

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 6 March, 1975*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to enable the system of legal aid provided by The Law Society of New South Wales to be extended; for this and other purposes to amend the Legal Practitioners (Legal Aid) Act, 1970, and the Legal Practitioners Act, 1898; and for purposes connected therewith.

BE

Legal Practitioners (Legal Aid) Amendment.

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. This Act may be cited as the "Legal Practitioners (Legal Aid) Amendment Act, 1975". Short title.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commencement.

3. The Legal Practitioners (Legal Aid) Act, 1970, is amended— Amendment of Act No. 37, 1970.

(a) (i) by omitting from the definition of "scheme" the matter "Act." and by inserting instead the matter "Act;"; Sec. 2. (Interpretation.)

(ii) by omitting from the definition of "Suitors' Fund" the matter "1951." and by inserting instead the matter "1951;";

(iii) by inserting after the definition of "Suitors' Fund" the following definition :—

"supplementary scheme" means the supplementary scheme referred to in section 3A.

(b) by omitting section 3 (4); Sec. 3. (Scheme.)

(c) by inserting after section 3 the following section :— Sec. 3A.

3A. (1) In addition to providing legal aid pursuant to the scheme, the council shall, in accordance with, and to the extent authorised by, Supplementary scheme.

regulations

Legal Practitioners (Legal Aid) Amendment.

regulations made by the Governor for the purposes of this section and resolutions made by the council pursuant to subsection (3), establish and conduct a supplementary scheme of legal aid.

5 (2) For the purposes of this section, the Governor may make regulations for or with respect to the establishment and conduct of the supplementary scheme and, without prejudice to the generality of the foregoing or of section 18, may,
10 for those purposes, make regulations prescribing—

(a) the courts, the classes of proceedings in those courts and the matters other than proceedings in a court (not in any case being proceedings or matters prescribed by
15 the regulations as those in respect of which a certificate may be issued) in respect of which; and

(b) the persons, or classes of persons for whom,
20 the council may provide legal aid under the supplementary scheme.

(3) For the purposes of this section, the council may make resolutions (not inconsistent with such of the provisions of this Act or the regulations as are applicable in respect of the
25 supplementary scheme) for or with respect to the establishment and conduct of the supplementary scheme and may, without prejudice to the generality of the foregoing or any other provision of this Act with respect to the making of resolutions, make
30 resolutions for or with respect to—

(a) the manner of making applications for legal aid under the supplementary scheme; and

(b) the granting of that legal aid.

(d)

