

# AUSTRALIAN CAPITAL TERRITORY

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## Legal Aid (Amendment) Ordinance 1985

### No. 1 of 1985

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 16 January 1985.

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 (Amendment) Ordinance (No. 2) 1984*

#### Short title

1. This Ordinance may be cited as the *Legal Aid (Amendment) Ordinance 1985*.<sup>1</sup>

2. Section 7 of the *Legal Aid (Amendment) Ordinance (No. 2) 1984*<sup>2</sup> is repealed and the following sections are substituted:

#### Acting President of the Commission

“6A. Section 53 of the Principal Ordinance is amended by omitting from sub-section (1) ‘Chairman’ (wherever occurring) and substituting ‘President’.

#### Removal from office

“7. Section 60 of the Principal Ordinance is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

‘(1) The Commission may remove a statutory officer of the Commission from office for—

- (a) misbehaviour or physical or mental incapacity; or
- (b) inefficiency or incompetence.’; and

- (b) by adding at the end thereof the following sub-sections:

‘(3) Where a decision is made under sub-section (1) to remove a statutory officer of the Commission from office, the Commission shall cause a notice in writing of the decision to be given to the person to whom the decision relates and the notice shall state the findings on any material questions of fact, referring to the evidence or other material on which those findings were based, and state the reasons for the decision.

‘(4) A notice given to a person under sub-section (3) shall contain a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, the person is entitled to apply to the Administration Appeals Tribunal for a review of the decision to which the notice relates.

‘(5) The validity of a decision made under sub-section (1) shall not be taken to be affected by a failure to comply with sub-section (4).’.

### **Senior Member, &c., of Committee**

“7A. Section 71 of the Principal Ordinance is amended by omitting from sub-section (1) ‘Chairman’ and substituting ‘senior member’.

“7B. After Section 91A of the Principal Ordinance the following section is inserted:

### **Review of decision to remove statutory officer of Commission from office**

‘91B. Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Commission under sub-section 60 (1) removing a statutory officer of the Commission from office.’.’.

**3.** After section 9 of the *Legal Aid (Amendment) Ordinance (No. 2) 1984* the following section is inserted:

**Transitional—office holders**

“9A. (1) The person who was, immediately before the date of commencement of this Ordinance, the Chairman of the Commission shall be deemed to have been appointed as President of the Commission under the Principal Ordinance as amended by this Ordinance and holds office, subject to the Principal Ordinance as so amended, for the remainder of the period of his appointment under the Principal Ordinance.

“(2) A person who was, immediately before the date of commencement of this Ordinance, the Chairman of a Legal Aid Committee shall be deemed to have been elected as the senior member of the Legal Aid Committee under the Principal Ordinance as amended by this Ordinance and holds office, subject to the Principal Ordinance as so amended, for the remainder of the period of his appointment under the Principal Ordinance as a member of the Legal Aid Committee.

“(3) A person who was, immediately before the date of commencement of this Ordinance, the Chairman of a Review Committee shall be deemed to have been appointed as the senior member of the Review Committee under the Principal Ordinance as amended by this Ordinance and holds office subject to the Principal Ordinance as so amended.”.

**Schedule**

4. The Schedule to the *Legal Aid (Amendment) Ordinance (No. 2) 1984* is repealed and the following Schedule is substituted:

**SCHEDULE**

Section 8

FURTHER AMENDMENTS

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Sub-section 5 (1) .....	(a) Omit the definition of “Assistant Director”, substitute the following definition:  “ ‘Assistant Executive Officer’ means and Assistant Executive Officer of the Commission;”.
	(b) After the definition of “Bar Association” insert the following definition:  “ ‘Chief Executive Officer’ means the Chief Executive Officer of the Commission;”.
	(c) Omit “Chairman” from the definition of “Commissioner”, substitute “President”.
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- (d) Omit the definition of “Director”.
- (e) Omit “The Director” from the definition of “member of a Legal Aid Committee”, substitute “Chief Executive Officer”.
- (f) Omit the definition of “statutory officer of the Commission”, substitute the following definition:

“ ‘statutory officer of the Commission’ means the “Chief Executive Officer or an Assistant Executive Officer;”.

Paragraph 7 (1) (a)..... Omit “Chairman”, substitute “President”.

Sub-section 7 (2) ..... Omit “Director”, substitute “Chief Executive Officer”.

Sub-section 7 (3) ..... Omit “Chairman” and “Director”, substitute “President” and “Chief Executive Officer”, respectively.

Sub-section 7 (6) ..... Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.

