

AUSTRALIAN CAPITAL TERRITORY

LEGAL AID (STATUTORY OFFICERS) REGULATIONS (AMENDMENT)

EXPLANATORY STATEMENT

No. 1 of 1985

On 11 October 1984 the governor-General, acting in Council, made the Legal Aid (Amendment) Ordinance (No. 2) 1984. The making of this Ordinance was notified in the Gazette on 19 October 1984. Section 2 provides that it shall come into operation on such date as is fixed by the Minister of State for Territories by notice in the Gazette. Such date has not yet been fixed.

Section 4 of the Legal Aid (Amendment) Ordinance (No. 2) 1984 repealed section 17 of the Legal Aid Ordinance 1977 and substituted a new section 17. This amendment abolished the statutory positions of Director of Legal Aid and Assistant Directors and established new statutory positions of Chief Executive Officer and Assistant Executive Officers.

Sub-section 57 (1) of the Legal Aid Ordinance 1977 provides that a statutory officer of the Commission shall be paid such remuneration as is prescribed or as is determined by the Remuneration Tribunal.

Sub-sections 57 (2) and (3) of the Legal Aid Ordinance 1977 provide that a statutory officer shall be paid such allowances as are prescribed, subject to any determination of the Remuneration Tribunal.

Section 99 of the Legal Aid Ordinance 1977 provides that the Attorney-General may make regulations prescribing all matters required or permitted by the Ordinance.

These Regulations have been made by way of amendment to the Legal Aid (Statutory Officers) Regulations 1978 No 10. (“the principal Regulations”)

Regulation 2 of the Principal Regulations is repealed and the following regulations are substituted.

Regulation 2 provides that the Chief Executive Officer shall be paid the same remuneration and allowances that were payable to the Director immediately before the commencement of this regulation;

Regulation 3 provides that an Assistant Executive Officer shall be paid the same remuneration and allowances that were payable to an Assistant Director immediately before the commencement of this regulation.

The Regulations are expressed to be made in pursuance of section 8 of the Interpretation Ordinance 1967, which will operate to bring the Regulations into effect on the same day on which the Legal Aid (Amendment) Ordinance (No.2) 1984 comes into operation thereby ensuring that remuneration and allowances for the new statutory officers will be payable immediately.

Authorised by the Attorney-General