

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 14 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1957.

An Act to authorise the granting of legal assistance to additional classes of persons; for this and other purposes to amend the Legal Assistance Act, 1943, as amended by subsequent Acts; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Legal Assistance (Amendment) Act, 1957".

Short title
and
citation.

Legal Assistance (Amendment).

(2) The Legal Assistance Act, 1943, as amended by subsequent Acts and by this Act, may be cited as the Legal Assistance Act, 1943-1957.

2. The Legal Assistance Act, 1943, as amended by 5 subsequent Acts, is amended—

Amendment
of Act No.
17, 1943.

- (a) (i) by inserting in paragraph (b) of subsection two of section six after the words and symbols “(as modified by subsection (4A) of this section)” the words “to an ‘applicant’”; Sec. 6.
(Applica-
tion for
assistance.)
- 10
- (ii) by omitting from paragraph (b) of subsection four of the same section the words “one hundred pounds” and by inserting in lieu thereof the words “two hundred pounds”;
- 15
- (iii) by omitting from subparagraph (v) of the same paragraph the words “seven hundred and fifty pounds” and by inserting in lieu thereof the words “three thousand pounds”;
- 20
- (iv) by omitting from paragraph (c) of the same subsection the word “fifty” where firstly occurring and by inserting in lieu thereof the word “seventy-five”;
- 25
- (v) by omitting from the same paragraph the words “the needs basic wage assessed on the index number for Sydney for the quarter current at the date of the application, together with the fixed loading addition applicable to the needs basic wage so assessed” and by inserting in lieu thereof the words “the basic wage for adult males assessed and calculated in accordance with the provisions of paragraph (a) of subsection two of section 61k of the Industrial Arbitration Act, 1940, as amended by subsequent Acts, and as last adjusted in accordance with the provisions of section 61m of that Act, as so amended, before the application is made”; (vi)
- 30
- 35
- 40

Legal Assistance (Amendment).

(vi) by inserting at the end of subsection (4A) of the same section the following new paragraphs and subsection:—

5 (d) the Public Solicitor may, in any case where the application is made on behalf of an infant who is unmarried and the next friend making the application is a near relative (as defined in subsection two of this section) of the infant and where it appears to the Public Solicitor in his absolute discretion to be reasonable to do so to relieve hardship, disregard the income of the near relative;

10 (e) the spouse of an applicant shall be deemed to be totally dependent on the applicant;

15 (f) where the applicant's spouse is dead any income of such deceased spouse during the period of twelve months preceding the making of the application shall not be taken into account.

(4B) The provisions of this section extend—

25 (a) to any person applying for legal assistance under this section whose ordinary place of residence is without New South Wales but within the British Commonwealth of Nations:

30 Provided that for the purposes only of the application of this section to any such person whose ordinary place of residence is without the Commonwealth of Australia, this section shall be deemed to be amended—

35 (i) by omitting paragraph (c) of subsection three;

(ii)

Legal Assistance (Amendment).

- (ii) by omitting subparagraph (v) of paragraph (b) of subsection four;
- 5 (iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph:—
- 10 (c) having regard to the value of any dwelling house owned and used by the applicant as his home, to the income of the applicant and of the spouse of the applicant during the period of twelve months preceding the making of the application and to the number of persons totally dependent on the applicant or spouse, a certificate under this subsection ought to be granted;
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- 20
- 25 (b) to any person applying for legal assistance under this section in his capacity as an executor, administrator or trustee: Provided that for the purposes only of the application of
- 30 this section to any person in any such capacity, this section shall be deemed to be amended—
- (i) by omitting subsection two;
- 35 (ii) by omitting from paragraph (a) of subsection three the words “means and condition of the applicant” and by inserting in lieu thereof the words

Legal Assistance (Amendment).

5 words "net value, at the date of the application, of the estate of the deceased person of which estate the applicant is the executor, administrator or trustee";

10 (iii) by omitting paragraphs (b) and (c) of subsection four and by inserting in lieu thereof the following paragraphs:—

15 (b) the net value, at the date of the application, of the estate of the deceased person of which estate the applicant is the executor, administrator or trustee does not exceed three thousand pounds; and

20 (c) refusal to grant a certificate under this subsection would cause undue hardship to any person entitled to any beneficial interest in the estate of the deceased person of which estate the applicant is the executor, administrator or trustee.

25 (iv) by omitting from subsection (4A) the words, symbols and letters "paragraphs (b) and (c)" and by inserting in lieu thereof the word, symbols and letter "paragraph (b)";

35 (v)

Legal Assistance (Amendment).

(v) by omitting paragraphs (b), (c), (d), (e) and (f) of the same subsection.

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Where any application for legal assistance is made under this section or section seventeen of this Act by a person in his capacity as an executor, administrator or trustee a reference in this Act to an "applicant" shall be construed as a reference to the applicant in his capacity as an executor, administrator or trustee, as the case may be, and where such person has, pursuant to such application, been granted a certificate that he is entitled to legal assistance under this Act, such person shall, by virtue of that certificate, be deemed to be an assisted person only in such capacity as aforesaid.

20

In subsection four of this section, as deemed to be amended by paragraph (b) of this subsection, and in this subsection—

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"Administrator" means administrator within the meaning of the Wills, Probate and Administration Act, 1898, as amended by subsequent Acts.

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"Executor" means the executor to whom probate has been granted and includes executor by right of representation.

