



GOVERNMENT OF
WESTERN AUSTRALIA

Department of
Justice

Community Based Orders – Fact sheet

A community based order gives offenders the opportunity to address their criminal behaviour. It provides the courts with options for managing offenders in the community. Not all offences are so serious that custodial sentences are the best way to protect the community.

Community based orders provides offenders with an opportunity to undergo treatment or take part in educational, vocational or personal development programs.

In some cases, a community based order may involve a requirement to perform a community service - and that means offenders have the opportunity to help the community as well as helping themselves. Management of the order is the responsibility of the Department of Justice staff.

These staff, known as Community Corrections Officers, ensure that the offender is meeting all the conditions the court has imposed. If the order has a supervision component, the offenders must report to these officers throughout the period of their order.

The court also has the power to make a "spent conviction" order in conjunction with the community based order. This means that once the period of the order is successfully completed, the offender is not required to reveal the details of the conviction, unless in exceptional circumstances.

How it works

A community based order means offenders can stay with their families and friends, continue in their current jobs, or continue to look for work. It means that their lives can continue as normally as possible, while meeting the terms of the order.

The length of the order is fixed by the court, but must be at least six months and cannot be longer than 24 months.

Whenever a community based order is issued the offender must:

- Report to the nominated community corrections officer within 72 hours of the sentence
- being handed down
- Notify the community corrections officer of any change of address or employment
- Not leave the State without the prior permission of the Community Corrections Centre
- Comply with the court order.

There are three basic requirements of a community based order, and the court will include at least one of them. However, the court also has the power to impose two or even three of the requirements where the judge or magistrate sees fit.

The three requirements are:

1. **Supervision** - the offender must meet regularly with their community corrections officer. The purpose is to support the offender to make law abiding decisions, and assist them in their decision making to encourage them to stay away from criminal behaviour, and to comply with their Court ordered requirements. In some instances the Court may choose to include Electronic Monitoring on specific Court Orders.
2. **Program** – the offender is to participate in a program or intervention to deal with and address their criminal behaviour. Programs can include treatment for alcohol and substance abuse, behavioural issues such as anger and violence, or provide education and training opportunities to increase an offender's chance of getting a job. Offenders may also be required to undertake urinalysis testing for illicit substances.
3. **Community Work** - the offender may be required to do unpaid work for a set number of hours that benefits the community. This gives the offender a chance to repay the community for their crimes and may also increase their skills and chances of getting a job. The Community work program in Western Australia is referred to as Repay WA.

The court may order that an offender's community based order contains just one or two of the requirements. In some cases, all three requirements will be included in the community based order.

An offender may be given a community based order without the court calling for a pre-sentence report. However, to make sure the most appropriate rehabilitation program for each individual offender is chosen, it is unlikely the court would impose the program requirement without calling for a pre-sentence report.

Breaching an Order

If a community based order is breached or another offence is committed during the term of the order, the community corrections officer will prepare a "breach report" and the case will come before the court again. Offenders may be re-sentenced on the original offences and may not receive the benefit of a community based option again. Any other offences will also be dealt with and may attract an additional sentence.

Finished Orders

When the term of the order has finished with no breaches, the sentence is complete. If the court has determined that a "spent conviction" order is appropriate, no conviction will be recorded against the offender's name.