



New South Wales

# Law and Justice Foundation (Transitional) Regulation 2000

under the

Law and Justice Foundation Act 2000

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Law and Justice Foundation Act 2000*.

BOB DEBUS, M.P.,

Attorney General

## Explanatory note

The *Law and Justice Foundation Act 2000 (the Act)* repeals the *Law Foundation Act 1979* and reconstitutes the Law Foundation as the Law and Justice Foundation. Schedule 3 to the Act provides that on the commencement of the Act the members of the Board of Governors of the Law Foundation and the Director of the Law Foundation cease to hold office.

The object of this Regulation is to provide for an interim Board and an interim Director for the Law and Justice Foundation. The Regulation provides that during a transition period of up to 6 months following the commencement of the Act, the Attorney General may appoint interim members of the Board and an interim Director. The persons appointed as interim members may be persons who were members of the Board of the Law Foundation, or other persons who have special knowledge, experience or expertise in specified areas (such as social sciences, the justice system or consumer issues).

The interim members cease to hold office at the end of the transition period, but are eligible (if otherwise qualified) to be appointed as members of the Board of the Law and Justice Foundation. The interim Director ceases to hold office at the end of the transition period, but is eligible to be appointed as Director by the Board.

**2000 No 758**

Law and Justice Foundation (Transitional) Regulation 2000

Explanatory note

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This Regulation is made under the *Law and Justice Foundation Act 2000*, in particular clause 1 of Schedule 3 to the Act.

This Regulation relates to matters of a savings and transitional nature.

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## 2000 No 758

Clause 1            Law and Justice Foundation (Transitional) Regulation 2000

Part 1             Preliminary

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# Law and Justice Foundation (Transitional) Regulation 2000

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Law and Justice Foundation (Transitional) Regulation 2000*.

### 2 Commencement

This Regulation commences on 22 December 2000.

### 3 Definitions

In this Regulation:

*former Board* means the Board of Governors of the former Law Foundation.

*former Law Foundation* means the Law Foundation of New South Wales constituted under the 1979 Act immediately before its repeal by the Act.

*interim Director* means the Director appointed under clause 7.

*interim member* means a member of the interim Board established under clause 5.

*special expertise* has the same meaning as in clause 1 of Schedule 1 to the Act.

*the 1979 Act* means the *Law Foundation Act 1979*.

*the Act* means the *Law and Justice Foundation Act 2000*.

*transition period* means the period commencing on the commencement of the Act and ending on the day that is 6 months after that day, or ending on such earlier day as the Minister may determine by order published in the Gazette.

**4 Notes**

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## **2000 No 758**

Clause 5                      Law and Justice Foundation (Transitional) Regulation 2000

Part 2                         Interim Board

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### **Part 2 Interim Board**

#### **5 Appointment of interim Board**

- (1) There is to be an interim Board of the Foundation during the transition period. During that period the interim Board is the Board of the Foundation.
- (2) The interim Board is to consist of 7 interim members, 6 of whom are to be appointed by the Attorney General under this clause.
- (3) The other interim member is to be the person for the time being holding the office of interim Director.
- (4) The Attorney General may appoint a person to be an interim member if the person is:
  - (a) a person who was a member of the former Board on, or at any time before, 24 November 2000, or
  - (b) a person who, in the opinion of the Attorney General, has special expertise.
- (5) The Attorney General may appoint a person under this clause whether or not the person would be eligible for appointment to the Board of the Foundation under clause 2 of Schedule 1 to the Act.
- (6) The Attorney General may terminate the membership of an interim member at any time for any or no reason.
- (7) On the occurrence of a vacancy in the office of an interim member appointed under this clause the Attorney General may appoint a person under this clause to the vacant office.
- (8) A person who, immediately before the end of the transition period, holds office as an interim member:
  - (a) ceases at the end of that period to hold that office, and
  - (b) is not entitled to any remuneration or compensation because of the loss of that office, and
  - (c) is eligible (if otherwise qualified) to be appointed as a member of the Board of the Foundation.

**6 Application of Act to interim members**

- (1) Schedule 1 to the Act does not apply during the transition period except as provided by this clause.
- (2) Clauses 3 (except clause 3 (2)), 5, 6, 7, 8 (except clause 8 (i)), 10–17 and 19 of that Schedule apply during the transition period, but so apply subject to the following modifications:
  - (a) a reference to an *appointed member* is to be read as a reference to an interim member appointed under clause 5 of this Regulation,
  - (b) the reference in clause 5 (1) of that Schedule to a *member* is to be read as a reference to an interim member,
  - (c) the reference in clause 8 (j) of that Schedule to membership of the Board being terminated under clause 18 is to be read as a reference to the termination of the membership of an interim member under clause 5 of this Regulation.
- (3) Schedule 1 to the Act applies during the transition period for the purposes of the nomination of persons for appointment as members of the Board, and for the purposes of the appointment of members of the Board, to take effect after the end of the transition period.

## 2000 No 758

Clause 7 Law and Justice Foundation (Transitional) Regulation 2000

Part 3 Interim Director

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### Part 3 Interim Director

#### 7 Appointment of interim Director

- (1) The Attorney General is to appoint a person from time to time during the transition period to be the interim Director of the Foundation.
- (2) During the transition period a reference in the Act to the Director is to be read as a reference to the interim Director.
- (3) The Attorney General may remove the interim Director from office at any time for any or no reason.
- (4) A person who, immediately before the end of the transition period, holds office as interim Director:
  - (a) ceases at the end of that period to hold that office, and
  - (b) is not entitled to any remuneration or compensation because of the loss of that office, and
  - (c) is eligible to be appointed as Director of the Foundation.

#### 8 Application of Act to interim Director

- (1) Section 10 of and Schedule 2 to the Act do not apply during the transition period except as provided by this clause.
- (2) Clauses 1 (2), 2, 4 and 5 (1), (3) and (4) of Schedule 2 to the Act apply during the transition period, but so apply subject to the following modifications:
  - (a) a reference to *the Board* is to be read as a reference to the Attorney General,
  - (b) the reference in clause 4 (h) of that Schedule to the removal of the Director from office under clause 3 is to be read as a reference to the removal of the interim Director from office under clause 7 (3) of this Regulation,
  - (c) the reference in clause 5 of that Schedule to an *acting Director* is to be read as a reference to a person appointed under that clause to act as interim Director.

BY AUTHORITY