

1993
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

**Community Law Reform Committee Bill
1993**

**A BILL
FOR**

**An Act to incorporate the Community Law Reform
Committee and for related purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 1. This Act may be cited as the *Community Law Reform Committee Act 1993*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Interpretation

- 10 3. In this Act, unless the contrary intention appears—
- “the Committee” means the Community Law Reform Committee as constituted under that name by section 4;
- “the unincorporated committee” means the body known as the Community Law Reform Committee having the function of

83082 (T82/93)

making recommendations to the Minister with respect to proposals for law reform, and related functions.

Incorporation of the Committee

- 5 4. The unincorporated committee is by this Act constituted a body corporate under the name of "The Community Law Reform Committee of the Australian Capital Territory".

Constitution of the Committee

- 10 5. The Constitution of the Committee shall be the constitution set out in the Schedule (being a modified version of the constitution of the unincorporated committee) as amended from time to time in accordance with section 6.

Amendment of the Constitution

- 15 6. (1) The regulations may amend the Constitution of the Committee.
(2) Before regulations are made for the purposes of subsection (1), the Attorney-General shall consult the Chairperson of the Committee.

Members of staff

7. The staff of the Committee shall consist of public servants made available to the Committee by the Head of Administration.

Protection of members etc.

- 20 8. (1) A person who is or has been a member of the Committee or a member of the staff of the Committee is not liable to any action or other proceeding for or in relation to an act done or omitted to be done in good faith in the performance or purported performance of any function of the person in his or her capacity as such a member.

- 25 (2) Without limiting the generality of subsection (1), a person who—
(a) is or has been such a member; or
(b) gives evidence, makes a written submission or otherwise furnishes information to the Committee;
has qualified privilege in proceedings for defamation in respect of—
30 (c) any oral or written statement made by that person in that capacity or in furnishing that information; or
(d) the contents of a report or other information published by the Committee.

(3) Nothing in subsection (1) shall be taken to affect any liability that the Committee would, but for that subsection, have in respect of an act or omission referred to in that subsection.

Secrecy

5 9. (1) This section applies to every person who is or has been—

(a) a member of the Committee; or

(b) a member of the staff of the Committee.

10 (2) Where a person to whom this section applies has, in that capacity, obtained any information concerning the affairs of another person and the information identifies any person, the first-mentioned person shall not disclose that information (other than to a member of the Committee or a member of the staff of the Committee) unless he or she has reasonable grounds for believing that the information was not provided on a confidential basis.

15 Penalty: \$5,000 or imprisonment for 6 months, or both.

Remuneration and expenses

10. (1) A member of the Committee is entitled to be paid, for attendance at meetings of the Committee, such remuneration as is prescribed.

20 (2) A member of the Committee is entitled to be reimbursed by the Territory for any reasonable expenses incurred by the member in performing a function under this Act other than attending a meeting of the Committee.

Saving of existing appointments

25 11. A person who, immediately before the commencement of this Act, held office as the Chairperson, a Deputy Chairperson or other member of the unincorporated committee shall, on and after that commencement, be taken to hold, subject to the Constitution of the Committee, the corresponding office of the Committee as if he or she had been appointed in accordance with that Constitution.

30 Regulations

12. The Executive may make regulations, not inconsistent with this Act, prescribing matters—

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed;

35 for carrying out or giving effect to this Act.

SCHEDULE

Section 5

CONSTITUTION OF THE COMMUNITY LAW REFORM COMMITTEE OF THE AUSTRALIAN CAPITAL TERRITORY*Definitions*

1. In this Constitution unless the contrary intention appears—

“Chairperson” means the Chairperson of the Committee;

“Deputy Chairperson” means a Deputy Chairperson of the Committee;

“meeting” means a meeting of the Committee;

“member” means a member of the Committee;

“reference” means a reference by the Attorney-General;

“the Act” means the *Community Law Reform Committee Act 1993*;

“the Committee” means The Community Law Reform Committee of the Australian Capital Territory.

Name

2. The name of the Committee is “The Community Law Reform Committee of the Australian Capital Territory”.

Composition of the Committee

3. The Committee shall consist of—

(a) a Chairperson;

(b) 2 Deputy Chairpersons; and

(c) such other members, not exceeding 17, as the Attorney-General considers necessary.

