



AUSTRALIAN CAPITAL TERRITORY

## Legal Practitioners (Amendment) Act 1993

No. 94 of 1993

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AUSTRALIAN CAPITAL TERRITORY

## Legal Practitioners (Amendment) Act 1993

No. 94 of 1993

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### **An Act to amend the *Legal Practitioners Act 1970* and for related purposes**

*[Notified in ACT Gazette S267: 24 December 1993]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

1. This Act may be cited as the *Legal Practitioners (Amendment) Act 1993*.

#### **Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

#### **Principal Act**

3. In this Act, “Principal Act” means the *Legal Practitioners Act 1970*.<sup>1</sup>

#### **Interpretation**

4. Section 5 of the Principal Act is amended—

- (a) by omitting the definitions of “prescribed person” and “the Disciplinary Committee”; and

(b) by inserting the following definitions:

“ ‘Council’ means the Council of the Law Society;

‘Professional Conduct Board’ means the Professional Conduct Board of the Law Society;”.

### **Insertion**

5. After section 9 of the Principal Act the following section is inserted in Part II:

#### **Legal protection for members**

“9A. Civil proceedings do not lie against a member or former member of the Admission Board for or in respect of an act or thing done in good faith by the Board or the member or former member in the performance of a function under this Act.”.

#### **Roll of Barristers and Solicitors**

6. Section 13 of the Principal Act is amended by adding at the end the following subsection:

“(2) The Registrar shall cause the Roll to be made available for inspection by a person at any time when the Registry of the Supreme Court is open to the public for business.”.

### **Issue**

7. Section 15D of the Principal Act is amended—

(a) by omitting from subsection (1) “15H” and substituting “15GA”;

(b) by omitting from subsection (1) “referred to in section 15M of” and substituting “payable under”; and

(c) by omitting subsection (2).

### **Substitution**

8. Section 15G of the Principal Act is repealed and the following sections are substituted:

#### **Mandatory refusal or cancellation**

“15G. If a barrister and solicitor becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for the benefit of creditors, the Law Society shall—

(a) refuse to issue an unrestricted practising certificate applied for; or

(b) cancel an unrestricted practising certificate held;

by him or her.

**Discretionary refusal, suspension or cancellation**

“15GA. (1) The Law Society may—

- (a) refuse to issue a practising certificate applied for; or
- (b) cancel a practising certificate held;

by a barrister and solicitor who has been sentenced to a term of imprisonment.

“(2) The Law Society may—

- (a) refuse to issue a practising certificate applied for; or
- (b) suspend for a specified period not exceeding 12 months a practising certificate held;

by a barrister and solicitor who—

- (c) fails to pay a fine or any costs, fees or expenses payable by him or her to the Law Society under this Act;
- (d) being required by the Council to explain specified conduct by him or her as a solicitor, fails without reasonable excuse to give a reasonable written explanation to the Council;
- (e) fails to fulfil any obligations he or she has pursuant to an agreement referred to in section 28D; or
- (f) fails to comply with a direction of the Professional Conduct Board under paragraph 36 (1) (b) or subsection 36 (2) or 36A (1).

“(3) The Law Society may—

- (a) refuse to issue an unrestricted practising certificate applied for; or
- (b) suspend for a specified period not exceeding 12 months an unrestricted practising certificate held;

by a barrister and solicitor—

- (c) who fails to comply with subsection 61 (4) or section 63; or
- (d) if a report under Division 5, 6 or 6A of Part VII discloses a deficiency in the trust moneys held by him or her (not being a deficiency that was excusable and was made good before the date of the report).

“(4) A barrister and solicitor whose practising certificate is suspended is, during the period of its suspension—

- (a) to be taken not to hold a current practising certificate; and

- (b) not entitled to apply for the issue of a practising certificate.

### **Notice of refusal, cancellation or suspension**

“15GB. Where the Law Society refuses to issue a practising certificate to, or cancels or suspends a practising certificate held by, a barrister and solicitor, the Law Society shall cause him or her to be given notice in writing of, and of the ground for, the refusal, cancellation or suspension.”.

