

FIRST PRINT

LEGAL AID COMMISSION (AMENDMENT) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Legal Aid Commission Act 1979 so as:

- (a) to enable the Legal Aid Commission, when assessing an applicant's eligibility for legal aid, to take into account the means of certain persons who are associated with the applicant; and
 - (b) to enable the Commission to take certain action and to impose certain requirements when reviewing the continued eligibility for legal aid of a legally assisted person; and
 - (c) to empower the Commission to defer payment of fees to a private legal practitioner who is under investigation, or who is the subject of proceedings, for improper conduct; and
 - (d) to allow the Commission to refuse payment of fees to a private legal practitioner who is found guilty of improper conduct; and
 - (e) to remove the right of appeal of an applicant for legal aid against a determination that the applicant pay a contribution towards the costs of the legal services sought by the applicant in cases where the application relates to proceedings in a Local Court with respect to a criminal offence; and
 - (f) to extend the time within which proceedings for certain offences may be commenced; and
 - (g) to enable interest to be charged on amounts unpaid by a person to whom legal aid has been provided; and
 - (h) to make consequential amendments, to effect statute law revision and to validate certain actions of the Commission.
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Legal Aid Commission (Amendment) 1989

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the Schedules of amendments.

SCHEDULE 1 - AMENDMENTS

Means test

Schedule 1 (2) amends section 35 so as to enable the Legal Aid Commission, in assessing an applicant's eligibility for legal aid, to take into account the means of certain persons associated with the applicant. Depending on the nature of the application, those persons may include the applicant's spouse or de facto partner, any person who is financially responsible for or who provides financial assistance to the applicant and certain other persons whose interests may be beneficially affected if legal aid is granted to the applicant.

Schedule 1 (10) (b) inserts proposed clause 26 into Schedule 8. The proposed clause validates such means tests determined by the Commission before the commencement of the proposed Act as would be valid if determined after the commencement of the amendments made by Schedule 1 (2).

Variation of grant of legal aid

Schedule 1 (4) (a) amends section 38 so as to enable the Commission, when reviewing the continued eligibility for legal aid of a legally assisted person, to make inquiries concerning the person and his or her associates, to require information from the person, to require the attendance of the person and to arrange for the investigation of any matter relating to legal aid provided to the person.

Schedule 1 (4) (b) further amends section 38 so as to extend, from 14 days to 35 days, the time within which the Commission must notify the parties to proceedings of a variation of a grant of legal aid to a party to those proceedings.

Payment of costs to private legal practitioners

Schedule 1 (5) amends section 43A so as to empower the Commission to defer payment of fees to a private legal practitioner pending the conclusion of an investigation into:

- (a) any alleged breach of the Act or the regulations under it; or
- (b) any fraud, misrepresentation or improper action in relation to the provision of legal aid or the conduct of proceedings,

and pending the completion of any proceedings in connection with such matters.

If any such matter is substantiated, the Commission will be able to refuse payment of the fees.

Legal Aid Commission (Amendment) 1989

Appeals

Schedule 1 (7) amends section 56 so as to remove the right of appeal of an applicant for legal aid against a determination that the applicant be required to pay a contribution towards the costs of the legal services sought by the applicant in cases where the application relates to proceedings in a Local Court with respect to a criminal offence.

Interest on monetary contributions

Schedule 1 (8) inserts a new section 71A into the Act so as to enable the Commission to charge interest on unpaid contributions required to be paid by a legally assisted person and on other amounts required to be paid by persons in connection with the provision of legal aid by the Commission.

Proceedings for offences

Schedule 1 (9) substitutes section 72 so as to allow proceedings for an offence under section 26 (Disclosure of certain information prohibited), 32 (False application) or 41 (Demand for or receipt of certain payments prohibited) to be commenced up to 2 years after the offence is committed.