"Trustee" means trustee of the estate of a deceased person.

35

(b) (i) by inserting in subsection one of section Sec. 17. seventeen after the word "has," the words (Appeals to High Court and Privy Council.) "whether or not";
(ii)

Legal Assistance (Amendment).

- (ii) by inserting in subsection two of the same section after the words "so to act" the following new proviso:—

5 Provided that where an application is made under subsection one of this section for the purpose of taking or contesting an appeal against the decision of a court in New South Wales in proceedings to which the applicant was, otherwise than as an
10 assisted person, a party, the Public Solicitor shall not exercise his powers under this subsection unless he is satisfied that, if the application were an application for legal
15 assistance in respect of such proceedings being made under section six of this Act by the applicant, it would not be refused under that section.

- 20 (iii) by inserting in the same subsection after the words "under this section" the words "in relation to an assisted person";

- 25 (iv) by omitting from the same subsection the words "such person and" and by inserting in lieu thereof the words "any person whose application under this section is granted and to".

This report has been prepared in accordance with the instructions of the Board of Directors and is intended to provide information to the shareholders of the Corporation.

ALAN RICHMOND
Chairman of the Board

Executive Secretary

(1) The Board of Directors has approved the following resolution:

(2) The Board of Directors has approved the following resolution:

(3) The Board of Directors has approved the following resolution:

ALAN RICHMOND
Chairman of the Board

(3)

No. , 1957.

A BILL

To authorise the granting of legal assistance to additional classes of persons; for this and other purposes to amend the Legal Assistance Act, 1943, as amended by subsequent Acts; and for purposes connected therewith.

[Mr. SHEAHAN;—23 October, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Legal Assistance (Amendment) Act, 1957".

Short title
and
citation.

Legal Assistance (Amendment).

(2) The Legal Assistance Act, 1943, as amended by subsequent Acts and by this Act, may be cited as the Legal Assistance Act, 1943-1957.

2. The Legal Assistance Act, 1943, as amended by 5 subsequent Acts, is amended—

Amendment
of Act No.
17, 1943.

- (a) (i) by inserting in paragraph (b) of subsection two of section six after the words and symbols “(as modified by subsection (4A) of this section)” the words “to an ‘applicant’ ”;
- (ii) by omitting from paragraph (b) of subsection four of the same section the words “one hundred pounds” and by inserting in lieu thereof the words “two hundred pounds”;
- (iii) by omitting from subparagraph (v) of the same paragraph the words “seven hundred and fifty pounds” and by inserting in lieu thereof the words “three thousand pounds”;
- (iv) by omitting from paragraph (c) of the same subsection the word “fifty” where firstly occurring and by inserting in lieu thereof the word “seventy-five”;
- (v) by omitting from the same paragraph the words “the needs basic wage assessed on the index number for Sydney for the quarter current at the date of the application, together with the fixed loading addition applicable to the needs basic wage so assessed” and by inserting in lieu thereof the words “the basic wage for adult males assessed and calculated in accordance with the provisions of paragraph (a) of subsection two of section 61k of the Industrial Arbitration Act, 1940, as amended by subsequent Acts, and as last adjusted in accordance with the provisions of section 61m of that Act, as so amended, before the application is made”;
- (vi)

Sec. 6.
(Applica-
tion for
assistance.)

Legal Assistance (Amendment).

(vi) by inserting at the end of subsection (4A) of the same section the following new paragraphs and subsection:—

5 (d) the Public Solicitor may, in any case where the application is made on behalf of an infant who is unmarried and the next friend making the application is a near relative (as defined in subsection two of this section) of the infant and where it appears to the Public Solicitor in his absolute discretion to be reasonable to do so to relieve hardship, disregard the income of the near relative;

10 (e) the spouse of an applicant shall be deemed to be totally dependent on the applicant;

15 (f) where the applicant's spouse is dead any income of such deceased spouse during the period of twelve months preceding the making of the application shall not be taken into account.

(4B) The provisions of this section extend—

25 (a) to any person applying for legal assistance under this section whose ordinary place of residence is without New South Wales but within the British Commonwealth of Nations:

03 Provided that for the purposes only of the application of this section to any such person whose ordinary place of residence is without the Commonwealth of Australia, this section shall be deemed to be amended—

53 (i) by omitting paragraph (c) of subsection three;

(ii)

Legal Assistance (Amendment).

- (ii) by omitting subparagraph (v) of paragraph (b) of subsection four;
- 5 (iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph:—
 - 10 (c) having regard to the value of any dwelling house owned and used by the applicant as his home, to the income of the applicant and of the spouse of the applicant during the period of 15 twelve months preceding the making of the application and to the number of persons 20 totally dependent on the applicant or spouse, a certificate under this subsection ought to be granted;
 - 25 (b) to any person applying for legal assistance under this section in his capacity as an executor, administrator or trustee: Provided that for the 30 purposes only of the application of this section to any person in any such capacity, this section shall be deemed to be amended—
 - (i) by omitting subsection two;
 - 35 (ii) by omitting from paragraph (a) of subsection three the words “means and condition of the applicant” and by inserting in lieu thereof the words

Legal Assistance (Amendment).