### **Repeal**

9. Section 15H of the Principal Act is repealed.

### **Power of Court to direct issue or to revoke cancellation or suspension**

10. Section 15J of the Principal Act is amended—

- (a) by inserting in subsection (2) “or suspended” after “cancelled”;
- (b) by inserting in subsection (5) “or suspension” after “cancellation” (wherever occurring); and
- (c) by inserting in subsection (6) “or suspension” after “cancellation”.

### **Insertion**

11. Before Division 1 of Part V of the Principal Act the following Division is inserted:

#### *“Division 1A—Preliminary*

### **Interpretation**

“24. In this Part—

‘conference’ means a conference convened under section 28A;

‘employee’, in relation to a solicitor, means an employee or former employee (not himself or herself a solicitor) of that solicitor;

‘inquiry’ means an inquiry under Division 2;

‘interested party’, in relation to a conference or inquiry, means—

- (a) the solicitor or employee whose conduct is the subject of the conference or inquiry;
- (b) if the conduct is that of an employee—the solicitor who employs or employed the employee;
- (c) any person who was a client of the solicitor referred to in paragraph (a) or (b) in the matter in relation to which the conduct occurred; and



- (d) if the person who brought the conduct, or any aspect of it, to the attention of the Law Society is not a client referred to in paragraph (c)—that person;

‘professional misconduct’ includes—

- (a) unsatisfactory professional conduct of a substantial, recurring or continuing nature;
- (b) conduct (whether consisting of an act or omission) occurring otherwise than in connection with the practice of law that would justify a finding that its perpetrator is not of good fame and character or is not a fit and proper person to remain on the Roll of Barristers and Solicitors; and
- (c) conduct that is professional misconduct by virtue of section 69E;

‘solicitor’ means a barrister and solicitor who—

- (a) is a member of the Law Society and was not, at the relevant time, practising solely as a barrister; or
- (b) holds or, at the relevant time, held a practising certificate;

‘unsatisfactory employment conduct’, in relation to an employee of a solicitor, means being a party to, or causing, an act or omission in relation to the solicitor’s practice (whether with or without the connivance of the solicitor), being an act or omission in respect of which a complaint under section 29 has been, or could be, made against the solicitor;

‘unsatisfactory professional conduct’ includes conduct (whether consisting of an act or omission) occurring in connection with the practice of law that falls short of the standard of competence and diligence that a client is entitled to expect of a reasonably competent legal practitioner.”.

### **Establishment and membership**

**12.** Section 25 of the Principal Act is amended by adding at the end of subsection (4) “or has the educational qualifications prescribed for admission as a barrister and solicitor of the Supreme Court”.

### **Meetings**

**13.** Section 28 of the Principal Act is amended by adding at the end the following subsection:

“(5) If—

- (a) a person who is a member of the Board was the convenor of a conference convened under section 28A; and
- (b) an interested party notifies the Board in writing that he or she objects to the participation of that member in an inquiry to be held in relation to the complaint;

that member is not entitled to be present at a meeting of the Board for the purpose of such an inquiry.”.

### **Insertion**

**14.** After section 28 of the Principal Act the following Division is inserted:

#### *“Division IAA—Conciliation*

#### **Convening of conference**

“28A. (1) Where the Law Society has reason to believe that unsatisfactory professional conduct, professional misconduct or unsatisfactory employment conduct may have occurred, it may direct that a conference be convened between the interested parties.

“(2) A conference shall be convened and chaired by a member, or a member of staff, of the Law Society appointed by the Council in writing for the purpose.

“(3) The convenor—

- (a) shall fix a time and place for the conference;
- (b) at the request of an interested party or of his or her own volition, may, subject to paragraph (c), adjourn the conference to a later time or to another place; and
- (c) shall give the interested parties reasonable notice of the time and place.

#### **Presence at conference**

“28B. (1) An interested party may be represented at a conference by—

- (a) a legal practitioner;
- (b) an agent; or
- (c) in the case of an interested party which is a body corporate—an officer or employee of the body.

“(2) A person is not entitled to be present at a conference unless he or she is the convenor, an interested party, a person representing an interested

party pursuant to subsection (1) or a person who is present with the consent of the interested parties.

### **Confidentiality**

“28C. (1) In any proceedings, evidence shall not be given of anything said or done at a conference unless the interested parties otherwise agree.

