

# LEGAL ASSISTANCE ORDINANCE 1972

1243

No. 53 of 1972

## An Ordinance to make Provision for Legal Assistance to Persons without adequate Means

[Reserved 13 March, 1972]

[Assented to 14 September, 1972]\*

**B**E it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1. This Ordinance may be cited as the *Legal Assistance Ordinance 1972*. Short title

2.—(1.) The *Poor Persons Legal Assistance Ordinance 1935* is repealed. Repeal and saving

(2.) Notwithstanding the repeal made by the last preceding sub-section, the repealed Ordinance continues to apply to and in relation to an application for legal assistance made under the repealed Ordinance and pending immediately before the commencement of this Ordinance.

(3.) This Ordinance does not affect the operation of any other law or practice or procedure of the Northern Territory providing for legal assistance to a person in criminal or civil proceedings.

3. In this Ordinance, “the senior Judge” and “the Master” have the same meanings as in the *Northern Territory Supreme Court Act 1961-1971*. Definitions

4.—(1.) A person committed for trial or sentence for an indictable offence may apply to the Master for legal assistance in relation to the trial or sentencing. Legal assistance

(2.) An application for legal assistance shall be verified on oath.

(3.) If the Master is of the opinion that the applicant is without adequate means of providing legal assistance for himself, he shall, by order, cause arrangements to be made for the representation of the accused person by counsel or solicitor, or both, and certify for the payment of the reasonable costs, fees, disbursements and expenses (including expenses of material witnesses) incurred in the course of that representation.

\* Notified in the *Northern Territory Government Gazette* No. 39 of 27 September, 1972, page 354.

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(4.) Upon receipt of the copy of the certificate of the Master, the Administrator shall make arrangements for the payment of the amounts so certified.

**Rules of Court**

**5.** The senior Judge may make Rules of Court, not inconsistent with a law in force in the Northern Territory, for regulating and prescribing the practice and procedure to be followed in providing legal assistance under this Ordinance, prescribing the scales of costs and expenses to be paid to legal practitioners for assistance provided to persons under this Ordinance, and for prescribing all matters and things incidental to or relating to any such practice and procedure or necessary or convenient to be prescribed for the purposes of this Ordinance.

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