

AUSTRALIAN CAPITAL TERRITORY

Legal Aid (Amendment) Ordinance (No. 2) 1984

No. 55 of 1984

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 11 October 1984.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

GARETH EVANS
Attorney-General

An Ordinance to amend the *Legal Aid Ordinance 1977*

Short title

1. This Ordinance may be cited as the *Legal Aid (Amendment) Ordinance (No. 2) 1984*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories and Local Government by notice in the *Gazette*.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Legal Aid Ordinance 1977*.²

4. Section 17 of the Principal Ordinance is repealed and the following section substituted:

Chief Executive Officer and Assistant Executive officers

“17. (1) There shall be a Chief Executive Officer of the Commission who shall be charged with the management of the operations and affairs of the Commission.

“(2) The Chief Executive Officer shall be appointed by the Commission.

“(3) The Commission may appoint such Assistant Executive Officers of the Commission as it considers necessary to assist the Chief Executive Officer in the performance of the functions of the Chief Executive Officer under this Ordinance.”.

5. Sections 19, 19A and 19B of the Principal Ordinance are repealed and the following sections substituted:

Duties of Assistant Executive Officers

“19. An Assistant Executive Officer shall perform such duties in relation to the management of the operations or affairs of the Commission as the Chief Executive Officer directs.

Statutory officers of the Commission to furnish reports

“19A. A statutory officer of the Commission shall, if requested by the Commission to do so, furnish a report in writing to the Commission with respect to

- (a) the exercise of the officer’s powers, or the performance of the officer’s duties or functions, under this Ordinance; or
- (b) the policy the officer is pursuing, or proposes to pursue, in connection with those powers, duties or functions.

Statutory officers of the Commission to follow directions

“19B. The Commission may issue directions to a statutory officer of the Commission in relation to—

- (a) the exercise of the officer’s powers, or the performance of the officer’s duties or functions, under this Ordinance; or
- (b) the policy the officer is to pursue in connection with those powers, duties or functions,

and the statutory officer shall observe and carry out those directions.”.

Chief Executive Officer and person requesting review to have opportunity to be heard

6. Section 39A of the Principal Ordinance is amended by omitting “Director” (wherever occurring) and substituting “Chief Executive Officer”.

Removal from office

7. Section 60 of the Principal Ordinance is amended 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.”.

Further amendments

8. The Principal Ordinance is amended as set out in the Schedule.

Transitional—change of solicitor

9. Upon the date of commencement of this Ordinance, the Chief Executive Officer shall be deemed, by force of this section, to be the solicitor for a person in any proceeding in a court, or in any matter, in which the Director of Legal Aid was acting as the solicitor for that person immediately before that date.

Savings

10. Notwithstanding the amendments effected by this Ordinance, any certificate or other document signed, decision made or other act or thing done before the date of commencement of this Ordinance by a statutory officer within the meaning of the Principal Ordinance shall, on and after that date, be as valid and effectual for all purposes as it would have been if this Ordinance had not been made.

SCHEDULE**Section 8****FURTHER AMENDMENTS**

Provision	Amendment
Sub-section 5 (1)	<p>(a) Omit the definition of “Assistant Director”, substitute the following definition:</p> <p style="padding-left: 40px;">“ ‘Assistant Executive Officer’ means an Assistant Executive Officer of the Commission;”.</p> <p>(b) After the definition of “Bar Association” insert the following definition:</p> <p style="padding-left: 40px;">“ ‘ Chief Executive Officer’ means the Chief Executive Officer of the Commission;”.</p> <p>(c) Omit the definition of “Director”.</p> <p>(d) Omit “Director” from the definition of “member of a Legal Aid Committee”, substitute “Chief Executive Officer”.</p> <p>(e) Omit the definition of “statutory officer of the Commission”, substitute the following definition:</p> <p style="padding-left: 40px;">“ ‘ statutory officer of the Commission’ means the Chief Executive Officer or an Assistant Executive Officer;”.</p>
Sub-section 7 (1)	Omit “Subject to sub-section (2), the Commission”, substitute “The Commission”.
Sub-section 7 (2)	Omit the sub-section.
Sub-section 7 (3)	Omit “other than the Director”.
Sub-section 7 (6)	Omit the sub-section.
Paragraph 13 (3) (a)...	Omit “Assistant Directors” and “Director” (wherever occurring), substitute “Assistant Executive Officers” 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”.

SCHEDULE—continued

Provision	Amendment
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”.
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 (1)	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”.
Section 39B	Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.
Section 48.....	Omit “other than the Director”.
Sub-section 49 (1)	Omit “other than the Director”.
Sub-section 49 (2)	Omit “other than the Director”.

SCHEDULE—continued

Provision	Amendment
Section 51	Omit “other than the Director”.
Sub-section 52 (1)	Omit “other than the Director”.
Sub-section 52 (2)	Omit “other than the Director”.
Sub-section 56 (3)	Omit “(if any)”.
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 the sub-section.
Section 70	Omit “Director”, substitute “Chief Executive Officer”.
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”.
Section 90	Repeal the section.
Sub-section 95 (3)	Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.
Section 96	Omit “Director” (wherever occurring), substitute “Chief Executive Officer”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 19 October 1984.
2. No. 31, 1977 as amended by Nos. 29 and 46, 1978; No. 15, 1980; No. 84, 1982; No. 3, 1984.