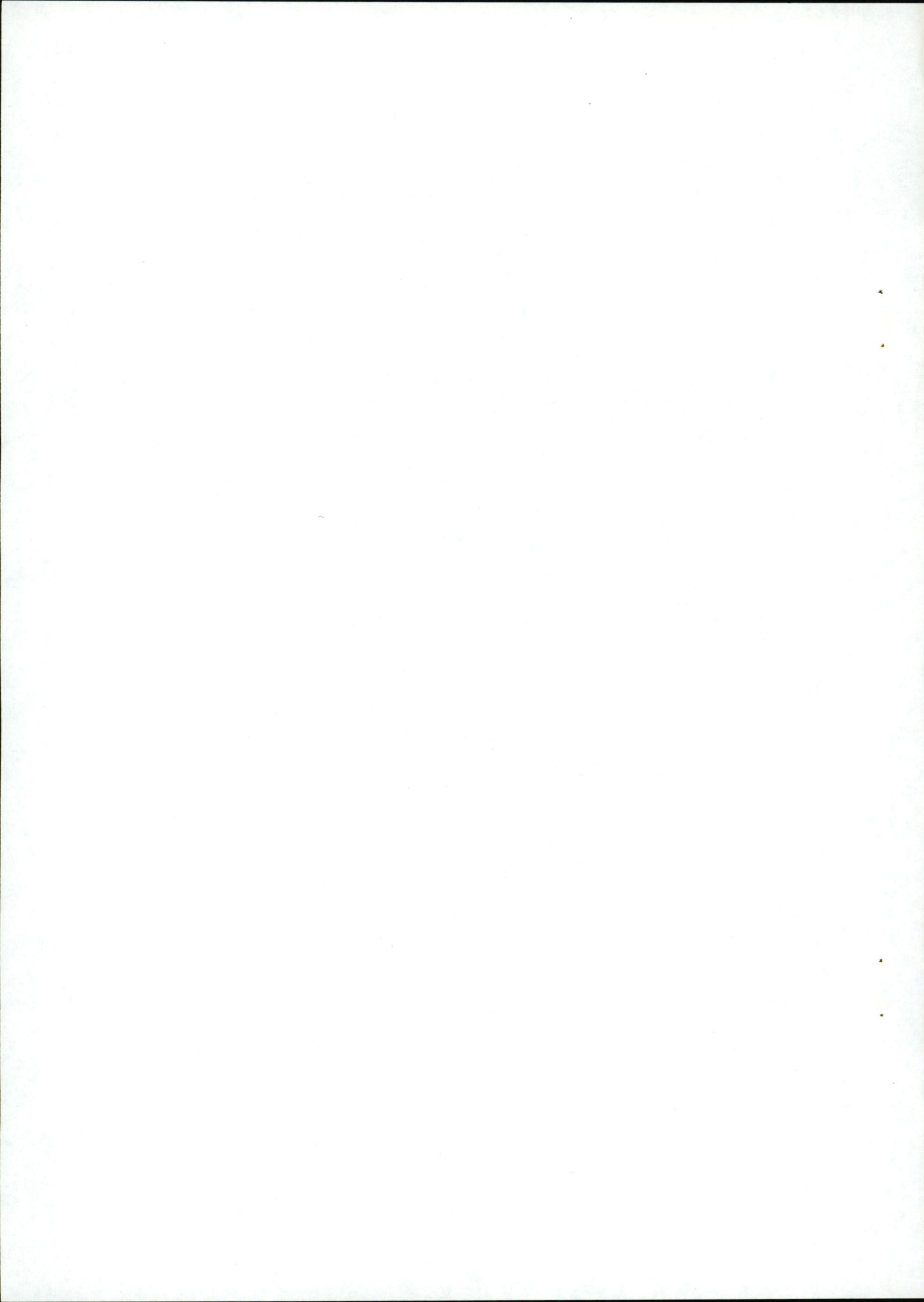
Savings and transitional provisions

Schedule 1 (10) amends Schedule 8 so as to enact certain savings and transitional provisions consequent on the enactment of the proposed Act.

SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE LAW REVISION

Schedule 2:

- (a) converts references to the Public Service Act 1979, courts of petty sessions and the Legal Practitioners Act 1898 to references to the Public Sector Management Act 1988, Local Courts and the Legal Profession Act 1987, respectively; and
 - (b) makes certain consequential amendments.
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LEGAL AID COMMISSION (AMENDMENT) BILL 1989

