



Western Australia

## **Law Reporting Act 1981**

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# Law Reporting Act 1981

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## Defined terms



## Law Reporting Act 1981

**An Act to regulate the reporting of judicial decisions and to constitute a Law Reporting Advisory Board and define its functions.**

**1. Short title**

This Act may be cited as the *Law Reporting Act 1981*<sup>1</sup>.

**2. Interpretation**

In this Act, unless the contrary intention appears —

**Attorney General** means the Attorney General of Western Australia;

**Board** means the Law Reporting Advisory Board constituted by section 7;

**Chief Justice** means the Chief Justice of Western Australia;

**court** includes the Commissioner within the meaning of the *Workers' Compensation and Injury Management Act 1981*;

**law report** does not include a report of a judicial decision of a court in the State published in a newspaper or other news media or in a professional or like journal if such report is not or does not purport to be part of a series of law reports;

**Law Society** means the Law Society of Western Australia (Incorporated);

**member** means a member of the Board.

*[Section 2 amended: No. 42 of 2004 s. 162(2).]*

**3. Attorney General to regulate law reporting**

The Attorney General may do all or any of the following —

- (a) authorise the preparation, publication and sale of —
  - (i) reports of judicial decisions of any court in the State;
  - (ii) any summary, extract or digest of any such reports;
  - (iii) any other legal works relating to such reports;and
- (b) all negotiations and other acts or things incidental to or necessary to be done in connection with the powers conferred by paragraph (a).

**4. Contracts**

- (1) The Attorney General may make and enter into contracts with any person, firm or corporation in connection with the exercise of his powers under this Act.
- (2) A contract entered into under subsection (1) shall be in the name of the Attorney General and shall be entered into on behalf of the State.

**5. Delegation**

- (1) The Attorney General may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to any person or body any of his powers under this Act, other than the power to make and enter into contracts conferred by section 4 and the power of delegation conferred by this section.
- (2) For the purposes of this Act, the exercise by a delegate of a power delegated under this section shall be deemed to be the exercise of the power by the Attorney General.
- (3) A delegation under this section may —
  - (a) be made subject to such conditions, qualifications, and exceptions as are set out in the instrument of delegation;

- (b) be revoked or varied by instrument in writing signed by the Attorney General.
- (4) The Attorney General may exercise a power notwithstanding that he has delegated its exercise under this section.

**6. Consent of Attorney General required**

Except with the written consent of the Attorney General, a person shall not after the coming into operation of this Act commence or continue the publication of or publish or arrange the publication of any law report of a judicial decision of any court in the State (either separately or in conjunction with reports of other decisions).

**7. Law Reporting Advisory Board**

- (1) There shall be a Law Reporting Advisory Board the function of which shall be to advise the Attorney General with respect to law reporting in the State and the exercise of his powers and duties under this Act and to perform such other functions as may be delegated to the Board by the Attorney General under section 5.
- (2) The Board shall consist of 6 members appointed by the Governor of whom —
  - (a) one member shall be a Judge of the Supreme Court nominated by the Chief Justice and shall be the chairman of the Board;
  - (b) one member nominated by the Chief Justice shall be either a Judge of The District Court of Western Australia or a Judge of the Family Court of Western Australia;
  - (c) 3 members shall be legal practitioners nominated by the Council of the Law Society; and
  - (d) one member shall be a legal practitioner nominated by the Attorney General.

- (3) The performance of the functions of the Board is not affected by reason of there being a vacancy or vacancies in the membership of the Board.

*[Section 7 amended: No. 42 of 2004 s. 162(3).]*

**8. Term and vacation of office of members**

- (1) Subject to this Act, every member of the Board shall hold his office for such period not exceeding 3 years as may be specified in his instrument of appointment and shall be eligible for re-appointment.
- (2) A member may resign his office at any time by notice in writing delivered to the Attorney General.

**9. Deputy members**

- (1) A person who is empowered by section 7(2)(a), (b), or (d) to nominate a member may appoint a duly qualified person to be a deputy member of the Board in respect of each member nominated by him and a deputy member is entitled, in the absence of the member of whom he is the deputy from a meeting of the Board, to attend that meeting and when so attending shall be deemed to be a member.
- (2) The Council of the Law Society may appoint not more than 3 duly qualified persons to be deputy members of the Board in respect of the members nominated by the Council and, in the event of the absence of such a member from a meeting of the Board, the President of the Law Society may designate any one of such deputy members who shall be entitled to attend that meeting and when so attending shall be deemed to be a member.

**10. Procedure of Board**

- (1) The chairman of the Board shall preside at all meetings of the Board at which he is present and if he is not present at a meeting the deputy member appointed in respect of the chairman shall preside and if such deputy member is not present the members



who are present shall appoint one of their number to preside at that meeting.

- (2) The quorum for a meeting of the Board shall be 4 members.
- (3) The Board shall cause a record to be kept of their proceedings.
- (4) The Board may transact any of their business by the circulation of papers and a resolution in writing approved in writing by a majority of the members of the Board shall be as valid and effectual as if it has been passed at a meeting of the Board by the votes of the members so approving the resolution.
- (5) Subject to this Act, the Board may regulate their own proceedings.

**Notes**

<sup>1</sup> This is a compilation of the *Law Reporting Act 1981* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

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<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Law Reporting Act 1981</i>	23 of 1981	26 May 1981	26 May 1981
<b>Reprint of the <i>Law Reporting Act 1981</i> as at 15 Nov 2002</b>			
<i>Workers' Compensation Reform Act 2004</i> s. 162	42 of 2004	9 Nov 2004	14 Nov 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7131 and 17 Jun 2005 p. 2657); Para (b) of proclamation published 31 Dec 2004 p. 7131 revoked (see <i>Gazette</i> 17 Jun 2005 p. 2657)

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## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Attorney General.....	2
Board .....	2
Chief Justice.....	2
court .....	2
law report.....	2
Law Society .....	2
member .....	2