



New South Wales

# Young Offenders Regulation 1997

under the  
Young Offenders Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Young Offenders Act 1997*.

JEFFREY SHAW, Q.C., M.L.C.,  
Attorney General.

## Explanatory note

The object of this Regulation is to make provision for the procedure, nomination of members, terms of members and remuneration of members of the Youth Justice Advisory Committee.

This Regulation is made under the *Young Offenders Act 1997*, including section 73 (the general regulation-making power) and section 70 (3).

This Regulation comprises matters of a machinery nature.

**1997 No 638**

Young Offenders Regulation 1997

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## Young Offenders Regulation 1997

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Young Offenders Regulation 1997*.

#### 2 Commencement

This Regulation commences on 28 November 1997.

#### 3 Definitions

In this Regulation:

*appointed member* means a member appointed by the Minister.

*Committee* means the Youth Justice Advisory Committee constituted under section 70 of the Act.

*member* means a member of the Committee.

*nominated member* means a member referred to in section 70 (1) (b) or (c) of the Act or referred to in clause 5 (b) of this Regulation.

*the Act* means the *Young Offenders Act 1997*.

#### 4 Notes

The explanatory note and table of contents of this Regulation do not form part of this Regulation.

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Part 2 Youth Justice Advisory Committee

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## **Part 2 Youth Justice Advisory Committee**

### **5 Appointment of members**

For the purposes of section 70 (1) (j) of the Act, the additional members of the Youth Justice Advisory Committee are as follows:

- (a) the Director-General of the Department of Aboriginal Affairs or a nominee of the Director-General,
- (b) a representative nominated by the Aboriginal Justice Advisory Council,
- (c) a person who has qualifications or experience in the field of youth conferencing, appointed by the Minister.

### **6 Terms of office**

Subject to this Part:

- (a) an appointed member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, and
- (b) a nominated member holds office for such period (not exceeding 3 years) as is specified in the instrument nominating the member,

but the member is eligible (if otherwise qualified) for re-appointment or to be re-nominated.

### **7 Remuneration**

An appointed member or a nominated member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

### **8 Vacancy in office of members**

- (1) The office of an appointed member or a nominated member becomes vacant if the member:
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed or re-nominated, or

- (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) in the case of an appointed member, is removed from office by the Minister under this clause, or
  - (e) in the case of a nominated member, is removed from office under this clause by the body that nominated the member, or
  - (f) is absent from 4 consecutive meetings of the Committee of which reasonable notice has been given to the member personally or by post, except on leave granted by the Committee or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Committee for having been absent from those meetings, or
  - (g) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - (h) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Minister may remove an appointed member from office for any reason.
- (3) The body that nominated a nominated member may remove the member from office for any reason.

## **9 Nomination of person as member**

A nomination of a person to be a nominated member must be in writing addressed to the Minister and delivered to the Minister's official address.

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### **10 General procedure**

The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to the Act and this Regulation, to be as determined by the Committee.

### **11 Quorum**

The quorum for a meeting of the Committee is a majority of its members for the time being.

### **12 Presiding member**

- (1) A meeting of the Committee is to be presided over by:
  - (a) the Chairperson of the Committee, or
  - (b) in the absence of the Chairperson, another member elected to chair the meeting by the members present.
- (2) The person presiding at any meeting of the Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

### **13 Voting**

A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.

### **14 First meeting**

The Chairperson of the Committee is to call the first meeting of the Committee in such manner as the Chairperson thinks fit.