5 words "net value, at the date of the application, of the estate of the deceased person of which estate the applicant is the executor, administrator or trustee";

10 (iii) by omitting paragraphs (b) and (c) of subsection four and by inserting in lieu thereof the following paragraphs:—

15 (b) the net value, at the date of the application, of the estate of the deceased person of which estate the applicant is the executor, administrator or trustee does not exceed three thousand pounds; and

20 (c) refusal to grant a certificate under this subsection would cause undue hardship to any person entitled to any beneficial interest in the estate of the deceased person of which estate the applicant is the executor, administrator or trustee.

25 (iv) by omitting from subsection (4A) the words, symbols and letters "paragraphs (b) and (c)" and by inserting in lieu thereof the word, symbols and letter "paragraph (b)";

35 (v)

Legal Assistance (Amendment).

(v) by omitting paragraphs (b), (c), (d), (e) and (f) of the same subsection.

5 Where any application for legal assistance is made under this section or section
seventeen of this Act by a person in his capacity as an executor, administrator or trustee a reference in this Act to an
10 "applicant" shall be construed as a reference to the applicant in his capacity as an executor, administrator or trustee, as the case may be, and where such person has, pursuant to such application, been granted a certificate that he is entitled to legal assistance under this Act, such person shall,
15 by virtue of that certificate, be deemed to be an assisted person only in such capacity as aforesaid.

20 In subsection four of this section, as deemed to be amended by paragraph (b) of this subsection, and in this subsection—

25 "Administrator" means administrator within the meaning of the Wills, Probate and Administration Act, 1898, as amended by subsequent Acts.

30 "Executor" means the executor to whom probate has been granted and includes executor by right of representation.

"Trustee" means trustee of the estate of a deceased person.

35 (b) (i) by inserting in subsection one of section Sec. 17.
seventeen after the word "has," the words (Appeals to High Court and Privy Council.)
"whether or not";
(ii)

Legal Assistance (Amendment).

- (ii) by inserting in subsection two of the same section after the words "so to act" the following new proviso:—

5 Provided that where an application is
made under subsection one of this section
for the purpose of taking or contesting an
appeal against the decision of a court in
New South Wales in proceedings to which
10 the applicant was, otherwise than as an
assisted person, a party, the Public Solicitor
shall not exercise his powers under this
subsection unless he is satisfied that, if the
application were an application for legal
15 assistance in respect of such proceedings
being made under section six of this Act by
the applicant, it would not be refused under
that section.

- (iii) by inserting in the same subsection after the
20 words "under this section" the words "in
relation to an assisted person";

- (iv) by omitting from the same subsection the
25 words "such person and" and by inserting
in lieu thereof the words "any person
whose application under this section is
granted and to".

Section 1. The Board of Directors of the Company shall have the honor to inform you that the same have this day received from the Secretary of the State of New York a copy of the Act of the Legislature of the State of New York, passed at the Session of the Legislature at Albany, on the 15th day of March, 1874, in relation to the incorporation of the Company, and the same are hereby published for the information of the public.

Section 2. The Board of Directors of the Company shall have the honor to inform you that the same have this day received from the Secretary of the State of New York a copy of the Act of the Legislature of the State of New York, passed at the Session of the Legislature at Albany, on the 15th day of March, 1874, in relation to the incorporation of the Company, and the same are hereby published for the information of the public.

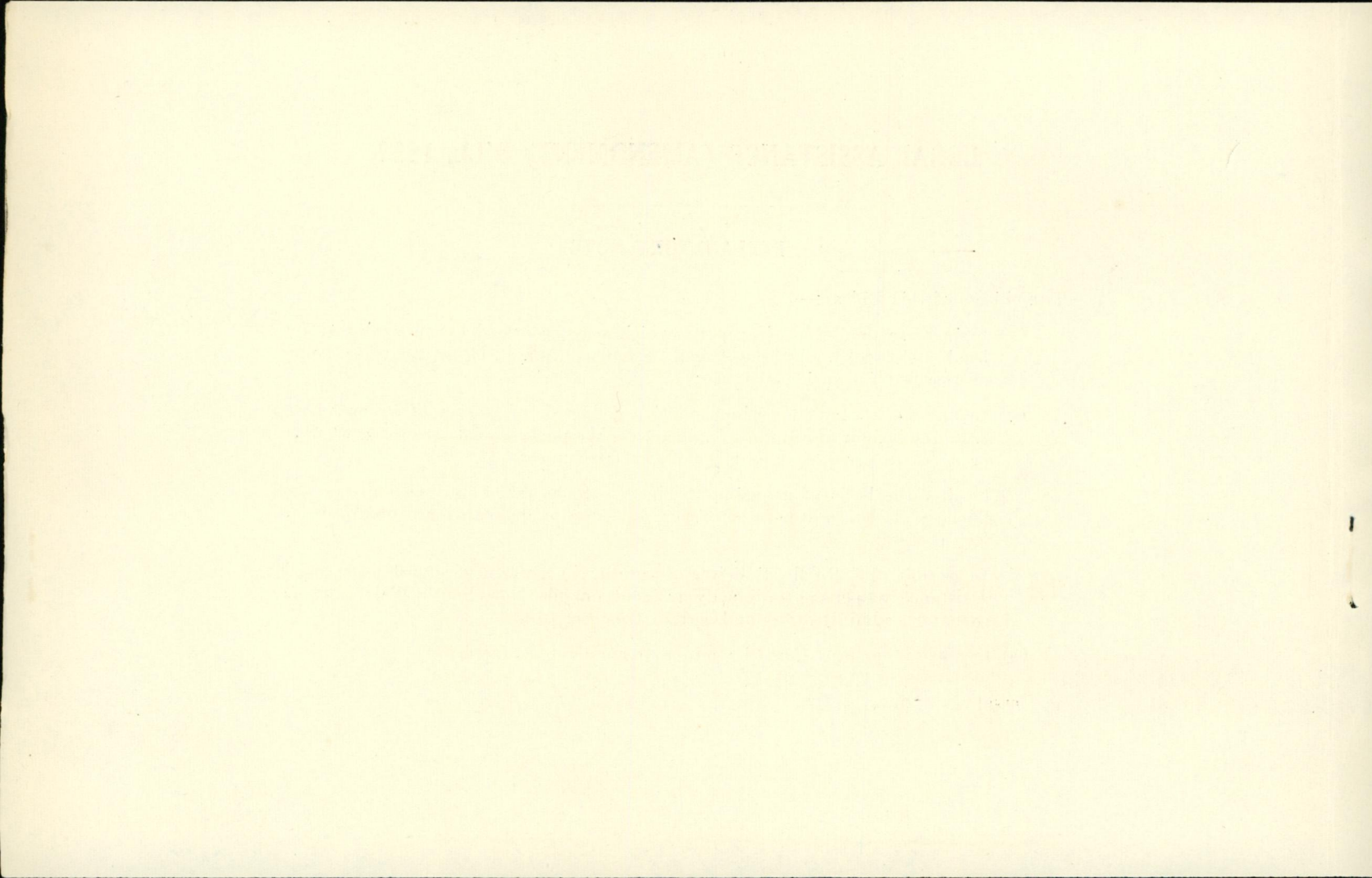
Section 3. The Board of Directors of the Company shall have the honor to inform you that the same have this day received from the Secretary of the State of New York a copy of the Act of the Legislature of the State of New York, passed at the Session of the Legislature at Albany, on the 15th day of March, 1874, in relation to the incorporation of the Company, and the same are hereby published for the information of the public.