Paragraph 13 (3) (a)... Omit “Assistant Directors” and “Director” (wherever occurring), substitute “Assistant Executive Officer” and “Chief Executive Officer”, respectively.

Paragraph 13 (3) (b) .. Omit “Assistant Director” (wherever occurring), “Assistant Directors” (wherever occurring) and “Director”, substitute “Assistant Executive Officer”, “Assistant Executive Officers” and “Chief Executive Officer”, respectively.

Sub-section 13 (4) ..... Omit “Assistant Director” (wherever occurring), and “Director” (wherever occurring), substitute “Assistant Executive Officer” and “Chief Executive officer”, respectively.

Sub-section 15 (1) ..... Omit “Director”, substitute “Chief Executive Officer”.

Sub-section 15 (2) ..... Omit “Director”, substitute “Chief Executive Officer”.

Sub-section 15 (4) ..... Omit “Director”, substitute “Chief Executive Officer”.

Sub-section 15 (5) ..... Omit “Director”, substitute “Chief Executive Officer”.

Sub-section 15 (6) ..... Omit “Director”, substitute “Chief Executive Officer”.

Sub-section 15 (7) ..... Omit “Director”, (wherever occurring), substitute “Chief Executive Officer”.

Sub-section 15 (8) ..... Omit “Director”, substitute “Chief Executive Officer”.

Sub-section 15 (9) ..... Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.

Sub-section 21 (1) ..... Omit “Director”, substitute “Chief Executive Officer”.

Sub-section 21 (2) ..... Omit “Director”, substitute “Chief Executive Officer”.

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- Sub-section 21 (3) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 22 (4) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 23 (1) ..... Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.
- Sub-section 23 (2) ..... Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.
- Sub-section 26 (4) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Paragraph 27 (f)..... Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.
- Sub-section 32 (11) ... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 33 (2) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 33 (3) ..... Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.
- Sub-section 33 (4) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 33 (5) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Paragraph 36 (2) (c)... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 38 (2) ..... Omit “Chairman”, substitute “senior member”.
- Section 39B ..... Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.
- Section 48..... Omit “Director” and “Chairman” (wherever occurring), substitute “Chief Executive Officer” and “President”, respectively.
- Sub-section 49 (1) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 49 (2) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 49 (4) ..... Omit “Chairman”, substitute “President”.
- Sub-section 50 (1) ..... Omit “Chairman”, substitute “President”.
- Section 51 ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 52 (1) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 52 (2) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 53 (2) ..... Omit “Chairman”, substitute “President”.
- Sub-section 53 (4) ..... Omit “Chairman”, substitute “President”.
- Sub-section 53 (5) ..... Omit “Chairman”, substitute “President”.
- Sub-section 53 (6) ..... Omit “Chairman”, substitute “President”.

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- Sub-section 54 (2) ..... Omit “Chairman”, substitute “President”.
- Sub-section 54 (3) ..... Omit “Chairman”, substitute “President”.
- Sub-section 54 (5) ..... Omit “Chairman”, substitute “President”.
- Sub-section 54 (6) ..... Omit “Chairman”, substitute “President”.
- Sub-section 54 (10) .... Omit “Chairman” (wherever occurring), substitute “President”.
- Sub-section 55 (3) ..... Omit “Chairman”, substitute “President”.
- Sub-section 56 (3) ..... (a) Omit “(if any)”.
- (b) Omit “the Governor-General on the recommendation of the Commission”, substitute “the Commission with the approval of the Attorney-General”.
- Section 59 ..... Omit “Governor-General”, substitute “Commission”.
- Sub-section 60 (2) ..... Omit “Governor-General”, substitute “Commission”.
- Sub-section 64 (4) ..... Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.
- Sub-section 64 (5) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 64 (6) ..... Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.
- Section 70 ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 71 (2) ..... Omit “Chairman” (wherever occurring), substitute “senior member”.
- Section 72 ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 73 (1) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 73 (2) ..... Omit “Director”, substitute “Chief Executive Officer”.
- Sub-section 74 (2) ..... Omit “Chairman”, substitute “senior member”.
- Sub-section 74 (4) ..... Omit “Chairman”, substitute “senior member”.
- Sub-section 74 (5) ..... Omit “Chairman”, substitute “senior member”.
- Sub-section 80 (2) ..... Omit “Chairman” (wherever occurring), substitute “senior member”.
- Sub-section 80 (3) ..... Omit “Chairman”, substitute “senior member”.
- Sub-section 80 (4) ..... Omit “Chairman”, substitute “senior member”.
- Section 90 ..... Repeal the section.

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Sub-section 95 (3) ..... Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.

Section 96..... Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 24 January 1985.
2. No. 55, 1984.