Commonwealth Legal Aid Amendment Bill 1987

Date Introduced: 3 November 1987
House: Senate
Presented by: Senator the Hon. Michael Tate, Minister for Justice

Digest of Bill

Purpose
To establish a National Legal Aid Representative Council and a National Legal Aid Advisory Committee in place of the Commonwealth Legal Aid Council (the Council).

Background
The Council was established in 1981 and replaced the Commonwealth Legal Aid Commission. The Council's primary functions are to ascertain and review the need for legal assistance and to make recommendations to the Attorney-General as to the most efficient and desirable means of providing legal aid and the provision of financial assistance. Following a study by the Legal Aid Task Force of the Attorney-General's Department, which released a discussion paper in November 1984 and a final report in August 1985, the Attorney-General announced that there would be no further appointments to the Council and that consultations would take place with interested groups on the composition of a new body to replace the Council. The bodies to be established by this Bill will replace the Council.

Main Provisions
Clause 5 will repeal Parts II and III of the Commonwealth Legal Aid Act 1977 (the Principal Act) which deal with the Council, and substitute new Parts II, III and IIIA to provide for new advisory bodies (proposed sections 4 to 17).

Proposed section 4 will establish a National Legal Aid Representative Council (the Representative Council), comprising the Chairperson and Director of each legal aid commission, the Chairperson of the National Legal Aid Advisory Committee, an Australian Legal Aid Office employee and a Commonwealth administrator of the provision of legal assistance in Australia. Other members will be appointed after consultation between the Minister and the Law Council of Australia (two members); a representative of community legal centres (two members); and the Australian Council of Social Service (proposed section 5).
The Representative Council's functions will be to provide advice and recommendations to the Minister on the provision of legal assistance, including funding, economic management, legislative change and community legal education (proposed section 6).

A National Legal Aid Advisory Committee will be established by proposed section 7. The Committee's membership will comprise seven part-time members to be appointed by the Minister (proposed section 8).

The functions of the Committee will be similar to those of the Council (proposed section 9).

The Representative Council will be obliged to meet annually, but may meet more frequently with the Minister's approval (proposed section 14).

Meetings of the Committee are to take place at least twice a year. Otherwise, the Committee is to meet as often as is necessary for the efficient performance of its functions (proposed section 15).

For further information, if required, contact the Law and Government Group.

8 December 1987
Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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