

# CONSTITUTION OF THE LAW REFORM COMMITTEE OF THE NORTHERN TERRITORY

with amendments as at 19 June 2024

## **Name**

1. A Committee known as the Northern Territory Law Reform Committee is established.

## **Objectives**

2. The objectives of the Committee are:-
  - (a) To make recommendations for the reform or review of the law or legal procedure in the Northern Territory that the Committee considers to be necessary or expedient;
  - (b) To receive and consider proposals from any source for review of the law in the Northern Territory;
  - (c) Upon the request or reference of the Attorney-General, to consider and report on the reform or review of the law or legal procedure in the Northern Territory;
  - (d) To consult and cooperate with the Law Society of the Northern Territory, other Law Reform Agencies and to encourage the participation of interested individuals and organisations from the community in matters relating to the reform of the law of the Northern Territory; and
  - (e) To prepare and publish such reports, papers or minutes as the Committee may determine. The object of a report is to make recommendations which render more efficient the administration of justice and ensure that the law meets the needs of society.

## **Ex officio Membership**

3. The Attorney-General, the Secretary of the Northern Territory Attorney-General's Department and the Solicitor-General are each an ex officio member of the Committee and entitled to attend all meetings.

## **Ordinary Membership**

4. The Committee consists of:-
  - (a) A President, who shall be either:
    - (i) a Judge of the Supreme Court of the Northern Territory, nominated by the Chief Justice; or
    - (ii) in the event no nomination is made one of the following persons nominated by a member of the Law Reform Committee and elected by a majority of not less than two-thirds of those Law Reform

Committee members present at the Committee meeting following the meeting at which the nomination was made:

- I. a former Judge of the Supreme Court of the Northern Territory<sup>1</sup>; or
  - II. a Judge or former Judge of the Local Court of Northern Territory;<sup>2</sup>
  - III. a person who has practised as a legal practitioner in Australia for at least 10 years, and who is entitled to be issued a local practising certificate<sup>3</sup>; or
  - IV. a person who is engaged in the teaching of law at a university in the Northern Territory, with a status not less than that of senior lecturer or the equivalent thereof.
- (aa) A Vice-President, who shall be elected by the Committee from among their number.
  - (b) The Chief Magistrate or a person nominated by the Chief Magistrate.
  - (c) (deleted)<sup>4</sup>
  - (d) The Ombudsman or a person nominated by the Ombudsman.
  - (e) The Executive Officer of the Law Society.
  - (f) Not more than six legal practitioners in private practice being:
    - (i) Not more than three barristers nominated by the Bar Association;
    - (ii) Not more than three solicitors nominated by the Law Society.
  - (g) Not more than 3 members of the academic staff of the Northern Territory University (including at least one member from the Faculty of Law) as determined by the Committee and nominated by the University.
  - (h) A member nominated by the Police Force of the Northern Territory.
  - (i) At least one member determined by the Committee after such consultation with such Aboriginal bodies which may include the Northern Australian Aboriginal Legal Service, the Central Australian Aboriginal Legal Aid Service, the Katherine Regional Aboriginal Legal Aid Service and the

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<sup>1</sup> Amended at meeting of the Committee, 29 August 1997 so that the Committee can, in the absence of a nomination by the Chief Justice, appoint an ex-judge as the President of the Committee. Further amended at the meeting of 19 June 2024 to substitute the word "retired" Judge to "former Judge".

<sup>2</sup> Amended at the meeting of the Committee on 19 June 2024. New clause inserted after 4(a)(ii)(I) to allow for a former Judge of the Local Court of the Northern Territory to be included in the list of qualified persons to be the President of the Committee. Consequentially amending the numeration of the remaining parts of Clause 4(a)(ii).

<sup>3</sup> Amended at meeting of the Committee, 30 November 2007, so that the Committee, can appoint a person who has practiced as a legal practitioner for 10 years.

<sup>4</sup> Amended at meeting of the Committee, 29 August 1997 (removal of ex officio membership of the Parliamentary Counsel).

Aboriginal Land Councils established under the Commonwealth's *Aboriginal Land (Northern Territory) Act 1976* as the Committee thinks fit.

- (j) Such other persons as the Committee may determine either as permanent members or as members invited for the consideration of specific matter.

### **Observers**

5. The Committee may invite any person to attend its meetings as an observer or adviser.

### **Absence of President**

6. In the absence of the President, the Vice-President shall preside at meetings of the Committee. In the absence of the Vice-President, then the members present at a meeting shall by simple majority elect a member to preside at that meeting.

### **Notice of Meetings**

7. The Executive Officer of the Committee shall send members notice of all meetings together with the agenda at least three days before the appointed meeting.

### **Meetings**

8. The Committee shall meet on the last Friday of each month or such other times as it determines. Consideration of matter shall be in accordance with the agenda or as the Committee otherwise determines.

### **Executive Officer**

9. The Executive Officer of the Committee shall attend all meetings and keep and circulate copies of the minutes to all members

### **Quorum**

10. The quorum for a meeting shall be five members excluding the Attorney-General, Solicitor-General, and the Secretary of the Northern Territory Attorney-General's Department.  
Where the Attorney-General, the Solicitor-General, or the Secretary of the Northern Territory Attorney-General's Department or any combination thereof attend a meeting of the Committee they shall count for the purposes of the quorum.

### **Venue**

11. The Committee shall meet in such venue as determined from time to time by the Committee.

### **Procedure**

12. The procedure at meetings shall be as determined by the

Committee, but shall be as simple and free of formality as practicable.

### **Voting**

13. Each member shall have one vote on any matter requiring decision and, in the case of quality of votes, the person presiding at the meeting shall have a casting vote. Votes shall be by show of hands unless otherwise determined.

### **Subcommittees**

14. The Committee may establish Sub-committees of such members, and such other persons as it determines to consider and report to the Committee on any matter.

### **Reports**

15. All reports, papers or minutes of the Committee shall be published as the Committee determines but, in any event, one copy of any report, paper or minutes shall be circulated to each member.

### **Resignations and Terminations**

16.
  - (a) A member may resign his or her membership by written notice to the Executive Officer who shall table the resignation at the next meeting of the Committee. It shall take effect upon acceptance by the Committee.
  - (b) The Committee may terminate the membership of a nominated member or a member determined by the Committee by fourteen days' written notice to the member and to the person or body which nominated such member.
  - (c) The Committee may terminate the membership of any member of the Committee who, without the approval of the Committee does not attend three consecutive meetings of the Committee or who attends less than half of the Committee meetings in a calendar year.

### **Vacancies**

17. Upon the occurrence of a vacancy in the ordinary membership of the Committee, the Executive Officer of the Committee shall take steps to ensure a new member is nominated as soon as practicable thereafter to fill the vacancy. The proceedings of the Committee are not affected or invalidated by the existence of a vacancy.

### **Alterations of Constitution**

18.
  - (1) No amendment or repeal of the Constitution shall be made unless:
    - (a) the proposed amendment or repeal is submitted to a meeting of the Committee called for that purpose; and
    - (b) not less than two-thirds of those members present vote in favour of the proposal.

- (2) Amendments or repeals of the Constitution shall take effect from the meeting which adopts/confirms minutes of the meeting at which the amendment repeals were made.

**Transitional**

19. The persons holding office as members of the Committee as then constituted immediately before the commencement of this Constitution shall, subject to clause 16, on and after the commencement of this Constitution, continue to hold office as members in their respective capacities and, where appropriate, as if they were nominated as or determined to be members on the commencement of this Constitution.