NEW SOUTH WALES

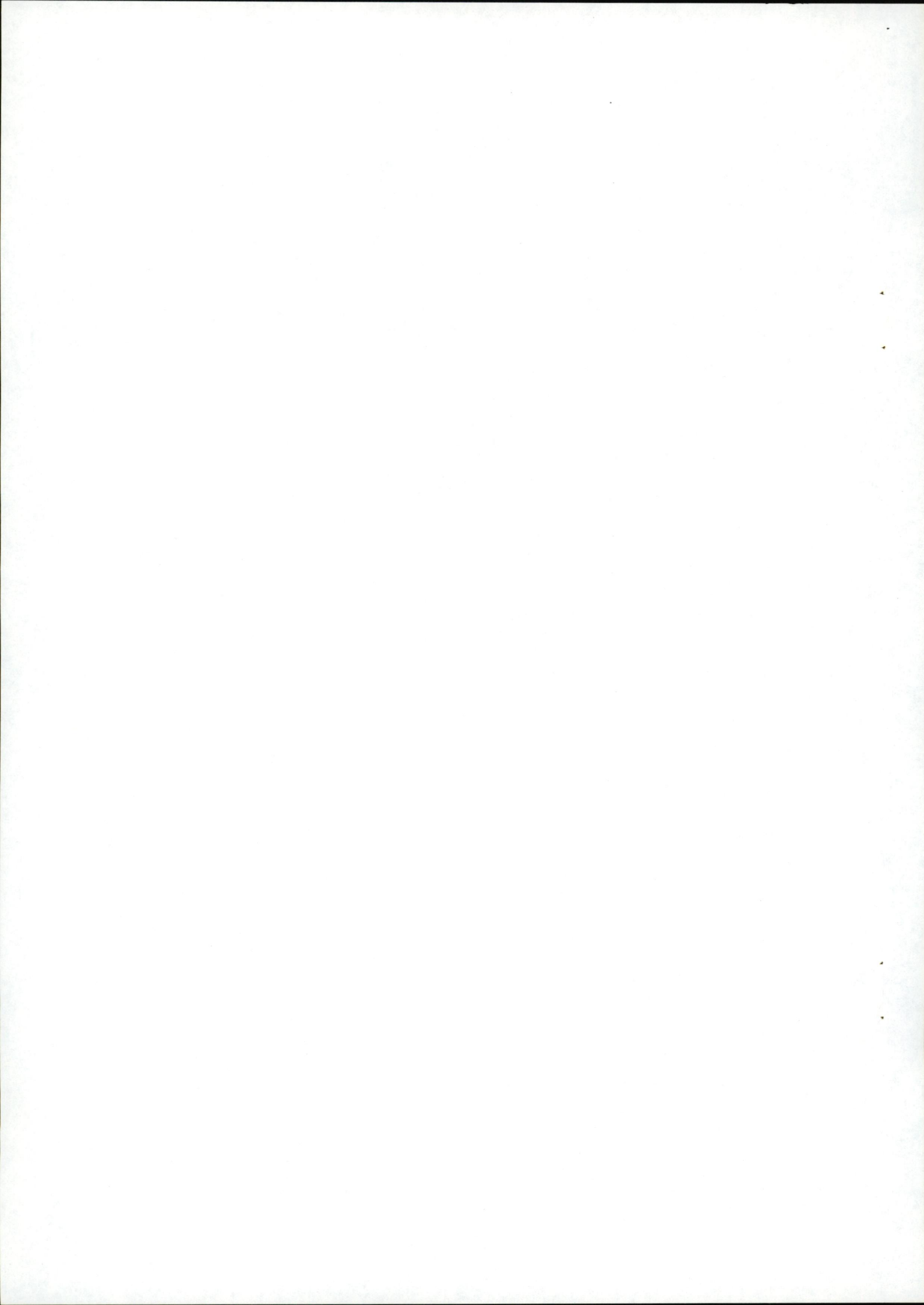


TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Legal Aid Commission Act 1979 No. 78

SCHEDULE 1 - AMENDMENTS

SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE LAW
REVISION



LEGAL AID COMMISSION (AMENDMENT) BILL 1989

NEW SOUTH WALES



No. , 1989

A BILL FOR

An Act to amend the Legal Aid Commission Act 1979 with respect to applications for legal aid, payment of fees to private legal practitioners and certain other matters.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Legal Aid Commission (Amendment) Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Legal Aid Commission Act 1979 No. 78

3. The Legal Aid Commission Act 1979 is amended as set out in Schedules 1 and 2.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

