

Legislative Council—No 121

As received from the House of Assembly and read a first time, 29 July 2011

South Australia

**Legal Services Commission (Charges on Land)
Amendment Bill 2011**

A BILL FOR

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

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Legal Services Commission (Charges on Land) Amendment Act 2011*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Legal Services Commission Act 1977*

4—Amendment of section 18A—Legal assistance costs may be secured by charge on land

- (1) Section 18A(5)—after "fund" insert:

(and the notice is, for the purposes of section 56 of the *Real Property Act 1886*, treated as if it were an instrument attested by a witness and presented for registration at the time the notice was lodged)

- (2) Section 18A(6)—after "principal" insert:

(and a sale by the Commission is, for the purposes of that Act, treated as if it were such a sale by a mortgagee)

- (3) Section 18A—after subsection (6) insert:

(6a) If the charged land is sold by a mortgagee or encumbrancee, the charge is, for the purposes of sections 135 and 135A of the *Real Property Act 1886*, to be treated as if it were an encumbrance referred to in those sections.

Schedule 1—Transitional provision

The amendments to the *Legal Services Commission Act 1977* effected by section 4 of this Act apply, after the commencement of section 4, in relation to charged land whether the charge was created before or after that commencement.