

# Law and Justice Foundation (Transitional) Regulation 2000

[2000-758]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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# Law and Justice Foundation (Transitional) Regulation 2000



New South Wales

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

## 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.

### **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.

### **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.