“(2) Nothing in subsection (1) prevents the convenor of a conference from informing the Council of any matter which, in his or her view, the Council should consider in deciding whether or not to make a written complaint under subsection 29 (1).

### **Resolution by agreement**

“28D. If, at or after a conference, the interested parties agree on how to resolve the matter in respect of which the conference was convened to the satisfaction of the parties, the convenor shall arrange for the terms of the agreement to be put in writing, signed by or on behalf of the interested parties and lodged with the Law Society.

### **Failure to reach agreement**

“28E. If, at or after a conference, the interested parties are unable to agree on how to resolve the matter in respect of which the conference was convened to the satisfaction of the parties, the convenor shall inform the Council accordingly.

### **Failure to attend conference**

“28F. If an interested party fails to attend a conference, the convenor of the conference shall inform the Council accordingly.

### **Agreement no bar**

“28G. Any agreement by interested parties on how to resolve a matter in respect of which a conference was convened is not to be taken to be a bar to the making of, or to prejudice in any way, a complaint by the Council under subsection 29 (1) in relation to the same matter.”.

### **Substitution of heading**

**15.** The heading to Division 2 of Part V is omitted and the following heading substituted:

*“Division 1AB—Complaints”.*

### **Complaints**

**16.** Section 29 of the Principal Act is amended—

- (a) by omitting subsections (1) and (1A) and substituting the following subsection:

“(1) The Council may make a written complaint to the Professional Conduct Board regarding the professional conduct of a solicitor or the employment conduct of an employee of a solicitor.”; and

- (b) by omitting from paragraph (2) (b) all the words after “Law Society by the” and substituting “solicitor, or employee, to whom the complaint relates”.

### **Insertion of heading**

17. Before section 30 of the Principal Act the following heading is inserted:

*“Division 2—Inquiries”.*

### **Inquiries**

18. Section 30 of the Principal Act is amended—

- (a) by omitting subsections (1) and (2) and substituting the following subsections:

“(1) The Professional Conduct Board shall inquire into a complaint made by the Law Society.

“(2) At an inquiry under this Division—

- (a) the Law Society; and  
(b) each interested party;

is entitled to be represented by a legal practitioner who may examine witnesses and address the Board.”; and

- (b) by omitting subsection (4).

### **Insertion**

19. After section 31 of the Principal Act the following section is inserted:

### **Procedure**

“31A. At an inquiry—

- (a) the procedure of the Professional Conduct Board is, subject to this Act, within the discretion of the Board;  
(b) the rules of law governing the admission of evidence shall be observed; and

- (c) the proceedings shall be conducted with as little formality and technicality, and with as much expedition, as the requirements of this Act and a proper consideration of the matters before the Board permit.”.

### **Substitution**

**20.** Section 32 of the Principal Act is repealed and the following section substituted:

#### **Summons to witness**

“32. (1) For the purpose of an inquiry, the Chairperson of the Professional Conduct Board may, in writing, summon a person to appear at a specified time and place before the Board—

- (a) to produce the documents referred to in the summons; or
- (b) at the inquiry—
  - (i) to give evidence; or
  - (ii) to give evidence and produce the documents referred to in the summons.

“(2) A person shall be taken to have complied with a summons of the kind referred to in paragraph (1) (a) if the person delivers the documents referred to in the summons to the Board before the time specified in the summons.

“(3) A person shall not, without reasonable excuse, fail to comply with a summons under subsection (1).

Penalty: \$5,000 or imprisonment for 6 months, or both.”.

### **Substitution**

**21.** Section 36 of the Principal Act is repealed and the following sections are substituted:

#### **Disciplinary powers of Board**

“36. (1) If, after an inquiry into the professional conduct of a solicitor, the Professional Conduct Board is satisfied that the solicitor is guilty of professional misconduct or unsatisfactory professional conduct, the Board may do all or any of the following:

- (a) in a case of professional misconduct—suspend for a specified period not exceeding 12 months any practising certificate held by the solicitor;
- (b) direct the solicitor to do all or any of the following:

- (i) cease to accept, for a specified time, instructions in relation to a specified class of work;
  - (ii) cease to employ in his or her practice a specified person or persons;
  - (iii) undertake specified further legal education;
  - (iv) seek advice in relation to the management of his or her practice from a specified person or persons;
- (c) in a case of professional misconduct—impose on the solicitor a fine not exceeding \$10,000;
- (d) reprimand the solicitor.

