

EXPLANATORY STATEMENT

Subject - AUSTRALIAN CAPITAL TERRITORY

SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910

Legal Aid (Amendment) Ordinance 1986

No 63, 1986

The purpose of the proposed Ordinance is to amend the Legal Aid Ordinance 1977 (the 'Principal Ordinance') in the light of the expiry of the terms of the members of the A.C.T. House of Assembly ('the Assembly'). The proposed Ordinance provides that the appointment to the Legal Aid Commission (ACT) ('the Commission') of the Commissioner nominated by the Assembly is to cease. Provision is also made, where there are no persons holding office as members of the Assembly, for the appointment to the Commission of a person recommended by the Attorney-General.

The Principal Ordinance, under which the Commission is established, provides that the Commission is to be constituted

by, among others, a Commissioner being a member of the Assembly nominated by the Assembly: paragraph 7(1)(c). Sub-section 52(3) of the Principal Ordinance provides for that Commissioner's removal from office by the Governor-General if the Commissioner ceases to be a member of the Assembly.

On 30 June 1986, the terms of all members of the Assembly expired. As no person can be appointed in the place of the Commissioner currently holding office on the nomination of the Assembly, it is proposed to amend the Principal Ordinance so that, where there are no persons holding office as members of the Assembly, a person nominated by the Attorney-General may be appointed as a Commissioner.

The proposed Ordinance will provide that a person so appointed will hold office for a period of 12 months, or until the first meeting of the Assembly held after the election of members of the Assembly next following the appointment, whichever first occurs. The proposed Ordinance will also terminate the appointment of the Commissioner currently holding office on the Assembly's nomination.

Clause 1 provides that the Ordinance may be cited as the Legal Aid (Amendment) Ordinance 1986.

Clause 2 defines "Principal Ordinance" to mean the Legal Aid Ordinance 1977.

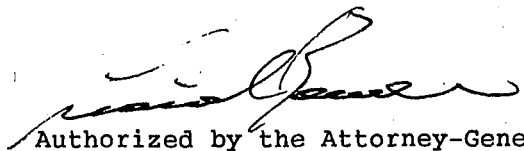
Clause 3 amends the Principal Ordinance by substituting a new paragraph 7(1)(c) which provides that, where there are persons holding office as members of the Assembly, there is to be a Commissioner who is a member of the Assembly nominated by the Assembly and, where there are no such members, a person recommended by the Attorney-General.

Clause 4 amends section 48 of the Principal Ordinance and specifies the term of appointment of the person appointed as Commissioner where there are no persons holding office as members of the Assembly. Such a Commissioner will hold office until the first meeting of the Assembly held after the election of members of the Assembly next following the

Commissioner's appointment, or the expiration of 12 months, whichever first occurs.

Clause 5 amends the Principal Ordinance by substituting a new sub-section 52(3) which provides that the Governor-General is to remove from office the Commissioner who was a member of the Assembly when appointed if that Commissioner ceases to be a member of the Assembly.

Clause 6 terminates the appointment of the Commissioner who, immediately before the commencement of the proposed Ordinance, would be liable to be removed from office for ceasing to be a member of the Assembly. This provision removes the need to take separate action for the removal from the Commission by the Governor-General of the Commissioner currently holding office on the nomination of the Assembly.



Authorized by the Attorney-General