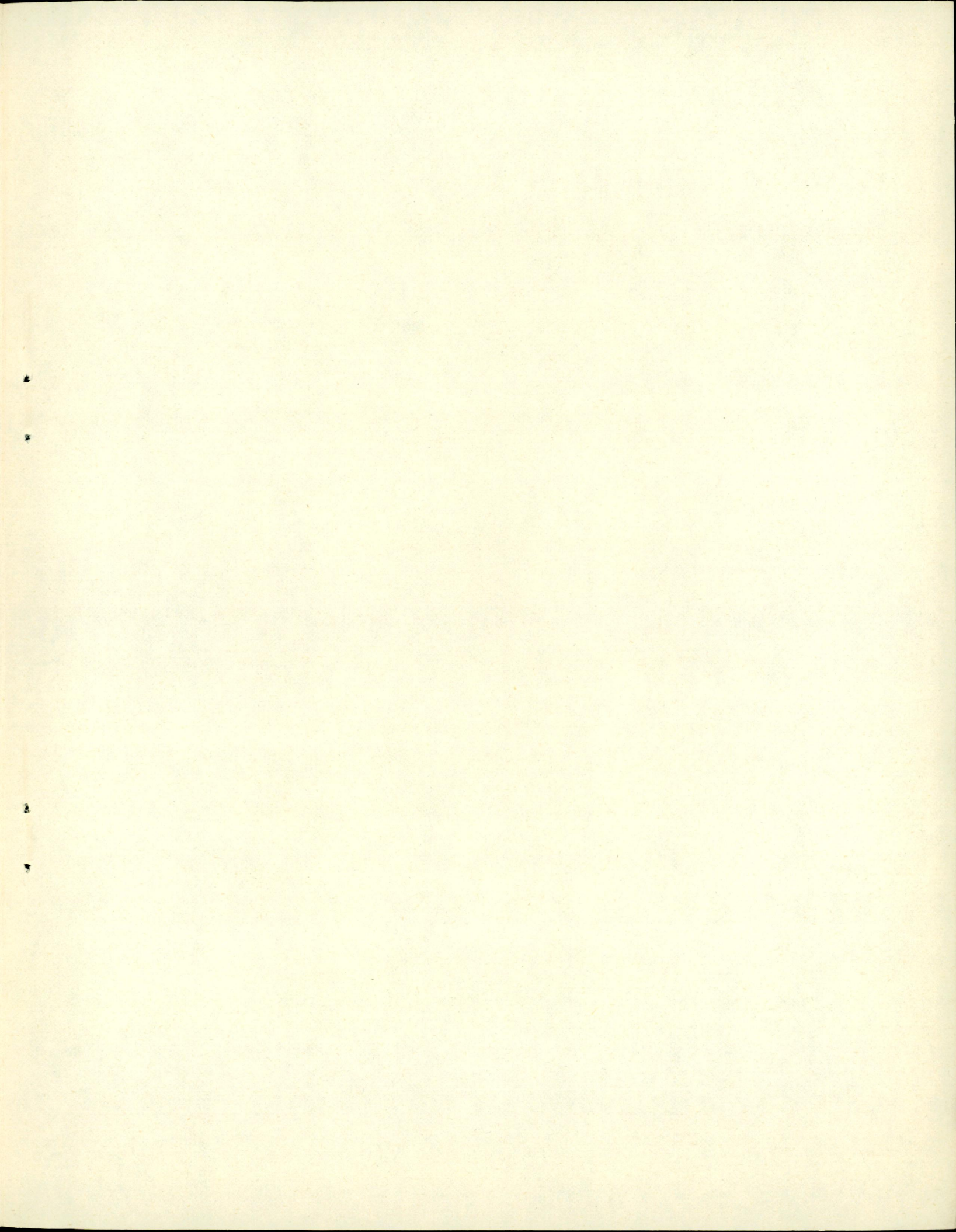
Legal Practitioners (Legal Aid) Amendment.

