

# Victorian Law Reform Commission Bill

## Circulation Print

### EXPLANATORY MEMORANDUM

- Clause 1 sets out the purpose, and contains an outline, of the Act.
- Clause 2 provides that the Act will commence on a day or days to be proclaimed but no later than 1 July 2001.
- Clause 3 sets out the definitions of terms used in the Act.
- Clause 4 provides for the establishment of the Victorian Law Reform Commission (the Commission) as a body corporate.
- Clause 5 sets out the functions of the Commission. The Commission is required to report to the Attorney-General on law reform proposals referred to the Commission by the Attorney-General. It may also suggest references, report to the Attorney-General on minor legal issues without the need for a reference and undertake relevant educational programs. In addition, the Commission is to monitor and co-ordinate law reform activity in Victoria.
- Clause 6 sets out the powers of the Commission. It also limits the Commission's powers to deal with property.
- Clause 7 provides for the constitution of the Commission. The Commission will be established with a full-time chairperson and full and part-time members. The Governor in Council appoints all members. This clause also provides for the appointment of an acting chairperson in certain circumstances.
- Clause 8 sets out the terms and conditions of office of members. Members are appointed for a term not exceeding 4 years and are eligible for re-appointment. The terms and conditions of office will be set out in the instrument of appointment. The **Public Sector Management and Employment Act 1998** does not apply to a member of the Commission.

- Clause 9 provides for payment of members. A member is entitled to be paid the remuneration and allowances specified in his or her instrument of appointment.
- Clause 10 sets out when a member's office becomes vacant. It also provides that a member may resign by writing delivered to the Governor in Council. It also sets out the grounds upon which the Governor in Council may remove a member from office.
- Clause 11 provides that certain technical defects will not invalidate an act or decision of the Commission.
- Clause 12 sets out how meetings of the Commission will be convened and conducted.
- Clause 13 provides that the chairperson may allocate a reference to a particular member or constitute a Division of the Commission for the purposes of a reference.
- Clause 14 sets out how meetings of a Division will be convened and conducted.
- Clause 15 provides that a chief executive officer and other staff shall be employed in the Commission. Employees will be employed under Part 3 of the **Public Sector Management and Employment Act 1998**.
- Clause 16 provides that consultants may assist the Commission.
- Clause 17 provides that funding for the Commission will be paid out of—
- the Law Reform and Research Account under section 383(2) of the **Legal Practice Act 1996**;
  - the Consolidated Fund.
- Clause 18 sets a control on the expenditure of the Commission.
- Clause 19 provides that the Commission must include information in its annual report on each reference received during the financial year.
- Clause 20 requires the Commission to supply specific information to Parliament and Parliamentary Committees.

- Clause 21 provides that the Commission may from time to time, and must if required by the Attorney-General under section 5(2)(c), make an interim report on a reference. It also provides that the Commission must prepare a final report at the end of its work under a reference. A copy of each interim and final report must be submitted to the Attorney-General. The Attorney-General must table each report before each House of the Parliament within 14 sitting days of that House after he or she receives the report. This clause also provides that the Commission must make copies of any report available to the public, whether for purchase or without charge.
- Clause 22 provides that the Governor in Council may make regulations under the Act.
- Clause 23 sets out consequential amendments to the **Legal Practice Act 1996** to provide for funding for the Commission to be paid out of the Law Reform and Research Account.
- Clause 24 repeals the **Law Reform Commission (Repeal) Act 1992**. That Act abolished the Law Reform Commission of Victoria established under the **Law Reform Commission Act 1984**.