LEGAL ASSISTANCE (AMENDMENT) BILL, 1957.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to increase the value of property which may be owned by an applicant for legal assistance under the Legal Assistance Act, 1943, without his being disqualified for such assistance;
- (b) to increase the amount which may be deducted, in respect of a dependant, from the income of any such applicant for the purpose of determining whether or not such person is qualified for legal assistance;
- (c) to alter the basis of assessing the income to be taken into account for the purpose of determining whether or not certain applicants are qualified for legal assistance;
- (d) to permit the Public Solicitor to grant, in certain circumstances, legal assistance to persons ordinarily resident outside New South Wales and to executors, administrators and certain trustees;
- (e) to make other provision of a minor or ancillary character.



No. , 1957.

A BILL

To authorise the granting of legal assistance to additional classes of persons; for this and other purposes to amend the Legal Assistance Act, 1943, as amended by subsequent Acts; and for purposes connected therewith.

[Mr. SHEAHAN;—23 October, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Legal Assistance (Amendment) Act, 1957".

Short title
and
citation.

Legal Assistance (Amendment).

(2) The Legal Assistance Act, 1943, as amended by subsequent Acts and by this Act, may be cited as the Legal Assistance Act, 1943-1957.

2. The Legal Assistance Act, 1943, as amended by 5 subsequent Acts, is amended—

Amendment
of Act No.
17, 1943.

- (a) (i) by inserting in paragraph (b) of subsection two of section six after the words and symbols “(as modified by subsection (4A) of this section)” the words “to an ‘applicant’”;
- (ii) by omitting from paragraph (b) of subsection four of the same section the words “one hundred pounds” and by inserting in lieu thereof the words “two hundred pounds”;
- (iii) by omitting from subparagraph (v) of the same paragraph the words “seven hundred and fifty pounds” and by inserting in lieu thereof the words “three thousand pounds”;
- (iv) by omitting from paragraph (c) of the same subsection the word “fifty” where firstly occurring and by inserting in lieu thereof the word “seventy-five”;
- (v) by omitting from the same paragraph the words “the needs basic wage assessed on the index number for Sydney for the quarter current at the date of the application, together with the fixed loading addition applicable to the needs basic wage so assessed” and by inserting in lieu thereof the words “the basic wage for adult males assessed and calculated in accordance with the provisions of paragraph (a) of subsection two of section 61K of the Industrial Arbitration Act, 1940, as amended by subsequent Acts, and as last adjusted in accordance with the provisions of section 61M of that Act, as so amended, before the application is made”;
- (vi)

Sec. 6.
(Applica-
tion for
assistance.)

Legal Assistance (Amendment).

(vi) by inserting at the end of subsection (4A) of the same section the following new paragraphs and subsection:—

5 (d) the Public Solicitor may, in any case where the application is made on behalf of an infant who is unmarried and the next friend making the application is a near relative (as defined in subsection two of this section) of the infant and where it appears to the Public Solicitor in his absolute discretion to be reasonable to do so to relieve hardship, disregard the income of the near relative;

10 (e) the spouse of an applicant shall be deemed to be totally dependent on the applicant;

15 (f) where the applicant's spouse is dead any income of such deceased spouse during the period of twelve months preceding the making of the application shall not be taken into account.

