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DATE:

Revised 2/2025

A. TERMS AND CONDITIONS JUSTICE LEGAL FUND

1. The name of the body is the Justice Sector Legal Fund ("the Fund")

2. The objects for which the Fund is formed are:

- (a) To provide legal assistance, representation and information to any member who is employed in the NSW Justice Sector who is also a member of the Public Service Association (PSA) in relation to any alleged criminal offence arising out of or in the course of his/her employment
- (b) To provide legal assistance to a member to make a claim under the provisions of the Victims Right and Support Act 2013, in the event that the claim or prospective claim arises out of or in the course of his/her employment
- (c) To provide legal assistance and representation before Coroner Enquiries, where the interests of the member and their employer diverge
- (d) To provide legal assistance and representation before any commission of enquiry or tribunal conducting an enquiry whose findings could have an adverse effect upon the member of the Fund

3. Notwithstanding anything contained in Clause A2 above, the Fund shall not assist any Member in respect of any matter relating to:

- (a) Libel and/or defamation, or
- (b) Equal opportunity and/or sexual harassment, whether such claim arose out of, or in the course of, his/her employment, or otherwise
- (c) Where a member instructs solicitors who are not the Appointed Lawyers
- (d) The Appointed Lawyers shall be as determined by the Trustees of the Fund

B. MEMBERSHIP

1. Admission to Membership

- (a) Any person who is a member of the Public Service Association (PSA) and who is employed within the NSW Justice Sector may apply for membership of the Fund
- (b) Application for membership of the Fund shall be made in writing in a form prescribed by the Executive of the PSA
- (c) All applications made for membership must be submitted to the Trustees for consideration and the Trustees shall have an absolute discretion in respect of granting or refusing membership
- (d) Subscriptions to the Fund shall be made by a deduction authority signed by the prospective member and submitted by the Trustees to the pay section of the relevant Department or by Direct Debit or credit card payment
- (e) Membership fees shall be examined yearly and set by and in the absolute discretion of the Trustees following consultation with all Departmental Committees from the NSW Justice Sector who have members in the Fund. Any increase in membership fees shall not be made unless one month's notice has been given to all members

(f) If the balance of the Fund reaches such a level, which in their absolute discretion the Trustees consider sufficient to fund all possible expenses for the following twelve months, the Trustees may suspend or reduce membership fees

(g) There shall be no refund of fees to any member under any circumstances notwithstanding that the member has resigned from the Fund or ceased employment in the NSW Justice Sector

(h) Any member may remain in the Fund even if they move to a position not comprehended by (a) above, provided the member remains in the employment of the NSW Justice Sector as defined by the Constitution

2. Termination of Membership

- (a) Any member intending to withdraw from the Fund shall signify his/her intention in writing to the Trustees
- (b) Any member who ceases to be employed by the NSW Justice Sector as defined by the Constitution shall automatically cease to be a member of the Fund. It is the responsibility of the Fund member to inform the PSA CPSU NSW of their change of employment or other personal details which may affect their ability to remain in the fund
- (c) Any member who ceases to be a member of the PSA CPSU NSW shall automatically cease to be a member of the Fund

3. Change of Address

Members shall notify the Trustees of any change of address and all notices posted to them at their last known address shall be considered to have been duly delivered.

4. Obligations of Membership

- (a) If a criminal charge is laid against any member, an allegation of criminality is made, or a member is summoned to give evidence before a Coroner Inquest, commission of enquiry or any tribunal, or like bodies, then that member:
 - i) Shall not make any statement or admissions to any person without first having sought and obtained advice from the PSA CPSU NSW; and
 - ii) Shall refuse to answer any questions asked by any person, except those questions that he/she shall be obliged to answer by law, before he/she has sought and obtained advice from the PSA CPSU NSW
- (b) Failure to follow the obligations in (a) above may result in the Trustees declining to assist a member
- (c) If any member is charged with a criminal offence arising out of or in the course of his/her employment that member shall, if permitted to do so by law, immediately advise the PSA CPSU NSW of:
 - i) The nature of the charge
 - ii) The date of the alleged offence
 - iii) The location of the alleged offence
 - iv) Any other material fact relating to the alleged offence