- (1) Section 33 (**Powers of Commission in respect of application**):
After "applicant" in section 33 (a), insert "and of each person who is associated with the applicant for the purposes of any means test under section 35".
- (2) Section 35 (**Means test**):
- (a) After "the applicant" where secondly occurring in section 35 (1), insert ", and each person who is associated with the applicant,".
- (b) Omit section 35 (2), insert instead:
(2) A means test determined by the Commission for the purposes of subsection (1) is to be determined having regard to the ability of:
(a) applicants generally or applicants of the class or description of applicants in respect of whom the means test is determined; and

SCHEDULE 1 - AMENDMENTS - *continued*

- (b) persons associated with such applicants, to meet the ordinary professional cost of the legal services sought by the applicant.
- (c) After section 35 (3), insert:
 - (4) For the purposes of any means test determined under this section, a reference to a person who is associated with an applicant is a reference to such of the following persons or classes of persons as are specified by the means test as being associated with the applicant:
 - (a) the applicant's spouse or the applicant's de facto partner within the meaning of the De Facto Relationships Act 1984;
 - (b) any person who is financially responsible for, or who provides financial support to, the applicant;
 - (c) if the applicant is a corporation, any person whose interests will, in the opinion of the Commission, be beneficially affected if legal aid is granted to the applicant;
 - (d) if the applicant is applying as a member of an unincorporated association, any other member of the association whose interests will, in the opinion of the Commission, be beneficially affected if legal aid is granted to the applicant; and
 - (e) if the applicant is applying for legal aid in respect of proceedings under the Family Provision Act 1982, any other person whose interests will, in the opinion of the Commission, be beneficially affected if legal aid is granted to the applicant.
- (3) Section 36 (**Monetary contribution by applicant**):
 - (a) After "manner" in section 36 (2), insert ", and within such time,".
 - (b) After "the amount" in section 36 (3), insert ", and any interest payable in respect of the amount,".

SCHEDULE 1 - AMENDMENTS - *continued*

- (4) Section 38 (**Variation of grant of legal aid**):
- (a) After section 38 (1), insert:
- (1A) In the exercise of its power to vary such a determination, the Commission may:
- (a) make such inquiries as it thinks fit as to the means and circumstances of the legally assisted person and of each person who would be associated with the legally assisted person for the purposes of any means test under section 35 were the legally assisted person still an applicant for legal aid;
 - (b) require the legally assisted person to furnish such information, and to produce such books or documents, as the Commission specifies;
 - (c) require the legally assisted person to attend personally; and
 - (d) refer any matter relating to or arising from the legal services provided to the legally assisted person under the determination to a person (including a barrister or solicitor) nominated by the Commission for investigation, report or advice.
- (b) From section 38 (3) omit "14 days", insert instead "35 days".
- (5) Section 43A (**Payment of costs to private legal practitioners**):
- Omit section 43A (1) and (2), insert instead:
- (1) The Commission may defer payment of any fees payable by it to a private legal practitioner in connection with proceedings in respect of which legal aid has been granted:
- (a) until the Commission is satisfied that the practitioner has taken reasonable steps to recover any party and party costs to which the legally assisted person is entitled; or
 - (b) until the conclusion of any official investigation in relation to:

SCHEDULE 1 - AMENDMENTS - *continued*

- (i) any alleged breach of this Act or the regulations by the practitioner;
- (ii) any alleged fraud or misrepresentation by the practitioner in relation to the provision of legal aid or any such fraud or misrepresentation to which the practitioner is a party; or
- (iii) any alleged improper action by the practitioner in bringing, defending or conducting any proceedings in relation to which legal aid has been provided or any such action to which the practitioner is a party; or

(c) until the completion of any criminal or disciplinary proceedings commenced against the practitioner in respect of a matter referred to in paragraph (b).

(2) Without affecting any other power of the Commission to refuse payment of any fees, the Commission may refuse to make a payment of any fees to a private legal practitioner in connection with proceedings in respect of which legal aid has been granted if any allegation referred to in subsection (1) (b) against the practitioner is substantiated in any criminal or disciplinary proceedings.

(6) Section 46 (**Liability of legally assisted person to pay costs and expenses**):

(a) After section 46 (2), insert:

(2A) An amount required to be paid under subsection (1) must be paid in such manner, and within such time, as the Commission directs.