“(2) If satisfied that a person has suffered loss or other detriment as a consequence of professional misconduct or unsatisfactory professional conduct, in addition to its powers under subsection (1) the Professional Conduct Board may, with the consent of the person, direct the solicitor to do all or any of the following:

- (a) carry out specified work for the person, either free of charge or for a specified fee;
- (b) waive the whole or a specified part of fees otherwise payable, or refund the whole or a specified part of fees paid, by the person in respect of specified work;
- (c) pay a specified amount not exceeding \$2,000 to the person by way of compensation;
- (d) waive any lien in respect of a specified document or class of documents.

“(3) Payment of compensation to a person pursuant to a direction under paragraph (2) (c) does not affect any other remedy available to the person in respect of the relevant loss or detriment but any amount so paid may be taken into account—

- (a) in determining the amount of compensation payable to the person by the Law Society from the Fidelity Fund under Division 2 of Part VIII; or
- (b) in any other proceedings for the recovery of damages or compensation in respect of that loss or detriment.

#### **Power of Board on inquiry re conduct of employee**

“36A. (1) If, after an inquiry into the employment conduct of an employee, the Professional Conduct Board is satisfied that the employee is

guilty of unsatisfactory employment conduct, the Board may do any or all of the following:

- (a) direct that, after a specified date, no solicitor shall employ or otherwise remunerate the employee in connection with his or her practice as a solicitor except in accordance with permission granted under section 129;
- (b) direct the solicitor who employed the employee to do all or any of the things referred to in paragraphs 36 (2) (a) to (d) (inclusive);
- (c) reprimand the solicitor who employed the employee.

“(2) On the application of the Law Society or an employee in respect of whom a direction under paragraph (1) (a) or (b) is in force, the Professional Conduct Board may revoke the direction.

“(3) Subsection 36 (3) applies to the payment of compensation pursuant to a direction under paragraph (1) (b) as if the reference to a direction under paragraph 36 (2) (c) were a reference to a direction under paragraph (1) (b).

#### **Dismissal of complaint**

“36B. Where the Professional Conduct Board is not satisfied as to the matters referred to in subsection 36 (1) or 36A (1), it shall dismiss the complaint.

#### **Costs**

“36C. (1) Where the Professional Conduct Board exercises a power under section 36 or subsection 36A (1) in respect of a solicitor or employee, the Board may direct the solicitor or employee to pay to the Law Society an amount equal to the whole or a specified part of the costs of the relevant inquiry.

“(2) Where, after an inquiry, the Professional Conduct Board does not exercise a power under section 36 or subsection 36A (1) in respect of a solicitor or employee and, in the case of a solicitor, does not make a report under section 37, the Board may direct the Law Society to pay to the solicitor or employee an amount equal to the whole or a specified part of his or her costs incurred in relation to the inquiry.

“(3) Where the Professional Conduct Board considers an application under subsection 36A (2), the Board may direct the Law Society or the employee in respect of whom the direction under subsection 36A (1) was given to pay an amount equal to the whole or a specified part of the other’s costs incurred in relation to the application.

“(4) For the purposes of subsection (1), (2) or (3), the costs shall be as assessed by the Professional Conduct Board or, if the Board directs that those costs be taxed by the Registrar, as so taxed.

“(5) An amount directed to be paid under subsection (1), (2) or (3) is recoverable as a debt due to the Law Society or to the solicitor or employee, as the case requires.”.

### **Publication of Board’s proceedings**

**22.** Section 40A of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “made under subsection 29 (1)” and substituting “in relation to a solicitor”;
- (b) by omitting subparagraph (1) (a) (i) and substituting the following subparagraph:
  - “(i) the name of the solicitor; or”;
- (c) by omitting from paragraph (1) (b) “made under subsection 29 (1A)” and substituting “in relation to an employee”; and
- (d) by omitting from subparagraph (1) (b) (i) “person to whose behaviour the inquiry relates” and substituting “employee”.

