

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 59, 1969.

An Act to constitute a Council of Law Reporting for New South Wales; to define its powers, authorities, duties and functions; and for purposes connected therewith. [Assented to, 27th October, 1969.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Council of Law Reporting Act, 1969".

Short title
and com-
mencement.

(2)

Council of Law Reporting.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**Interpre-
tation.**

2. In this Act, except in so far as the context or subject matter otherwise indicates or requires—

“Council” means the Council of Law Reporting.

“Member” means a member of the Council.

**The
Council.**

3. (1) There shall be a Council of Law Reporting which shall have and may exercise the powers, authorities, duties and functions conferred and imposed upon it by this Act.

In so far as other provision is not made in this Act the Council, in the exercise and discharge of its powers, authorities, duties and functions, shall, if the Minister gives any directions in that behalf, comply with those directions.

(2) The Council shall consist of—

(a) the Attorney General;

(b) the Solicitor General;

(c) the persons who, for the time being hold the following offices, that is to say—

(i) President of the Council of the New South Wales Bar Association;

(ii) President of the Law Society of New South Wales; and

(d) seven other persons appointed by the Governor.

The persons appointed pursuant to paragraph (d) of this subsection are hereinafter referred to as “appointed members”.

The Attorney General may appoint a deputy to act on his behalf at any meeting of the Council which he is unable to attend and a deputy so appointed shall be entitled so to act and while so acting shall be deemed to be a member of the Council.

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Council of Law Reporting.

(3) Of the appointed members, five shall be barristers appointed on the nomination of the Council of the New South Wales Bar Association, and two shall be solicitors appointed on the nomination of the Council of the Law Society of New South Wales.

(4) (a) An appointed member shall, subject to this Act, hold office for a period of three years from the date of his appointment.

(b) Upon the expiration of his term of office as an appointed member, an appointed member shall, if otherwise qualified, be eligible for re-appointment from time to time. Any such re-appointment shall be for a term of three years.

(c) On the occurrence of a vacancy in the office of an appointed member, the person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office, but shall be eligible for re-appointment.

(5) The persons named in the Schedule to this Act shall be deemed to have been appointed by the Governor under this Act as the first appointed members and to have been nominated as shown beside the name of each in that Schedule.

4. (1) An appointed member shall be deemed to have vacated his office if— Vacation of office.

- (a) for any cause which appears to the Governor sufficient he is removed from office by the Governor;
- (b) he becomes bankrupt, or compounds with his creditors;
- (c) he becomes a mentally ill person, a protected person, or an incapable person within the meaning of the Mental Health Act, 1958;

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- (d) he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid; or
- (e) he resigns his office by writing under his hand addressed to the Governor.

(2) Where a vacancy occurs in the office of an appointed member the Governor may, on the nomination of the person who nominated the member in whose office the vacancy has occurred, appoint a person to fill the vacant office.

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5. The Council shall be a body corporate.

The corporate name of the Council shall be "The Council of Law Reporting for New South Wales".

Meetings of
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6. (1) The appointed members shall elect from among their number a chairman and a deputy chairman.

(2) The chairman shall preside at meetings of the Council at which he is present, and in his absence the deputy chairman shall preside.

In the absence from a meeting of both the chairman and the deputy chairman, the members shall elect one of their number to preside.

(3) At any meeting of the Council three members shall constitute a quorum and any meeting at which a quorum is present shall be competent to transact any business of the Council, and shall have and may exercise and discharge all the powers, authorities, duties and functions of the Council.

A decision of the majority of members present at a meeting of the Council shall be the decision of the Council.

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(5) The procedure for the calling of meetings of the Council and for the conduct of business at such meetings shall be as determined by the Council.

(6) No act or proceeding of the Council shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the office of a member.

(7) No matter or thing done, and no contract entered into by the Council and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Council shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

7. (1) The Council may do all or any of the following things that is to say— Powers of Council.

(a) prepare, publish and sell or arrange for the preparation, publication and sale of—

- (i) reports of such judicial decisions of any Court or such decisions of any tribunal constituted by or under any Act or of decisions in proceedings whether on appeal therefrom or otherwise as it may consider to be of interest to persons engaged in the administration or practice of law in New South Wales;
- (ii) any summary extract or digest of any such reports;
- (iii) any other legal works relating to such reports; and

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- (b) all other acts or things incidental to or necessary to be done in connection with the foregoing powers.

(2) Where the business of any person, firm or corporation is the carrying on of or includes the carrying on of all or any of the activities or matters referred to in subsection one of this section, the Council may, if it thinks fit, on such terms as may be agreed upon between that person, firm or corporation and the Council, purchase the business relating to, or so much of the business as relates to, all or any of such activities or matters.

The Council may, as it thinks fit, discontinue any business so purchased, or continue it wholly or in part.

Employees. **8.** (1) The Council may appoint and employ such employees as may be necessary for the exercise and discharge of the powers, authorities, duties and functions conferred and imposed on the Council by this Act.