(b) After "subsection (1)" in section 46 (3), insert ", and any interest payable in respect of the amount,".

SCHEDULE 1 - AMENDMENTS - *continued*

(7) Section 56 (**Appeals**):

(a) From section 56 (1) (a), omit ", other than an application referred to in section 34 (3) (b)".

(b) After section 56 (1), insert:

(1A) Such an appeal may not be made in respect of the determination of an application under section 34 (1):

(a) if the application has been refused as referred to in section 34 (3) (b); or

(b) if the application relates to proceedings in a Local Court with respect to a criminal offence and the applicant is dissatisfied because he or she is required to pay a contribution towards the costs and expenses of the legal services sought by the applicant.

(8) Section 71A:

After section 71, insert:

Interest

71A (1) Interest at the prescribed rate is payable on:

(a) an amount or part of an amount payable by a person under section 36 (1) that is not paid by such date as may be specified in a direction under section 36 (2); or

(b) an amount or part of an amount payable by a person under section 46 (1) that is not paid by such date as may be specified in a direction under section 46 (2A).

(2) In this section:

"prescribed rate" means:

(a) a rate equivalent to 50 per cent of the rate prescribed for the purposes of section 39 (1) of the Local Courts (Civil Claims) Act 1970; or

(b) if some other rate is prescribed by the regulations, that other rate.

SCHEDULE 1 - AMENDMENTS - *continued*

(9) Section 72:

Omit section 72, insert instead:

Proceedings for offences

72. (1) Proceedings for an offence against this Act or the regulations are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

(2) Proceedings for an offence arising under section 26, 32 or 41 may be commenced at any time within 2 years after the offence was allegedly committed.

(10) Schedule 8 (**Savings, transitional and other provisions**):

(a) At the end of clause 1A (1), insert:

Legal Aid Commission (Amendment) Act 1989.

(b) After Part 5, insert:

**PART 6 - SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS CONSEQUENT ON THE ENACTMENT
OF THE LEGAL AID COMMISSION
(AMENDMENT) ACT 1989**

Definition

24. In this Part:

"amending Act" means the Legal Aid Commission
(Amendment) Act 1989.

Appeals

25. (1) Section 56, as in force immediately before the commencement of this clause, applies to determinations made under section 34 before that commencement as if the amending Act had not been enacted.

(2) An appeal against a determination made under section 34 before the commencement of this clause, whether lodged before or after that commencement, is to be dealt with as if the amending Act had not been enacted.

SCHEDULE 1 - AMENDMENTS - *continued*

Means tests

26. Any determination made, as referred to in section 35, before the commencement of this clause (being a determination that could have been made had that section, as amended by the amending Act, been in force when the determination was made), and anything done or omitted as a consequence of such a determination, has the same effect as if that section, as so amended, had then been in force.

Interest on unpaid contributions

27. (1) Interest under section 71A is not payable in respect of any period occurring before the commencement of this clause.

(2) Interest under section 71A is payable in respect of any period occurring after the commencement of this clause on amounts that have become unpaid before that commencement and on amounts that become unpaid after that commencement.

Variation of grant of legal aid

28. Section 38, as amended by the amending Act, applies in relation to a variation of a determination under that section whether the determination was made before or after the commencement of this clause.

Payment of costs to private legal practitioners

29. Section 43A, as amended by the amending Act, applies to the payment of fees in respect of work performed by a private legal practitioner before or after the commencement of this clause.

Proceedings for offences

30. Section 72 (2) does not apply to proceedings for an offence arising under section 26, 32 or 41 that was allegedly committed before the commencement of this clause.

**SCHEDULE 2 - AMENDMENTS BY WAY OF
STATUTE LAW REVISION**

(Sec. 3)

- (1) Section 23 (**Appointment of members of staff of the Commission**):
 - (a) Omit "Public Service Act 1979" wherever occurring, insert instead "Public Sector Management Act 1988".
 - (b) From section 23 (2) omit "Public Service Board", insert instead "Public Service Industrial Relations Authority".
 - (c) From section 23 (2) omit "that Board" wherever occurring, insert instead "that Authority".

 - (2) Section 34 (**Determination of application**):

From section 34 (3) (a) and (b) omit "proceedings in a court of petty sessions with respect to a criminal offence or such other proceedings as the Commission may from time to time determine" wherever occurring, insert instead "proceedings in a Local Court with respect to a criminal offence, or to such other proceedings as the Commission may from time to time determine,".

