



LAW REFORM COMMISSION

No. 29 of 1979

TABLE OF PROVISIONS

1. Short title.
2. Principal Act.
3. Insertion in Principal Act of new sections 7 and 7A.
 - 7—Functions of the Commission.
 - 7A—Commission to furnish advice to Attorney-General on certain matters.
4. Substitution of section 14 of Principal Act.
 - 14—Expiry of Act.

AN ACT to amend the Law Reform Commission Act 1974.

[12 July 1979]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Law Reform Commission Amendment Act 1979*. Short title.

2—In this Act, the *Law Reform Commission Act 1974** is Principal Act. referred to as the Principal Act.

* No. 17 of 1974. Subsequently amended by No. 41 of 1975.

Insertion in
Principal Act
of new
sections 7
and 7A.

3—Section 7 of the Principal Act is repealed and the following sections are inserted:—

Functions of the
Commission.

7—(1) The functions of the Commission are—

- (a) to place before the Attorney-General suggestions and suggested programmes for the reform of the law applicable to this State;
- (b) in pursuance of references to the Commission made by the Attorney-General, whether at the suggestion of the Commission or otherwise, to review the area of the law applicable to this State to which the reference relates with a view to the development and reform of the law including—
 - (i) the modernization of the law by bringing it into accord with current conditions and needs;
 - (ii) the elimination of defects in the law;
 - (iii) the simplification of the law; and
 - (iv) the adoption of new or more effective methods for the administration of the law and the dispensation of justice;
- (c) subject to the approval of the Attorney-General, to consider proposals relating to—
 - (i) the making of laws that may appear necessary or desirable;
 - (ii) the consolidation of any laws applicable to this State;
 - (iii) the repeal of laws applicable to this State that are obsolete or unnecessary; and
 - (iv) uniformity between laws of the State and laws of other States and the Commonwealth; and
- (d) to make reports to the Attorney-General arising out of any review or consideration referred to in this subsection and, in those reports, to make such recommendations as the Commission thinks fit.

(2) The Commission shall, before settling a programme for the reform of the law applicable to this State, seek the approval of the Attorney-General, and the commencement of such a programme is subject to that approval and the degree of priority (if any) decided on by the Attorney-General and notified by him to the Commission.

(3) The Attorney-General may—

(a) modify the terms of a reference; and

(b) give directions to the Commission as to the order in which it is to deal with references.

(4) The Commission shall perform its functions under subsection (1) (c) and (1) (d) with a view to ensuring that the law applicable to this State does not trespass unduly on personal rights and liberties and does not unduly make the rights and liberties of citizens dependent upon administrative rather than judicial decisions.

(5) Where a member does not agree with the whole or any part of a report or recommendation made to the Attorney-General by the Commission, he may make a separate report or recommendation to the Attorney-General on the subject matter of that report or recommendation or on the part of that report or recommendation with which he is not in agreement.

7A—(1) In addition to the functions mentioned in section 7 the Commission shall, when requested to do so by the Attorney-General, advise the Attorney-General on any legal matter that involves inter-government relations.

Commission to furnish advice to Attorney-General on certain matters.

(2) Where the Attorney-General certifies that a matter in respect of which he requests the Commission's advice is a matter that involves inter-government relations, a member shall not disclose to any person other than the Attorney-General any advice given to the Attorney-General pursuant to his request or any of the deliberations of the Commission, or the deliberations of any sub-committee of the Commission formed for the purpose of advising the Attorney-General on the matter, in determining the advice so given.

(3) A disclosure by a member to any person rendering service to the Commission pursuant to section 10 does not constitute a disclosure by the member under subsection (2).

(4) Any advice given to the Attorney-General pursuant to this section shall not be included in a report referred to in section 11.

(5) For the purposes of this section “inter-government relations” means the relations between the government of this State and the government of the Commonwealth or of another State of the Commonwealth.

Substitution of
section 14 of
Principal Act.

4—Section 14 of the Principal Act is repealed and the following section is substituted:—

Expiry of Act.

14—This Act expires on 1st August 1984.