

Community Service Orders Act 1979 No 192

[1979-192]



New South Wales

Status Information

Currency of version

Repealed version for 1 January 2000 to 2 April 2000 (accessed 5 December 2024 at 13:27)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Sentencing Legislation Amendment Act 1997 No 5](#), Sch 1 [1]-[3] and [5]-[13] (not commenced).
- **Repeal**
The Act was repealed by Sch 1 to the [Crimes Legislation Amendment \(Sentencing\) Act 1999 No 94](#) with effect from 3.4.2000.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 3 April 2000

Community Service Orders Act 1979 No 192



New South Wales

Contents

Long title	4
Part 1 Preliminary	4
1 Name of Act	4
2 Commencement	4
3 Definitions	4
3A Establishment of attendance centres	5
Part 2 Court orders	5
4 Community service orders in respect of convicted persons	5
5 Community service order not to be made in addition to certain other orders etc	6
6 Circumstances in which a community service order may be made	7
7 Number of hours of community service work	7
8 Supervising court	8
9 Place etc and time for presentation for work	8
10 Conditions	9
11 Explanation of nature and effect of proposed order	9
12 Preparation and service of a copy of an order	9
13 Assignment of officer by the Director-General	10
14 Obligations of persons in respect of whom orders are in force	10
15 Directions	10
16 Duration of community service order	11
17 Extension of duration of community service order	11
18 Revocation etc of community service orders on application	11

19 Revocation of community service order on sentencing for other offence.....	12
20 Issue of summons or warrant—applications under section 17 or 18	12
21 Notification of amendment or revocation of orders	12
22 Substitution of new supervising court	13
23 Breach of requirements of, or relating to, community service order	13
24 Issue of summons or warrant—failure to comply with order etc.....	13
25 Conviction for breach—how dealt with	14
26 Subsequent sentence—order to be taken into account	15
Part 3 Fine default	15
26A Application of Part	15
26B–26K (Repealed)	16
Part 4 Liability in respect of work incidents	16
26L Definition	16
26M Act or omission of offender engaged in community service work.....	16
26N Act or omission of supervisor of community service work	16
26O Limits to common law damages for injury to offender	17
26P Disclosure of material facts about health	18
26Q Settlement of claims	18
Part 5 Miscellaneous	18
27 Regulations.....	18
28 Savings and transitional provisions	20
Schedule 1 Savings and transitional provisions	20

Community Service Orders Act 1979 No 192



New South Wales

An Act to make provision with respect to the performance of certain unpaid work and participation in development programmes by persons convicted of offences.

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Community Service Orders Act 1979*.

2 Commencement

- (1) This section and section 1 shall commence on the date of assent to this Act.
- (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3 Definitions

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

assigned officer, in relation to a community service order, means the probation officer or other person for the time being assigned, under section 13, by the Director-General in respect of the administration of the order or the person exercising or performing, in accordance with the regulations, the powers, authorities, duties and functions of the officer or person so assigned.

attendance centre means premises declared to be an attendance centre under section 3A.

community service order means a community service order made under section 4 (1) and, except in Part 2, includes a community service order made under section 79 of the *Fines Act 1996* in respect of a person who is not a person to whom the *Children (Community Service Orders) Act 1987* applies.

community service work means unpaid work approved by the Minister or unpaid work of a class or description so approved.

conviction includes a finding of guilt.

development programme means a personal development, educational or other programme.

Director-General means the Director-General of Corrective Services.

justice means a Justice of the Peace.

probation officer means a probation and parole officer employed in the Department of Corrective Services.

regulations means regulations made under this Act.

supervisor means a person appointed pursuant to the regulations to supervise the performance of community service work by persons in respect of whom community service orders are in force.

work includes any form of work, service or activity.

- (2) In this Act (section 6 excepted), a reference to the performance of community service work by a person in respect of whom a community service order has been made includes a reference to the attendance by that person at an attendance centre and the participation by that person in such development programmes as the assigned officer directs.

3A Establishment of attendance centres

- (1) Premises to which this section applies are premises which belong to or are under the control of or are occupied by the Crown or a person acting on behalf of the Crown.
- (2) The Minister may, by order published in the Gazette, declare any premises specified or described in the order, being premises to which this section applies, to be an attendance centre for the purpose of carrying out or giving effect to this Act.