 - (3) Section 64A (**Director's trust account**):

Omit section 64A (3), insert instead:

 - (3) Part 6 of the Legal Profession Act 1987 applies to the trust account established under this section.
-

Legal Aid Commission (Amendment) Bill



Mr SPEAKER

The Legislative Council has this day agreed to the Bill, returned herewith, intituled "An Act to amend the Legal Aid Commission Act 1979 with respect to applications for legal aid, payment of fees to private legal practitioners and certain other matters" with the amendment indicated by the accompanying schedule, in which amendment the Council requests the concurrence of the Legislative Assembly.

A handwritten signature in cursive script, which appears to read 'John Johnson', is written in dark ink on the right side of the page.

President

Legislative Council

10 August 1989

LEGAL AID COMMISSION (AMENDMENT) BILL


Schedule of the amendment referred to
in Message of 10 August 1989


Acting Clerk of the Parliaments

Page 3, Schedule 1, lines 15-24 (proposed section 35
(4) (c) and (d)). Omit all words on those lines,
insert instead:

- (c) if the applicant is a corporation, any person whose financial interests will, in the opinion of the Commission, be directly and beneficially affected if the proceedings in respect of which legal aid is granted to the applicant are successful;
- (d) if the applicant is applying as a member of an unincorporated association, any other member of the association whose financial interests will, in the opinion of the Commission, be directly and beneficially affected if the proceedings in respect of which legal aid is granted to the applicant are successful; and

Examined


Chairman of Committees

LEGAL AID COMMISSION (AMENDMENT) ACT 1989
No. 137

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Legal Aid Commission Act 1979 No. 78

SCHEDULE 1 - AMENDMENTS

**SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE LAW
REVISION**

LEGAL AID COMMISSION (AMENDMENT) ACT 1989
No. 137

NEW SOUTH WALES



Act No. 137, 1989

An Act to amend the Legal Aid Commission Act 1979 with respect to applications for legal aid, payment of fees to private legal practitioners and certain other matters. [Assented to 12 October 1989]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Legal Aid Commission (Amendment) Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Legal Aid Commission Act 1979 No. 78

3. The Legal Aid Commission Act 1979 is amended as set out in Schedules 1 and 2.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

- (1) Section 33 (**Powers of Commission in respect of application**):
After "applicant" in section 33 (a), insert "and of each person who is associated with the applicant for the purposes of any means test under section 35".
- (2) Section 35 (**Means test**):
- (a) After "the applicant" where secondly occurring in section 35 (1), insert ", and each person who is associated with the applicant,".
- (b) Omit section 35 (2), insert instead:
(2) A means test determined by the Commission for the purposes of subsection (1) is to be determined having regard to the ability of:
(a) applicants generally or applicants of the class or description of applicants in respect of whom the means test is determined; and

SCHEDULE 1 - AMENDMENTS - *continued*

- (b) persons associated with such applicants, to meet the ordinary professional cost of the legal services sought by the applicant.
- (c) After section 35 (3), insert:
 - (4) For the purposes of any means test determined under this section, a reference to a person who is associated with an applicant is a reference to such of the following persons or classes of persons as are specified by the means test as being associated with the applicant:
 - (a) the applicant's spouse or the applicant's de facto partner within the meaning of the De Facto Relationships Act 1984;
 - (b) any person who is financially responsible for, or who provides financial support to, the applicant;
 - (c) if the applicant is a corporation, any person whose financial interests will, in the opinion of the Commission, be directly and beneficially affected if the proceedings in respect of which legal aid is granted to the applicant are successful;
 - (d) if the applicant is applying as a member of an unincorporated association, any other member of the association whose financial interests will, in the opinion of the Commission, be directly and beneficially affected if the proceedings in respect of which legal aid is granted to the applicant are successful; and
 - (e) if the applicant is applying for legal aid in respect of proceedings under the Family Provision Act 1982, any other person whose interests will, in the opinion of the Commission, be beneficially affected if legal aid is granted to the applicant.
- (3) **Section 36 (Monetary contribution by applicant):**
 - (a) After "manner" in section 36 (2), insert ", and within such time,".

