



New South Wales

Correctional Centres Amendment (Alternate Chairperson) Act 1997 No 57

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Correctional Centres Act 1952 No 9	2
4 Amendment of Sentencing Act 1989 No 87	2

Schedules

1 Amendment of Correctional Centres Act 1952	3
2 Amendment of Sentencing Act 1989	6



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Correctional Centres Amendment (Alternate Chairperson) Act 1997 No 57

Act No 57, 1997

An Act to amend the *Correctional Centres Act 1952* to provide for an Alternate Chairperson of the Serious Offenders Review Council; to amend that Act and the *Sentencing Act 1989* with respect to the functions of the Deputy Chairpersons of that Council and of the Parole Board; and for related purposes. [Assented to 2 July 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Correctional Centres Amendment (Alternate Chairperson) Act 1997*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Correctional Centres Act 1952 No 9

The *Correctional Centres Act 1952* is amended as set out in Schedule 1.

4 Amendment of Sentencing Act 1989 No 87

The *Sentencing Act 1989* is amended as set out in Schedule 2.

Schedule 1 Amendment of Correctional Centres Act 1952

(Section 3)

[1] Section 61 Membership of the Review Council

Omit section 61 (1) (a). Insert instead:

(a) 6 members appointed by the Governor, and

[2] Section 61 (2) (a)

Omit the paragraph. Insert instead:

(a) 3 are to be judicially qualified persons, and

[3] Section 66 Provisions relating to members, Divisions and procedure of the Review Council

Omit “the members and procedure of”.

[4] Schedule 5, heading

Omit the heading.

Insert instead “**Schedule 5 Provisions relating to the members, Divisions and procedure of the Review Council**”.

[5] Schedule 5, clause 1

Insert in alphabetical order:

Alternate Chairperson means the Alternate Chairperson of the Review Council.

[6] Schedule 5, clause 2 (1)

After paragraph (a), insert:

- (a1) Alternate Chairperson of the Review Council, and

[7] Schedule 5, clause 2 (2)–(4)

Insert “, Alternate Chairperson” after “the Chairperson” wherever occurring.

[8] Schedule 5, clause 3 (1) and (1A)

Omit clause 3 (1). Insert instead:

- (1) The Alternate Chairperson, during the illness or absence of the Chairperson, is to act in the office of the Chairperson and, while so acting, has all the functions of the Chairperson and is taken to be the Chairperson.
- (1A) The Deputy Chairperson, during the illness or absence of the Alternate Chairperson, is to act in the office of the Alternate Chairperson and, while so acting, has all the functions of the Alternate Chairperson (including the function of acting in the office of the Chairperson, during the illness or absence of the Chairperson as well) and is taken to be the Alternate Chairperson.

[9] Schedule 5, clause 3 (5) (a)

Insert “, Alternate Chairperson” after “the Chairperson”, wherever occurring.

[10] Schedule 5, clause 3 (5) (b)

Omit the paragraph. Insert instead:

- (b) the Alternate Chairperson or Deputy Chairperson is taken to be absent from the office of Alternate Chairperson or Deputy Chairperson during any period of acting in another office pursuant to subclause (1) or (1A).

[11] Schedule 5, clause 14

Omit the clause. Insert instead:

14 Presiding members

- (1) The Chairperson is to preside at a meeting of the Review Council.
- (2) At a meeting of a Division, the judicial member is to preside.

[12] Schedule 5, clause 15

Omit the clause. Insert instead:

15 Attendance and voting at meetings of the Review Council

- (1) If the Chairperson attends a meeting of the Review Council, neither the Alternate Chairperson nor the Deputy Chairperson is entitled to attend the same meeting unless the Chairperson authorises either or both of them to do so.
- (2) If the Chairperson and the Alternate Chairperson or Deputy Chairperson, or both, are present at a meeting of the Review Council, only the Chairperson is entitled to vote with respect to any decision.

[13] Schedule 8 Savings and transitional provisions

After Part 8, insert:

Part 9 Provision consequent on enactment of Correctional Centres Amendment (Alternate Chairperson) Act 1997

31 Saving of appointments of members of Review Council

Amendments made to this Act by the *Correctional Centres Amendment (Alternate Chairperson) Act 1997* do not affect the appointment or term of office of a member of the Review Council who held office as such a member immediately before the commencement of that Act.

Schedule 2 Amendment of Sentencing Act 1989

(Section 4)

Schedule 1 Provisions relating to the members of the Board, Divisions of the Board and procedure

Omit clause 3 (1) and (2). Insert instead:

- (1) The Alternate Chairperson, during the illness or absence of the Chairperson, is to act in the office of the Chairperson and, while so acting, has all the functions of the Chairperson and is taken to be the Chairperson.
- (2) The Deputy Chairperson, during the illness or absence of the Alternate Chairperson, is to act in the office of the Alternate Chairperson and, while so acting, has all the functions of the Alternate Chairperson (including the function of acting in the office of the Chairperson, during the illness or absence of the Chairperson as well) and is taken to be the Alternate Chairperson.

[Minister's second reading speech made in—
Legislative Assembly on 17 June 1997
Legislative Council on 26 June 1997]