Part 2 Court orders

4 Community service orders in respect of convicted persons

- (1) Where a person:
- (a) who has committed an offence punishable by imprisonment (whether or not it is also punishable by a fine), and
 - (b) who:
 - (i) had attained the age of 18 years when the offence was committed, or
 - (ii) had not then attained that age but had attained the age of 21 years when the

person was charged before a court with the offence,

is before a court for sentencing after being convicted of the offence, the court may, instead of imposing a penalty of imprisonment and whether or not it imposes any such fine, make an order requiring the person to perform community service work for a number of hours not exceeding the number of hours prescribed in respect of the class of offences to which the offence belongs.

- (1A) An order under this section may recommend that the community service work to be performed by the person in respect of whom the order is made should include:
- (a) the removal of graffiti from buildings, vehicles, vessels and places, and
 - (b) the restoration of the appearance of buildings, vehicles, vessels and places consequent on the removal of graffiti from them.
- (2) The power of a court under subsection (1) may be exercised only subject to and in accordance with this Act.
- (3) Where a court, in respect of a person convicted of an offence, makes a community service order in respect of the offence, the court may, in addition, do any one or more of the following:
- (a) give:
 - (i) an order under section 438 (1) of the *Crimes Act 1900*, or
 - (ii) a direction for compensation under Part 4 of the *Victims Compensation Act 1996*,in respect of the offence,
 - (b) impose any disqualification authorised under any law on the person in respect of the offence,
 - (c) order the forfeiture of any property authorised under any law to be forfeited in respect of the offence.
- (4) More than one community service order may be made by one or more courts in respect of the same person so as to be in force at the same time.
- (5) This section applies to a person who has been convicted of an offence before the date of commencement of this section but has not, before that date, been sentenced for the offence.

5 Community service order not to be made in addition to certain other orders etc

Where a court, in respect of a person convicted of an offence:

- (a) sentences the person to a term of imprisonment in respect of the offence, or
- (b) gives or makes a direction or an order under section 554 (2), 556A (1) or 558 (1) of the *Crimes Act 1900* in respect of the offence,

the court shall not, in addition, make a community service order in respect of the offence.

6 Circumstances in which a community service order may be made

- (1) A court shall not make a community service order in respect of a person unless the person consents to the making of the order.
- (2) A court shall not make a community service order for the performance of community service work by a person unless:
 - (a) the court has been notified by a probation officer or a person authorised in accordance with the regulations:
 - (i) that arrangements exist in the area in which the person resides or intends to reside for the person to perform community service work under the order, and
 - (ii) that community service work can be provided in accordance with those arrangements, and
 - (b) the court is satisfied, after considering a report from a probation officer or a person so authorised about the person to whom the order is to relate, and, after hearing (if the court thinks necessary) evidence from a probation officer or a person so authorised, that the person to whom the order is to relate is a suitable person to perform community service work under the order.
- (3) A court shall not make a community service order requiring a person to attend an attendance centre and participate in development programmes unless:
 - (a) the court has been notified by a probation officer or a person authorised in accordance with the regulations that arrangements exist in the area in which the person resides or intends to reside for the person to attend an attendance centre and participate in development programmes under the order, and
 - (b) the court is satisfied, after considering a report from a probation officer or a person so authorised about the person to whom the order is to relate, and, after hearing (if the court thinks necessary) evidence from a probation officer or a person so authorised, that the person to whom the order is to relate is a suitable person to attend an attendance centre and participate in development programmes.

7 Number of hours of community service work

- (1) Where a court makes a community service order, the court shall specify in the order

the number of hours, not exceeding 500 hours, of community service work to be performed by the person in respect of whom the order is made.

