

No. 12 of 1971

AN ORDINANCE

**To provide for the Establishment of a Law Reform Commission
of the Australian Capital Territory.**

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1970*.

Dated this twentieth day of May, 1971.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

NIGEL BOWEN
Attorney-General, acting for and
on behalf of the Minister of
State for the Interior.

LAW REFORM COMMISSION ORDINANCE 1971

1. This Ordinance may be cited as the *Law Reform Commission Ordinance 1971*.* Short title.
2. This Ordinance shall be administered by the Attorney-General. Administration.
- 3.—(1.) In this Ordinance, unless the contrary intention appears— Interpretation.
 - “Judge” has the same meaning as in the *Judges' Pensions Act 1968*;
 - “member” means a member of the Commission;
 - “the Chairman” means the Chairman of the Commission;
 - “the Commission” means the Law Reform Commission of the Australian Capital Territory established by this Ordinance.

(2.) A reference in this Ordinance to the law in force in the Territory shall be read as including a reference to such of the laws continued in force in the Territory by section 6 of the *Seat of Government Acceptance Act 1909* as are still in force in the Territory.

* Notified in the *Commonwealth Gazette* on 31 May 1971.

Constitution
of
Commission.

4.—(1.) For the purposes of this Ordinance, there shall be a Commission to be known as the Law Reform Commission of the Australian Capital Territory, which shall consist of a Chairman and two other members.

(2.) The Chairman and the other members shall be appointed by the Governor-General.

Chairman.

5. A person is eligible for appointment as the Chairman if he is a Judge.

Members.

6. A person is eligible for appointment as a member, other than the Chairman, if he is—

- (a) a person whose name is on the roll of barristers and solicitors of the High Court kept in pursuance of rules in force under the *Judiciary Act* 1903-1969;
- (b) a person whose name is on the roll of barristers and solicitors, of barristers, of solicitors or of legal practitioners of the Supreme Court of a State or Territory; and
- (c) a person who has been admitted to practise as a legal practitioner (however described) in England, Scotland, Northern Ireland or New Zealand and whose right so to practise has not been cancelled and is not suspended.

Tenure of
office of
Chairman and
members.

7. The Chairman and each other member shall hold office for such period, not exceeding five years, as is specified in the instrument of his appointment.

Removal of
members.

8.—(1.) If the Chairman ceases to be a Judge, the Governor-General may remove him from office.

(2.) If a member other than the Chairman—

- (a) ceases to be a person who is eligible, under section 6 of this Ordinance, for appointment as a member;
- (b) becomes mentally or physically incapable of performing the duties of his office;
- (c) is guilty of misbehaviour; or
- (d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration under the Ordinance for the benefit of his creditors,

the Governor-General may remove him from office.

Resignation of
Chairman
or member.

9. The Chairman or a member may resign his office by writing under his hand addressed to the Governor-General.

Secretary to
Commission.

10. There shall be a Secretary to the Commission, who shall be appointed by the Attorney-General.

Remuneration
of members.

11.—(1.) A member other than the Chairman shall be paid remuneration at such rate as is prescribed.

(2.) A member other than the Chairman shall be paid such allowances, if any, as are prescribed.

12.—(1.) In accordance with a reference made to the Commission by the Attorney-General, whether at the suggestion of the Commission or otherwise, the Commission shall—

Functions
of the
Commission.

- (a) examine critically the law in force in the Territory with respect to the matters mentioned in the reference; and
- (b) report to the Attorney-General its consideration of that law and make any recommendations with respect to the reform of that law, whether by way of amendment or the making of new laws, that it considers to be desirable.

(2.) Without limiting the generality of the last preceding subsection, the Commission shall examine the law to which the reference relates for the purposes of ascertaining and reporting whether that law—

- (a) is obsolete, unnecessary, incomplete or otherwise defective;
- (b) ought to be changed so as to accord with modern conditions;
- (c) contains anomalies; or
- (d) ought to be simplified.

(3.) The Commission shall deal with references made by the Attorney-General in the order of priority, if any, approved by the Attorney-General.

13. The Attorney-General shall cause a copy of each report furnished to him by the Commission in pursuance of paragraph (b) of sub-section (1.) of the last preceding section to be presented to each House of the Parliament as soon as practicable after it has been furnished to him.

Reports to be
presented to
Parliament.

14.—(1.) An action or proceeding, civil or criminal, does not lie against the Chairman or a member of the Commission for or in respect of any act or thing done in good faith by him in his capacity as Chairman or member.

Protection of
Chairman
and members of
Commission.

(2.) An act or thing shall be deemed to have been done in good faith if the Chairman or the member by whom the act or thing was done was not actuated by ill-will to the person affected or by any other improper motive.

15. The Attorney-General may make regulations, not inconsistent with this Ordinance, prescribing all matters that are required or permitted to be prescribed by this Ordinance or are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

Regulations.