



LEGAL ASSISTANCE (FIRST HOME BUYERS)

No. 116 of 1977

ANALYSIS

1. Short title.
2. Interpretation.
3. Scheme for legal assistance for first home buyers.
4. Obligations of solicitors.
5. Contributions to Law Society.
6. Expenses of Act.

AN ACT to make provision to meet legal costs incurred in buying a first home.

[14 December 1977]

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 (First Home Buyers) Act 1977*. Short title.

Interpretation.

2—(1) In this Act, unless the contrary intention appears—

“building” includes any land on which a building is situated or within which it is contained, and any flat, home unit, or other separate part of a building;

“Commonwealth home savings grant” means a grant under the *Home Savings Grant Act 1964* or the *Home Savings Grant Act 1976* of the Commonwealth or any grant payable under a subsequent Act of the Commonwealth in respect of the purchase of a home that the Governor by order declares to be a home savings grant for the purposes of this Act;

“Scheme” means a scheme made under this Act that is for the time being in force.

(2) For the purposes of this Act “the purchase of a home” by any person means his purchase of a building that he intends to use as his dwelling and that is substantially ready for occupation as such and also, if at the same time he purchases from the vendor of the building any chattels therein of a kind specified in subsection (3), the purchase of those chattels as described in the contract for the purchase of the building.

(3) The chattels referred to in subsection (2) are floor coverings, window dressings, domestic appliances, and light fittings.

(4) References in this Act to a Commonwealth Act shall be construed as including references to that Act as amended from time to time.

(5) In respect of any business engaged in and completed by a solicitor—

(a) his Schedule I charges means the remuneration prescribed in the first Schedule to the *Solicitors Remuneration Rules 1973*; and

(b) his Schedule II charges means the remuneration prescribed in the second Schedule to those Rules, to which, apart from this Act, he would be entitled for engaging in and completing that business.

(6) References in subsection (5) to the *Solicitors Remuneration Rules 1973* shall be construed as references to those rules as amended from time to time; and if those Rules are rescinded any reference in that subsection to any provision of those Rules shall be construed as a reference to such provision of the rules under the *Solicitors Remuneration Act 1883* as the Attorney-General by order declares to be a substituted provision.

3—(1) Subject to this Act, the Attorney-General may, by regulation, make a scheme to provide for meeting the legal costs incurred by a person in the purchase of a home in a case where the purchaser has received or is entitled to receive a Commonwealth home savings grant in respect of the purchase.

Scheme for
legal assistance
for first home
buyers.

(2) The Scheme shall not apply where the value of the consideration given for the purchase of a home exceeds a sum specified in the Scheme, being a sum not less than \$50,000.

(3) The Scheme shall provide for the payment to a solicitor who, acting for the purchaser of a home, engages in, and completes, the business connected with the purchase of the home, of remuneration amounting to—

(a) 80 per cent of his Schedule I charges; and

(b) so much of his Schedule II charges as do not exceed a sum specified in the Scheme, being a sum not less than \$30,

but it shall not provide for the payment of any remuneration in respect of litigious business.

(4) In relation to any remuneration payable under the Scheme in respect of the business of the purchase of a home, the Scheme may make provision with respect to all or any of the following matters:—

(a) The manner of making application for payment of the remuneration, and the conditions to be complied with, and the information to be supplied by, an applicant;

(b) The manner of payment of the remuneration;

(c) The reimbursement of costs paid before the entitlement to the payment of remuneration under the Scheme has been ascertained;

(d) The information to be furnished to the purchaser with respect to the remuneration payable, and the costs, charges, and expenses incurred in connection with the business,

and the Scheme may contain such other provisions as the Attorney-General considers necessary to ensure its satisfactory administration.

(5) The Scheme may confer functions on the Law Society, or on the Council or any committee or officer of the Society, in relation to the administration of the Scheme, and may provide for the establishment of any such committee.

(6) The Scheme shall not be varied or amended without prior consultation with the President of the Law Society.

Obligations of
solicitors.

4—(1) Where the Scheme provides for the payment of remuneration to a solicitor for any business that solicitor is not entitled to any other remuneration for that business, or to the reimbursement of any legal costs incurred by him in connection therewith; and he shall not seek to obtain, or receive, any remuneration or reimbursement contrary to the provisions of this section.

(2) The provisions of this section have the like effect as a Rule of Practice made under the *Law Society Act 1962*.

Contributions
to Law Society.

5 The Treasurer, on the recommendation of the Attorney-General, may make annual grants to the Law Society in respect of the expenses incurred by it in the carrying out of its functions under the Scheme.

Expenses of
Act.

6 The expenses of this Act shall be defrayed out of the moneys provided by Parliament.