- (2) A court may specify that the hours of community service work to be performed by a person in respect of whom a community service order is made shall be concurrent with or additional to those specified in any other such order made in respect of that person, but so that the sum of:
- (a) the number of hours of work remaining to be performed, at any time, concurrently under the orders, and
 - (b) the number of hours of work remaining to be performed, at any time, otherwise than concurrently, under the orders,
- does not exceed 500 hours.
- (3) Where a court makes a community service order requiring a person to attend an attendance centre and participate in development programmes, the court shall not, in the order:
- (a) require the person to attend or participate more than 3 times in any one week,
 - (b) require the person to attend or participate for a total period of more than 15 hours in any one week, or
 - (c) specify a total period of less than 20 hours for attendance or participation.

8 Supervising court

- (1) Where a court makes a community service order in respect of a person, it shall specify in the order a Local Court, being:
- (a) the Local Court nearest to the place where the person resides or intends to reside, or
 - (b) the Local Court it deems most convenient in the circumstances,
- to be the supervising court in respect of the order.
- (2) A Local Court specified in an order as referred to in subsection (1) or, where another Local Court is substituted for that court pursuant to section 22, the court so substituted, shall, for the purposes of this Act, be the supervising court in respect of the order.

9 Place etc and time for presentation for work

Where a court makes a community service order, it shall specify in the order:

- (a) a place at which or a person to whom the person in respect of whom the order is made shall present himself or herself, in person, for the purpose of enabling the

administration of the order to be commenced, and

- (b) a period within which the person in respect of whom the order is made shall so present himself or herself.

10 Conditions

- (1) Where a court makes a community service order, it may specify in the order conditions, not inconsistent with this Act or the regulations, to be complied with by the person in respect of whom the order is made during such period as the order remains in force.
- (2) Without affecting or limiting the generality of subsection (1), a court may, when making a community service order requiring a person to attend an attendance centre and participate in development programmes, specify in the order (as a condition to be complied with by the person during the period for which the order remains in force) that the person undergo testing or assessment for alcohol or drug use, as directed by the assigned officer.

11 Explanation of nature and effect of proposed order

Where a court proposes to make a community service order it shall, before making the order, explain or cause to be explained to the person in respect of whom it is proposed to make the order, in language likely to be readily understood by the person:

- (a) the purpose and effect of the proposed order,
- (b) the consequences that may follow if the person fails to comply with the proposed order or any requirement made by or under this Act or the regulations in respect of the proposed order, and
- (c) that the proposed order may be amended or revoked.

12 Preparation and service of a copy of an order

- (1) A court which makes a community service order shall, as soon as practicable after the order is made, cause the order to be reduced to writing in the prescribed form.
- (2) The court shall cause a copy of a community service order reduced to writing under subsection (1):
 - (a) to be served on the person in respect of whom the order is made before the person leaves the precincts of the court,
 - (b) to be sent to the Director-General, and
 - (c) where the court is not the supervising court, to be sent to the clerk of the supervising court together with such documents and information relating to the person in respect of whom and the offence in respect of which the order is made

as it considers likely to be of assistance to the supervising court.

- (3) The failure of a court to cause a copy of a community service order to be served on or sent to a person pursuant to subsection (2) does not invalidate the order.

13 Assignment of officer by the Director-General

- (1) On receipt of a copy of a community service order sent to it under section 12 (2), the Director-General shall assign a probation officer or, where the regulations so provide, a person other than a probation officer, in respect of the administration of the order.
- (2) (Repealed)

14 Obligations of persons in respect of whom orders are in force

- (1) A person in respect of whom a community service order is in force shall, in addition to complying with any other requirement made by or under this Act or the regulations in respect of the order:
 - (a) perform, for the number of hours specified in the order, such community service work as the assigned officer directs at such times as the assigned officer directs,
 - (b) perform that work in a satisfactory manner,
 - (c) while performing that work, comply with any reasonable direction of the assigned officer or a supervisor, and
 - (d) inform the assigned officer of any change in the person's place of residence.
- (2) The work to be performed by a person in respect of whom a community service order is in force (being an order containing a recommendation referred to in section 4 (1A)) must, if practicable, include:
 - (a) the removal of graffiti from buildings, vehicles, vessels and places, and
 - (b) the restoration of the appearance of buildings, vehicles, vessels and places consequent on the removal of graffiti from them.

