



New South Wales

# Fines Amendment (Sentencing) Regulation 2000

under the

Fines Act 1996

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fines Act 1996*.

J. W. SHAW, Q.C., M.L.C.,

Attorney General

## Explanatory note

The object of this Regulation is to amend the *Fines Regulation 1997* as a consequence of the amendments to the *Fines Act 1996* that have been made by the *Crimes Legislation Amendment (Sentencing) Act 1999*. The amendments deal with machinery matters relating to community service orders made by the State Debt Recovery Office under section 79 of the *Fines Act 1996* and periodic detention orders made by the Commissioner of Corrective Services under section 89 of that Act.

This Regulation is made under the *Fines Act 1996*, including section 128 (the general power to make regulations) and sections 79, 87 and 89.

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Clause 1 Fines Amendment (Sentencing) Regulation 2000

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**Fines Amendment (Sentencing) Regulation 2000**

**1 Name of Regulation**

This Regulation is the *Fines Amendment (Sentencing) Regulation 2000*.

**2 Commencement**

This Regulation commences on 3 April 2000.

**3 Amendment of Fines Regulation 1997**

The *Fines Regulation 1997* is amended as set out in Schedule 1.

**4 Notes**

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3 Definitions

Insert at the end of clause 3:

- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

### [2] Clause 17A

Insert after clause 17:

#### 17A Community service orders: section 79

- (1) A community service order under section 79 of the Act must be reduced to writing using Form 1.
- (2) A copy of the order is to be given to the offender, and a further copy is to be sent to the Commissioner of Corrective Services.
- (3) A notice referred to in section 93 (1) of the *Crimes (Sentencing Procedure) Act 1999*, as applied by section 79 of the *Fines Act 1996*, must be in Form 2.
- (4) The offender must sign 3 copies of the notice in the presence of the person by whom it was given to the offender.
- (5) Of the 3 copies:
  - (a) one is to be kept by the offender, and
  - (b) one is to be kept by the Commissioner of Corrective Services, and
  - (c) one is to be kept by the State Debt Recovery Office.
- (6) The regulations made for the purposes of Part 5 of the *Crimes (Administration of Sentences) Act 1999*, as applied by section 79 of the *Fines Act 1996*, apply to a community service order made under section 79 of the *Fines Act 1996* in the same way as they apply to a community service order made under section 8 of the *Crimes (Sentencing Procedure) Act 1999*.

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Schedule 1 Amendments

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**[3] Clauses 20A and 20B**

Insert after clause 20:

**20A Warrants of commitment: section 87**

For the purposes of section 87 (1) of the Act, a warrant of commitment to imprisonment is to be in:

- (a) Form 3, where the imprisonment is to be served by way of full-time detention, or
- (b) Form 4, where the imprisonment is to be served by way of periodic detention.

**20B Periodic detention orders: section 89**

- (1) A periodic detention order under section 89 of the Act must be reduced to writing using Form 5.
- (2) A copy of the order is to be given to the offender, and further copies are to be sent to:
  - (a) the State Debt Recovery Office, and
  - (b) the governor for the periodic detention centre to which the offender is committed to serve the sentence.
- (3) A notice referred to in section 72 (1) of the *Crimes (Sentencing Procedure) Act 1999*, as applied by section 89 of the *Fines Act 1996*, must be in Form 6.
- (4) The offender must sign 3 copies of the notice in the presence of the person by whom it was given to the offender.
- (5) Of the 3 copies:
  - (a) one is to be kept by the offender, and
  - (b) one is to be kept by the governor responsible for the periodic detention centre to which the offender is committed, and
  - (c) one is to be kept by the Commissioner of Corrective Services.
- (6) The regulations made for the purposes of Part 3 of the *Crimes (Administration of Sentences) Act 1999*, as applied by section 89 of the *Fines Act 1996*, apply to a periodic detention order made under section 89 of the *Fines Act 1996*

in the same way as they apply to a periodic detention order made under section 6 of the *Crimes (Sentencing Procedure) Act 1999*.

**[4] Schedule 1**

Insert at the end of the Regulation:

**Schedule 1 Forms**

(Clause 3)

**Form 1**

(Clause 17A)

**COMMUNITY SERVICE ORDER**

(Fines Act 1996, section 79)

**1 Sentence details**

- Case No: .....
- Conviction Date: .....
- The Court at: .....
- Offender: .....
- Date of Birth: .....
- Offence: .....

**Particulars of community service imposed by State Debt Recovery Office**

- Number of hours' community service work: .....
- (to include . . . . . hours' participation in a personal development, educational or other program)\*.
- \*The above sentence is to be served cumulatively on the sentence of . . . hours' community service work: .....
- that commenced on: .....

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**2 Standard conditions**

Pursuant to section 79 (6) of the *Fines Act 1996*, this order is subject to the conditions prescribed by the regulations under the *Crimes (Administration of Sentences) Act 1999*.

*Note: a copy of the standard conditions must be attached to this order.*

**3 Additional conditions**

The order is also subject to the following conditions:

.....  
.....

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Date of order:

Signed: ..... Date: .....  
(Justice of the Peace)

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\* delete if not applicable

**Form 2**

(Clause 17A)

**NOTICE OF COMMUNITY SERVICE ORDER**

(Fines Act 1996, section 79, and  
Crimes (Sentencing Procedure) Act 1999, section 93)

TO .....  
of .....