(4B) The provisions of this section extend—

25 (a) to any person applying for legal assistance under this section whose ordinary place of residence is without New South Wales but within the British Commonwealth of Nations:

30 Provided that for the purposes only of the application of this section to any such person whose ordinary place of residence is without the Commonwealth of Australia, this section shall be deemed to be amended—

35 (i) by omitting paragraph (c) of subsection three;

(ii)

Legal Assistance (Amendment).

- (ii) by omitting subparagraph (v) of paragraph (b) of subsection four;
- 5 (iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph:—
- 10 (c) having regard to the value of any dwelling house owned and used by the applicant as his home, to the income of the applicant and of the spouse of the applicant during the period of twelve months preceding the making of the application and to the number of persons totally dependent on the applicant or spouse, a certificate under this subsection ought to be granted;
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- 20
- 25 (b) to any person applying for legal assistance under this section in his capacity as an executor, administrator or trustee: Provided that for the purposes only of the application of this section to any person in any such capacity, this section shall be deemed to be amended—
- 30
- (i) by omitting subsection two;
- 35 (ii) by omitting from paragraph (a) of subsection three the words “means and condition of the applicant” and by inserting in lieu thereof the words

Legal Assistance (Amendment).

5 words “net value, at the date of the application, of the estate of the deceased person of which estate the applicant is the executor, administrator or trustee”;

10 (iii) by omitting paragraphs (b) and (c) of subsection four and by inserting in lieu thereof the following paragraphs:—

15 (b) the net value, at the date of the application, of the estate of the deceased person of which estate the applicant is the executor, administrator or trustee does not exceed three thousand pounds; and

20 (c) refusal to grant a certificate under this subsection would cause undue hardship to any person entitled to any beneficial interest in the estate of the deceased person of which estate the applicant is the executor, administrator or trustee.

25 (iv) by omitting from subsection (4A) the words, symbols and letters “paragraphs (b) and (c)” and by inserting in lieu thereof the word, symbols and letter “paragraph (b)”;

35 (v)

Legal Assistance (Amendment).

(v) by omitting paragraphs (b),
(c), (d), (e) and (f) of the
same subsection.

5 Where any application for legal assist-
ance is made under this section or section
seventeen of this Act by a person in his
capacity as an executor, administrator or
trustee a reference in this Act to an
10 "applicant" shall be construed as a refer-
ence to the applicant in his capacity as an
executor, administrator or trustee, as the
case may be, and where such person has,
pursuant to such application, been granted
15 a certificate that he is entitled to legal
assistance under this Act, such person shall,
by virtue of that certificate, be deemed to be
an assisted person only in such capacity as
aforesaid.

20 In subsection four of this section, as
deemed to be amended by paragraph (b)
of this subsection, and in this subsection—

25 "Administrator" means administrator
within the meaning of the Wills,
Probate and Administration Act,
1898, as amended by subsequent
Acts.

30 "Executor" means the executor to
whom probate has been granted
and includes executor by right of
representation.

"Trustee" means trustee of the estate
of a deceased person.

35 (b) (i) by inserting in subsection one of section Sec. 17.
seventeen after the word "has," the words (Appeals
to High
Court and
Privy
Council.)
"whether or not";
(ii)

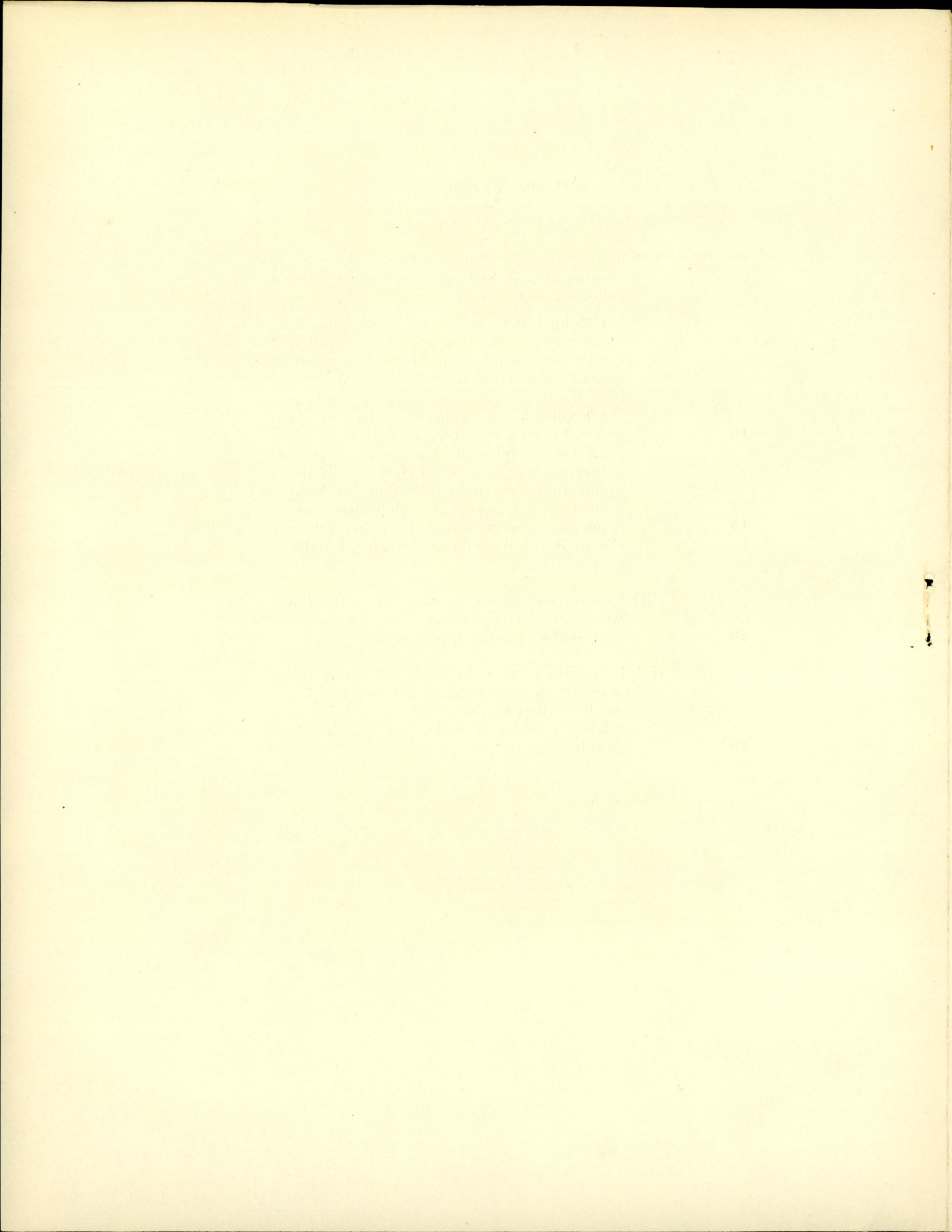
Legal Assistance (Amendment).