15 Directions

- (1) The assigned officer must not, under section 14, direct a person in respect of whom a community service order is in force to perform work if, in performing the work, the person would take the place of any other person who would otherwise be employed in that work as a regular employee.
- (2) In giving directions to a person under section 14, the assigned officer and a supervisor shall, so far as practicable, avoid:
 - (a) any conflict with the person's religious beliefs, if any, and

- (b) any interference with the times, if any, at which the person normally works or attends a school or other educational establishment.

16 Duration of community service order

- (1) A community service order shall remain in force until:
 - (a) the person in respect of whom the order is made has performed community service work in accordance with any requirement made by or under this Act or the regulations in respect of the order for the number of hours specified in the order,
 - (b) the expiration of the relevant maximum period, or
 - (c) the order is revoked pursuant to section 18, 19 or 25,whichever first occurs.
- (2) For the purposes of subsection (1) (b), the relevant maximum period is:
 - (a) if the number of hours specified in the order does not exceed 300—the period of 12 months, or
 - (b) if the number of hours specified in the order (or the total number of accumulated hours specified by a court pursuant to section 7 (2)) exceeds 300—the period of 18 months,but if that period is extended pursuant to section 17, the period as so extended.

17 Extension of duration of community service order

Where, on the application of the person in respect of whom a community service order is in force or the assigned officer, it appears to the supervising court that it would, having regard to circumstances that have arisen since the order was made, be in the interests of justice to do so, the court may extend the period during which the order remains in force.

18 Revocation etc of community service orders on application

- (1) Where, on the application of the person in respect of whom a community service order is in force or the assigned officer, it appears to the supervising court that it would, having regard to circumstances that have arisen since the order was made, be in the interests of justice to do so, the court may:
 - (a) where the order was made by a Local Court:
 - (i) revoke the order,
 - (ii) revoke the order and deal with the person, for the offence in respect of which the order was made, in any manner in which the person could have been dealt with for that offence by the court that made the order if the order had not been made, or

(iii) subject to the *Bail Act 1978*, commit the person to custody until the person can appear or be brought before the court that made the order, or

(b) where the order was made by the District Court or the Supreme Court, subject to the *Bail Act 1978*, commit the person to custody until the person can appear or be brought before the court that made the order, whether or not that court is constituted by the same judge as the court that made the order.

(2) Where, pursuant to subsection (1) (a) (iii) or (b), a person appears or is brought before a court that made a community service order in respect of the person, that court may:

(a) revoke the order, or

(b) revoke the order and deal with the person, for the offence in respect of which the order was made, in any manner in which the person could have been dealt with for that offence by that court if it had not made the order.

19 Revocation of community service order on sentencing for other offence

Where a person in respect of whom a community service order is in force appears before a court, being a court of equal jurisdiction to or higher jurisdiction than the court that made the order, for sentencing in respect of an offence other than the offence in respect of which the order was made, that court may:

(a) revoke the order, or

(b) revoke the order and deal with the person, for the offence in respect of which the order was made, in any manner in which the person could have been dealt with for that offence by the court that made the order if the order had not been made.

20 Issue of summons or warrant—applications under section 17 or 18

Where an application is made to a court under section 17 or 18 by the assigned officer, the court may issue a summons requiring the person in respect of whom a community service order is made to appear before it at the time specified in the summons and, if the person does not appear in answer to the summons, may issue a warrant for the arrest of the person directing that the person be brought before the court as soon as possible after the person's arrest.

21 Notification of amendment or revocation of orders

Where a court:

(a) pursuant to section 17, extends the period during which a community service order remains in force, or

(b) pursuant to section 18, 19 or 25, revokes a community service order,

the court shall cause notice of the extension or revocation to be served on the assigned

officer and (if that court is not the supervising court) sent to the clerk of the supervising court.

22 Substitution of new supervising court

- (1) Where the supervising court is satisfied that a person in respect of whom a community service order is in force has changed or proposes to change the person's place of residence or that other sufficient reasons exist, so that some other Local Court is or will be the Local Court nearest to the new place of residence of the person or the most convenient in the circumstances of the case, the supervising court may, by order, amend the order by substituting that other Local Court as the supervising court in place of the court originally appointed.
- (2) A court shall not make an order under subsection (1) unless the court:
 - (a) has been notified by the assigned officer that arrangements exist for persons who reside in the area in which the person in respect of whom the community service order is in force resides or intends to reside to perform community service work under a community service order, and
 - (b) is satisfied that, if an order under subsection (1) is made, community service work can be provided for the person under the arrangements referred to in paragraph (a).
- (3) Where a community service order is amended under subsection (1), the court making the amending order shall send to the clerk of the new supervising court referred to in the amending order a copy of the amending order together with such documents and information relating to the person in respect of whom and the offence in respect of which the community service order is in force as it considers likely to be of assistance to that court.

