

Premier and Cabinet Circular

**PC 017 – LEGAL SERVICES COMMISSION OF SOUTH AUSTRALIA
REMISSION OF FEES**



Effective from December 2019

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1 Purpose

- 1.1 The Legal Services Commission was established to increase access to legal services for those people who cannot afford to pay for private legal representation. It is jointly funded by both the South Australian and Commonwealth Governments. Accordingly, it is desirable for professional legal work conducted by or on behalf of the Legal Services Commission to attract a remission of fees otherwise payable to Government entities and the free supply of documents from Government entities. 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.

2 Authorisation

- 2.1 In accordance with section 28 of the *Legal Services Commission Act 1977*, the Attorney-General has made a general direction (Schedule A):
- providing for the unconditional remission of any fees that would, if no such direction were given, be payable to the Crown in connection with any act, transaction or matter arising in the course of professional legal work carried out for an assisted person; and
 - requiring any officer in the employment of the State to 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.
- 2.2 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.

3 Application

- 3.1 This direction is of a general nature, and applies to all State government entities that would otherwise charge fees payable to the Crown to assisted persons, or which hold documents relating to assisted persons.
- 3.2 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.
- 3.3 All officers 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.

Document Control

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Next review date: September 2022

For more information

Attorney-General's Department
T: 8207 1771

E: oce2@sa.gov.au
W: dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars

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