



ANNO TRICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1983

No. 110 of 1983

An Act to amend the Legal Services Commission Act, 1977.

[Assented to 22 December 1983]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Legal Services Commission Act Amendment Act, 1983". Short title.

(2) The Legal Services Commission Act, 1977, is in this Act referred to as "the principal Act".

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. Section 8 of the principal Act is amended—

(a) by inserting in subsection (1) before the word "Five" the passage "Subject to subsection (1a),";

and

(b) by inserting after subsection (1) the following subsection:

(1a) For the purposes of hearing an appeal against a decision of the Director, three members of the Commission shall constitute a quorum of the Commission.

Amendment of
s. 8—
Quorum, etc.

4. The following section is inserted after section 9 of the principal Act: Insertion of new
s. 9a.

9a. (1) A member of the Commission who is directly or indirectly interested in a transaction entered into by, or in the contemplation of, the Commission—

Disclosure of
interest.

(a) shall as soon as he becomes aware of the transaction, or the proposed transaction, disclose the nature of his interest to the Commission;

and

(b) shall not take part in any deliberations or decision of the Commission with respect to that transaction.

Penalty: One thousand dollars.

(2) A disclosure under this section shall be recorded in the minutes of the Commission.

(3) Notwithstanding subsection (1) or any other law, a legal practitioner who—

(a) is, or is employed by, a member of the Commission;

(b) practises in partnership with a member of the Commission;

or

(c) is, or is employed by, a body corporate of which a member of the Commission is a director, shareholder or employee,

may be assigned to provide legal assistance under this Act, and where such an assignment is, or is to be, made in the ordinary course of the business of the Commission, and in accordance with the criteria ordinarily applied by the Commission, no disclosure is required under subsection (1) in respect of the assignment.

(4) Where a member makes a disclosure of interest in respect of a transaction or proposed transaction in accordance with this section or the transaction or proposed transaction is such that disclosure is not required—

(a) the transaction is not void, or liable to be avoided, on any ground arising from the member's interest in the transaction;

and

(b) the member shall not be required to account for profits arising from the transaction.

Amendment of
s. 13—
Power of
delegation.

5. Section 13 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) A person shall not exercise, or participate in a decision to exercise, a power or function delegated pursuant to this section in relation to a transaction or proposed transaction in which he has a direct or indirect interest.

Penalty: One thousand dollars.

Repeal of s. 31a
and insertion of
new section.

6. Section 31a of the principal Act is repealed and the following section is substituted:

Secrecy.

31a. (1) This section applies to—

(a) a member or former member of the Commission;

(b) an employee or former employee of the Commission;

(c) a member or former member of a committee established by the Commission;

or

(d) a person who is or has been engaged in duties relating to the audit of the accounts of the Commission.

(2) Subject to subsection (3), a person to whom this section applies shall not—

(a) communicate directly or indirectly to any person information concerning the affairs of another person acquired by reason of his position, duties or functions under this Act;

or

(b) produce to any person a document relating to the affairs of another person furnished for the purposes of this Act.

Penalty: One thousand dollars or imprisonment for six months.

(3) Subsection (2) does not prevent the communication of information, or the production of documents, by a person to whom this section applies—

(a) in the ordinary course of carrying out his duties or functions under this Act;

(b) in accordance with an authorization of the person to whose affairs the information or documents relate;

(c) in accordance with the rules relating to discovery of documents;

(d) in accordance with a requirement or authorization of a court, tribunal or body invested by law with judicial or quasi-judicial powers;

(e) in accordance with a requirement of a person who is by law invested with power to require disclosure of the information, or to require production of, or inspect, the documents;

or

(f) in accordance with a requirement or authorization of the Commission.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor