

Justice and Other Legislation Amendment Bill 2005

Amendments agreed to during Consideration

- 1 **After clause 107—**
At page 52, after line 4—
insert—

‘Part 13A Amendment of Guardianship and Administration Act 2000

‘107A Act amended in this part

‘This part amends the *Guardianship and Administration Act 2000*.

‘107B Amendment of s 112 (Publication about proceeding or disclosure of identity)

- ‘(1) Section 112—
insert—

‘(3A) Subsection (3) does not apply to the publication of information about a proceeding, or to the disclosure of the identity of a person involved in a proceeding, to a reviewer for the purposes of the substituted decision-making review.

‘(3B) Subsection (3) does not apply to the publication of information about a proceeding by a reviewer for the purposes of the substituted decision-making review.’

- ‘(2) Section 112(4)—
insert—

‘*commission* means the Law Reform Commission established under the *Law Reform Commission Act 1968*.

consultant means a person engaged under the *Law Reform Commission Act 1968*, section 9.¹

reviewer means a member of the commission or its staff, or a consultant, involved in the substituted decision-making review.

substituted decision-making review means the review of particular matters under this Act and the *Powers of Attorney Act 1998* referred to the commission by the Minister on 14 October 2005.’.

‘(3) Section 112—

insert—

‘(5) The following provisions expire on 1 January 2009—

(a) subsections (3A), (3B) and (6);

(b) subsection (4), definitions *commission*, *consultant*, *reviewer* and *substituted decision-making review*;

(c) this subsection.

‘(6) However, before 1 January 2009, a regulation may extend the period before expiry to not later than 1 January 2010.’.

‘107C Amendment of s 249 (Preservation of confidentiality)

‘(1) Section 249(2)—

insert—

‘(h) a reviewer.’.

‘(2) Section 249(3)—

insert—

‘(g) for the substituted decision-making review.’.

‘(3) Section 249(4)—

insert—

‘**commission** means the Law Reform Commission established under the *Law Reform Commission Act 1968*.

1 *Law Reform Commission Act 1968*, section 9 (Specialised assistance)

consultant means a person engaged under the *Law Reform Commission Act 1968*, section 9.²

reviewer means a member of the commission or its staff, or a consultant, involved in the substituted decision-making review.

substituted decision-making review means the review of particular matters under this Act and the *Powers of Attorney Act 1998* referred to the commission by the Minister on 14 October 2005.’.

‘Part 13B Amendment of Judicial Review Act 1991

‘107D Act amended in this part

‘This part amends the *Judicial Review Act 1991*.

‘107E Insertion of new pt 7

‘After part 6—

insert—

‘Part 7 Transitional provision

‘58 Transitional provision for Justice and Other Legislation Amendment Act 2005

‘It is declared that the insertion in schedule 1, part 1 of item 6AA does not affect an application for a statutory order for review lodged with a registry of the court before the commencement of this section and not heard or decided at the commencement.’.

² *Law Reform Commission Act 1968*, section 9 (Specialised assistance)

‘107F Amendment of sch 1, pt 1

‘Schedule 1, part 1—

insert—‘6AA *Small Claims Tribunals Act 1973*, section 19’.’.**2 After clause 126—**

At page 60, after line 22—

*insert—***‘Part 17A Amendment of Powers of Attorney Act 1998****‘126A Act amended in this part**‘This part amends the *Powers of Attorney Act 1998*.’**‘126B Amendment of s 74 (Preservation of confidentiality)**

‘(1) Section 74(1), after ‘an attorney’—

insert—

‘or reviewer’.

‘(2) Section 74(2)—

insert—

‘(f) for the substituted decision-making review.’.

‘(3) Section 74(4)—

insert—‘**commission** means the Law Reform Commission established under the *Law Reform Commission Act 1968*.’**consultant** means a person engaged under the *Law Reform Commission Act 1968*, section 9.³

3 *Law Reform Commission Act 1968*, section 9 (Specialised assistance)

reviewer means a member of the commission or its staff, or a consultant, involved in the substituted decision-making review.

substituted decision-making review means the review of particular matters under this Act and the *Guardianship and Administration Act 2000* referred to the commission by the Minister on 14 October 2005.’.’.

3 Clause 135—

At page 64, after line 17—

insert—

- ‘(4) Fees payable under this Act may be set at a level that is sufficient to cover the costs of administering this Act and funding the council in the performance of its functions.’.’.

4 Clause 136—

At page 64, lines 19 to 21—

omit.