

COMMUNITY WORK ORDERS (CWO) N T COMMUNITY CORRECTIONS

A CWO is available under Division 4 of Part 3 of the Sentencing Act and Section 94 of the Youth Justice Act. The 'Prisons (Correctional Services) (Community Work Orders) Regulations' provides the framework within which the program is administered. The Northern Territory Community Corrections division is responsible for the implementation, monitoring and coordination of the CWO project program.

A CWO is made to reflect the public interest in ensuring that a person who commits an offence makes amends to the community for the offence by performing work that is of benefit to the community.

Suitable Offenders

Offenders may be adults or juveniles, male or female, employed or unemployed and from a range of ethnic and cultural backgrounds. They have usually committed a minor crime. Initial suitability assessments are done on a case by case basis.

Offenders will generally be considered unsuitable for a CWO project by the judiciary if:

- They do not agree to abide by the 'Conditions' of the CWO;
- There is no suitable community project in their area; or
- They have a history of violent and/or sexual offending.

If an offender states they are suffering from a medical condition or disability they will need to obtain a letter from their Doctor stating whether they are fit enough to undertake Community work.

Type of Work Suitable

- The work performed would normally only be carried out by volunteer labour and therefore, would not detract from paid employment opportunities;
- The work will not be of a demeaning or degrading nature; and
- The work to be done will benefit the general community, the person or organisation for whom the work is done, and the offender.

Suitability guidelines for a CWO project

The 'CWO Project Approval Committee' approves recommended projects. To be assessed as suitable, work projects need to meet the following guidelines:

- The work is for a non profit or charitable organisation;
- The sponsoring group or organisation is to provide a Supervisor to be in attendance during the performance of the Community work;

- The project Supervisor is to preferably work with the offender and the Community Work Coordinator and adhere to the CWO guidelines and provide all the necessary equipment and machinery; and
- The project Supervisor will maintain a safe working environment.

CWO projects have a right to specify a range of offences or type of offender they would wish to exclude from work with the agency, and to have that wish respected.

Responsibilities of Community Corrections

Each person undertaking a CWO is assigned a Community Work Coordinator. The Coordinator is responsible for:

- The overall supervision of offenders undertaking a CWO;
- Assigning and monitoring the worker's compliance with the Order, including attendance records, work attitude and conduct;
- Project monitoring; in urban areas projects will be checked regularly, whereas remote area projects are usually checked when circuit Courts are conducted;
- Project Reviews; each operational project will be formally reviewed annually;
- Any problems with Supervisors or workers; and
- Any non-compliance actions.

Responsibilities of the Community work project Supervisor

Each approved project must have a Supervisor available for the project. The Supervisor is responsible for:

- Maintaining timesheets; these must be completed and signed by the worker and the Supervisor each day the worker attends the project. These must be faxed through to Community Correction's office every Friday afternoon;
- Assigning and supervising project tasks; these are determined on an individual basis independent on the individual's skills and ability;
- Advise Community Corrections of current progress, breach of conditions, or problems with the worker; and
- Advise Community Corrections of any work related injuries and circumstances relating to incidents and complete an incident report.

Working conditions

Appropriate assessments are made on registration of community work projects. Workers shall wear or use the protective clothing or equipment provided while performing work under a community work order.

Workers are entitled to a 10 minute break at mid morning and mid afternoon, with an hour for lunch. They are not allowed to leave the project without first obtaining the permission of the project Supervisor and then signing the timesheet both off and back on.

If the weather makes it impossible to work, the Supervisor should ensure workers sign the attendance sheet and are sent home. They will be credited for the hours they would have worked for that day.

Responsibilities of the worker

The worker must:

- Participate for the number of hours specified in the Order;
- Participate in the project in a satisfactory manner;
- Comply with any reasonable direction of a Community Work Coordinator or project Supervising officer;
- Inform the Coordinator of a change in his or her residential address, no later than 48 hours after the change;
- Except where he or she consents, an offender shall not be required to participate in an approved project under a CWO for more than 8 hours (exclusive of time allowed for meals) in any one day;
- If absent from the project, provide the Coordinator with a medical certificate or a letter from employer explaining their absence;
- Undertake Community work amounting to at least eight hours per week until the CWO is completed. If they are engaged in full-time employment or training, this will be taken into account by the Court when determining a completion date of the Order; and
- Seek permission from the project Supervisor if they wish to leave the project early.

Worker fails to comply with the 'Conditions' or fails to attend Community work as directed

If the worker is in breach of a Court ordered CWO, the following may happen:

- The worker may be taken back to Court. If the Court finds that the offender did not do the work or failed to comply with the conditions of the CWO, they may be sentenced to imprisonment for one day for each 8 hours or part thereof, of the approved project under the order, or for 7 days, whichever is greater.
- Once this happens, the Court may re-sentence the worker for the original offence, as if the CWO had not been made.

NOTE:

- If the worker commits an offence against the law, as a juvenile at any time whilst working on a CWO, or whilst working on a CWO project as an adult, they are in breach of the CWO.
- If the worker is in breach of the CWO they will be unable to participate in Community work until it is dealt with by the Courts.
- If after entering a CWO there is any change in the circumstances of the worker which may prevent the completion of the order, the worker may apply to the Court to have the CWO reviewed.

Breach of a CWO

An offender is in breach of a CWO if he or she:

- Fails to comply with a term or condition of the Order;
- Fails to carry out his or her obligations under the Order;
- Disturbs or interferes with any other person participating in or doing anything under a CWO;
- Assaults, threatens, insults or uses abusive language to a Coordinator or Supervising officer;
- Changes his or her address, without notifying the Coordinator;
- As a juvenile, commits an offence against a law at any time during the duration of the Order; or
- As an adult, commits an offence against a law whilst engaged in a CWO project.