

TASMANIA

**LEGAL AID COMMISSION AMENDMENT BILL
2016**

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LEGAL AID COMMISSION AMENDMENT BILL 2016

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
24 August 2016

*(Brought in by the Minister for State Growth, the Honourable
Matthew Guy Groom)*

A BILL FOR

An Act to amend the *Legal Aid Commission Act 1990*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Legal Aid Commission Amendment Act 2016*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Legal Aid Commission Act 1990** is referred to as the Principal Act.

4. Section 5 amended (Membership of Commission)

Section 5 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) The Commission consists of 5 Commissioners appointed by the Minister of whom –
 - (a) one is a person appointed as the chairperson of the Commission; and
 - (b) one is the Director; and
 - (c) one is a person with substantial experience and expertise in financial management; and
 - (d) one is a person with experience in business or government operations; and
 - (e) one is a person nominated by the Law Society.

*No. 42 of 1990

5. Section 16 amended (Applications for legal aid)

Section 16(1) of the Principal Act is amended by omitting “writing in a form approved” and substituting “a manner determined”.

6. Section 53B inserted

After section 53A of the Principal Act, the following section is inserted in Part 7:

53B. Savings and transitional provisions

The savings and transitional provisions in Schedule 4 have effect.

7. Schedule 2 amended (Meetings of Commission)

Schedule 2 to the Principal Act is amended as follows:

- (a) by omitting from clause 1(2) “3 other Commissioners” and substituting “2 other Commissioners”;
- (b) by omitting from clause 2(1) “5 Commissioners” and substituting “3 Commissioners”.

8. Schedule 4 inserted

After Schedule 3 to the Principal Act, the following Schedule is inserted:

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**SCHEDULE 4 – SAVINGS AND TRANSITIONAL
PROVISIONS**

Section 53B

1. Interpretation

In this Schedule –

commencement day means the day on which the *Legal Aid Commission Amendment Act 2016* commences;

former Act means this Act as in force immediately before the commencement day.

2. Continuation of certain existing appointments

- (1) The Commissioner who, immediately before the commencement day, was the chairperson referred to in section 5(1)(a) of the former Act is, on and after the commencement day, taken to have been appointed as the chairperson under section 5(1)(a) for the remainder of his or her term of appointment on the same terms and conditions as were applicable immediately before the commencement day.
- (2) The Commissioner who, immediately before the commencement day, was the Director referred to in section 5(1)(b) of

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the former Act is, on and after the commencement day, taken to have been appointed as the Director under section 5(1)(b) for the remainder of his or her term of appointment on the same terms and conditions as were applicable immediately before the commencement day.

- (3) The Commissioner who, immediately before the commencement day, was the person with substantial experience and expertise in financial management referred to in section 5(1)(d) of the former Act is, on and after the commencement day, taken to have been appointed as a Commissioner under section 5(1)(c) for the remainder of his or her term of appointment on the same terms and conditions as were applicable immediately before the commencement day.
- (4) The Commissioner who, immediately before the commencement day, was the person referred to in section 5(1)(d) of the former Act who is not the person referred to in subclause (3) is, on and after the commencement day, taken to have been appointed as a Commissioner under section 5(1)(d) for the remainder of his or her term of appointment on the same terms and conditions as were applicable immediately before the commencement day.

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- (5) The Commissioner who, immediately before the commencement day, was the person referred to in section 5(1)(e) of the former Act who was most recently appointed as a Commissioner under that section is, on and after the commencement day, taken to have been appointed as a Commissioner under section 5(1)(e) for the remainder of his or her term of appointment on the same terms and conditions as were applicable immediately before the commencement day.

3. Termination of certain existing appointments

The term of appointment of the following Commissioners ceases on the commencement day:

- (a) the 2 Commissioners who, immediately before the commencement day, were the 2 persons referred to in section 5(1)(c) of the former Act;
- (b) the Commissioner who, immediately before the commencement day, was not the person most recently appointed as a Commissioner under 5(1)(e) of the former Act;
- (c) the Commissioner who, immediately before the

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commencement day, was the person referred to in section 5(1)(f) of the former Act;

- (d) the Commissioner who, immediately before the commencement day, was the person referred to in section 5(1)(g) of the former Act.

9. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.