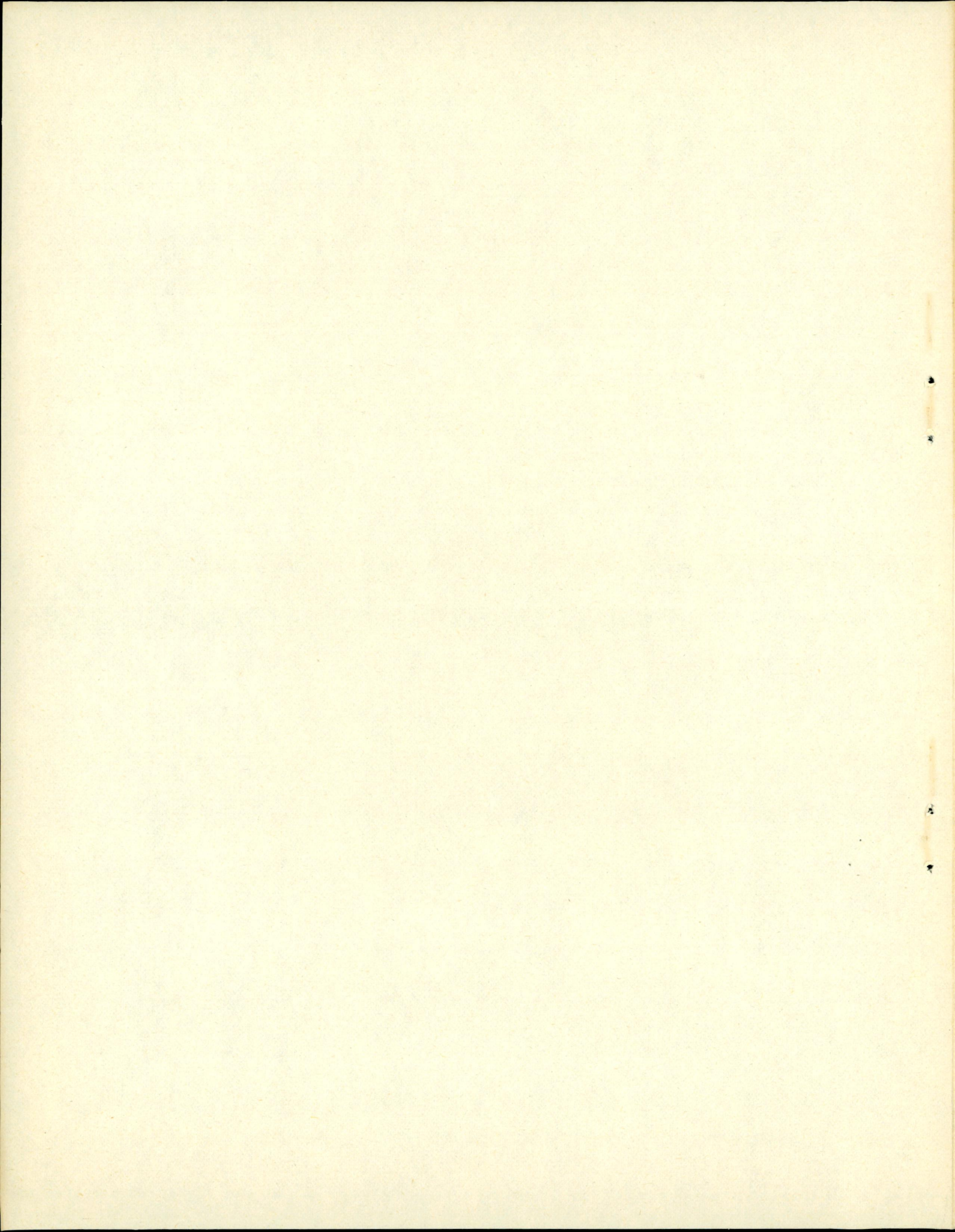
- (d) (i) by inserting in section 4 (1) (c) after the word "scheme" the words "or the supplementary scheme"; Sec. 4. (Administration.)
- 5 (ii) by inserting in section 4 (3) after the word "scheme" the words "or the supplementary scheme";
- (e) by inserting in section 5 (1) after the word "resolutions" the words ", other than resolutions applicable in respect of the supplementary scheme,"; Sec. 5. (Certificates.)
- 10 (f) by omitting from section 10A (1) the words "this Act" and by inserting instead the words "the scheme"; Sec. 10A. (Stay of proceedings.)
- (g) by inserting in section 11 after the word "scheme" the words "and the supplementary scheme"; Sec. 11. (Service or filing of documents.)
- 15 (h) by inserting after section 15 (3) (a1) the following paragraph :— Sec. 15. (Legal Aid Fund.)
- (a2) all administrative costs, salaries and professional fees attributable to the establishment and conduct of the supplementary scheme;
- 20 (i) (i) by omitting from section 16 (1) the words "or a contributor or a non-contributor" and by inserting instead the words "under this Act or the regulations or a person to whom that aid is granted"; Sec. 16. (Privileges and immunities.)
- 25 (ii) by inserting in section 16 (2) after the word "scheme" the words "or the supplementary scheme";
- (iii) by inserting in section 16 (3) (a) after the word "offence" the words "connected with the scheme or the supplementary scheme";
- 30

(iv)

Legal Practitioners (Legal Aid) Amendment.

- (iv) by inserting in section 16 (5) after the word "scheme" the words "or the supplementary scheme";
 - 5 (j) by inserting in section 17 after the word "scheme" the words "or the supplementary scheme"; Sec. 17.
(Annual report.)
 - (k) by omitting section 18 and by inserting instead the following section :— Sec. 18.
 - 10 18. (1) The Governor may make regulations Regulations. prescribing all matters that by this Act are required or permitted to be prescribed by regulations or that are necessary or convenient for carrying out or giving effect to this Act.
 - 15 (2) Without prejudice to the generality of subsection (1), the Governor may make a regulation for or with respect to any matter in respect of which the council may make a resolution.
 - 20 (3) A regulation made by the Governor, or a resolution made by the council, may authorise any matter or thing to be from time to time determined, applied or regulated by any person or committee specified therein, either generally or in any class of cases or in any particular case.
4. The Legal Practitioners Act, 1898, is amended by Amendment of Act No. 22, 1898. omitting section 44A (2) (a) and by inserting instead the Sec. 44A. following paragraph :— (Statutory Interest Account.)
- (a) supplementation of the Legal Aid Fund established under section 15 (1) of the Legal Practitioners (Legal Aid) Act, 1970.