### **Substitution**

**23.** Section 41 of the Principal Act is repealed and the following sections are substituted:

### **Disciplinary powers of Supreme Court**

“41. (1) If, on a report under section 37 or otherwise, the Supreme Court is satisfied that a barrister and solicitor is guilty of professional misconduct or unsatisfactory professional conduct, the Court may, by order, do all or any of the following:

- (a) direct that his or her name be removed from the Roll of Barristers and Solicitors;
- (b) suspend for such period as the Court considers appropriate his or her right to practise in the Territory as a barrister, as a solicitor or as a barrister and solicitor;
- (c) impose on him or her a fine not exceeding \$20,000.

“(2) In addition to the powers vested in the Supreme Court under subsection (1), the Court may exercise all the powers of the Professional Conduct Board under section 36 as if—



- (a) each reference in that section to an inquiry were a reference to proceedings on a report under section 37; and
- (b) each reference in that section to the Board were a reference to the Court.

“(3) Where the Supreme Court makes an order under paragraph (1) (b) in respect of a barrister and solicitor, the Court may also order that the barrister and solicitor may be employed in the practice of another barrister and solicitor for such a period and on such conditions as the Court considers appropriate.

“(4) The Law Society is entitled to be represented in proceedings for an order under this section.

### **Costs**

“41A. (1) Where the Supreme Court makes an order under subsection 41 (1) or exercises a power under subsection 41 (2) in respect of a solicitor, the Court may, in addition to any order as to costs made in the proceedings, order that the solicitor pay to the Law Society an amount equal to the whole or a specified part of the costs of the relevant inquiry.

“(2) Where, in proceedings on a report under section 37, the Supreme Court does not make an order under subsection 41 (1) and does not exercise a power under subsection 41 (2) in respect of a solicitor, the Court may, in addition to any order as to costs made in the proceedings, order that the Law Society pay to the solicitor an amount equal to the whole or a specified part of his or her costs incurred in relation to the relevant inquiry.

“(3) For the purposes of subsection (1) or (2), the costs shall be as assessed by the Supreme Court or, if the Court directs that those costs be taxed by the Registrar, as so taxed.

“(4) An amount ordered to be paid under subsection (1) or (2) is recoverable as a debt due to the Law Society or the solicitor, as the case requires.”.

### **Appeal against a decision of the Professional Conduct Board**

**24.** Section 42 of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting the following subsection:

“(1) Where the Professional Conduct Board exercises a power under section 36 or subsection 36A (1) in respect of a solicitor or employee, the solicitor or employee or the Law Society may, within 21 days after the date on which the power

was exercised, appeal to the Supreme Court from the decision of the Board.”;

- (b) by omitting from subsection (1A) “make an order under subsection 36 (1A)” and substituting “exercise a power under section 36 or subsection 36A (1)”;
- (c) by inserting after subsection (1A) the following subsection:
  - “(1B) Where the Professional Conduct Board refuses to exercise power under subsection 36A (2) on the application of the employee in respect of whom a direction under subsection 36A (1) is in force, that employee may, within 21 days after the date of the refusal, appeal to the Supreme Court from the decision of the Board.”; and
- (d) by omitting subsection (3) and substituting the following subsection:
  - “(3) In an appeal under this section—
    - (a) if the appeal is brought by the solicitor or employee—the Law Society shall be the respondent; and
    - (b) if the appeal is brought by the Law Society—the solicitor or employee shall be the respondent.”.

#### **Admission of evidence before Board**

**25.** Section 42A of the Principal Act is amended by omitting “prescribed person” (wherever occurring) and substituting “employee”.

#### **Furnishing of information**

**26.** Section 42M of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) A person shall not, without reasonable excuse, fail to comply with a requirement in a notice under subsection (1).

Penalty: \$5,000 or imprisonment for 6 months, or both.”.

#### **Failure to pay levy**

**27.** Section 42Q of the Principal Act is amended—

- (a) by omitting from subsection (1) “shall suspend the right of the solicitor to practise as a solicitor in the Territory” and substituting “may suspend for a specified period not exceeding 12 months a practising certificate held by the solicitor”;
- (b) by omitting subsections (2) and (3); and

- (c) by omitting from subsection (4) “right to practise” and substituting “practising certificate”.

