

## POOR PERSONS' LEGAL ASSISTANCE ORDINANCE 1951.<sup>(1)</sup>

No. 14 of 1951.

### An Ordinance relating to the Provision of Legal Assistance to Poor Persons.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows:—

**Short title.** 1. This Ordinance may be cited as the *Poor Persons' Legal Assistance Ordinance 1951*.<sup>(1)</sup>

**Repeal.** 2. The *Poor Persons' Legal Assistance Ordinance 1936*<sup>(2)</sup> of the Territory of New Guinea is repealed.

**Legal assistance for poor persons in certain cases.** 3.—(1.) Any person committed for trial for an indictable offence may, at any time before his trial, apply, in writing in accordance with the prescribed form, to a Judge, for legal assistance for his defence.

(2.) Every such application shall be accompanied by a statutory declaration verifying the facts stated in the application.

(3.) If the Judge is of opinion that the applicant is without adequate means to provide legal assistance for himself and that having regard to all the circumstances of the case (including the nature of the defence, if any, as may have been set up) it is desirable in the interests of justice that the applicant should have legal assistance, he shall certify accordingly to the Administrator, who may, if he thinks fit, upon receipt of the certificate, make arrangements for the defence of the accused person by a solicitor and for the payment of the expenses of all material witnesses.

**Regulations.** 4. The Administrator in Council may make regulations<sup>(3)</sup> not inconsistent with this Ordinance, prescribing all matters which are necessary or convenient to be prescribed for carrying out or

(1) Particulars of this Ordinance are as follows:—

Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwltth. Gaz.</i>	Date on which took effect.
15. 6. 1951	28. 6. 1951	28. 6. 1951 ( <i>Papua and N.G. Govt. Gaz.</i> of 28. 6. 1951)

(2) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. II., on pp. 1659-1660.

(3) See the *Poor Persons' Legal Assistance Regulations*, printed in this Volume on pp. 304-305.

giving effect to this Ordinance, and in particular prescribing matters for and in relation to—

- (a) the communication of the provisions of this Ordinance to a person committed for trial for an indictable offence;
- (b) the forms to be used in connexion with this Ordinance;
- (c) the procedure to be followed by persons applying for legal assistance in accordance with the provisions of this Ordinance; and
- (d) the rates and scales of payment to a solicitor employed under this Ordinance to conduct the defence of a person committed for trial for an indictable offence.