

AUSTRALIAN CAPITAL TERRITORY

Legal Practitioners (Amendment) Ordinance 1987

No. 21 of 1987

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 5 June 1987.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

LIONEL BOWEN
Attorney-General

An Ordinance to amend the *Legal Practitioners Ordinance 1970*

Short title

1. This Ordinance may be cited as the *Legal Practitioners (Amendment) Ordinance 1987*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Legal Practitioners Ordinance 1970*.²

Issue of practising certificates

3. Section 15D of the Principal Ordinance is amended by omitting from subsection (1) "the next four succeeding sections and section 42G" and substituting "sections 15E, 15F, 15G, 15H, 42G and 42P".

(Ord. 32/87)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

4. After section 25 of the Principal Ordinance the following section is inserted:

Disciplinary Committee—sitting fees

“25A. (1) A member of the Disciplinary Committee is entitled to be paid in respect of:

- (a) attendance at a meeting of the Committee; or
- (b) business of the Committee engaged in by the member;

daily fees at the same rate, and subject to the same conditions as the daily fees payable from time to time to a member of the Federal Police Disciplinary Tribunal.

“(2) If the Chairman of the Disciplinary Committee is entitled to be paid a fee under subsection (1), the Chairman is entitled to be paid an additional amount equal to 12% of that fee.

“(3) Payments under this section shall be made by the Law Society out of moneys standing to the credit of an account maintained in accordance with subsection 74A (2).”.

5. After Part VI of the Principal Ordinance the following Part is inserted:

“PART VIA—SOLICITORS’ MUTUAL INDEMNITY FUND

Interpretation

“42O. In this Part:

‘company’ means the incorporated company formed as authorised by subsection 74B (2) of the Legal Practitioners Act;

‘Indemnity Fund’ means the Solicitors’ Mutual Indemnity Fund established by subsection 74B (1) of the Legal Practitioners Act;

‘Legal Practitioners Act’ means the Legal Practitioners Act 1898 of the State of New South Wales;

‘solicitor’ means a barrister and solicitor who practises, either on his or her own account or as a member of a partnership, as a solicitor or as both a barrister and a solicitor.

Unrestricted practising certificates—restrictions on use

“42P. The Law Society shall not issue an unrestricted practising certificate to a solicitor unless it is satisfied that the solicitor has paid to the Indemnity Fund the contribution determined and approved under section 74G or 74J, as the case requires, of the Legal Practitioners Act for the period for which the practising certificate will, subject to this Ordinance, be in force.

Failure to pay levy

“42Q. (1) If a solicitor fails to pay any prescribed levy, the Law Society shall suspend the right of the solicitor to practise as a solicitor in the Territory.

“(2) The Law Society shall inform a solicitor in writing of a suspension.

“(3) A solicitor shall be deemed not to have had a practising certificate during the period of a suspension.

“(4) If the Law Society is satisfied that a solicitor whose right to practise has been suspended has paid the prescribed levy, the Law Society shall cancel the suspension.

“(5) In this section, ‘prescribed levy’, in relation to a solicitor, means:

- (a) if the solicitor is an insurable solicitor within the meaning of Part IXA of the Legal Practitioners Act—a levy imposed on the solicitor by the company under section 74H of that Act; or
- (b) in any other case—a levy imposed on the solicitor by the company, being a levy determined and approved pursuant to paragraph 74J (d) of that Act.

Appeals to Supreme Court

“42R. (1) A solicitor:

- (a) to whom the Law Society has refused to issue a practising certificate under section 42P; or
- (b) whose right to practise is suspended under section 42Q;

may appeal to the Supreme Court.

“(2) The Law Society shall be the respondent to an appeal.

“(3) On an appeal, the Supreme Court may:

- (a) affirm, set aside or vary the decision of the Law Society; and
- (b) make such other orders as justice requires.”.

Statutory Interest Account

6. (1) Section 74A of the Principal Ordinance is amended:

- (a) by omitting from paragraph (4) (cb) “and” (last occurring); and
- (b) by inserting after paragraph (4) (cb) the following paragraphs:
 - “(cc) to pay the amount of any costs incurred by the Law Society in administering moneys deposited with the Society by a solicitor in accordance with this Division;
 - (cd) to assist in the conduct and maintenance of a moot program by the Faculty of Law of the Australian National University; and”.

(2) The amendment effected by subsection (1) applies in relation to costs incurred on or after 1 July 1985 by the Law Society in administering moneys deposited with the Society by a solicitor.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 15 June 1987.
2. No. 43, 1970 as amended by No. 51, 1970; No. 9, 1971; No. 4, 1972; No. 2, 1973; No. 5, 1974; Nos. 1, 9, 22 and 45, 1975; Nos. 28 and 68, 1976; Nos. 20, 55 and 62, 1977; Nos. 8 and 46, 1978; Nos. 20 and 40, 1979; No. 16, 1980; No. 38, 1982; Nos. 61 and 62, 1983; Nos. 9 and 29, 1985; Nos. 7, 79 and 82, 1986.