SCHEDULE 1 - AMENDMENTS - *continued*

- (b) After "the amount" in section 36 (3), insert ", and any interest payable in respect of the amount,".
- (4) Section 38 (**Variation of grant of legal aid**):
- (a) After section 38 (1), insert:
- (1A) In the exercise of its power to vary such a determination, the Commission may:
- (a) make such inquiries as it thinks fit as to the means and circumstances of the legally assisted person and of each person who would be associated with the legally assisted person for the purposes of any means test under section 35 were the legally assisted person still an applicant for legal aid;
 - (b) require the legally assisted person to furnish such information, and to produce such books or documents, as the Commission specifies;
 - (c) require the legally assisted person to attend personally; and
 - (d) refer any matter relating to or arising from the legal services provided to the legally assisted person under the determination to a person (including a barrister or solicitor) nominated by the Commission for investigation, report or advice.
- (b) From section 38 (3) omit "14 days", insert instead "35 days".
- (5) Section 43A (**Payment of costs to private legal practitioners**):
- Omit section 43A (1) and (2), insert instead:
- (1) The Commission may defer payment of any fees payable by it to a private legal practitioner in connection with proceedings in respect of which legal aid has been granted:
- (a) until the Commission is satisfied that the practitioner has taken reasonable steps to recover any party and party costs to which the legally assisted person is entitled; or

SCHEDULE 1 - AMENDMENTS - *continued*

- (b) until the conclusion of any official investigation in relation to:
 - (i) any alleged breach of this Act or the regulations by the practitioner;
 - (ii) any alleged fraud or misrepresentation by the practitioner in relation to the provision of legal aid or any such fraud or misrepresentation to which the practitioner is a party; or
 - (iii) any alleged improper action by the practitioner in bringing, defending or conducting any proceedings in relation to which legal aid has been provided or any such action to which the practitioner is a party; or
- (c) until the completion of any criminal or disciplinary proceedings commenced against the practitioner in respect of a matter referred to in paragraph (b).

(2) Without affecting any other power of the Commission to refuse payment of any fees, the Commission may refuse to make a payment of any fees to a private legal practitioner in connection with proceedings in respect of which legal aid has been granted if any allegation referred to in subsection (1) (b) against the practitioner is substantiated in any criminal or disciplinary proceedings.

- (6) **Section 46 (Liability of legally assisted person to pay costs and expenses):**
 - (a) After section 46 (2), insert:
 - (2A) An amount required to be paid under subsection (1) must be paid in such manner, and within such time, as the Commission directs.
 - (b) After "subsection (1)" in section 46 (3), insert ", and any interest payable in respect of the amount,".

SCHEDULE 1 - AMENDMENTS - *continued*

(7) Section 56 (Appeals):

(a) From section 56 (1) (a), omit ", other than an application referred to in section 34 (3) (b)".

(b) After section 56 (1), insert:

(1A) Such an appeal may not be made in respect of the determination of an application under section 34 (1):

(a) if the application has been refused as referred to in section 34 (3) (b); or

(b) if the application relates to proceedings in a Local Court with respect to a criminal offence and the applicant is dissatisfied because he or she is required to pay a contribution towards the costs and expenses of the legal services sought by the applicant.

(8) Section 71A:

After section 71, insert:

Interest

71A (1) Interest at the prescribed rate is payable on:

(a) an amount or part of an amount payable by a person under section 36 (1) that is not paid by such date as may be specified in a direction under section 36 (2); or

(b) an amount or part of an amount payable by a person under section 46 (1) that is not paid by such date as may be specified in a direction under section 46 (2A).

(2) In this section:

"prescribed rate" means:

(a) a rate equivalent to 50 per cent of the rate prescribed for the purposes of section 39 (1) of the Local Courts (Civil Claims) Act 1970; or

(b) if some other rate is prescribed by the regulations, that other rate.

SCHEDULE 1 - AMENDMENTS - *continued*

(9) Section 72:

Omit section 72, insert instead:

Proceedings for offences

72. (1) Proceedings for an offence against this Act or the regulations are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

(2) Proceedings for an offence arising under section 26, 32 or 41 may be commenced at any time within 2 years after the offence was allegedly committed.

(10) Schedule 8 (Savings, transitional and other provisions):

(a) At the end of clause 1A (1), insert:

Legal Aid Commission (Amendment) Act 1989.

