

# MEDIA RELEASE



UNIVERSITY  
OF TASMANIA

TUESDAY 9 SEPTEMBER, 2003, 10 am

**ATTENTION: Chiefs of Staff, News Editors ...**

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## TASMANIA LAW REFORM INSTITUTE

Today the Tasmania Law Reform Institute released its Final Report No. 3:

### **Report on the *Commissions of Inquiry Act 1995***

The former Attorney-General referred this law reform project to the Institute, with the following terms of reference:

‘To examine and report on the operation of the *Commissions of Inquiry Act 1995*, and in particular to:

1. Examine the need for any extension of the powers of a Commission of Inquiry
2. Examine the practical operation of section 18 resulting from the experience in the Gilewicz Commission of Inquiry.
3. Make recommendations for any necessary legislative change.’

The final report makes five recommendations for legislative amendment of the *Commissions of Inquiry Act*.

The first recommendation would enable commissioners to apply to a magistrate for a warrant to use listening devices where there is a reasonable belief that the use of such devices is necessary and appropriate to obtain evidence in relation to a matter relevant to the inquiry.

The other four recommendations relate to section 18 of the Act, which sets out the requirements to be met before a commission may make a finding of misconduct against a person. These recommendations:

- Clarify in what circumstances notice of an allegation of misconduct must be made;
- Clarify what evidence must be given to a person in a notice of an allegation of misconduct;

- Provide a person given notice of an allegation of misconduct with the right to waive the minimum 48-hour notice period;
- Allow a commissioner to make a finding of misconduct in special circumstances, despite the fact that the notice requirements have not been complied with.

**The final report can be downloaded from the Institute's web page at:**

<http://www.law.utas.edu.au/reform/>

**or a copy of the issues paper can be sent to any group or person, contact:**

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## **BACKGROUND: Information on the Tasmania Law Reform Institute**

The Tasmania Law Reform Institute was established on 23 July 2001 by agreement between the Government of the State of Tasmania, the University of Tasmania and The Law Society of Tasmania. The creation of the Institute was part of a Partnership Agreement between the University and the State Government signed in 2000.

The Institute is based at the Sandy Bay campus of the University of Tasmania within the Law Faculty. The Institute undertakes law reform work and research on topics proposed by the Government, the community, the University and the Institute itself.

The Institute's Director is Professor Kate Warner of the University of Tasmania. The members of the Board of the Institute are Professor Kate Warner (Chair), Professor Don Chalmers (Dean of the Faculty of Law at the University of Tasmania), The Honourable Justice AM Blow OAM (appointed by the Honourable Chief Justice of Tasmania), Paul Turner (appointed by the Attorney-General), Philip Jackson (appointed by the Law Society), Terese Henning (appointed by the Council of the University), Mr Mathew Wilkins (nominated by the Tasmanian Bar Association) and Ms Kate McQueeney (nominated by the Women Lawyers Association).

ENDS...

### **FURTHER INFORMATION/INTERVIEWS:**

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