23 Breach of requirements of, or relating to, community service order

- (1) If a person in respect of whom a community service order is in force fails, without reasonable cause or excuse, to comply with the order or with any requirement made by or under this Act or the regulations in respect of the order, the person shall be guilty of an offence.
- (2) Proceedings for an offence under subsection (1) in respect of a community service order shall be brought in accordance with section 24.
- (3) Notwithstanding section 56 (1) of the *Justices Act 1902*, proceedings for an offence under subsection (1) in respect of a community service order shall not be commenced at any time later than one month after the order ceased to be in force.

24 Issue of summons or warrant—failure to comply with order etc

If it appears on complaint in writing to a justice that a person in respect of whom a

community service order is in force has failed, without reasonable cause or excuse, to comply with the order or with any requirement made by or under this Act or the regulations in respect of the order, the justice may issue a summons requiring the person to appear before the supervising court at the time specified in the summons or may, if the complaint is in writing and on oath, issue a warrant for the arrest of the person and directing that the person be brought before the supervising court as soon as possible after the person's arrest.

25 Conviction for breach—how dealt with

- (1) If the supervising court convicts a person of an offence under section 23 (1), the court may:
 - (a) without prejudice to the continuation in force of the community service order, impose on the person a fine not exceeding 2.5 penalty units,
 - (b) where the order was made by a Local Court:
 - (i) deal with the person, for the offence in respect of which the order was made, in any manner in which the person could have been dealt with for that offence by the court that made the order if the order had not been made and, unless the order has ceased to be in force, revoke the order, or
 - (ii) subject to the [Bail Act 1978](#), commit the person to custody until the person can appear or be brought before the court that made the order,
 - (c) where the order was made by the District Court or the Supreme Court, subject to the [Bail Act 1978](#), commit the person to custody until the person can appear or be brought before the court that made the order, whether or not that court is constituted by the same judge as the court that made the order, or
 - (d) take no action.
- (2) Where, pursuant to subsection (1) (b) (ii) or (c), a person is to appear or is to be brought before the court that made the community service order in respect of the person, the supervising court shall send to the court before which the person is to appear or is to be brought a certificate, signed by a justice, of conviction of an offence under section 23 (1), together with such documents and information as the supervising court considers likely to be of assistance to the court before which the person is to appear or is to be brought.
- (3) A certificate under subsection (2) shall be admissible as evidence of an offence under section 23 (1) in proceedings before the court before which a person appears or is brought pursuant to subsection (1) (b) (ii) or (c).
- (4) Where, pursuant to subsection (1) (b) (ii) or (c), a person appears or is brought before the court that made the community service order in respect of the person, that court

may, if it is satisfied that the person is guilty of an offence under section 23 (1):

- (a) without prejudice to the continuation in force of the order, impose on the person a fine not exceeding 2.5 penalty units,
- (b) deal with the person, for the offence in respect of which the order was made, in any manner in which the person could have been dealt with for that offence by that court if it had not made the order and, unless the order has ceased to be in force, revoke the order, or
- (c) take no action.

(5) In proceedings before the District Court or the Supreme Court under this section, any question whether a person has failed to comply with a requirement of a community service order, or with a requirement made by or under this Act or the regulations in respect of the order, shall be determined by the judge and not by the verdict of a jury.

26 Subsequent sentence—order to be taken into account

(1) Where a person in respect of whom a community service order is made is subsequently dealt with by a court for the offence in respect of which the order was made, the court, in so dealing with the person, shall take into account:

- (a) that the order was made, and
- (b) any thing done under the order.