(b) After Part 5, insert:

**PART 6 - SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS CONSEQUENT ON THE ENACTMENT
OF THE LEGAL AID COMMISSION
(AMENDMENT) ACT 1989**

Definition

24. In this Part:

"amending Act" means the Legal Aid Commission
(Amendment) Act 1989.

Appeals

25. (1) Section 56, as in force immediately before the commencement of this clause, applies to determinations made under section 34 before that commencement as if the amending Act had not been enacted.

(2) An appeal against a determination made under section 34 before the commencement of this clause, whether lodged before or after that commencement, is to be dealt with as if the amending Act had not been enacted.

SCHEDULE 1 - AMENDMENTS - *continued*

Means tests

26. Any determination made, as referred to in section 35, before the commencement of this clause (being a determination that could have been made had that section, as amended by the amending Act, been in force when the determination was made), and anything done or omitted as a consequence of such a determination, has the same effect as if that section, as so amended, had then been in force.

Interest on unpaid contributions

27. (1) Interest under section 71A is not payable in respect of any period occurring before the commencement of this clause.

(2) Interest under section 71A is payable in respect of any period occurring after the commencement of this clause on amounts that have become unpaid before that commencement and on amounts that become unpaid after that commencement.

Variation of grant of legal aid

28. Section 38, as amended by the amending Act, applies in relation to a variation of a determination under that section whether the determination was made before or after the commencement of this clause.

Payment of costs to private legal practitioners

29. Section 43A, as amended by the amending Act, applies to the payment of fees in respect of work performed by a private legal practitioner before or after the commencement of this clause.

Proceedings for offences

30. Section 72 (2) does not apply to proceedings for an offence arising under section 26, 32 or 41 that was allegedly committed before the commencement of this clause.

**SCHEDULE 2 - AMENDMENTS BY WAY OF
STATUTE LAW REVISION**

(Sec. 3)

- (1) Section 23 (**Appointment of members of staff of the Commission**):
- (a) Omit "Public Service Act 1979" wherever occurring, insert instead "Public Sector Management Act 1988".
 - (b) From section 23 (2) omit "Public Service Board", insert instead "Public Service Industrial Relations Authority".
 - (c) From section 23 (2) omit "that Board" wherever occurring, insert instead "that Authority".
- (2) Section 34 (**Determination of application**):
- From section 34 (3) (a) and (b) omit "proceedings in a court of petty sessions with respect to a criminal offence or such other proceedings as the Commission may from time to time determine" wherever occurring, insert instead "proceedings in a Local Court with respect to a criminal offence, or to such other proceedings as the Commission may from time to time determine,".
- (3) Section 64A (**Director's trust account**):
- Omit section 64A (3), insert instead:
- (3) Part 6 of the Legal Profession Act 1987 applies to the trust account established under this section.
-

*[Minister's second reading speech made in -
Legislative Assembly on 25 July 1989
Legislative Council on 9 August 1989]*

BY AUTHORITY
G. I. COSTELLOE, ACTING GOVERNMENT PRINTER - 1989

Legal Aid Commission (Amendment) Bill



Mr SPEAKER

The Legislative Council has this day agreed to the Bill, returned herewith, intituled "An Act to amend the Legal Aid Commission Act 1979 with respect to applications for legal aid, payment of fees to private legal practitioners and certain other matters" with the amendment indicated by the accompanying schedule, in which amendment the Council requests the concurrence of the Legislative Assembly.

A handwritten signature in cursive script, which appears to read "John Johnson".

President

Legislative Council

10 August 1989

LEGAL AID COMMISSION (AMENDMENT) BILL


Schedule of the amendment referred to
in Message of 10 August 1989


Acting Clerk of the Parliaments

Page 3, Schedule 1, lines 15-24 (proposed section 35
(4) (c) and (d)). Omit all words on those lines,
insert instead:

- (c) if the applicant is a corporation, any person whose financial interests will, in the opinion of the Commission, be directly and beneficially affected if the proceedings in respect of which legal aid is granted to the applicant are successful;
- (d) if the applicant is applying as a member of an unincorporated association, any other member of the association whose financial interests will, in the opinion of the Commission, be directly and beneficially affected if the proceedings in respect of which legal aid is granted to the applicant are successful; and

Examined


Chairman of Committees

