

Council of Law Reporting Act 1969 No 59

[1969-59]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Statute Law \(Miscellaneous Provisions\) Act 2015 No 15](#) (not commenced — to commence on 15.7.2015)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Council of Law Reporting Act 1969 No 59



New South Wales

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.

1 Name of Act and commencement

- (1) This Act may be cited as the *Council of Law Reporting Act 1969*.
- (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2 Definitions

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.

3 The Council

- (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) are hereinafter referred to as **appointed members**.

The Attorney General may appoint a deputy to act on his or her behalf at any meeting of the Council which he or she 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.

(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 appointment.

(b) Upon the expiration of his or her 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 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 Vacation of office

(1) An appointed member shall be deemed to have vacated office if:

(a) for any cause which appears to the Governor sufficient the member is removed from office by the Governor,

(b) the member becomes bankrupt, or compounds with his or her creditors,

(c) the member becomes a mentally ill person, a protected person, or an incapable person within the meaning of the [Mental Health Act 1958](#),

(d) the member is convicted in New South Wales of an indictable offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an indictable offence that if committed in New South Wales would be an offence so punishable, or

(e) the member resigns office by writing under the member's 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.

5 Council to be body corporate

The Council shall be a body corporate.

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

6 Meetings of Council

- (1) The appointed members shall elect from among their number a chairperson and a deputy chairperson.
- (2) The chairperson shall preside at meetings of the Council at which the chairperson is present, and in his or her absence the deputy chairperson shall preside.

In the absence from a meeting of both the chairperson and the deputy chairperson, 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.

- (4) At any meeting of the Council the chairperson or the deputy chairperson or the member presiding as chairperson shall have a deliberative vote, and if the voting is equal, a casting vote.
- (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 Powers of Council

- (1) The Council may do all or any of the following things that is to say:
 - (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
 - (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 (1), 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.

8 Employees

- (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.

9 Contracts

- (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.

- (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 chairperson may make such contract by parol only without writing and in the same manner may vary or discharge the same.

10 Exercise of powers etc

The exercise and discharge of the powers, authorities and functions conferred and imposed on the Council by subsection (2) of section 7, paragraph (b) of subsection (2) of section 8, and subsection (1) of section 9, shall be subject to the provision of funds being available for the purposes for which such powers, authorities and functions are exercised and discharged.

11 (Repealed)

12 Power to acquire by gift, bequest or devise

- (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.
- (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.

13 Holding property on trust

The Council shall, subject to section 12, 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.

Schedule

(Section 3)

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.