

LEGAL AID COMMISSION.

No. 106 of 1979.

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

[Assented to 17th December, 1979.]

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, 1979.* 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, 1976-1979.

Section 25
amended.

2. Section 25 of the principal Act is amended by inserting, after subsection (8), the following subsections—

(9) When a meeting of a legal aid committee has been convened and there is difficulty in obtaining a quorum at that meeting, the Director may in writing appoint a member or members of any other legal aid committee to attend that meeting for the purpose of constituting a quorum thereat.

(10) A person appointed pursuant to subsection (9) to attend a meeting of a legal aid committee is entitled to attend that meeting and is, when so attending, deemed to be a member of the legal aid committee and has all the powers, functions and duties of a member of the legal aid committee. .

Section 50
amended.

3. Section 50 of the principal Act is amended by inserting, after subsection (6a), the following subsections—

(6b) When a meeting of a review committee has been convened and there is difficulty in obtaining a quorum at that meeting, the Director may, subject to subsection (2), in writing appoint a member or members of any other review committee to attend that meeting for the purpose of constituting a quorum thereat.

(6c) A person appointed pursuant to subsection (6b) to attend a meeting of a review committee is entitled to attend that meeting and is, when so attending, deemed to be a member of the review committee and has all the powers, functions and duties of a member of the review committee. .

Section 64
amended.

4. Section 64 of the principal Act is amended—

(a) in lines three and four of subsection (1) by deleting the passage “of a legal aid committee, a member or substitute” and

substituting the passage "or acting member of a legal aid committee, a member, substitute member or acting";

- (b) in line one of subsection (2) by deleting the word "A" and substituting the passage "Subject to subsection (2a), a";
- (c) by inserting, after subsection (2), the following subsections—

(2a) Notwithstanding anything contained in subsection (2), the Director may—

(a) disclose any administrative information to any person; or

(b) with the approval of the Chairman or the Commission, disclose any information referred to in subsection (2), other than administrative information, to any person if—

(i) the person to whom that information relates has in writing consented to that disclosure and waived legal professional privilege in respect thereof; or

(ii) that disclosure is necessary to correct or refute a statement made by the person to whom that information relates.

(2b) In subsection (2a)—

"administrative information"
means—

(a) the date or purpose of any application for legal aid and how that application was made;

(b) the date on which any application for legal aid was received by the Com-

mission or on which that application was considered;

- (c) the date on which any decision was reconsidered under section 48 or reviewed under section 49;
- (d) whether or not any application for legal aid has been granted;
- (e) if an application for legal aid has been granted, whether or not it has been granted subject to any conditions;
- (f) the conditions, if any, subject to which an application for legal aid has been granted;
- (g) the name of the practitioner by whom the legal services involved in providing the legal aid concerned are to be, are being or have been performed; or
- (h) such information, other than information referred to in paragraphs (a) to (g) of this definition, as may be specified in the rules;

“disclose” includes disclose by producing any relevant document and “disclosure” shall be construed accordingly. ; and

- (d) in subsection (3) by deleting in the last line the passage “employment.” and substituting the passage “employment, unless the Director has in accordance with subsection (2a) produced that document or divulged or communicated that information to any person.”.