WHEREAS you were, on ..... convicted in the .... Court at  
..... of the following offence:  
..... ,

AND WHEREAS a fine of \$ .... was imposed on you in respect of that  
offence,

AND WHEREAS an amount of \$ .... remains unpaid in respect of that  
fine,

AND WHEREAS the State Debt Recovery Office has, under section 79  
of the *Fines Act 1996*, made a community service order requiring you to  
work off the amount of the fine that remains unpaid by performing ...  
hours' community service work (to include ..... hours' participation  
in a personal development, educational or other program)\*,

YOU ARE HEREBY GIVEN NOTICE that you have been ordered to  
report in person to ..... at ..... in the State  
of New South Wales within the period of ..... days from the date of this  
notice for the purpose of enabling the administration of the order to be  
commenced.

.....  
Justice of the Peace

Signature of offender: .....

Date: .....

\* delete if not applicable.

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**Form 3**

(Clause 20A)

**WARRANT OF COMMITMENT TO CORRECTIONAL CENTRE**

(Fines Act 1996, section 87)

TO THE GOVERNOR of the correctional centre at . . . . . in the State of New South Wales

WHEREAS . . . . . of . . . . . (*the offender*) has been found guilty by the . . . . . Court of the following offence:

. . . . . ,

AND WHEREAS the State Debt Recovery Office has revoked a community service order under Division 5 of Part 4 of the *Fines Act 1996* in relation to that offence,

AND WHEREAS the State Debt Recovery Office has further determined that the offender be imprisoned for that offence for a period of . . . . . , to commence on . . . . . , in accordance with Division 6 of Part 4 of the *Fines Act 1996*,

YOU ARE HEREBY DIRECTED to receive the offender into your custody there and (subject to the *Crimes (Administration of Sentences) Act 1999* and to any order under that Act) to detain the offender there by way of full-time detention for the term of the offender's sentence.

. . . . .

Justice of the Peace

Date: . . . . .

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TO ALL POLICE OFFICERS in the State of New South Wales

By virtue of section 62 of the *Crimes (Sentencing Procedure) Act 1999*, this warrant is sufficient authority for you to convey the offender named in this warrant to the correctional centre specified in this warrant and to deliver the offender into the custody of the governor of that correctional centre.

.....  
 Justice of the Peace

Date: .....

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**Form 4**

(Clause 20A)

**WARRANT OF COMMITMENT TO PERIODIC DETENTION CENTRE**

(Fines Act 1996, section 87)

TO the governor responsible for the periodic detention centre at . . . . .  
. . . . . in the State of New South Wales,

WHEREAS . . . . . of . . . . . (*the offender*)  
has been found guilty by the . . . . . Court of the following  
offence:

. . . . . ,

AND WHEREAS the State Debt Recovery Office has revoked a  
community service order under Division 5 of Part 4 of the *Fines Act*  
*1996* in relation to that offence,

AND WHEREAS the State Debt Recovery Office has further determined  
that the offender be imprisoned for that offence for a period of . . . . .  
. . . , to commence on . . . . . , in accordance with  
Division 6 of Part 4 of the *Fines Act 1996*,

AND WHEREAS the Commissioner of Corrective Services has, under  
section 89 of the *Fines Act 1996*, ordered that the term of imprisonment  
be served by way of periodic detention,

YOU ARE HEREBY DIRECTED to receive the offender into your  
custody there and (subject to the *Crimes (Administration of Sentences)*  
*Act 1999* and to any order under that Act) to imprison the offender there  
by way of periodic detention for the term of the offender's sentence.

. . . . .  
Justice of the Peace

Date: . . . . .

**Form 5**

(Clause 20B)

**PERIODIC DETENTION ORDER**

(Fines Act 1996, section 89)

**1 Sentence details**

Case No: .....

Conviction Date: .....

The Court at: .....

Offender: .....

Date of Birth: .....

Offence: .....

**Particulars of imprisonment imposed by State Debt Recovery Office**

Term of: .....

to commence on: .....

It is hereby ordered that the above term of imprisonment is to be served by way of periodic detention in accordance with the *Crimes (Administration of Sentences) Act 1999*.

Date of order:

Signed: .....

(Commissioner of Corrective Services)

Date: .....

\* delete if not applicable

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**Form 6**

(Clause 20B)

**NOTICE OF PERIODIC DETENTION ORDER**

(Fines Act 1996, section 89,  
Crimes (Sentencing Procedure) Act 1999, section 72)

TO .....  
of .....

WHEREAS you were, on ....., convicted in the Court at ..... of the following offence:  
.....

AND WHEREAS a fine of \$ . . . . was imposed on you in respect of that offence,

AND WHEREAS an amount of \$ . . . . remains unpaid in respect of that fine,

AND WHEREAS the State Debt Recovery Office has, under section 79 of the *Fines Act 1996*, made a community service order requiring you to work off the amount of the fine that remains unpaid by performing . . . hours' community service work,

AND WHEREAS the State Debt Recovery Office has revoked the community service order under Division 5 of Part 4 of the *Fines Act 1996* in relation to that offence,

AND WHEREAS the State Debt Recovery Office has further determined that you be imprisoned for that offence for a period of . . . . ., to commence on . . . . ., in accordance with Division 6 of Part 4 of the *Fines Act 1996*,

AND WHEREAS the Commissioner of Corrective Services has, under section 89 of the *Fines Act 1996*, ordered that the term of imprisonment be served by way of periodic detention,

YOU ARE HEREBY GIVEN NOTICE that you have been ordered to report in person to the officer in charge of the periodic detention centre at . . . . . in the State of New South Wales at . . . . . on . . . . . and (subject to the *Crimes (Administration of Sentences) Act 1999* and to any order under that Act) to the same place at . . . . . on . . . . . each subsequent week during the term of your sentence.

. . . . .  
Commissioner of Corrective Services

Signature of offender: . . . . .

Date: . . . . .