Legal Practitioners (Legal Aid) Amendment

Enacted by the Queen's Bench and with the advice and consent of the Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Legal Practitioners (Legal Aid) Amendment Act 1975.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

No. , 1975.

A BILL

To enable the system of legal aid provided by The Law Society of New South Wales to be extended; for this and other purposes to amend the Legal Practitioners (Legal Aid) Act, 1970, and the Legal Practitioners Act, 1898; and for purposes connected therewith.

[MR MADDISON—26 February, 1975.]

BE

Legal Practitioners (Legal Aid) Amendment.

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. This Act may be cited as the "Legal Practitioners (Legal Aid) Amendment Act, 1975". Short title.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commencement.

3. The Legal Practitioners (Legal Aid) Act, 1970, is amended— Amendment of Act No. 37, 1970.

(a) (i) by omitting from the definition of "scheme" the matter "Act." and by inserting instead the matter "Act;"; Sec. 2. (Interpretation.)

(ii) by omitting from the definition of "Suitors' Fund" the matter "1951." and by inserting instead the matter "1951;";

(iii) by inserting after the definition of "Suitors' Fund" the following definition :—

"supplementary scheme" means the supplementary scheme referred to in section 3A.

(b) by omitting section 3 (4); Sec. 3. (Scheme.)

(c) by inserting after section 3 the following section :— Sec. 3A.

3A. (1) In addition to providing legal aid pursuant to the scheme, the council shall, in accordance with, and to the extent authorised by, Supplementary scheme.

regulations

Legal Practitioners (Legal Aid) Amendment.

regulations made by the Governor for the purposes of this section and resolutions made by the council pursuant to subsection (3), establish and conduct a supplementary scheme of legal aid.

5 (2) For the purposes of this section, the Governor may make regulations for or with respect to the establishment and conduct of the supplementary scheme and, without prejudice to the
10 generality of the foregoing or of section 18, may, for those purposes, make regulations prescribing—

15 (a) the courts, the classes of proceedings in those courts and the matters other than proceedings in a court (not in any case being proceedings or matters prescribed by the regulations as those in respect of which a certificate may be issued) in respect of which; and

20 (b) the persons, or classes of persons for whom, the council may provide legal aid under the supplementary scheme.

(3) For the purposes of this section, the council may make resolutions (not inconsistent with such of the provisions of this Act or the regulations as are applicable in respect of the
25 supplementary scheme) for or with respect to the establishment and conduct of the supplementary scheme and may, without prejudice to the generality of the foregoing or any other provision of this Act with respect to the making of resolutions, make
30 resolutions for or with respect to—

(a) the manner of making applications for legal aid under the supplementary scheme; and

(b) the granting of that legal aid.

(d)

Legal Practitioners (Legal Aid) Amendment.

- (d) (i) by inserting in section 4 (1) (c) after the word "scheme" the words "or the supplementary scheme"; Sec. 4.
(Adminis-
tration.)
- 5 (ii) by inserting in section 4 (3) after the word "scheme" the words "or the supplementary scheme";
- (e) by inserting in section 5 (1) after the word "resolutions" the words ", other than resolutions applicable in respect of the supplementary scheme,"; Sec. 5.
(Certifi-
cates.)
- 10 (f) by omitting from section 10A (1) the words "this Act" and by inserting instead the words "the scheme"; Sec. 10A.
(Stay of
proceedings.)
- (g) by inserting in section 11 after the word "scheme" the words "and the supplementary scheme"; Sec. 11.
(Service or
filing of
documents.)
- 15 (h) by inserting after section 15 (3) (a1) the following paragraph :— Sec. 15.
(Legal Aid
Fund.)
- (a2) all administrative costs, salaries and professional fees attributable to the establishment and conduct of the supplementary scheme;
- 20 (i) (i) by omitting from section 16 (1) the words "or a contributor or a non-contributor" and by inserting instead the words "under this Act or the regulations or a person to whom that aid is granted"; Sec. 16.
(Privileges
and immuni-
ties.)
- 25 (ii) by inserting in section 16 (2) after the word "scheme" the words "or the supplementary scheme";
- (iii) by inserting in section 16 (3) (a) after the word "offence" the words "connected with the scheme or the supplementary scheme";
- 30

(iv)

Legal Practitioners (Legal Aid) Amendment.

