

Legal Aid Commission (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 states the purpose of the Act.

Clause 2 provides that the Act comes into operation on a day to be proclaimed.

Clause 3 states the *Legal Aid Commission Act 1978* is to be called the Principal Act.

Clause 4 provides that the name of the Legal Aid Commission is to be the Legal Aid Commission of Victoria.

Clause 5 alters the constitution of the Commission adding a Commissioner appointed on the nomination of Commission staff and a Commissioner appointed on the nomination of the Federation of Victorian Legal Centres and makes other consequential amendments.

Clause 6 provides for the appointment of alternates for Commission members.

Clause 7 causes certain words to be omitted from section 9 (2) (b) of the Principal Act.

Clause 8 provides that the Public Service Board may delegate certain powers to the Commission.

Clause 9 changes the name Legal Aid Committees to Legal Aid Review Committees and makes consequential amendments.

Clause 10 describes the membership of Legal Aid Review Committees.

Clause 11 describes the structure of a panel for reserve members of Legal Aid Review Committees and the role of reserve members.

Clause 12 amends section 24 (3) (i) and repeals section 24 (7) of the Principal Act.

Clause 13 provides that the Commission may impose statutory and equitable charges on property as the condition of the provision of legal assistance.

Clause 14 inserts a new section 30 which makes certain changes to the structure of the referral panels, provides a system for the removal of those on the panels and the opportunity for those removed to be heard.

Clause 15 amends section 31 of the Principal Act regarding provision of information to the Commission.

Clause 16 changes the name Review Committee to Legal Aid Appeal Committee and makes consequential amendments.

Clause 17 introduces a penalty for breach of section 32 (1) of the Principal Act and provides that the Commission may offer lump sum fee payments to practitioners subject to negotiation with the relevant professional bodies.

Clause 18 amends appeal procedures in the Principal Act.

Clause 19 makes amendment relating to the Legal Aid Fund.

Clause 20 inserts a new section 42 providing accounting and auditing requirements.

Clause 21 inserts a new section 44 that restates the offence of making false statements to the Commission and extends the time available to prosecute this offence.

Clause 22 amends section 48 (1) (a) of the Principal Act.

Clause 23 provides the system by which the Commission may impose charges on the property of an applicant.

Clauses 24, 25, 26 and 27 are transitional provisions which save subject to changes in the Act the current Commission, deputy members, Legal Aid Committees and Review Committees and referral panels.