

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1990, No. 16*

Regulations under the *Legal Aid Act*

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Legal Aid Act*.

Dated 29 June 1990.

J.H. MUIRHEAD
Administrator

LEGAL AID (COMMITTEES) REGULATIONS

PART I - PRELIMINARY

1. CITATION

These Regulations may be cited as the Legal Aid (Committees) Regulations 1990.

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.

* Notified in the *Northern Territory Government Gazette* on 29 June 1990.

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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.

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(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 sub-regulation (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.

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- (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.

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(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.
