

NORTHERN TERRITORY OF AUSTRALIA

LEGAL AID REGULATIONS 1990

As in force at 12 December 1990

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Regulations under the *Legal Aid Act 1990*

Part I Preliminary

1 Citation

These Regulations may be cited as the *Legal Aid Regulations 1990*.

Part IA Commission

1A Election of staff member appointment as Commissioner

- (1) For the purposes of section 6(1)(f) of the Act the election of a person by the staff of the Commission to be appointed as a Commissioner shall be conducted as follows:
 - (a) whenever the occasion for the election arises the Director shall, in writing, advise all staff members then employed of that fact and that they are entitled to be nominated as, or to nominate another member as, a candidate for election and to vote at the election;
 - (b) nominations of candidates shall close on the date specified in the advice under paragraph (a), being not earlier than 5 days after the date of the advice, and shall:
 - (i) be in writing and sent to the Director to be received by the Director before that closing date;
 - (ii) be signed by the person nominating; and
 - (iii) indicate by the signature of the person nominated that the person accepts the nomination;
 - (c) as soon as practicable after the closing date for nominations, the Director shall send to each staff member a ballot-paper, in such form as the Director thinks fit, listing in alphabetical order the names of the candidates for election and indicating a date,

being not earlier than 5 days after the date on which the ballot-paper was sent, on which the votes should be received by the Director;

- (d) a vote shall be recorded on the ballot-paper by the person voting indicating his or her choice of candidate by placing a cross against the name of one candidate only;
 - (e) the Director shall advise each candidate for election of the time and place where the votes will be counted and each candidate may attend at the counting in person or be represented by a member of the staff nominated by him or her for that purpose;
 - (f) the counting of votes shall be on the "first-past-the-post" system and shall be conducted by the Director in such manner as the Director thinks fit;
 - (g) if more than one candidate has received an equal number of the most votes after counting is completed a further election shall be held between those candidates as if they were the only candidates nominated for election, and this regulation, with the necessary changes, applies accordingly;
 - (h) at the conclusion of the counting of votes where a clear winner is determined, the Director shall declare the winning candidate to be the elected candidate and, as soon as practicable, advise the Minister of the winner's name.
- (2) At an election under subregulation (1) the Director may vote but may not nominate or be nominated a candidate.
- (3) An election under this regulation shall be by secret ballot.

Part II Legal Aid Committees

2 Interpretation

In this Part, unless the contrary intention appears:

Chairman means a person elected to be Chairman pursuant to regulation 4(a) or (b).

member means a member of a Legal Aid Committee.

3 Tenure of office

A member, other than the Director, holds office, subject to this Part, for one year, but is eligible for re-appointment.

4 Chairman of Legal Aid Committee

The members of a Legal Aid Committee shall elect:

- (a) one of their number to be the Chairman of the Committee; and
- (b) another of their number to preside at meetings at which the Chairman is not present.

5 Resignation

A member, other than the Director, may resign his or her office by writing signed by him or her and given to the Commission.

6 Removal from office

- (1) The Commission may remove a member, other than the Director, from office for misbehaviour or physical or mental incapacity.
- (2) If a member, other than the Director:
 - (a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
 - (b) is absent, except by leave of the Committee from 3 consecutive meetings of a Legal Aid Committee; or
 - (c) fails to comply with his or her obligations under regulation 8,the Commission shall remove the member from office.

7 Meetings of Legal Aid Committee

- (1) A Legal Aid Committee shall hold such meetings as are necessary for the performance of its functions.
- (2) Meetings of a Legal Aid Committee shall be convened at any time by the Chairman or, if for any reason the Chairman is unavailable, by the person elected under regulation 4(b) to preside at meetings at which the Chairman is not present.
- (3) At a meeting of a Legal Aid Committee, 3 members constitute a quorum.
- (4) The Chairman shall preside at all meetings of the Committee at which he or she is present, and if the Chairman is not present the member elected under regulation 4(b) shall preside.

- (5) Questions arising at a meeting of a Legal Aid Committee shall be determined by a majority of the votes of members present and voting.
- (6) The member presiding at a meeting of a Legal Aid Committee has a deliberative vote and, in the event of an equality of votes, has a casting vote.
- (7) A Legal Aid Committee may regulate the conduct of proceedings at its meetings as it thinks fit and shall cause minutes of the proceedings to be kept.

8 Interests to be disclosed

- (1) A member who has a direct or indirect pecuniary interest in a matter considered or about to be considered by a Legal Aid Committee, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of more than 25 persons and of which the member is not a director shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Committee.
- (2) A disclosure under subregulation (1) shall be recorded in the minutes of the meeting and the member shall not be present during a deliberation of a Legal Aid Committee with respect to the matter.

Part III Review Committees

9 Interpretation

In this Part, unless the contrary intention appears:

Chairman means the person appointed to be the Chairman of a Review Committee under section 37(2) of the Act.

member means a member of a Review Committee.

10 Tenure of office

A member holds office, subject to this Part, for one year, but is eligible for re-appointment.

11 Resignation

A member may resign his or her office by writing signed by him or her and given to the Commission.

12 Removal from office

- (1) The Commission may remove a member of a Review Committee from office for misbehaviour or physical or mental incapacity.
- (2) If a member:
 - (a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
 - (b) is absent, except by leave of the Committee, from 3 consecutive meetings of the Review Committee; or
 - (c) fails to comply with his or her obligations under regulation 14,the Commission shall remove him or her from office.

13 Meetings of Review Committee

- (1) A Review Committee shall hold such meetings as are necessary for the performance of its function.
- (2) Meetings of a Review Committee shall be convened by the Chairman or, if for any reason the Chairman is unavailable, by another member of the Committee.
- (3) At a meeting of a Review Committee, 3 members constitute a quorum.
- (4) Questions arising at a meeting of a Review Committee shall be determined by a majority of the votes of members present and voting.
- (5) A Review Committee may regulate the conduct of proceedings at its meetings as it thinks fit and shall cause minutes of the proceedings to be kept.

14 Interests to be disclosed

- (1) A member who has a direct or indirect pecuniary interest in a matter considered or about to be considered by a Review Committee, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of more than 25 persons and of which the member is not a director shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Committee.

- (2) A disclosure under subregulation (1) shall be recorded in the minutes of the meeting of the Review Committee and the member shall not be present during a deliberation of the Committee with respect to the matter.
- (3) A member who made, or participated in the making of, a decision that is to be reviewed by the Review Committee shall not be present during a deliberation of the Review Committee with respect to the decision.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Legal Aid (Committees) Regulations (SL No. 16, 1990)

Notified	29 June 1990
Commenced	29 June 1990

Amendment of Legal Aid (Committees) Regulations (SL No. 50, 1990)

Notified	12 December 1990
Commenced	12 December 1990

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: r 1.

4 LIST OF AMENDMENTS

pt 1A hdg	ins No. 50, 1990, r 2
r 1A	ins No. 50, 1990, r 2