed to comply with the following directions:
.....
- [] the person failed to work as instructed, in particular:

[] (other reasons)

Dated this day of 19

.....
Assigned officer

To: Clerk of the Local Court,
.....

To the person subject to this order, you may give reasons why this order should continue to at on or before
.....

FOR OFFICE USE ONLY

- [] The community service order is to continue
- [] The community service order is revoked - warrant to issue
- [] The community service order is revoked - warrant not to issue
- [] The community service order is satisfied by payment
- [] Time payment has been granted

To: The Officer-in-charge
Probation and Parole
Office,

EXPLANATORY NOTE

The object of this Regulation is to amend the Community Service Orders Regulation 1988, as a result of the commencement of amendments to the Community Service Orders Act 1979 contained in the Fine Enforcement Legislation (Amendment) Act 1989:

- (a) to prescribe the form of community service order for fine defaulters; and
- (b) to prescribe other matters and forms relating to fine defaulters.