- (ii) by inserting in subsection two of the same section after the words "so to act" the following new proviso:—

5 Provided that where an application is
made under subsection one of this section
for the purpose of taking or contesting an
appeal against the decision of a court in
New South Wales in proceedings to which
10 the applicant was, otherwise than as an
assisted person, a party, the Public Solicitor
shall not exercise his powers under this
subsection unless he is satisfied that, if the
application were an application for legal
15 assistance in respect of such proceedings
being made under section six of this Act by
the applicant, it would not be refused under
that section.

- (iii) by inserting in the same subsection after the
20 words "under this section" the words "in
relation to an assisted person";

- (iv) by omitting from the same subsection the
25 words "such person and" and by inserting
in lieu thereof the words "any person
whose application under this section is
granted and to".



New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 63, 1957.

An Act to authorise the granting of legal assistance to additional classes of persons; for this and other purposes to amend the Legal Assistance Act, 1943, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 9th December, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Legal Assistance (Amendment) Act, 1957".

Short title and citation.

10535

[4d.]

(2)

Legal Assistance (Amendment).

(2) The Legal Assistance Act, 1943, as amended by subsequent Acts and by this Act, may be cited as the Legal Assistance Act, 1943-1957.

Amendment
of Act No.
17, 1943.

2. The Legal Assistance Act, 1943, as amended by subsequent Acts, is amended—

Sec. 6.
(Applica-
tion for
assistance.)

- (a) (i) by inserting in paragraph (b) of subsection two of section six after the words and symbols “(as modified by subsection (4A) of this section)” the words “to an ‘applicant’”;
- (ii) by omitting from paragraph (b) of subsection four of the same section the words “one hundred pounds” and by inserting in lieu thereof the words “two hundred pounds”;
- (iii) by omitting from subparagraph (v) of the same paragraph the words “seven hundred and fifty pounds” and by inserting in lieu thereof the words “three thousand pounds”;
- (iv) by omitting from paragraph (c) of the same subsection the word “fifty” where firstly occurring and by inserting in lieu thereof the word “seventy-five”;
- (v) by omitting from the same paragraph the words “the needs basic wage assessed on the index number for Sydney for the quarter current at the date of the application, together with the fixed loading addition applicable to the needs basic wage so assessed” and by inserting in lieu thereof the words “the basic wage for adult males assessed and calculated in accordance with the provisions of paragraph (a) of subsection two of section 61K of the Industrial Arbitration Act, 1940, as amended by subsequent Acts, and as last adjusted in accordance with the provisions of section 61M of that Act, as so amended, before the application is made”;
- (vi)

Legal Assistance (Amendment).

(vi) by inserting at the end of subsection (4A) of the same section the following new paragraphs and subsection:—

- (d) the Public Solicitor may, in any case where the application is made on behalf of an infant who is unmarried and the next friend making the application is a near relative (as defined in subsection two of this section) of the infant and where it appears to the Public Solicitor in his absolute discretion to be reasonable to do so to relieve hardship, disregard the income of the near relative;
- (e) the spouse of an applicant shall be deemed to be totally dependent on the applicant;
- (f) where the applicant's spouse is dead any income of such deceased spouse during the period of twelve months preceding the making of the application shall not be taken into account.

(4B) The provisions of this section extend—

- (a) to any person applying for legal assistance under this section whose ordinary place of residence is without New South Wales but within the British Commonwealth of Nations:

Provided that for the purposes only of the application of this section to any such person whose ordinary place of residence is without the Commonwealth of Australia, this section shall be deemed to be amended—

- (i) by omitting paragraph (c) of subsection three;

(ii)

Legal Assistance (Amendment).

