

# AUSTRALIAN CAPITAL TERRITORY

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## Legal Aid (Amendment) Ordinance 1986

No. 63 of 1986

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

Dated 13 October 1986.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

LIONEL BOWEN  
Attorney-General

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An Ordinance to amend the *Legal Aid Ordinance 1977*

### Short title

1. This Ordinance may be cited as the *Legal Aid (Amendment) Ordinance 1986*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Legal Aid Ordinance 1977*.<sup>2</sup>

### Constitution of Commission

3. Section 7 of the Principal Ordinance is amended by omitting paragraph (1) (c) and substituting the following paragraph:

"(c) a Commissioner, being—

- (i) where there are persons holding office as members of the House of Assembly—a member of that House nominated by that House; and
- (ii) where there are not any persons holding office as members of the House of Assembly—a person recommended by the Attorney-General;”.

**Tenure of office**

4. Section 48 of the Principal Ordinance is amended—

- (a) by inserting “and the Commissioner referred to in sub-section (2)” after “Officer”; and
- (b) by adding at the end the following sub-section:

“(2) Subject to this Division, if a Commissioner’s appointment is occasioned by reason of the circumstances referred to in sub-paragraph 7 (1) (c) (ii), the Commissioner holds office until—

- (a) the first meeting of the House of Assembly held after the election of members of that House next following the Commissioner’s appointment; or
- (b) the expiration of the period of 12 months that commenced on the date of the Commissioner’s appointment,

whichever first occurs.”.

**Removal from office**

5. Section 52 of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-section:

“(3) If a Commissioner referred to in paragraph 7 (1) (c), being a Commissioner who was, at the time of his or her appointment, a member of the House of Assembly, ceases to be a member of that House, the Governor-General shall remove the Commissioner from office.”.

**Removal from particular office**

6. Where, immediately before the commencement of this Ordinance, a Commissioner was liable to be removed from office by the Governor-General under sub-section 52 (3) of the Principal Ordinance, that Commissioner ceases, by force of this section, to hold office as a Commissioner of the Commission.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 21 October 1986.
2. No. 31, 1977 as amended by Nos. 29 and 46, 1978; No. 15, 1980; No. 84, 1982; Nos. 3 and 55, 1984; No. 1, 1985.