

LEGAL AID COMMISSION (No. 2).

No. 113 of 1978.

**AN ACT to amend the Legal Aid Commission Act,
1976-1978.**

[Assented to 12th December, 1978.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Legal Aid Commission Act Amendment Act (No. 2), 1978.* Short title and citation.

(2) In this Act the Legal Aid Commission Act, 1976-1978 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Legal Aid Commission Act, 1976-1978.

respect to the provision of legal assistance by the Commission and that body on a reciprocal basis. .

6. Subsection (2a) of section 49 of the principal Act is amended by deleting paragraph (b) and substituting a paragraph as follows—

Section 49
amended.

(b) is dissatisfied with a decision made by a legal aid committee or an officer of the Commission in respect of the payment or payments to which the private practitioner is entitled under subsection (1) of section 14 for performing those services, .

7. The heading following section 50 of the principal Act is amended by deleting the words "*Relationship Between*" and substituting the passage "*Relationships Between Commission*,".

Heading
amended.

8. The principal Act is amended by inserting before section 51 a section as follows—

Section 50A
added.

50A. Subject to this Act, where a private practitioner selected pursuant to section 40 performs services on behalf of an assisted person the respective rights, privileges and obligations of the Commission, the assisted person and the private practitioner shall be similar to those that would be applicable if the relationship between the Commission and the assisted person was that of solicitor and client and the relationship between the Commission and the private practitioner was that of instructing solicitor and agent. .

Rights and
privileges
generally.

9. Subsection (1) of section 51 of the principal Act is amended by deleting the word "The" in line one and substituting the passage "Subject to this Act, the".

Section 51
amended.

12. Section 64 of the principal Act is amended by repealing subsection (4) and re-enacting that subsection with amendments as follows—

Section 64
amended.

(4) This section does not apply—

- (a) in proceedings instituted for an offence against a person who has applied for legal assistance, being an offence in relation to a statutory declaration furnished in verification of his application for legal assistance or an offence against subsection (1) of section 65; or
- (b) in proceedings instituted under subsection (2) of section 65. .

13. Subsection (2) of section 67 of the principal Act is amended by inserting before the word “the” in line two of paragraph (a) the words “scales of fees to be used in determining”.

Section 67
amended.