- (ii) by omitting subparagraph (v) of paragraph (b) of subsection four;
 - (iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph:—
 - (c) having regard to the value of any dwelling house owned and used by the applicant as his home, to the income of the applicant and of the spouse of the applicant during the period of twelve months preceding the making of the application and to the number of persons totally dependent on the applicant or spouse, a certificate under this subsection ought to be granted;
- (b) to any person applying for legal assistance under this section in his capacity as an executor, administrator or trustee: Provided that for the purposes only of the application of this section to any person in any such capacity, this section shall be deemed to be amended—
- (i) by omitting subsection two;
 - (ii) by omitting from paragraph (a) of subsection three the words “means and condition of the applicant” and by inserting in lieu thereof the words

Legal Assistance (Amendment).

words "net value, at the date of the application, of the estate of the deceased person of which estate the applicant is the executor, administrator or trustee";

(iii) by omitting paragraphs (b) and (c) of subsection four and by inserting in lieu thereof the following paragraphs:—

(b) the net value, at the date of the application, of the estate of the deceased person of which estate the applicant is the executor, administrator or trustee does not exceed three thousand pounds; and

(c) refusal to grant a certificate under this subsection would cause undue hardship to any person entitled to any beneficial interest in the estate of the deceased person of which estate the applicant is the executor, administrator or trustee.

(iv) by omitting from subsection (4A) the words, symbols and letters "paragraphs (b) and (c)" and by inserting in lieu thereof the word, symbols and letter "paragraph (b)";

(v)

Legal Assistance (Amendment).

- (v) by omitting paragraphs (b), (c), (d), (e) and (f) of the same subsection.

Where any application for legal assistance is made under this section or section seventeen of this Act by a person in his capacity as an executor, administrator or trustee a reference in this Act to an "applicant" shall be construed as a reference to the applicant in his capacity as an executor, administrator or trustee, as the case may be, and where such person has, pursuant to such application, been granted a certificate that he is entitled to legal assistance under this Act, such person shall, by virtue of that certificate, be deemed to be an assisted person only in such capacity as aforesaid.

In subsection four of this section, as deemed to be amended by paragraph (b) of this subsection, and in this subsection—

"Administrator" means administrator within the meaning of the Wills, Probate and Administration Act, 1898, as amended by subsequent Acts.

"Executor" means the executor to whom probate has been granted and includes executor by right of representation.

"Trustee" means trustee of the estate of a deceased person.

Sec. 17.
(Appeals
to High
Court and
Privy
Council.)

- (b) (i) by inserting in subsection one of section seventeen after the word "has," the words "whether or not";

(ii)

Legal Assistance (Amendment).

- (ii) by inserting in subsection two of the same section after the words "so to act" the following new proviso:—

Provided that where an application is made under subsection one of this section for the purpose of taking or contesting an appeal against the decision of a court in New South Wales in proceedings to which the applicant was, otherwise than as an assisted person, a party, the Public Solicitor shall not exercise his powers under this subsection unless he is satisfied that, if the application were an application for legal assistance in respect of such proceedings being made under section six of this Act by the applicant, it would not be refused under that section.

- (iii) by inserting in the same subsection after the words "under this section" the words "in relation to an assisted person";
- (iv) by omitting from the same subsection the words "such person and" and by inserting in lieu thereof the words "any person whose application under this section is granted and to".

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1958

(1901 CO. 24 44)

The first part of the report is devoted to a description of the general conditions of the country, and to a statement of the results of the various expeditions which have been made since the first discovery of the gold fields.

The second part of the report is devoted to a description of the various gold fields, and to a statement of the results of the various expeditions which have been made since the first discovery of the gold fields. The third part of the report is devoted to a description of the various gold fields, and to a statement of the results of the various expeditions which have been made since the first discovery of the gold fields.

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The ninth part of the report is devoted to a description of the various gold fields, and to a statement of the results of the various expeditions which have been made since the first discovery of the gold fields.

The tenth part of the report is devoted to a description of the various gold fields, and to a statement of the results of the various expeditions which have been made since the first discovery of the gold fields.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 63, 1957.

An Act to authorise the granting of legal assistance to additional classes of persons; for this and other purposes to amend the Legal Assistance Act, 1943, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 9th December, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Legal Assistance (Amendment) Act, 1957".

Short title
and
citation.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Legal Assistance (Amendment).

(2) The Legal Assistance Act, 1943, as amended by subsequent Acts and by this Act, may be cited as the Legal Assistance Act, 1943-1957.

Amendment
of Act No.
17, 1943.

Sec. 6.
(Applica-
tion for
assistance.)

2. The Legal Assistance Act, 1943, as amended by subsequent Acts, is amended—

- (a) (i) by inserting in paragraph (b) of subsection two of section six after the words and symbols “(as modified by subsection (4A) of this section)” the words “to an ‘applicant’”;
- (ii) by omitting from paragraph (b) of subsection four of the same section the words “one hundred pounds” and by inserting in lieu thereof the words “two hundred pounds”;
- (iii) by omitting from subparagraph (v) of the same paragraph the words “seven hundred and fifty pounds” and by inserting in lieu thereof the words “three thousand pounds”;
- (iv) by omitting from paragraph (c) of the same subsection the word “fifty” where firstly occurring and by inserting in lieu thereof the word “seventy-five”;
- (v) by omitting from the same paragraph the words “the needs basic wage assessed on the index number for Sydney for the quarter current at the date of the application, together with the fixed loading addition applicable to the needs basic wage so assessed” and by inserting in lieu thereof the words “the basic wage for adult males assessed and calculated in accordance with the provisions of paragraph (a) of subsection two of section 61K of the Industrial Arbitration Act, 1940, as amended by subsequent Acts, and as last adjusted in accordance with the provisions of section 61M of that Act, as so amended, before the application is made”;
- (vi)

Legal Assistance (Amendment).

