

[Act 1996 No 35]



New South Wales

Children (Community Service Orders) Amendment (Maximum Hours) Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to increase the maximum number of hours of community service work that a person who is of or above the age of 16 may be required to perform under a children's community service order that is imposed in respect of an offence for which the maximum term of imprisonment provided by law exceeds 6 months.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Children (Community Service Orders) Act 1987* set out in Schedule 1.

Schedule 1 Amendments

Section 13 (2) of the *Children (Community Service Orders) Act 1987* provides that the maximum number of hours of community service work to be performed by a person in respect of whom a children's community service order has been made as an alternative to detention is not to exceed the number prescribed by the regulations in respect of the offence (or class of offences) in respect of which the order was made. The section currently provides that, if the regulations do not prescribe such a number, the maximum hours are not to exceed 100 hours.

Schedule 1 [1] repeals and re-enacts section 13 (2) so as to specify the maximum number of hours concerned. The re-enacted subsection retains the 100 hour limit for persons under the age of 16 and for those of or above that age whose offence is one for which the maximum sentence provided by law does not exceed 6 months. It provides for 2 different levels for more serious offences committed by persons of or above the age of 16: a maximum of 200 hours if the maximum sentence applicable to the offence concerned exceeds 6 months but does not exceed 1 year, and a maximum of 250 hours if the maximum sentence applicable exceeds 1 year.

Schedule 1 [1] also inserts proposed subsection (2AA), which empowers the regulations to reduce the maximum hours specified.

Schedule 1 [2] makes a consequential amendment.