



ANNO SEPTIMO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 37 of 1968

**An Act to Constitute a Law Reform Commission and to
Define its Functions, Powers and Duties**

[ASSENTED TO 11TH DECEMBER, 1968]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Law Reform Commission Act 1968*.

2. Interpretation. In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:—

“Chairman”—Chairman of the Commission;

“Commission”—the Law Reform Commission constituted under this Act;

- “Deputy Chairman”—Deputy Chairman of the Commission;
- “member”—member of the Commission and includes the Chairman and Deputy Chairman;
- “Minister”—the Minister for Justice and Attorney-General or other Minister of the Crown for the time being charged with the administration of this Act: The term includes a Minister of the Crown performing temporarily the duties of the Minister charged for the time being with the administration of this Act.

3. Constitution of Commission. (1) A Law Reform Commission shall be constituted in accordance with this Act.

(2) The Commission shall consist of not less than three and not more than five members.

(3) So long as there are two or more members, no act or proceeding of the Commission or of any member shall be vitiated by reason only that, at the time when the act or proceeding was done taken or commenced, there was a vacancy in the office of any member.

4. Members of Commission. (1) Each person appointed to be a member shall—

- (a) be a person appearing to the Governor in Council to be suitably qualified by the holding of judicial office or by experience as a barrister or as a solicitor or as a teacher of law in a University, and
- (b) be appointed by the Governor in Council by notification published in the Gazette for a term not exceeding three years and subject to such conditions as may be determined by the Governor in Council at the time of his appointment.

(2) A member whose term of office has expired shall be eligible for re-appointment.

(3) The provisions of *The Public Service Acts 1922 to 1965* shall not apply to the appointment of any member, and a member shall not, in that capacity, be subject to those Acts.

5. Appointment of Chairman and Deputy Chairman. (1) The Governor in Council may appoint one of the members to be Chairman of the Commission and one of the members to be Deputy Chairman of the Commission.

(2) When the holder of a judicial office is appointed to be a member, he shall also be appointed Chairman unless some other member is then holding the appointment of Chairman.

(3) The Deputy Chairman shall, during the absence, illness or incapacity of the Chairman or during a vacancy in the office of Chairman, have and may exercise the powers, authorities and duties conferred or imposed upon the Chairman by this Act.

6. Appointment of holders of judicial office. (1) The appointment of a holder of a judicial office as a member shall not, nor shall his service as a member, affect his tenure of that office or his rank, title, status, precedence, salary or other rights or privileges as a holder of that office.

(2) A holder of a judicial office may, notwithstanding that he is a member, exercise his powers as a holder of that office, but while he is a member he shall not (unless otherwise provided by the instrument of his appointment as a member) be required to perform his duties as a holder of that office.

(3) Service, as a member, of a holder of a judicial office shall, for all purposes, be taken to be service as a holder of that judicial office.

7. Removal and vacation of office. (1) A member shall be deemed to have vacated his office as a member if—

(a) he is removed from office by the Governor in Council—

(i) for inability or misbehaviour;

(ii) for failure to comply with the conditions of his appointment;
or

(iii) for absence from three consecutive meetings of the Commission without reasonable cause being shown to the Governor in Council;

(b) he becomes bankrupt, compounds with his creditors, or makes any assignment of his salary or allowances or of his estate for their benefit;

(c) he becomes a patient within the meaning of *The Mental Health Acts 1962 to 1964*;

(d) he is convicted in Queensland of an indictable offence that is punishable by imprisonment for twelve months or upwards, or he is convicted elsewhere than in Queensland of an offence that, if committed in Queensland, would be an indictable offence which is punishable as aforesaid; or

(e) his resignation in writing is accepted by the Governor in Council.

(2) The provisions of subsection (1) of this section apply to and in relation to an acting member.

8. Acting members. The Governor in Council may appoint any person who is eligible for appointment as a member to act temporarily as a member during the absence through illness or other cause of any member or during a vacancy in the office of a member, and a person so appointed shall, while so acting, be deemed to be a member.