### **Application of Division**

**28.** Section 45A of the Principal Act is amended—

- (a) by omitting “or 5” and substituting “, 5”; and
- (b) by inserting “, 6, 6A or 7” before “applies”.

### **Document etc. for auditor**

**29.** Section 60 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) A solicitor shall not, without reasonable excuse, fail to comply with a requirement under subsection (1).

Penalty: \$5,000 or imprisonment for 6 months, or both.”.

### **Insertion**

**30.** After section 65 of the Principal Act the following section is inserted in Division 5 of Part VII:

#### **Legal protection for auditor**

“65A. Civil proceedings do not lie against a person who conducted an audit under this Part for or in respect of an act or thing done in good faith by him or her in the performance of a function under this Part.”.

### **Insertion**

**31.** After Division 6 of Part VII of the Principal Act the following Division is inserted:

#### ***“Division 6A—Investigation of affairs of solicitors***

### **Interpretation**

“69. (1) In this Division—

‘accountant’ means a registered company auditor within the meaning of the Corporations Law;

‘affairs’, in relation to a solicitor, includes—

- (a) accounts kept under this Part or otherwise by or on behalf of the solicitor or an associate of the solicitor;
- (b) any other records kept by or on behalf of the solicitor or an associate of the solicitor; and

- (c) any transactions to which the solicitor was a party or in which the solicitor acted for a party;

‘associate’, in relation to a solicitor, means—

- (a) a partner of the solicitor, whether or not the partner is a solicitor;
- (b) an employee or agent of the solicitor;
- (c) a corporation, or a member of a corporation, partnership, syndicate or joint venture, in which the solicitor or a person referred to in paragraph (a) or (b) has a beneficial interest;
- (d) a co-trustee with the solicitor; or
- (e) a person who is in a prescribed relationship to the solicitor or to a person referred to in paragraph (a), (b), (c) or (d);

‘record’ includes any document;

‘solicitor’, except as an investigator, includes—

- (a) a firm of solicitors;
- (b) a former solicitor;
- (c) in relation to anything done or omitted by a solicitor—a deceased solicitor and a deceased former solicitor; and
- (d) except in relation to anything done or omitted by a solicitor—the personal representative of a deceased solicitor or a deceased former solicitor.

“(2) For the purposes of the definition of ‘associate’ in subsection (1), a person is in a prescribed relationship to a solicitor or other person if the relationship is that of—

- (a) a spouse or de facto spouse;
- (b) a child, grandchild, brother, sister, parent or grandparent (whether derived through a spouse or de facto spouse or otherwise); or
- (c) a kind prescribed by the regulations for the purposes of this subsection.

### **Appointment of investigator**

“69A. (1) The Law Society may, by instrument under the common seal of the Society, appoint an investigator to investigate the affairs, or specified affairs, of a solicitor or solicitors.

“(2) A person is not eligible to be appointed under subsection (1) unless the person is—

- (a) a solicitor;
- (b) an accountant; or
- (c) an officer or employee of the Law Society.

“(3) An instrument of appointment under subsection (1) shall specify—

- (a) the period for which the investigator is appointed; and
- (b) the nature of the investigation to be undertaken.

### **Investigator’s assistant**

“69B. An investigator may, with the approval of the Council, appoint an assistant.

### **Obligation to comply with investigator’s requirements**

“69C. (1) A solicitor under investigation and any other person who has possession or control of any records of, or relating to the affairs of, the solicitor shall, if required to do so by an investigator who produces evidence of his or her appointment, provide the investigator or his or her assistant, with—

- (a) access to such of the records as relate to the affairs being investigated;
- (b) information relating to those records or affairs that the solicitor or other person is able to provide; and
- (c) authorities or orders on bankers or other persons relating to those records or affairs that the solicitor or other person is able to provide.

Penalty: \$5,000 or imprisonment for 6 months, or both.

“(2) If a record is not—

- (a) in writing;
- (b) written in the English language; or
- (c) decipherable on sight;

a requirement to provide access to the record is not complied with unless access is provided to a statement, written in the English language and decipherable on sight, that contains all the information in the record.

