

No. 22 of 1975

AN ORDINANCE

Relating to Legal Practitioners.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this twenty-fifth day of August, 1975.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

KEP. ENDERBY
Attorney-General.

LEGAL PRACTITIONERS ORDINANCE (No. 3) 1975

1. (1) This Ordinance may be cited as the *Legal Practitioners Ordinance (No. 3) 1975*.^{*} Short title and citation.

(2) The *Legal Practitioners Ordinance 1970-1974*,[†] as amended by the *Legal Practitioners Ordinance 1975*,[‡] is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Legal Practitioners Ordinance 1970-1975*.

2. The *Legal Practitioners Ordinance (No. 2) 1975* is repealed. Repeal.

3. Section 5 of the Principal Ordinance is amended by inserting after the definition of "barrister and solicitor" the following definition:— Definitions.

"'Director' means the Director of Legal Aid for the Australian Capital Territory;".

4. After Part IC of the Principal Ordinance the following Part is inserted:—

"PART ID—THE DIRECTOR OF LEGAL AID

"6C. (1) There shall be a Director of Legal Aid for the Australian Capital Territory. Director of Legal Aid.

"(2) The Director shall be appointed by the Governor-General.

^{*} Notified in the *Australian Government Gazette* on 25 August 1975.

[†] Ordinance No. 43, 1970, as amended by No. 51, 1970; No. 9, 1971; No. 4, 1972; No. 2, 1973; and No. 5, 1974.

[‡] Ordinance No. 1, 1975.

“ (3) A person is not eligible to hold office as the Director unless he is a barrister and solicitor.

Functions
of the
Director.

“ 6D. The functions of the Director are, in his discretion—

- (a) to furnish legal advice and assistance to persons of limited financial means;
- (b) to furnish legal advice to members of the Defence Force, discharged members of the Defence Force and dependents of members or discharged members of the Defence Force;
- (c) to furnish, or make provision for the furnishing of, legal advice to persons in custody in connexion with proceedings for offences; and
- (d) to represent, or make provision for the representation of, persons referred to in paragraph (c) in applications for the adjournment of proceedings or the grant of bail and in the making of pleas of guilty.

Appointment
of persons to
assist the
Director.

“ 6E. (1) For the purposes of this Ordinance, the Director may appoint such persons as he thinks fit to assist him in connexion with the performance of his functions.

“ (2) A person is not eligible to hold office under sub-section (1) unless he is a barrister and solicitor.

Rights of the
Director and
his staff.

“ 6F. (1) Subject to Part V, the Director, in his official capacity—

- (a) is entitled to act as solicitor for a person in any proceeding, civil or criminal, in a court of the Territory;
- (b) is entitled to act as solicitor for a person in respect of any matter, other than a proceeding in a court, in which a barrister and solicitor practising as a solicitor may act; and
- (c) has the right of audience in any court of the Territory.

“ (2) For the purposes of sub-section (1), the Director has all the rights and privileges of a barrister and solicitor practising in the Territory as a solicitor.

“ (3) Subject to this Ordinance, a barrister and solicitor holding office under section 6E has the right of audience in any court of the Territory on behalf of any person for whom the Director is acting as solicitor and, for that purpose, has all the rights and privileges of a barrister and solicitor practising in the Territory as a solicitor.

“ (4) Nothing in this section affects any right that the Director or a barrister and solicitor holding office under section 6E has under any other provision of this Ordinance by virtue of his being a barrister and solicitor.

Director may
act for person
having
interest
adverse to
Australia.

“ 6G. The Director may act as solicitor for a person in a matter in which the interests of that person are, or may be, adverse to the interests of Australia or of a body established by or under a law of Australia or of the Territory.

“ 6H. The Director, or a barrister and solicitor holding office under section 6E, may, by published advertisement or otherwise, draw to the attention of members of the public or particular persons or classes of persons the services offered by the Director. Director may advertise.

“ 6J. (1) Nothing in Part IIIA applies to the Director in his official capacity or to a person in his capacity as a barrister and solicitor holding office under section 6E. Certain provisions not to apply to the Director.

“ (2) Nothing in Part VII, VIII, IX or X applies to, or in relation to, the Director in his official capacity.

“ 6K. This Ordinance and any law of the Territory relating to solicitors or the rights, privileges or duties of solicitors and persons dealing with solicitors shall, in relation to anything done or omitted to be done by a barrister and solicitor holding office under section 6E, have effect as if— Certain laws to apply as if persons appointed under section 6E were employees of Director.

(a) the Director were a barrister and solicitor practising as a solicitor; and

(b) the barrister and solicitor holding office under section 6E were employed by the Director in connexion with his practice as a solicitor.

“ 6L. This Part shall cease to have effect on 1 January 1976. ” Part to expire on 1 January 1976.

5. (1) Notwithstanding section 2, the person who, immediately before the commencement of this Ordinance, held office as Director of Legal Aid for the Australian Capital Territory continues to hold office as Director of Legal Aid for the Australian Capital Territory under the Principal Ordinance as amended by this Ordinance. Saving.

(2) A person who, immediately before the commencement of this Ordinance, held office by virtue of an appointment under section 6E of the Principal Ordinance as amended by the *Legal Practitioners Ordinance (No. 2) 1975* continues to hold office as if the appointment had been made under section 6E of the Principal Ordinance as amended by this Ordinance.

(3) An act done by a person referred to in sub-section (1) or (2) under, or for the purposes of, the Principal Ordinance as amended by the *Legal Practitioners Ordinance (No. 2) 1975* has the same force and effect as if this Ordinance had been in force when the act was done and the act had been done under, or for the purposes of, the Principal Ordinance as amended by this Ordinance.

(4) On and after 1 January 1976, the *Interpretation Ordinance 1967-1975* has effect in relation to the provisions of Part 1D of the Principal Ordinance as amended by this Ordinance as if those provisions had been repealed on that date by an Ordinance.