(vi) by inserting at the end of subsection (4A) of the same section the following new paragraphs and subsection:—

(d) the Public Solicitor may, in any case where the application is made on behalf of an infant who is unmarried and the next friend making the application is a near relative (as defined in subsection two of this section) of the infant and where it appears to the Public Solicitor in his absolute discretion to be reasonable to do so to relieve hardship, disregard the income of the near relative;

(e) the spouse of an applicant shall be deemed to be totally dependent on the applicant;

(f) where the applicant's spouse is dead any income of such deceased spouse during the period of twelve months preceding the making of the application shall not be taken into account.

(4B) The provisions of this section extend—

(a) to any person applying for legal assistance under this section whose ordinary place of residence is without New South Wales but within the British Commonwealth of Nations:

Provided that for the purposes only of the application of this section to any such person whose ordinary place of residence is without the Commonwealth of Australia, this section shall be deemed to be amended—

(i) by omitting paragraph (c) of subsection three;

(ii)

Legal Assistance (Amendment).

(ii) by omitting subparagraph (v) of paragraph (b) of subsection four;

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph:—

(c) having regard to the value of any dwelling house owned and used by the applicant as his home, to the income of the applicant and of the spouse of the applicant during the period of twelve months preceding the making of the application and to the number of persons totally dependent on the applicant or spouse, a certificate under this subsection ought to be granted;

(b) to any person applying for legal assistance under this section in his capacity as an executor, administrator or trustee: Provided that for the purposes only of the application of this section to any person in any such capacity, this section shall be deemed to be amended—

(i) by omitting subsection two;

(ii) by omitting from paragraph (a) of subsection three the words “means and condition of the applicant” and by inserting in lieu thereof the words

Legal Assistance (Amendment).

words "net value, at the date of the application, of the estate of the deceased person of which estate the applicant is the executor, administrator or trustee";

(iii) by omitting paragraphs (b) and (c) of subsection four and by inserting in lieu thereof the following paragraphs:—

(b) the net value, at the date of the application, of the estate of the deceased person of which estate the applicant is the executor, administrator or trustee does not exceed three thousand pounds; and

(c) refusal to grant a certificate under this subsection would cause undue hardship to any person entitled to any beneficial interest in the estate of the deceased person of which estate the applicant is the executor, administrator or trustee.

(iv) by omitting from subsection (4A) the words, symbols and letters "paragraphs (b) and (c)" and by inserting in lieu thereof the word, symbols and letter "paragraph (b)";

(ii)

(v)

Sec. 17.
(Appeals)
to High
Court and
Privy
Council.

Legal Assistance (Amendment).

(v) by omitting paragraphs (b), (c), (d), (e) and (f) of the same subsection.

Where any application for legal assistance is made under this section or section seventeen of this Act by a person in his capacity as an executor, administrator or trustee a reference in this Act to an "applicant" shall be construed as a reference to the applicant in his capacity as an executor, administrator or trustee, as the case may be, and where such person has, pursuant to such application, been granted a certificate that he is entitled to legal assistance under this Act, such person shall, by virtue of that certificate, be deemed to be an assisted person only in such capacity as aforesaid.

In subsection four of this section, as deemed to be amended by paragraph (b) of this subsection, and in this subsection—

"Administrator" means administrator within the meaning of the Wills, Probate and Administration Act, 1898, as amended by subsequent Acts.

"Executor" means the executor to whom probate has been granted and includes executor by right of representation.

"Trustee" means trustee of the estate of a deceased person.

Sec. 17.
(Appeals
to High
Court and
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Council.)

(b) (i) by inserting in subsection one of section seventeen after the word "has," the words "whether or not";

(ii)

Legal Assistance (Amendment).

- (ii) by inserting in subsection two of the same section after the words "so to act" the following new proviso:—

Provided that where an application is made under subsection one of this section for the purpose of taking or contesting an appeal against the decision of a court in New South Wales in proceedings to which the applicant was, otherwise than as an assisted person, a party, the Public Solicitor shall not exercise his powers under this subsection unless he is satisfied that, if the application were an application for legal assistance in respect of such proceedings being made under section six of this Act by the applicant, it would not be refused under that section.

- (iii) by inserting in the same subsection after the words "under this section" the words "in relation to an assisted person";
- (iv) by omitting from the same subsection the words "such person and" and by inserting in lieu thereof the words "any person whose application under this section is granted and to".

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 9th December, 1957.*

Grand Jurors (Continued)

1177 by inserting in subsection (a) of the same section after the words "to wit," the following new provision:

Provided that where an application is made under subsection (a) of this section for the purpose of having a person appointed as a juror in a court in New South Wales in proceedings in which the applicant was already named as an applicant under a previous order made by the court in relation to the same proceedings, an application for such an appointment shall not be made unless the applicant is a person named in the order made under section 741A.

That section.

1178 by inserting in the same subsection after the words "under this section," the words "in relation to an admitted person."

1179 by inserting from the same subsection the words "such person and" and by inserting in their place the words "any person whose application under this section is returned and..."

In the year and on behalf of His Majesty I declare to

this day

E. W. WINDGATE, Esq.

Attorney-General

Printed and Published by the Government Printer, Sydney, New South Wales.