

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1990, No. 50*

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 30 November 1990.

J.H. MUIRHEAD
Administrator

AMENDMENT OF LEGAL AID (COMMITTEES) REGULATIONS

1. CITATION OF AMENDED REGULATIONS

The Legal Aid (Committees) Regulations 1990 as amended by these Regulations may be cited as the Legal Aid Regulations.

2. NEW PART

The Legal Aid (Committees) Regulations 1990 are amended by inserting after Part I the following:

"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;

* Notified in the *Northern Territory Government Gazette* on 12 December 1990.

Legal Aid (Committees) Regulations

- (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.

Legal Aid (Committees) Regulations

"(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."
