

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**COMMUNITY LAW REFORM COMMITTEE BILL 1993**

**EXPLANATORY MEMORANDUM**

Circulated by authority of  
Terry Connolly, Attorney General

## **OUTLINE**

The A.C.T. Community Law Reform Committee has operated since 1990 as a ministerial committee advising on law reform issues. In this time, the Committee has been operating according to a non-statutory constitution. This Bill gives statutory recognition to the Committee.

Giving the Committee statutory recognition will serve to protect Committee members against legal proceedings concerning Committee activities performed in good faith. It also provides a level of protection to people who give information to the Committee. The Constitution of the Committee, which has been revised to bring it up to date, is also legislatively recognised in this Bill.

## **FINANCIAL IMPLICATIONS**

This Bill is budget neutral. It should be noted that the Bill provides for remuneration of members for full Committee meetings and reimbursement of reasonable costs for subcommittee meetings. However, Committee members are already remunerated and reimbursed in this way, and this is absorbed in the law reform budget of the Attorney General's Department.

## **CLAUSE NOTES**

### **Formal Clauses**

**Clauses 1 & 2** are formal requirements. They refer to the short title of the Bill and when it will commence.

### **Interpretation and Incorporation of the Committee**

**Clauses 3 & 4** make the existing Community Law Reform Committee a body corporate. This legislation is not intended to create the Committee as a new statutory body, but to provide for the continuation of the existing body in a new form.

### **The constitution of the Committee and its amendments**

**Clause 5** gives statutory recognition to the Constitution of the Committee in the Schedule of this Bill. The Committee has been operating according to a non-statutory Constitution, which needed up-dating. The Constitution in the Schedule is a modified version of the original. **Clause 6** allows the Constitution to be changed by regulations, but that before any changes are made, the Attorney-General should consult with the Chairperson of the Committee.

### **Members of Staff**

**Clause 7** provides that public servants should be made available to staff the Committee.

### **Protection of Members and Witnesses**

**Clause 8** protects past and current members and staff of the Committee and people who give information to the Committee from certain types of legal proceedings. Past and current members and staff of the Committee will not be liable for acts done in good faith in the course of their duties as members and staff. Also, members of the Committee and people who give information to the Committee are given protection from defamation proceedings arising out of that information or publications of the Committee.

## **Secrecy**

**Clause 9** is aimed at ensuring that confidential information given to the Committee will remain secret. Members and staff of the Committee cannot disclose confidential information to anyone outside the Committee and its staff. If they do disclose confidential information, a penalty of \$5000 or 6 months imprisonment or both is provided. This section is also intended to prevent confidential documents of the Committee being subject to applications under Freedom of Information legislation.

## **Remuneration of expenses**

**Clause 10** entitles Committee members to be paid for attending Committee meetings and to be reimbursed for any reasonable expenses incurred in the course of performing other Committee functions.

## **Saving of Existing Appointments**

**Clause 11** ensures that this Bill will not affect the current status of the membership of any members of the Committee.

## **Regulations**

**Clause 12** allows regulations to be made under this legislation.

## **The Schedule**

The Schedule contains the Constitution of the Committee. The Constitution deals with many aspects of the Committee including its composition, functions membership and meetings.