

LAW REFORM COMMISSION AMENDMENT ACT 1984

No. 32 of 1984

TABLE OF PROVISIONS

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| <ol style="list-style-type: none"> 1. Short title. 2. Commencement. 3. Principal Act. 4. Amendment of section 2 of Principal Act (Interpretation). 5. Amendment of section 3 of Principal Act (Establishment of the Law Reform Commission of Tasmania). 6. Amendment of section 7A of Principal Act (Commission to furnish advice to Attorney-General on certain matters). 7. Insertion in Principal Act of new section 7B.
7B—Appointment of advisory members. 8. Amendment of section 8 of Principal Act (Proceedings, &c., of the Commission). 9. Amendment of section 9 of Principal Act (Delegation). | <ol style="list-style-type: none"> 10. Amendment of section 10 of Principal Act (Services to be provided by the Secretary, Law Department). 11. Amendment of section 14 of Principal Act (Expiry of Act). 12. Miscellaneous amendments of references in Principal Act to "deputy chairman". 13. Miscellaneous amendments of references in Principal Act to "executive director". 14. Savings provision. |
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SCHEDULE 1

AMENDMENT OF REFERENCES IN PRINCIPAL ACT TO "DEPUTY CHAIRMAN"

SCHEDULE 2

AMENDMENT OF REFERENCES IN PRINCIPAL ACT TO "EXECUTIVE DIRECTOR"



LAW REFORM COMMISSION AMENDMENT ACT 1984

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No. 32 of 1984
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AN ACT to amend the Law Reform Commission Act 1974.

[Royal Assent 20 June 1984]

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 1984*. Short title.

2—Where this Act receives the royal assent on or before 1st August 1984, it shall commence on that day, but where this Act does not receive the royal assent on or before 1st August 1984, it shall be deemed to have commenced on that day. Commencement.

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

* No. 17 of 1974. Subsequently amended by No. 41 of 1975, Nos. 29 and 31 of 1979, and No. 10 of 1982.

Amendment of section 2 of Principal Act (Interpretation).

4—Section 2 of the Principal Act is amended as follows:—

(a) by inserting the following definition before the definition of “ chairman ”:—

“ advisory member ” means an advisory member of the Commission;

(b) by omitting the definition of “ deputy chairman ”;

(c) by omitting the definition of “ executive director ”;

(d) by omitting “ 1959. ” from the definition of “ practitioner ” and substituting “ 1959. ”;

(e) by inserting the following definition after the definition of “ practitioner ”:—

“ research director ” means the research director of the Commission.

Amendment of section 3 of Principal Act (Establishment of the Law Reform Commission of Tasmania).

5—Section 3 (2) of the Principal Act is amended as follows:—

(a) by omitting “ seven members ” and substituting “ 5 members ”;

(b) by omitting paragraph (b) and substituting the following paragraph:—

(b) one shall be a practitioner, who shall be the research director of the Commission;

(c) by omitting “ Association; ” from paragraph (d) and substituting “ Association; and ”;

(d) by omitting “ Tasmania; and ” from paragraph (e) and substituting “ Tasmania. ”;

(e) by omitting paragraph (f).

Amendment of section 7A of Principal Act (Commission to furnish advice to Attorney-General on certain matters).

6—(1) Section 7A (2) of the Principal Act is amended by inserting “ or an advisory member ” after “ member ”.

(2) Section 7A (3) of the Principal Act is amended by inserting “ or an advisory member ” after “ member ”, where twice occurring.

Insertion in Principal Act of new section 7B.

Appointment of advisory members.

7—After section 7A of the Principal Act, the following section is inserted:—

7B—Where the Commission is of the opinion that, in the performance of any of its functions and duties referred to in sections 7 and 7A, it would benefit by the appointment of advisory members, it may, with the approval of the Attorney-General, appoint persons to be advisory members for the purpose of pursuing those functions and duties.

8—(1) Section 8 (1) of the Principal Act is amended by omitting “ chairman, or, if he is absent, the deputy chairman,” and substituting “ chairman ”.

Amendment of section 8 of Principal Act (Proceedings, &c., of the Commission).

(2) Section 8 (2) of the Principal Act is amended by omitting “ and deputy chairman ”.

(3) Section 8 of the Principal Act is amended by inserting the following subsection after subsection (3):—

(3A) An advisory member shall not vote on a matter before a meeting of the Commission.

(4) Section 8 (6) is amended by omitting “ Four ” and substituting “ Three ”.

9—Section 9 of the Principal Act is amended as follows:—

(a) by inserting “ (1) ” before “ Subject to this Act,”;

(b) by adding the following subsection as subsection (2) of that section:—

(2) The Commission shall not delegate any of its functions and duties under this Act to an advisory member.

Amendment of section 9 of Principal Act (Delegation).

10—(1) Section 10 (1) of the Principal Act is amended by omitting “ Attorney-General’s ” and substituting “ Law ”.

Amendment of section 10 of Principal Act (Services to be provided by the Secretary, Law Department).

(2) Section 10 (2) of the Principal Act is amended by omitting “ Attorney-General’s ” and substituting “ Law ”.

11—Section 14 of the Principal Act is amended by omitting “ 1984.” and substituting “ 1989.”.

Amendment of section 14 of Principal Act (Expiry of Act).

12—Each of the provisions of the Principal Act specified in column 1 of Schedule 1 is amended by omitting “ deputy chairman ” and substituting “ research director ”, as indicated in column 2 of that Schedule.

Miscellaneous amendments of references in Principal Act to “ deputy chairman ”.

13—Each of the provisions of the Principal Act specified in column 1 of Schedule 2 is amended by omitting “ executive director ” and substituting “ research director ”, as indicated in column 2 of that Schedule.

Miscellaneous amendments of references in Principal Act to “ executive director ”.

Savings
provision.

14—The person holding office as executive director of the Law Reform Commission of Tasmania under the Principal Act immediately before the commencement of this Act shall be deemed to have been appointed research director of the Law Reform Commission of Tasmania under the Principal Act, as amended by this Act, and he shall, subject to the Principal Act, hold office for the remainder of the period specified in the instrument of his appointment.

SCHEDULE 1

Section 12

AMENDMENT OF REFERENCES IN PRINCIPAL ACT TO " DEPUTY CHAIRMAN "

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Number of times words to be omitted appear in provision
Section 3 (5)	1
Section 3 (6)	1
Section 4 (1)	1
Section 6 (1)	1

SCHEDULE 2

Section 13

AMENDMENT OF REFERENCES IN PRINCIPAL ACT TO " EXECUTIVE DIRECTOR "

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Number of times words to be omitted appear in provision
Section 5 (1)	1
Section 5 (2)	1
Section 5 (3)	1
Section 5 (4)	1
Section 5 (5)	1
Section 5 (6)	1
Section 5 (7)	2
Section 5 (8)	1
Section 5 (9)	1
Section 5 (10)	1
Section 10 (1)	1