



ANNO PRIMO

# EDWARDI VIII REGIS.

A.D. 1936.

\*\*\*\*\*

## No. 2322.

An Act to make further and better provision respecting  
legal assistance for poor persons.

[Assented to, 26th November, 1936.]

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

1. This Act may be cited as the "Poor Persons Legal Assistance Act, 1936". Short title

2. In this Act—

Interpretation.

"Council" means the Council of the Law Society of South  
Australia Incorporated :

"court" includes the Supreme Court, any local court,  
court of summary jurisdiction, warden's court, justices  
conducting the preliminary enquiry on an information  
for an indictable offence, any coroner, and any other  
court, judge, master, magistrate or person exercising  
judicial powers :

"poor person" means a person for whom legal assistance  
has been provided under arrangements made by the  
Society :

"practitioner" means a person whose name is on the  
roll of barristers and solicitors of the Supreme Court :

"Society" means the Law Society of South Australia  
Incorporated.

*Poor Persons Legal Assistance Act.—1936.*

Concessions  
as to fees  
payable by  
poor persons  
to Crown.

3. (1) The Attorney-General may by a special or general direction, reduce or remit or provide for the conditional or unconditional reduction, remission or postponement of any fees payable to the State, in any case where any such fees would, if no such direction were given, be payable in connection with any act, transaction, or matter arising in the course of legal professional work carried out for a poor person.

(2) The Attorney-General may by a special or general direction require any officer in the employment of the State to supply, free of cost or for such fees as the Attorney-General fixes, to the Society or any practitioner acting for a poor person a certified or other copy of any document in the possession, custody or control of that officer, if that copy is required in connection with any legal professional work carried out for a poor person.

In this subsection "document" includes any transcript or notes of the evidence or arguments in any court.

(3) Any general or special direction given under this section shall prevail over any other enactment or regulation inconsistent therewith.

Exemption  
from stamp  
duty.

4. No stamp duty shall be chargeable on any statutory declaration made by any person in connection with an application to the Society for legal assistance as a poor person.

Privilege of  
certain  
documents  
and informa-  
tion.

5. (1) No officer or employee of the Society shall without the consent of the Council—

(a) produce in any court any document received by the Council, the Society, or any officer or employee of the Society in relation to any application for legal assistance:

(b) communicate or permit to be communicated to any person, or give in evidence in any court, any information received by the Society or any officer or employee of the Society in relation to any application for legal assistance.

(2) No court shall have power to compel any such officer or employee to produce any such document or to communicate or give in evidence any such information, unless the Council has consented to that production or communication.

Power as to  
costs.

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

---

*Poor Persons Legal Assistance Act.—1936.*

---

7. Any direction given by the Attorney-General before the passing of this Act relating to the fees payable by any person for whom legal assistance has been provided under arrangements made by the Society, or relating to the supply of documents to or on behalf of any such person shall be deemed to have been authorised by law.

Validation of  
certain  
directions  
given by the  
Attorney-  
General.

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

W. DUGAN, Governor.