“(3) A person is not entitled to refuse to comply with a requirement made of him or her under subsection (1) on the ground of legal professional privilege.

“(4) A person who complies with a requirement made under subsection (1) is not, by reason only of that compliance, subject to any liability, claim or demand.

### **Obstruction etc. of investigator**

“69D. A person shall not hinder, obstruct or delay an investigator in the performance of functions under this Division.

Penalty: \$5,000 or imprisonment for 6 months, or both.

### **Professional misconduct**

“69E. A solicitor who contravenes section 69C or 69D is, whether or not convicted of an offence in relation to the contravention, guilty of professional misconduct.

### **Report of investigation**

“69F. (1) If, in the course of an investigation the Council requires him or her to do so, the investigator shall provide the Council with a progress report on the investigation.

“(2) On completing an investigation, the investigator shall—

- (a) provide the Council with a written report on the investigation; and
- (b) forward a copy of the report to the solicitor under investigation by post to the address of the solicitor last known to the Law Society.

### **Costs of investigation**

“69G. (1) The costs of an investigation shall be paid by the Law Society out of the Fidelity Fund.

“(2) An amount equal to the costs of an investigation, as certified by the Council, is a debt due to the Law Society by the solicitor under investigation if, as a result of the investigation, the solicitor is found to have been guilty of professional misconduct or unsatisfactory professional conduct.

### **Secrecy**

“69H. (1) An investigator or an investigator’s assistant shall not, without reasonable excuse, make an unauthorised disclosure of—

- (a) the appointment of the investigator or assistant;

- (b) any matter that comes to his or her knowledge in the course of an investigation; or
- (c) anything contained in a report under section 69F.

Penalty: \$5,000 or imprisonment for 6 months, or both.

“(2) Subsection (1) does not prohibit a disclosure—

- (a) of his or her appointment by an investigator in the course of making a requirement under section 69C;
- (b) by an investigator to his or her assistant; or
- (c) by an investigator’s assistant to the investigator.

“(3) A member of the Council, a solicitor or an officer or employee of the Law Society shall not, without reasonable excuse, make an unauthorised disclosure to any person who is not a member of the Council of—

- (a) the appointment of an investigator or assistant; or
- (b) any matter contained in a report under section 69F.

Penalty: \$5,000 or imprisonment for 6 months, or both.

“(4) For the purposes of subsections (1) and (3), a disclosure is an unauthorised disclosure if it is made otherwise than—

- (a) in accordance with this Act;
- (b) in or for the purposes of proceedings in a court;
- (c) to the Attorney-General;
- (d) at an inquiry under Division 2 of Part V; or
- (e) to a police officer acting in the course of duty.

“(5) If an investigator states in a report under section 69F that there are reasonable grounds for suspecting professional misconduct, unsatisfactory professional conduct, improper conduct or other irregularity in relation to the affairs investigated, subsection (3) is not contravened by the disclosure by a member of the Council, a solicitor or an officer or employee of the Law Society of information in the report to a person to whom the Council, being satisfied that the person has a direct and relevant interest in the information, decides that the information should be disclosed.”.

### **Statutory Interest Account**

**32.** Section 74A of the Principal Act is amended by omitting from paragraphs (4) (ca) and (caa) “legal”.

**Contributions to Fund**

**33.** Section 79 of the Principal Act is amended by omitting from subsection (2) all the words after “Law Society” (first occurring) and substituting “a contribution that bears to the contribution fixed under subsection (1) the same proportion as the period for which the certificate is sought bears to a year”.

**Call for claims**

**34.** Section 81 of the Principal Act is amended—

- (a) by omitting from subsection (1) “The Law Society” and substituting “Where the Law Society believes on reasonable grounds that there has been a failure to account on the part of a solicitor, the Law Society”;
- (b) by omitting from subsection (1) “a solicitor’s” and substituting “such a”; and
- (c) by inserting in subsection (3) “, or any publisher, printer or distributor of a relevant newspaper,” after “Society”.

