

Legal Aid (General Panel) Determination 2010 (No 1)*

Notifiable instrument NI2010–15

made under the

Legal Aid Act 1977, section 31E (Panels of private legal practitioners)

1 Name of instrument

This instrument is the *Legal Aid (General Panel) Determination 2010 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Criteria for appointment to the general panel

For section 31E(5) of the *Legal Aid Act 1977* the following criteria are determined for the appointment of a practitioner to the general panel:

1. The applicant must be a ‘private legal practitioner’ as that term is defined in the *Legal Aid Act 1977*.
2. The applicant must possess a current unrestricted practising certificate as that term is defined in the *Legal Profession Act 2006*.
3. The applicant must have in place an adequate supervisory system for employed solicitors who may undertake legal aid work on behalf of the applicant.
4. The applicant must agree to sign the Legal Aid ACT General Panel Services Agreement and comply with its conditions.

4 Period for which practitioners are appointed to the general panel

For section 31E(7)(a) of the *Legal Aid Act 1977* the period for which practitioners are appointed to the general panel is determined to be five years.

5 Grounds on which a practitioner may be suspended from the general panel

For section 31E(7)(b) of the *Legal Aid Act 1977* the grounds on which a practitioner may be suspended from the general panel are determined to be:

*Name amended under Legislation Act, s 60

1. The practitioner no longer satisfies criteria 1 and 2 determined for section 31E(5); or
2. The practitioner is alleged to not comply with criteria 3 determined for section 31E(5), and the alleged non-compliance is so serious that the Commission is satisfied that it is necessary to protect the interests of legally assisted persons to suspend the practitioner from the general panel pending further inquiry.
3. The practitioner is alleged to be in breach of the Legal Aid ACT General Panel Services Agreement, and the alleged breach is so serious that the Commission is satisfied that it is necessary to protect the interests of legally assisted persons to suspend the practitioner from the general panel pending further inquiry.

6 Grounds on which a practitioner may be removed from the general panel

For section 31E(7)(b) of the *Legal Aid Act 1977* the grounds on which a practitioner may be removed from the general panel are determined to be:

1. The practitioner no longer satisfies criteria 1 and 2 determined for section 31E(5); or
2. The practitioner has failed to comply with criteria 3 determined for section 31E(5), the Commission considers the failure to be serious, and the Commission is not satisfied that the practitioner will comply with criteria 3 in the future.
3. The practitioner has committed a serious breach of the Legal Aid ACT General Panel Services Agreement, and the Commission is not satisfied that the practitioner will provide services in accordance with the Agreement in the future.

7 Grounds on which a practitioner may be excluded from the general panel

For section 31E(7)(b) of the *Legal Aid Act 1977* the grounds on which a practitioner may be excluded from the general panel are determined to be:

1. The practitioner has been removed from the general panel, and the commission is satisfied that the practitioner should be excluded from the general panel until a specified time has elapsed or specified actions have been undertaken by the practitioner.

The common seal of the Legal Aid Commission (A.C.T.) was affixed on the 11 January 2010 by the Chief Executive Officer with the authority of the board

Andrew Crockett (Chief Executive Officer)