9. Specialized Assistance. (1) Subject to subsection (2) of this section, for the purpose of the examination by the Commission of a particular branch of the law, the Governor in Council may appoint any person, by reason of his knowledge or experience in that particular branch of the law, to assist the Commission.

(2) A person appointed under subsection (1) of this section shall—

(a) with his consent be nominated by the Commission;

(b) be appointed by the Governor in Council by notification published in the Gazette; and

(c) be appointed subject to such terms and conditions and on such remuneration and allowances for reasonable travelling expenses as may be determined by the Governor in Council at the time of his appointment.

10. Functions and Duties of Commission. (1) The function of the Commission shall be to take and keep under review all the law applicable to the State of Queensland with a view to its systematic development and reform, including in particular—

(a) the codification of such law;

(b) the elimination of anomalies;

(c) the repeal of obsolete and unnecessary enactments;

(d) the reduction of the number of separate enactments; and

(e) generally the simplification and modernization of the law.

(2) For the purposes of carrying out its function, the Commission shall—

- (a) receive and consider any proposal for the reform of the law which may be made or referred to it;
- (b) prepare and submit to the Minister from time to time, or at the request of the Minister, a programme for the examination, in order of priority, of different branches of the law for the purposes of reform, consolidation or statute law revision;
- (c) undertake, pursuant to approval by the Minister of such programme, and in accordance with the approved order of priority, the examination of particular branches of the law, and the formulation of recommendations for reform, consolidation or statute law revision,

and may for these purposes hold and conduct such inquiries as it thinks fit, and inform itself on any matter in such manner as it thinks fit.

(3) Any recommendations formulated by the Commission and approved by the Governor in Council shall be laid before Parliament.

11. Powers of Commission. (1) For the purposes of any inquiry under this Act by the Commission, a member shall have the powers, authorities, protections and immunities, conferred on a Commissioner by *The Commissions of Inquiry Acts 1950 to 1954*, and the Chairman or member presiding shall have the powers and authorities conferred on a Chairman of a Commission within the meaning of those Acts.

(2) The provisions of *The Commissions of Inquiry Acts 1950 to 1954* shall, *mutatis mutandis*, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the Commission.

12. Proceedings of Commission. (1) The Commission shall meet from time to time at such places and times as the Chairman directs.

(2) The quorum for a meeting shall be two members.

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

(4) The Chairman shall preside at all meetings at which he is present.

(5) In the event of the absence of the Chairman from a meeting, the Deputy Chairman shall preside at that meeting.

(6) In the absence of the Chairman and Deputy Chairman from a meeting, the members present shall choose one member to preside.

(7) At a meeting, the Chairman or other member who presides shall have a deliberative vote and, in the event of votes being equal, shall have a casting vote.

(8) The Commission may regulate and conduct the proceedings at its meetings as it thinks fit and shall keep minutes of those proceedings.

(9) Subject to this Act, the Commission may delegate any of its powers and authorities to any member.

13. Remuneration of members. Members (including acting members), other than the holder of a judicial office, shall receive such salary and all members (including acting members) such allowances for reasonable travelling expenses as may from time to time be determined by the Governor in Council.

14. Staff. The Governor in Council may appoint a secretary and such other officers of the Commission as he shall from time to time deem necessary, and any officer so appointed shall receive such salary and allowances as the Governor in Council thinks fit.

15. Reports. (1) The Commission shall, as soon as practicable after the thirtieth day of June in each year, make a report to the Minister on the proceedings of the Commission, pursuant to any programme approved by the Minister, during the period of twelve months ending on that date.

(2) The Commission may from time to time and shall, at the request of the Minister, make a report to the Minister on its examination of any particular branch of the law, its formulation of recommendations for reform, consolidation or statute law revision or on any other matters affecting or having relation to the functions and duties of the Commission.

(3) A report made by the Chairman and one other member shall be a report of the Commission for the purposes of this Act.