

[Act 1997 No 57]



New South Wales

Correctional Centres Amendment (Alternate Chairperson) Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to provide for the appointment of an Alternate Chairperson of the Serious Offenders Review Council under the *Correctional Centres Act 1952* and for the functions of the Alternate Chairperson, and
 - (b) to make it clearer that the Deputy Chairperson of that Council and the Deputy Chairperson of the Parole Board constituted by the *Sentencing Act 1989* are to exercise the functions of the Chairperson of that Council and the functions of the Chairperson of that Board, respectively, during any illness or absence of the Chairpersons and Alternate Chairpersons of those bodies.
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Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Correctional Centres Act 1952* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Sentencing Act 1989* set out in Schedule 2.

Appointment of Alternate Chairperson of the Serious Offenders Review Council

Schedule 1 [1], [2], [5] and [6] amend section 61 of, and Schedule 5 to, the *Correctional Centres Act 1952* to provide for the appointment of an Alternate Chairperson as a member of the Serious Offenders Review Council. The person appointed to that office must be a judicially qualified person, namely a Judge or retired Judge of a New South Wales Court or the Federal Court, a Magistrate or retired Magistrate or a person qualified to be appointed as a Judge of a New South Wales Court.

Schedule 1 [7] amends Schedule 5 to that Act to provide that the Alternate Chairperson may continue to act as a Judge and to declare that service as the Alternate Chairperson is to be treated as if it were service as a Judge.

Functions of the Alternate Chairperson of the Review Council

Schedule 1 [8] amends Schedule 5 to that Act to provide for the Alternate Chairperson to exercise the functions of the Chairperson of the Review Council during the illness or absence of the Chairperson and for the Deputy Chairperson of the Review Council to exercise the functions of the Alternate Chairperson during the illness or absence of that member.

Schedule 1 [9] and [10] amend Schedule 5 to that Act so that a vacancy in the office of Alternate Chairperson is taken to be an absence from the office of Alternate Chairperson and so that a vacancy in the office of Alternate Chairperson or Deputy Chairperson will occur when the Alternate Chairperson is acting as Chairperson of the Review Council or the Deputy Chairperson is acting as Alternate Chairperson of that Council.

Schedule 1 [11] amends Schedule 5 to provide that the Chairperson (or, in the case of an illness or absence of the Chairperson, the Alternate or Deputy Chairperson exercising the functions of the Chairperson) will preside at meetings of the Review Council and that a judicial member of a Division of that Council will preside at meetings of the Division.

Schedule 1 [12] provides that the Alternate and Deputy Chairpersons are able to attend a meeting of the Review Council at which the Chairperson is present only if the Chairperson authorises them to do so and that, even if either or both of them are so authorised, they may not vote on a decision of that Council.

Schedule 1 [13] inserts a new Part 9 into Schedule 8 of that Act which provides that the amendments made by the proposed Act do not require members of the Review Council to be re-appointed.

Deputy Chairperson to act in office of Chairperson of Review Council Parole Board when exercising functions of Alternate Chairperson of that body

The *Sentencing Act 1989* already provides for an Alternate Chairperson and a Deputy Chairperson of the Parole Board. **Schedule 1 [8]** and **Schedule 2** respectively amend the *Correctional Centres Act 1952* and the *Sentencing Act 1989* to expressly provide that the Deputy Chairperson of that Council and the Deputy Chairperson of the Parole Board are to exercise the functions of the Chairperson of that Council and the functions of the Chairperson of that Board, respectively, during any illness or absence of the Chairpersons and Alternate Chairpersons of those bodies.

Minor amendments

Schedule 1 [3] and **[4]** amend section 66 of, and the heading to Schedule 5 to, the *Correctional Centres Act 1952* to make them parallel to equivalent provisions of the *Sentencing Act 1989*.