

[Act 2000 No 97]



New South Wales

## Law and Justice Foundation Bill 2000

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The objects of this Bill is are as follows:

- (a) to reconstitute the Law Foundation of New South Wales as the Law and Justice Foundation of New South Wales,
  - (b) to provide that the objects of the Law and Justice Foundation are to contribute to the development of a fair and equitable justice system which addresses the legal needs of the community and to improve access to justice by the community (in particular, by economically and socially disadvantaged people),
  - (c) to provide for the Board of the proposed Law and Justice Foundation to have a different composition from the existing Board of the Law Foundation.
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## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be proclaimed.

**Clause 3** defines certain words and expressions used in the proposed Act.

### The Law and Justice Foundation

**Clause 4** constitutes the Law and Justice Foundation of New South Wales. **Clause 5** sets out the objects of the Law and Justice Foundation, as explained in paragraph (b) of the Overview above. The powers of the Law and Justice Foundation are set out in **clause 6**.

### The Board of the Foundation

**Clauses 7–9** establish the Board of the Foundation, and provide for the Board to set up committees and to employ staff.

The constitution and procedures of the Board are set out in **Schedule 1** to the proposed Act. The Board is to consist of 7 members: 6 members appointed by the Attorney General, plus the Director of the Foundation. Of the 6 members appointed by the Attorney General:

- (a) one is to be a person nominated by the Leader of the Opposition in the Legislative Assembly, and
- (b) one is to be a legal practitioner appointed from a panel of 6 persons nominated by the Law Society of New South Wales, and
- (c) one is to be a legal practitioner appointed from a panel of 6 persons nominated by the New South Wales Bar Association.

Not more than one of the other 3 members appointed by the Attorney General may be a legal practitioner. All the members appointed by the Attorney General are required to have special knowledge, experience or expertise in social sciences, the justice system, consumer issues, the needs of disadvantaged people or legal practice.

### The Director of the Foundation

**Clauses 10–12** provide for the Board to appoint a Director to manage the affairs of the Foundation. Provisions relating to the office of Director are set out in **Schedule 2**. The Director is to be a member of the Board.

### **The Law and Justice Foundation Fund**

Part 3 of the proposed Act continues the existing Law Foundation Fund as the Law and Justice Foundation Fund. The Fund may continue to receive money from the Public Purpose Fund established under the *Legal Practitioners Act 1987* (consisting of interest accruing on money held on trust by the Law Society) as well as any money received from other sources.

### **Miscellaneous**

**Clause 19** provides for the annual report of the Foundation and **clause 20** repeals the *Law Foundation Act 1979*.

**Schedule 3** contains savings and transitional provisions, and **Schedule 4** makes consequential amendments to other Acts.