- (iv) by inserting in section 16 (5) after the word "scheme" the words "or the supplementary scheme";
- 5 (j) by inserting in section 17 after the word "scheme" the words "or the supplementary scheme"; Sec. 17. (Annual report.)
- (k) by omitting section 18 and by inserting instead the following section :— Sec. 18.
- 10 18. (1) The Governor may make regulations Regulations. prescribing all matters that by this Act are required or permitted to be prescribed by regulations or that are necessary or convenient for carrying out or giving effect to this Act.
- 15 (2) Without prejudice to the generality of subsection (1), the Governor may make a regulation for or with respect to any matter in respect of which the council may make a resolution.
- 20 (3) A regulation made by the Governor, or a resolution made by the council, may authorise any matter or thing to be from time to time determined, applied or regulated by any person or committee specified therein, either generally or in any class of cases or in any particular case.
- 25 4. The Legal Practitioners Act, 1898, is amended by omitting section 44A (2) (a) and by inserting instead the following paragraph :— Amendment of Act No. 22, 1898. Sec. 44A. (Statutory Interest Account.)
- (a) supplementation of the Legal Aid Fund established under section 15 (1) of the Legal Practitioners (Legal Aid) Act, 1970.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975
[8c]

Amendment to the Local Authorities Act 1970

(v) by inserting in section 12 (2) after the word "scheme" the words "or the supplementary scheme";

(vi) by inserting in section 17 after the word "scheme" the words "or the supplementary scheme";

(vii) by amending section 18 and by inserting instead of the following section 18—

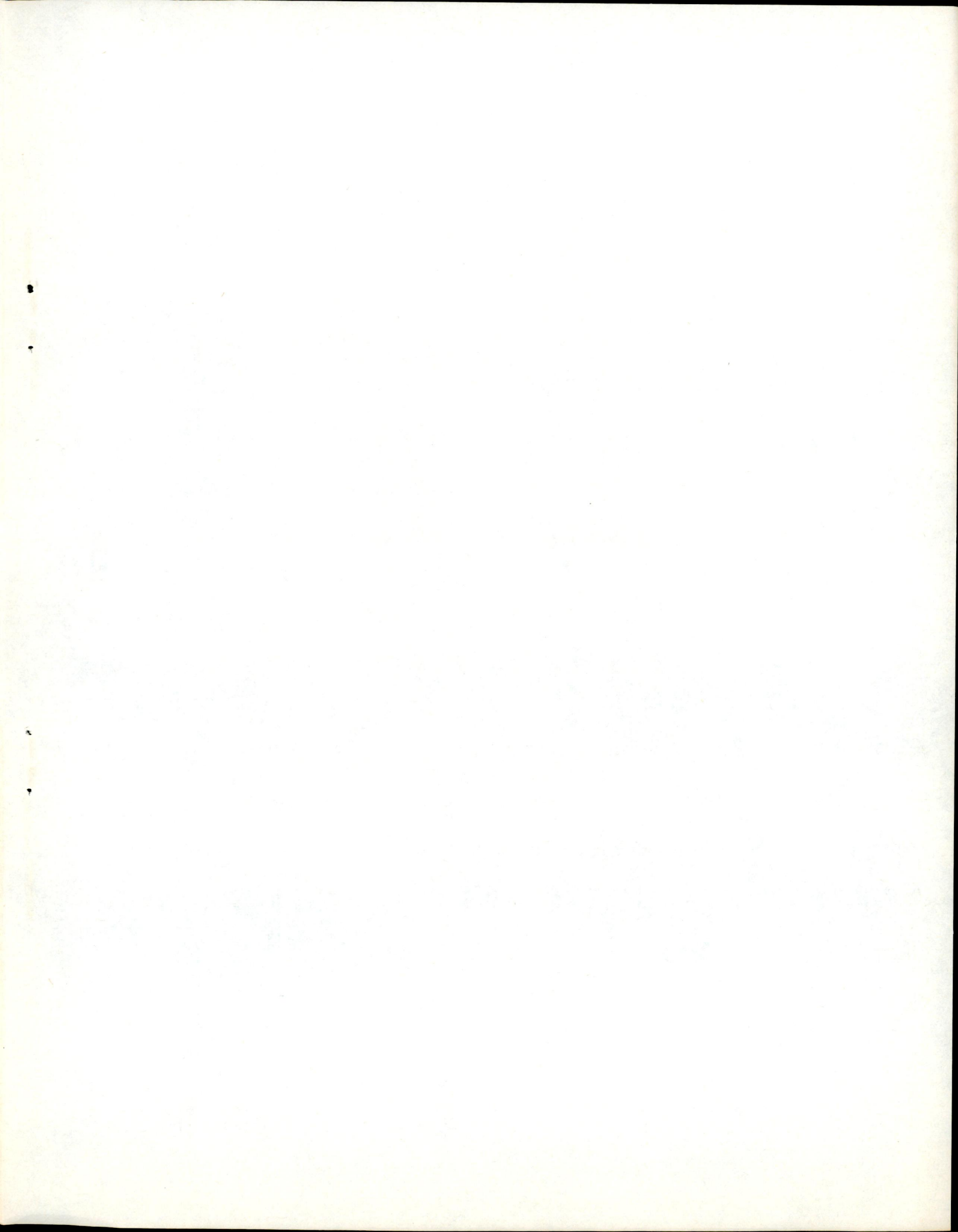
18. (1) The Government may make regulations prescribing all matters that by this Act are required or authorized to be prescribed by regulations or that are necessary or expedient for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of subsection (1), the Government may make a regulation for or with respect to any matter in respect of which the Council may make a resolution.

