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.]

RE 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 title Commission Act Amendment Act (No. 2), 1978.

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. Commencement. 2. (1) Subject to subsection (2) of this section the provisions of this Act shall come into operation on the day on which this Act receives the Royal Assent.

(2) The provisions of sections 4 and 13 of this Act shall come into operation on a day to be fixed by proclamation.

3. Section 3 of the principal Act is amended by deleting the words "*Relationship between*" in the arrangement of Division 5 of Part V and substituting the passage "*Relationships Between Commission*,".

Section 14 amended. 4. Subsection (1) of section 14 of the principal Act is amended—

- (a) by deleting subparagraph (i) of paragraph
 (a) and substituting a subparagraph as follows—
 - (i) a fee determined in accordance with a scale of fees prescribed in the rules; ; and
- (b) by deleting the words "no lump sum fee is so prescribed in relation to those services" in lines one and two of subparagraph (ii) of paragraph (a) and substituting the words "the services are not services to which a scale of fees so prescribed relates".

Section 16A added.

5. The principal Act is amended by adding after section 16 a section as follows—

Reciprocal arrangements for legal assistance. 16A. The Commission may enter into an agreement or arrangement with a body administering a scheme of legal assistance or otherwise providing legal assistance in a Territory or another State of the Commonwealth with

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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 ^{Section 49} amended. Act is amended by deleting paragraph (b) and substituting a paragraph as follows-

(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 Heading amended. principal Act is amended by deleting the words "Relationship Between" and substituting the passage "Relationships Between Commission,".

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

50A. Subject to this Act, where a private Rights and privileges actitioner selected pursuant to section 40 generally. practitioner selected pursuant to section 40 nerforms 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. .

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

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Section 62 amended. 10. Section 62 of the principal Act is amended by repealing subsection (2) and re-enacting that subsection with amendments as follows—

(2) The Director may authorize any member of the staff who is a practitioner to sign documents for the purposes referred to in subsection (1) and the signature of a person so authorized followed by the words "on behalf of the Director of Legal Aid" or "for Director of Legal Aid" shall be sufficient for those purposes.

Section 63A added. 11. The principal Act is amended by adding after section 63 a section as follows—

63A. (1) The Director may, either of his own motion or at the request of the Commission or a legal aid committee or a review committee, require a private practitioner who is performing or has performed services under this Act on behalf of an assisted person, to furnish to the Director—

- (a) information as to the performance of those services; or
- (b) information disclosed to the private practitioner by the assisted person in the course of or with respect to the performance of those services.

(2) Without limiting the generality of subsection (6) of section 40, the failure of a private practitioner to comply with a requirement made by the Director pursuant to subsection (1) shall be a ground for the removal of his name from the panel of names prepared pursuant to that section.

Director may require practitioner to supply information. [1978.

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

(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 verification in 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. .

Subsection (2) of section 67 of the principal section 67 amended. 13. 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".