

SOUTH AUSTRALIA

CONCILIATION ACT, 1929

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being

Conciliation Act, 1929, No. 1942 of 1929
[Assented to 12 December 1929]

An Act to provide for the settlement of legal disputes by conciliation.

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

Short title

1. This Act may be cited as the *Conciliation Act, 1929*.

Conciliation in Courts of Law

Interpretation

2. In this Act unless the context otherwise requires—

"court" means Supreme Court or Judge thereof sitting in open court or chambers, local court, and court of summary jurisdiction:

"offence" includes offence punishable on information in the Supreme Court, minor indictable offence, and simple offence.

Conciliation in legal proceedings

3. If before or during the hearing of any proceedings in any court it appears to the court either from the nature of the case or from the attitude of the parties or their counsel or solicitors that there is a reasonable possibility of the matters in dispute between the parties being settled by conciliation, the person or persons constituting the court shall thereupon—

- (a) interview the parties in chambers with or without their solicitors or counsel as the said person or persons think proper:
- (b) endeavour to bring about a settlement of the proceedings on terms which are fair to both parties.

Costs when conciliation effected

4. If any such settlement is effected the court may—

- (a) make any order which it thinks proper as to costs of the whole or any part of the proceedings as between party and party; and
- (b) upon hearing the solicitor for any party, order taxation of costs as between that solicitor and his client.

The taxing officer on any such taxation may re-open any agreement between the solicitor and his client, and may allow such sum as he deems just, having regard to the length of time actually occupied by the trial and the proceedings for conciliation and the work actually done in or in connection with the proceedings.

Hearing when conciliation fails

5. Nothing said or done in the course of any attempt to settle proceedings in the manner provided in this Act shall subsequently be given in evidence in any proceedings nor disqualify the person or persons constituting the court from sitting to continue the hearing of the proceedings if he or they think fit to do so.

Limitation of operation of Act

6. This Act shall apply to proceedings (not being proceedings instituted by or on behalf of the Crown) for an offence in respect of which the court has power to order the defendant to pay compensation to the injured party, but not to proceedings for any other offence.

Effect of conciliation in proceedings for an offence

7. If proceedings for any offence are settled under this Act, the settlement shall support a plea of previous acquittal (known in law as *autrefois acquit*) on any subsequent proceedings for the same offence.

Conciliation Courts

Provision for establishing Conciliation Courts

8. (1) The Governor may, by proclamation—

- (a) establish conciliation courts in any part of the State and determine what persons shall preside over such courts:
- (b) appoint fit and proper persons to preside over any such court:
- (c) determine in what cases such courts shall have jurisdiction, and otherwise define the jurisdiction of such courts:
- (d) appoint fit and proper persons to make rules of practice and procedure to be followed in conciliation courts:
- (e) provide for any matter incidental to any of the foregoing matters.

(2) Any rules made by any persons appointed under subsection (1) shall be submitted to the Governor for confirmation, and if confirmed by him shall come into effect forthwith.

Duty to take proceedings in Conciliation Courts

9. In cases in which the conciliation courts have jurisdiction no person shall be entitled to continue the proceedings in a court of law after the same have been set down for hearing unless he has first taken proceedings in a conciliation court.