(3) A resolution made by the Council or a resolution made by the Council may authorize any matter a thing to be done that is hereinafter mentioned or regulated by any person or committee specified therein, either generally or in the case of any particular case.

The Local Authorities Act 1970 is amended by inserting section 12 (2) and by inserting instead of the following paragraph—
The supplementation of the Local Aid Fund established under section 12 (1) of the Local Authorities (Local Aid) Act 1970

Amendment of Act No. 1970, Sec. 12, (2) (Statutory Instrument)



PROOF

**LEGAL PRACTITIONERS (LEGAL AID) AMENDMENT BILL,
1975**

EXPLANATORY NOTE

THE object of this Bill is to enable the Governor to make regulations within the framework of which The Law Society of New South Wales would be authorised to extend its legal aid scheme to areas, such as children's courts, where it is not desired that such provisions of the Act as those relating to the furnishing of a certificate and the application of a means test should be applicable.

1000

THE UNIVERSITY OF CHICAGO

1971

Department of Chemistry
57 South Dearborn Street
Chicago, Illinois 60637

PROOF

No. , 1975.

A BILL

To enable the system of legal aid provided by The Law Society of New South Wales to be extended; for this and other purposes to amend the Legal Practitioners (Legal Aid) Act, 1970, and the Legal Practitioners Act, 1898; and for purposes connected therewith.

[MR MADDISON—26 February, 1975.]

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3. The Legal Practitioners (Legal Aid) Act, 1970, is amended— Amendment of Act No. 37, 1970.

(a) (i) by omitting from the definition of "scheme" the matter "Act." and by inserting instead the matter "Act;"; Sec. 2. (Interpretation.)

(ii) by omitting from the definition of "Suitors' Fund" the matter "1951." and by inserting instead the matter "1951;";

(iii) by inserting after the definition of "Suitors' Fund" the following definition :—

"supplementary scheme" means the supplementary scheme referred to in section 3A.

(b) by omitting section 3 (4); Sec. 3. (Scheme.)

(c) by inserting after section 3 the following section :— Sec. 3A.

3A. (1) In addition to providing legal aid pursuant to the scheme, the council shall, in accordance with, and to the extent authorised by, Supplementary scheme.

regulations

Legal Practitioners (Legal Aid) Amendment.

regulations made by the Governor for the purposes of this section and resolutions made by the council pursuant to subsection (3), establish and conduct a supplementary scheme of legal aid.

5 (2) For the purposes of this section, the Governor may make regulations for or with respect to the establishment and conduct of the supplementary scheme and, without prejudice to the generality of the foregoing or of section 18, may,
10 for those purposes, make regulations prescribing—

(a) the courts, the classes of proceedings in those courts and the matters other than proceedings in a court (not in any case being proceedings or matters prescribed by
15 the regulations as those in respect of which a certificate may be issued) in respect of which; and

(b) the persons, or classes of persons for whom, the council may provide legal aid under the
20 supplementary scheme.

