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Premier and Cabinet Circular

PC017 – LEGAL SERVICES COMMISSION OF SOUTH AUSTRALIA

REMISSION OF FEES

Effective from November 2023

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Purpose statement

The Legal Services Commission was established to provide legal assistance and increase access to legal services for those people who cannot afford to pay for private legal representation (an assisted person). It is jointly funded by both the South Australian and Commonwealth Governments.

Accordingly, professional legal work conducted by or on behalf of the Legal Services Commission is to be exempt from government fees and costs.

Context

Section 28 of the *Legal Services Commission Act 1977* provides a mechanism for the Attorney-General to make a direction authorising the remission of Government fees and free supply of Government documents where required in connection with the provision of publicly funded legal assistance.

Authority and accountability

As per section 28 of the *Legal Services Commission Act 1977*, the Attorney-General has issued a direction to exempt professional legal work conducted by or on behalf of the Legal Services Commission from fees and costs (Schedule A).

Application

This direction is general in nature and applies to all State government entities that would otherwise charge fees payable to the Crown to assisted people, or which hold documents relating to assisted people.

All entities must waive all fees arising in the course of professional legal work carried out for an assisted person by or on behalf of the Legal Services Commission.

All SA Government employees must provide documents in their possession, custody or control for free to legal practitioners acting for an assisted person, if it is required by the practitioner to perform work for the assisted person.

In accordance with the *Legal Services Commission Act 1977*, a document includes any transcript or notes of evidence or arguments in any court, and an assisted person means a person for whom legal assistance is provided or arranged by the Legal Services Commission or by any prescribed agency.

Exemptions

There are no exemptions to this circular.

Monitoring and compliance

Chief Executives are responsible for ensuring this Circular is applied within their agency.

Distribution and publication

The Circular will be published on the DPC website and the Legal Services Commission will write to relevant Chief Executives when policy changes are made in the Circular.

Document Control

Review number: 4
Review date: November 2023

Next review date: April 2026

For more information

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Schedule A

Direction Pursuant to Section 28 of the *Legal Services Commission Act 1977*

I, the Honourable Vickie Ann Chapman, Attorney-General for South Australia, hereby make the following general direction pursuant to the provisions of Section 28 of the *Legal Services Commission Act 1977*.

1. Any fees that would, if no such direction were given, be payable to the Crown in connection with any act, transaction or matter (other than any such act, transaction or matter as I may direct from time to time) arising in the course of professional legal work carried out for an assisted person are hereby unconditionally remitted.
2. Any officer in the employment of the State must supply free of cost, to any legal practitioner acting for an assisted 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 professional legal work carried out for an assisted person

This direction supersedes the direction made on the 3rd day of April, 1980, pursuant to the provisions of Section 28 of the abovementioned Act.

DATED at ADELAIDE the 20th day of DECEMBER 2019

ATTORNEY-GENERAL