4. (1) Members of the Committee shall be persons who are representative of the interests of the community of the Territory and who, in the opinion of the Attorney-General, are able by their knowledge and experience to assist the Committee in the performance of its functions.

(2) The Chairperson shall be a person whose name is on the Roll of Barristers and Solicitors in the Territory.

Appointments

5. (1) The members of the Committee shall—

(a) be appointed in writing by the Attorney-General; and

(b) be appointed as part-time members.

(2) A member of the Committee shall not be appointed for more than 3 years but is eligible for re-appointment.

Resignation

6. (1) The Chairperson or a Deputy Chairperson may resign his or her office by notice in writing addressed to the Attorney-General.

(2) Any other member may resign his or her office by notice in writing addressed to the Chairperson.

SCHEDULE—continued

Termination of appointments

7. The Attorney-General may terminate the appointment of a member where—
- (a) the member is absent, without advising the Chairperson of the reason for his or her absence, from 3 consecutive meetings of the Committee;
 - (b) the member is convicted in the Territory or a State or another Territory of an offence punishable on conviction by imprisonment of 1 year or more;
 - (c) a member is guilty of misbehaviour or is physically or mentally incapable; or
 - (d) in the case of the Chairperson, he or she ceases to be on the Roll of Barristers and Solicitors in the Territory.

References

8. The Attorney-General may—
- (a) refer to the Committee any proposal or matter relating to law reform in the Territory;
 - (b) modify the terms of a reference;
 - (c) give directions to the Committee as to—
 - (i) the priority the Committee is to give to a reference; and
 - (ii) the time within which the Committee is to report on a reference; and
 - (d) at any time before the Committee reports on a reference, require the Committee to submit an interim report to the Attorney-General within a specified time.

Functions of the Committee

9. The functions of the Committee are—
- (a) to examine, report and make recommendations to the Attorney-General in respect of any proposal or matter relating to law reform in the Territory referred to the Committee by the Attorney-General;
 - (b) to examine, report and make recommendations to the Attorney-General on any matter which the Committee considers raises legal issues which are of general community concern;
 - (c) to suggest to the Attorney-General that a proposal or matter relating to law reform in the Territory be referred to the Committee by the Attorney-General; and
 - (d) to co-ordinate law reform activity in the Territory.

Meetings

10. (1) The Chairperson shall convene meetings of the Committee each month at a time suitable to the majority of members.
- (2) Subject to subclause (3), at a meeting of the Committee the presiding member shall be the Chairperson or, in his or her absence, a Deputy Chairperson, or in the absence of the Chairperson and both Deputy Chairpersons, a member elected by the members present.
- (3) A Deputy Chairperson shall not, in the absence of the Chairperson, be the presiding member at consecutive meetings of the Committee where another Deputy

SCHEDULE—continued

Chairperson is present at the second of those meetings and able to act as the presiding member.

(4) Subject to the Constitution, the Committee may regulate the procedure at its meetings.

(5) The presiding member at a meeting shall arrange for minutes of the meeting to be kept.

(6) The Committee may invite to a meeting persons possessing expertise or knowledge relevant to a matter before the Committee.

(7) A member shall disclose to the Committee any conflict of interest in relation to a matter before it and the Committee shall take whatever action it determines is necessary in relation to the disclosure.

Quorum and voting

11. (1) The quorum for a meeting shall be 5 members.

(2) A question arising at a meeting shall be determined by a majority of votes of the members present and voting.

(3) The member presiding at a meeting has a deliberative vote only.

Public Advertisements

12. The Chairperson may arrange for the placement of public advertisements in a daily newspaper circulating in the Territory for the purpose of seeking public comment on any matter before the Committee.

Interim reports and reports on references

13. (1) The Committee shall, at the end of its work on any reference, prepare and furnish to the Attorney-General a report on its work.

(2) The Committee shall, if required to do so by the Attorney-General, prepare and furnish to the Attorney-General an interim report on its work under any reference.

Annual Report

14. (1) The Committee shall, as soon as practicable after each 30 June, cause to be furnished to the Attorney-General a report of its operations during the year ended on that date.

(2) A report under subclause (1) shall include information on the implementation of recommendations made to the Attorney-General by the Committee.