(2) For the purposes of this Act, the Council may—

- (a) with the approval of the Minister administering the Department concerned and of the Public Service Board, and on such terms as may be arranged, make use of the services of an officer or employee of any Government Department; and
- (b) arrange with any person, firm or corporation for the use by the Council on such terms as may be agreed upon, of the services of any employee of such person, firm or corporation.

Contracts. **9.** (1) The Council may make and enter into contracts with any person, firm or corporation in connection with the exercise or discharge by the Council of its powers, authorities, duties and functions.

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(2) Any such contract shall be in the name of the Council and may be made as follows, that is to say—

- (a) with respect to any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, or in writing and under seal, the Council may make such contract in writing and under its common seal and in the same manner may vary or discharge the same;
- (b) with respect to any contract which, if made between private persons, would by law be valid although made by parol only and not reduced into writing, the chairman may make such contract by parol only without writing and in the same manner may vary or discharge the same.

10. The exercise and discharge of the powers, authorities and functions conferred and imposed on the Council by subsection two of section seven, paragraph (b) of subsection two of section eight, and subsection one of section nine of this Act, shall be subject to the provision of funds being available for the purposes for which such powers, authorities and functions are exercised and discharged. Exercise of powers, etc.

11. The accounts of the Council shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of public accounts, and the Audit Act, 1902, shall apply to the members of the Council and persons performing services for the Council in the same manner as it applies to accounting officers of public departments. Audit of accounts.

12. (1) The Council has power to acquire by gift inter vivos, bequest or devise, any property for any of the purposes of this Act, and to agree to and carry out the conditions of the gift, bequest or devise. Power to acquire by gift, bequest or devise.

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(2) The rule of law relating to perpetuities does not apply to any such condition to which the Council has agreed.

(3) Nothing contained in the Stamp Duties Act, 1920, shall apply to any real or personal property of any nature or kind whatsoever comprised in any gift inter vivos, bequest or devise, made, or to be made to the Council.

Holding
property
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13. The Council shall, subject to section twelve of this Act, and to the terms of any trust or conditions affecting the same, hold any property acquired by it on trust to apply the property for the purposes of carrying out or giving effect to all or any of the powers, authorities, duties and functions of the Council.

Sec. 3.

SCHEDULE.

Richard Thornton Harvey Barbour, Esquire.	The Council of the New South Wales Bar Association.
Malcolm Rodger Hardwick, Esquire.	The Council of the New South Wales Bar Association.
Trevor Rees Morling, Esquire.	The Council of the New South Wales Bar Association.
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Arthur Francis Rath, Esquire.	The Council of the New South Wales Bar Association.
George Lane Small, Esquire.	The Council of the Law Society of New South Wales.
Bryce Ernest Ross Jones, Esquire.	The Council of the Law Society of New South Wales.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
for Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 October, 1969.*

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George Lane Small, Esquire.	The Council of the Law Society of New South Wales.
Bryce Ernest Ross Jones, Esquire.	The Council of the Law Society of New South Wales.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 27th October, 1969.*

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
for Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
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- (b) with respect to any contract which, if made between private persons, would by law be valid although made by parol only and not reduced into writing, the chairman may make such contract by parol only without writing and in the same manner may vary or discharge the same.

10. The exercise and discharge of the powers, authorities and functions conferred and imposed on the Council by subsection two of section seven, paragraph (b) of subsection two of section eight, and subsection one of section nine of this Act, shall be subject to the provision of funds being available for the purposes for which such powers, authorities and functions are exercised and discharged. Exercise of powers, etc.

11. The accounts of the Council shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of public accounts, and the Audit Act, 1902, shall apply to the members of the Council and persons performing services for the Council in the same manner as it applies to accounting officers of public departments. Audit of accounts.

12. (1) The Council has power to acquire by gift inter vivos, bequest or devise, any property for any of the purposes of this Act, and to agree to and carry out the conditions of the gift, bequest or devise. Power to acquire by gift, bequest or devise.

(2)

Council of Law Reporting.

(2) The rule of law relating to perpetuities does not apply to any such condition to which the Council has agreed.

(3) Nothing contained in the Stamp Duties Act, 1920, shall apply to any real or personal property of any nature or kind whatsoever comprised in any gift inter vivos, bequest or devise, made, or to be made to the Council.

Holding
property
on trust.

13. The Council shall, subject to section twelve of this Act, and to the terms of any trust or conditions affecting the same, hold any property acquired by it on trust to apply the property for the purposes of carrying out or giving effect to all or any of the powers, authorities, duties and functions of the Council.

Sec. 3.

SCHEDULE.

Richard Thornton Harvey Barbour, Esquire.	The Council of the New South Wales Bar Association.
Malcolm Rodger Hardwick, Esquire.	The Council of the New South Wales Bar Association.
Trevor Rees Morling, Esquire.	The Council of the New South Wales Bar Association.
George Denys Needham, Esquire.	The Council of the New South Wales Bar Association.
Arthur Francis Rath, Esquire.	The Council of the New South Wales Bar Association.
George Lane Small, Esquire.	The Council of the Law Society of New South Wales.
Bryce Ernest Ross Jones, Esquire.	The Council of the Law Society of New South Wales.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 27th October, 1969.*