

**LEGAL PRACTITIONERS (LEGAL AID)  
AMENDMENT ACT.**

**New South Wales**



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 15, 1975.**

An Act to enable the system of legal aid provided by The Law Society of New South Wales to be extended; for this and other purposes to amend the Legal Practitioners (Legal Aid) Act, 1970, and the Legal Practitioners Act, 1898; and for purposes connected therewith. [Assented to, 10th April, 1975.]

**BE**

*Legal Practitioners (Legal Aid) Amendment.*

**No. 15, 1975** **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.** 1. This Act may be cited as the "Legal Practitioners (Legal Aid) Amendment Act, 1975".

**Commencement.** 2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Amendment of Act No. 37, 1970.** 3. The Legal Practitioners (Legal Aid) Act, 1970, is amended—

**Sec. 2. (Interpretation.)** (a) (i) by omitting from the definition of "scheme" the matter "Act." and by inserting instead the matter "Act;";

(ii) by omitting from the definition of "Suitors' Fund" the matter "1951." and by inserting instead the matter "1951;";

(iii) by inserting after the definition of "Suitors' Fund" the following definition:—

"supplementary scheme" means the supplementary scheme referred to in section 3A.

**Sec. 3. (Scheme.)** (b) by omitting section 3 (4);

**Sec. 3A.** (c) by inserting after section 3 the following section:—

**Supplementary scheme.** 3A. (1) In addition to providing legal aid pursuant to the scheme, the council shall, in accordance with, and to the extent authorised by,

regulations

*Legal Practitioners (Legal Aid) Amendment.*

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regulations made by the Governor for the purposes No. 15, 1975 of this section and resolutions made by the council pursuant to subsection (3), establish and conduct a supplementary scheme of legal aid.

(2) For the purposes of this section, the Governor may make regulations for or with respect to the establishment and conduct of the supplementary scheme and, without prejudice to the generality of the foregoing or of section 18, may, for those purposes, make regulations prescribing—

- (a) the courts, the classes of proceedings in those courts and the matters other than proceedings in a court (not in any case being proceedings or matters prescribed by the regulations as those in respect of which a certificate may be issued) in respect of which; and
- (b) the persons, or classes of persons for whom, the council may provide legal aid under the supplementary scheme.

(3) For the purposes of this section, the council may make resolutions (not inconsistent with such of the provisions of this Act or the regulations as are applicable in respect of the supplementary scheme) for or with respect to the establishment and conduct of the supplementary scheme and may, without prejudice to the generality of the foregoing or any other provision of this Act with respect to the making of resolutions, make resolutions for or with respect to—

- (a) the manner of making applications for legal aid under the supplementary scheme; and
- (b) the granting of that legal aid.

**(d)**

*Legal Practitioners (Legal Aid) Amendment.*

- No. 15, 1975**  
**Sec. 4.**  
**(Adminis-  
tration.)**
- (d) (i) by inserting in section 4 (1) (c) after the word “scheme” the words “or the supplementary scheme”;  
(ii) by inserting in section 4 (3) after the word “scheme” the words “or the supplementary scheme”;
- Sec. 5.**  
**(Certifi-  
cates.)**
- (e) by inserting in section 5 (1) after the word “resolutions” the words “, other than resolutions applicable in respect of the supplementary scheme.”;
- Sec. 10A.**  
**(Stay of  
proceedings.)**
- (f) by omitting from section 10A (1) the words “this Act” and by inserting instead the words “the scheme”;
- Sec. 11.**  
**(Service or  
filing of  
documents.)**
- (g) by inserting in section 11 after the word “scheme” the words “and the supplementary scheme”;
- Sec. 15.**  
**(Legal Aid  
Fund.)**
- (h) by inserting after section 15 (3) (a1) the following paragraph :—  
(a2) all administrative costs, salaries and professional fees attributable to the establishment and conduct of the supplementary scheme;
- Sec. 16.**  
**(Privileges  
and immuni-  
ties.)**
- (i) (i) by omitting from section 16 (1) the words “or a contributor or a non-contributor” and by inserting instead the words “under this Act or the regulations or a person to whom that aid is granted”;  
(ii) by inserting in section 16 (2) after the word “scheme” the words “or the supplementary scheme”;  
(iii) by inserting in section 16 (3) (a) after the word “offence” the words “connected with the scheme or the supplementary scheme”;
- (iv)

*Legal Practitioners (Legal Aid) Amendment.*

- (iv) by inserting in section 16 (5) after the word "scheme" the words "or the supplementary scheme"; No. 15, 1975
- (j) by inserting in section 17 after the word "scheme" the words "or the supplementary scheme"; Sec. 17.  
(Annual report.)
- (k) by omitting section 18 and by inserting instead the following section : — Sec. 18.
18. (1) The Governor may make regulations prescribing all matters that by this Act are required or permitted to be prescribed by regulations or that are necessary or convenient for carrying out or giving effect to this Act. Regulations.
- (2) Without prejudice to the generality of subsection (1), the Governor may make a regulation for or with respect to any matter in respect of which the council may make a resolution.
- (3) A regulation made by the Governor, or a resolution made by the council, may authorise any matter or thing to be from time to time determined, applied or regulated by any person or committee specified therein, either generally or in any class of cases or in any particular case.
- 4.** The Legal Practitioners Act, 1898, is amended by omitting section 44A (2) (a) and by inserting instead the following paragraph :— Amendment  
of Act No.  
22, 1898.  
Sec. 44A.  
(Statutory  
Interest  
Account.)
- (a) supplementation of the Legal Aid Fund established under section 15 (1) of the Legal Practitioners (Legal Aid) Act, 1970.

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