(2) Where a person in respect of whom a community service order is made is subsequently dealt with by a court for the offence in respect of which the order was made, the person shall be deemed to have a right of appeal against the manner in which the person is dealt with:

- (a) where the court is the District Court or the Supreme Court—under section 5 (1) (other than paragraph (a) or (b)) of the *Criminal Appeal Act 1912* as if:
 - (i) the person were a person convicted on indictment, and
 - (ii) the manner in which the person is dealt with were a sentence passed on the person's conviction, or
- (b) if the court is a Local Court—under Part 5A of the *Justices Act 1902*.

Part 3 Fine default

26A Application of Part

(1) Sections 9, 10 (1), 13, 14, 15, 16 (except subsection (1) (c)) and 17 apply to a community service order under section 79 of the *Fines Act 1996* in the same way they apply to a community service order under Part 2 of this Act.

(2) In the application of those provisions:

- (a) a reference to a court in section 9 or 10 (1) is to be read as a reference to the State Debt Recovery Office, and
- (b) a reference to section 12 (2) in section 13 is to be read as a reference to section 85 (3) of the *Fines Act 1996*, and
- (c) a reference to a court in section 17 is to be read as a reference to the Director-General or State Debt Recovery Office, and
- (d) the circumstances in which an order ceases to be in force under section 16 include that the order is revoked or satisfied under the *Fines Act 1996*.

26B-26K (Repealed)

Part 4 Liability in respect of work incidents

26L Definition

In relation to work performed under a community service order, a reference in this Part to a **person for whom work is performed** includes any person (including a corporation):

- (a) for whose benefit the work is performed, or
- (b) who directs or supervises the work, specifies its terms or conditions or controls it, or
- (c) who owns or occupies the premises or land on which the work is performed.

26M Act or omission of offender engaged in community service work

- (1) No act or omission of a person that occurs in the course of the person's performance of work under a community service order gives rise to any civil liability on the part of the person for whom the work is performed.
- (2) A civil action that would, but for subsection (1), lie against the person for whom the work is performed lies instead against the Crown.
- (3) Subsections (1) and (2) do not have effect if:
 - (a) the work concerned was not work approved by the Director-General, or
 - (b) the act or omission concerned was, or was a necessary part of, an act or omission that was expressly required by the person for whom the work was performed but was neither approved nor required by the Director-General.

26N Act or omission of supervisor of community service work

- (1) No act or omission of a person for whom work is performed under a community service order gives rise to any civil liability on the part of the person to the person who

performs that work if the act or omission occurs in the course of that work.

- (2) A civil action that would, but for subsection (1), lie against the person for whom the work is performed lies instead against the Crown.
- (3) Subsections (1) and (2) do not have effect if:
 - (a) the work concerned was not work approved by the Director-General, or
 - (b) the act or omission concerned was, or was a necessary part of, an act or omission intended to cause injury, loss or damage.

260 Limits to common law damages for injury to offender

- (1) Divisions 1 and 3 of Part 5 of the *Workers Compensation Act 1987* apply to any award of damages in respect of an injury to a person (or death of a person resulting from or caused by an injury), being an injury to which this section applies, in the same way as they apply to an award of damages referred to in those Divisions.
- (2) In subsection (1):

award of damages (where firstly occurring) means an award that is made against the person for whom the work is performed, against the Crown, against the Director-General or against an officer or other employee concerned in the administration of this Act.

injury to which this section applies:

- (a) means a personal injury arising out of or in the course of a person's performance of work under a community service order, and
 - (b) includes:
 - (i) a disease that is contracted by the person in the course of the performance of such work and to which the performance of the work was a contributing factor, and
 - (ii) the aggravation, acceleration, exacerbation or deterioration of any disease, where the performance of the work was a contributing factor to the aggravation, acceleration, exacerbation or deterioration.
- (3) In the application of Division 3 of Part 5 of the *Workers Compensation Act 1987*:
 - (a) a reference to a worker is taken to be a reference to a person who performs work under a community service order, and
 - (b) a reference to a worker's employer is taken to be a reference to the person for whom the work is performed (except in section 151L where it refers to the Director-General or the Crown), and

- (c) a reference in section 151N of that Act to a person's contributory negligence, or in section 151O of that Act to a person's negligence in failing to take sufficient care for his or her own safety, is taken to include any failure on the part of the person to make a disclosure in accordance with the person's duty under section 26P of this Act.
- (4) In the application of section 151L of that Act, a reference to the employer's workplace rehabilitation program is taken to be a reference to a rehabilitation program (if any) offered by the Director-General to a person who performs work under a community service order.
- (5) This section does not apply to an award of damages to which Part 6 of the *Motor Accidents Act 1988* applies.

