

LEGAL ASSISTANCE.

No. 51 of 1954.

AN ACT to make provision with respect to the granting of legal assistance to persons of limited means and matters incidental thereto, and to amend certain enactments. [10 December, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Legal Assistance Act 1954*.

Short title.
Cf. 12 & 13
Geo. 6, c. 51
(Imp). No.
2322 of 1936
(S.A.).

2 In this Act, unless the contrary intention appears—

“approved scheme” means a scheme that has been approved under section three;

Interpreta-
tion.

“assisted person” means a person who is granted legal assistance under an approved scheme;

“court” includes—

- (a) the Supreme Court;
- (b) a court of requests and a court of general sessions appointed or established under the *Local Courts Act 1896*;
- (c) a warden’s court constituted under the *Mining Act 1929*;
- (d) a court of petty sessions; and
- (e) any other court or tribunal, and any judge, commissioner of courts of requests, police magistrate, justice, coroner, or other person, exercising judicial powers;

“society” means a law society incorporated under the *Tasmanian Law Societies Act 1887*, and, in the event of a united law society being formed under section eleven of that Act, includes the united law society so formed.

3—(1) A society may prepare and submit to the Attorney-General for his approval a scheme for ensuring that legal assistance is available for persons of limited means.

Schemes for
the granting
of legal assist-
ance. Imp.
s. 8.

(2) A scheme under this section may provide for and regulate—

- (a) the cases in which, and the conditions under which, persons shall be eligible to receive assistance under the scheme;
- (b) the kinds of legal proceedings, and the kinds of questions or matters, in respect of which assistance may or may not be granted under the scheme;
- (c) the appointment of officers or servants to assist in the administration of the scheme, and the duties and remuneration of those officers or servants;
- (d) the establishment of a committee to administer the scheme, and the constitution, quorum, procedure, and powers of the committee;
- (e) the receipt and application of any subsidy paid to the society or committee under section six;
- (f) the allocation to legal practitioners of the legal professional work to be carried out on behalf of assisted persons;
- (g) the payment of fees to legal practitioners to whom legal professional work is allocated under the scheme, and the payment of contributions by assisted persons towards the cost of their assistance; and
- (h) such other matters as may be necessary or convenient for carrying out or giving effect to the scheme.

Remission of
fees. S.A.
s. 3.

4—(1) Upon receipt of a certificate signed by an authorized officer stating that a person named in the certificate has been granted legal assistance under an approved scheme, the Attorney-General may, by order in writing, direct that all fees, or any specified fees, payable to the State or to any officer of the State in respect of any act, matter, or transaction arising in the course of, or in respect of any copies of documents supplied by an officer of the State for the purposes of, any legal professional work carried out on behalf of that person under the scheme be remitted.

(2) The mere production of an order under this section to any officer of the State who is required or authorized by law to collect fees payable under any law of the State is sufficient authority to that officer to remit the fees to which the order relates.

(3) An order under this section has effect according to its tenor and prevails over any enactment, regulation, rule, by-law, order, or proclamation that is inconsistent therewith.

(4) In this section—

“authorized officer” means any officer or servant of a society by which an approved scheme is administered who is authorized by the society, or by a

committee established by the society to administer the scheme, to sign certificates under this section; "fees" includes stamp duties.

5 A court may make in favour of an assisted person any such order for costs (except against another assisted person) as that court has power to make in favour of a person who is not an assisted person, notwithstanding that no amount is or will be payable by the assisted person or that the costs so ordered are in excess of the amount that is or will be payable by the assisted person.

Powers of courts as to costs. S.A. s. 6.

6—(1) The Attorney-General may pay to a society by which an approved scheme is administered or, if the society so recommends, to a committee established by the society to administer the scheme, a subsidy of such amount as he may determine towards defraying the costs of administering the scheme.

Subsidies. Imp. s. 9.

(2) All payments made by the Attorney-General under this section shall be made out of moneys to be provided by Parliament for the purpose.

7—(1) A society by which an approved scheme is administered (whether the scheme is administered by the society itself or by a committee established by it for that purpose) shall, not later than the thirtieth day of September in each year, submit to the Attorney-General a report on the operation of the scheme during the year ended on the preceding thirtieth day of June.

Annual report.

(2) A report under this section shall be accompanied by an audited statement of the receipt and expenditure of moneys in relation to the scheme during the period to which the report relates.

8 Notwithstanding anything in the *Matrimonial Causes Act* 1860 or in the *Supreme Court Civil Procedure Act* 1932 or in any rules of court made thereunder, where a society, or a committee established by a society, is administering an approved scheme, the provisions of this Act prevail over the provisions of those Acts and rules in respect of any proceedings that are subject to either of those Acts and are instituted by or against a person who resides within the district of that society, and any legal assistance granted to such a person shall be granted under the scheme and not otherwise.

This Act to prevail over certain enactments, &c.

9 Section four hundred and fourteen of the *Criminal Code* is amended—

Amendment of the *Criminal Code*.

(a) by omitting from subsection (2) the word "Any" and substituting therefor the words "Subject to subsection (3) of this section, any"; and

(b) by adding at the end thereof the following subsection:—

“(3) Notwithstanding anything in subsection (2) of this section, where a law society, or a committee established by a law society for the purpose, is administering an approved scheme of legal assistance under the provisions of the *Legal Assistance Act 1954* all moneys payable under this section in relation to an appeal brought by a person who resides within the district of that law society shall be defrayed out of the moneys that are available to the society or committee for the purposes of that scheme as if he had been granted assistance thereunder, and not out of moneys provided by Parliament for the purposes of this section.”.

TUBERCULOSIS.

No. 52 of 1954.

AN ACT to amend the *Tuberculosis Act 1949*. [10 December, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and citation.

1—(1) This Act may be cited as the *Tuberculosis Act 1954*.
(2) *The Tuberculosis Act 1949*, as subsequently amended, is in this Act referred to as the Principal Act.

Notice requiring individuals to undergo certain examinations.

2 Section six of the Principal Act is amended by omitting from subsection (1) the word “is” and substituting therefor the words “may be”.