(3) For the purposes of this section, the council may make resolutions (not inconsistent with such of the provisions of this Act or the regulations as are applicable in respect of the
25 supplementary scheme) for or with respect to the establishment and conduct of the supplementary scheme and may, without prejudice to the generality of the foregoing or any other provision of this Act with respect to the making of resolutions, make
30 resolutions for or with respect to—

(a) the manner of making applications for legal aid under the supplementary scheme; and

(b) the granting of that legal aid.

(d)

Legal Practitioners (Legal Aid) Amendment.

- (d) (i) by inserting in section 4 (1) (c) after the word "scheme" the words "or the supplementary scheme"; Sec. 4. (Administration.)
- 5 (ii) by inserting in section 4 (3) after the word "scheme" the words "or the supplementary scheme";
- (e) by inserting in section 5 (1) after the word "resolutions" the words ", other than resolutions applicable in respect of the supplementary scheme."; Sec. 5. (Certificates.)
- 10 (f) by omitting from section 10A (1) the words "this Act" and by inserting instead the words "the scheme"; Sec. 10A. (Stay of proceedings.)
- (g) by inserting in section 11 after the word "scheme" the words "and the supplementary scheme"; Sec. 11. (Service or filing of documents.)
- 15 (h) by inserting after section 15 (3) (a1) the following paragraph :— Sec. 15. (Legal Aid Fund.)
- (a2) all administrative costs, salaries and professional fees attributable to the establishment and conduct of the supplementary scheme;
- 20 (i) (i) by omitting from section 16 (1) the words "or a contributor or a non-contributor" and by inserting instead the words "under this Act or the regulations or a person to whom that aid is granted"; Sec. 16. (Privileges and immunities.)
- 25 (ii) by inserting in section 16 (2) after the word "scheme" the words "or the supplementary scheme";
- 30 (iii) by inserting in section 16 (3) (a) after the word "offence" the words "connected with the scheme or the supplementary scheme";

(iv)

Legal Practitioners (Legal Aid) Amendment.

- (iv) by inserting in section 16 (5) after the word
“scheme” the words “or the supplementary
scheme”;
- 5 (j) by inserting in section 17 after the word “scheme” Sec. 17.
the words “or the supplementary scheme”; (Annual
report.)
- (k) by omitting section 18 and by inserting instead the Sec. 18.
following section : —
- 10 18. (1) The Governor may make regulations Regulations.
prescribing all matters that by this Act are required
or permitted to be prescribed by regulations or that
are necessary or convenient for carrying out or
giving effect to this Act.
- 15 (2) Without prejudice to the generality of
subsection (1), the Governor may make a regula-
tion for or with respect to any matter in respect of
which the council may make a resolution.
- 20 (3) A regulation made by the Governor, or
a resolution made by the council, may authorise any
matter or thing to be from time to time determined,
applied or regulated by any person or committee
specified therein, either generally or in any class of
cases or in any particular case.
- 25 4. The Legal Practitioners Act, 1898, is amended by Amendment
omitting section 44A (2) (a) and by inserting instead the of Act No.
22, 1898.
25 following paragraph :— Sec. 44A.
(Statutory
Interest
Account.)
- (a) supplementation of the Legal Aid Fund established
under section 15 (1) of the Legal Practitioners
(Legal Aid) Act, 1970.

Legal Proceedings (Legal Aid) Amendment

(17) by inserting in section 16 (2) after the word "scheme" the words "or the supplementary scheme";

(18) by inserting in section 17 after the word "scheme" the words "or the supplementary scheme";

(19) by omitting section 18 and by inserting instead the following section:—

18. (1) The Governor may make regulations prescribing all matters that by this Act are required or permitted to be prescribed by regulations or that are necessary or convenient for carrying out or giving effect to the Act.

(2) Without prejudice to the generality of subsection (1), the Governor may make a regulation for or with respect to any matter in respect of which the council may make a resolution.

(3) A resolution made by the Governor or a resolution made by the council may authorise any matter of thing to be done time to time determined, applied or regulated by any person or committee specified therein either generally or in any class of cases or in any particular case.

4. The Legal Proceedings Act 1962 is amended by inserting section 18 (2) and by inserting instead the following paragraph:—

(a) supplementation of the Legal Aid fund established under section 15 (1) of the Legal Proceedings Act 1962.

BY AUTHORITY

BY WHAT GOVERNMENT PRINTER JOHN WATTS WATERBURY