26P Disclosure of material facts about health

- (1) A person in respect of whom a community service order is in force has, while the order is in force, a duty to disclose as soon as possible to the person's assigned officer:
 - (a) any condition of the person that is a condition to which this section applies, or
 - (b) any substantial change in that condition.
- (2) A person's condition to which this section applies is any medical, physical or mental condition of the person of which the person is aware and that the person is aware substantially increases the risk to the person of injury in performing work of any kind.

26Q Settlement of claims

The Director-General may, on behalf of the Crown, settle any action that lies against the Crown because of this Part. The Director-General may do so on such terms as he or she thinks fit.

Part 5 Miscellaneous

27 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to:
 - (a) providing for the circumstances in which a person other than a probation officer:
 - (i) may notify a court of arrangements as referred to in section 6 (2) (a) or (3) (a),
 - (ii) may prepare a report as referred to in section 6 (2) (b) or (3) (b), or

- (iii) may be assigned by the Director-General in respect of the administration of a community service order,
 - (b) prescribing requirements to be complied with by persons in respect of whom community service orders are in force,
 - (b1) providing for the exercise and performance, in such circumstances (if any) as the regulations may prescribe, of the powers, authorities, duties and functions of assigned officers by other persons,
 - (b2) the service of documents under this Act and any circumstances in which service is to be treated as having been effected,
 - (c) providing for the appointment and payment of supervisors to supervise persons in the performance of community service work,
 - (d) regulating the conduct of supervisors and persons in respect of whom community service orders are in force,
 - (e) providing for the health and safety of supervisors and those persons,
 - (f) prescribing the maximum number of hours of community service work that those persons may be required to perform on any one day,
 - (g) prescribing periods to be included or excluded in computing the number of hours of community service work performed by those persons,
 - (h) providing for travelling and transport arrangements to be made for persons performing community service work,
 - (i) providing for the payment of travelling and other expenses in connection with the performance of community service work,
 - (j) providing for the management of attendance centres and the provision and administration of development programmes, and
 - (k) providing for the appointment and payment of persons to manage or assist in the management of attendance centres and the administration of development programmes.
- (2) A provision of a regulation may:
- (a) apply generally or be limited in its application by reference to specified exceptions or factors,
 - (b) apply differently according to different factors of a specified kind, or
 - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

28 Savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 28)

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Sentencing Legislation Amendment Act 1997

- (2) Any such provision may, if the regulations so provide, take effect on the date of assent to the Act concerned or a later date.
- (3) To the extent to which such a provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

2 Provisions consequent on enactment of Schedule 1 to *Sentencing Legislation Amendment Act 1997*

- (1) Section 7 (4) applies in respect of any order only if the order is made after the commencement of that subsection.
- (2) Section 12, as amended by the *Sentencing Legislation Amendment Act 1997*, applies only in respect of a community service order that is made after the amendment takes effect.
- (3) A direction in force under section 14 at the commencement of Schedule 1 [4] to the *Sentencing Legislation Amendment Act 1997* continues in force, as if section 15 had not been amended by that item, until it expires or a new direction is given in its place.
- (4) Section 17 (2) extends to apply to any community service order that is in force immediately before the commencement of that subsection.
- (5) Section 23 (4) and (5) as inserted by the *Sentencing Legislation Amendment Act 1997* apply to a failure to comply that occurs after the commencement of those

subsections, but in respect of any community service order in force at the time of the failure to comply, whenever the order was made.

3 Provisions consequent on enactment of Schedule 3 to [Sentencing Legislation Amendment Act 1997](#)

Part 4 (Liability in respect of work incidents) applies only in respect of an act or omission, or an injury caused by an act or omission, that occurs after the commencement of that Part.