**Interpretation**

**35.** Section 92 of the Principal Act is amended by omitting from subsection (1) the definition of “solicitor” and substituting the following definition:

“ ‘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 solicitor and a barrister, but does not include a barrister and solicitor referred to in section 45A;”.

**Appointment of receiver**

**36.** Section 93 of the Principal Act is amended—

- (a) by omitting from subparagraph (1) (b) (i) “infirmity” and substituting “incapacity”;
- (b) by inserting in subsection (1A) “or suspended” after “cancelled”; and
- (c) by adding at the end the following subsection:

“(5) Nothing in this Part prevents a person who is a manager within the meaning of Part IXA of a solicitor’s or partnership’s practice from being appointed as a receiver of the solicitor’s or partnership’s trust property.”.



### **Substitution**

37. Section 107 of the Principal Act is repealed and the following section substituted:

#### **Concealing etc. documents**

“107. A person shall not wilfully—

- (a) conceal, mutilate, destroy or alter; or
- (b) render illegible, indecipherable or unidentifiable;

a document relating to trust property of a solicitor or of solicitors practising in partnership if the person knows or has reasonable grounds for believing that the document is or may be required by a person appointed under section 93 to be the receiver of that trust property.

Penalty: \$5,000 or imprisonment for 6 months, or both.”.

### **Insertion**

38. After Part IX of the Principal Act the following Part is inserted:

#### **“PART IXA—MANAGERS**

### **Interpretation**

“108B. In this Part—

‘manager’ means a person appointed under subsection 108C (1) to be the manager of the practice of a solicitor or partnership;

‘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 solicitor and a barrister, but does not include a barrister and solicitor referred to in section 45A.

### **Appointment of manager**

“108C. (1) In the circumstances in which the Court may, under section 93, appoint a person to be the receiver of the trust property of a solicitor or of solicitors practising in partnership, the Law Society may, if it considers that the circumstances so warrant, by instrument, appoint a person to be the manager of the solicitor’s or partnership’s practice on such terms and conditions as are specified in the instrument.

“(2) A person is not eligible to be appointed to be a manager unless he or she is a solicitor who holds an unrestricted practising certificate.

**Management under receivership**

“108D. (1) A manager may continue to perform his or her functions under this Part notwithstanding the appointment under section 93 of a receiver of the trust property of the same solicitor or partnership.

“(2) A manager shall, in the continued performance, pursuant to subsection (1), of his or her functions under this Part, comply with any lawful direction given by the receiver in connection with the conduct of the practice.

**Solicitor as employee**

“108E. A person who practises as a solicitor in a practice for which a manager has been appointed does so only as an employee of the manager.

**Powers of manager**

“108F. (1) Subject to the instrument under subsection 108C (1), a manager may—

- (a) act as a solicitor on behalf of existing clients of the practice;
- (b) accept instructions from, and act as a solicitor on behalf of, new clients;
- (c) dispose of, or otherwise deal with, any property in relation to the solicitor;
- (d) exercise any right in the nature of a lien over property held on behalf of a client of the practice;
- (e) incur such expenses as are reasonably related to the conduct of the practice; and
- (f) do anything ancillary to the performance of a function under any of the preceding paragraphs;

as if he or she were the solicitor to whom the practice belonged.

“(2) A manager is not entitled to perform any function in relation to the affairs of a client of the practice unless the client has consented in writing to the performance of that function by the manager.

**Act of manager is act of solicitor**

“108G. (1) An act done by a manager shall, for the purposes of any proceedings or transaction that relies on that act, be taken to have been done by the solicitor to whom the practice belongs.

“(2) Subsection (1) does not operate to subject a solicitor to any personal liability for or in respect of any act done by the manager of the solicitor’s practice.

### **Reimbursement for damages**

“108H. (1) The Law Society shall reimburse a manager for any damages or costs awarded against the manager or against an employee or agent of the manager in respect of any act or omission in good faith in the exercise or purported exercise of a function under this Part to the extent to which those damages or costs are not recovered under the manager’s professional indemnity insurance.

“(2) An amount by way of reimbursement under subsection (1) shall be paid from the Fidelity Fund.

“(3) Neither the manager nor the Law Society are liable for any loss incurred by a solicitor as a consequence of any act or omission of the manager in good faith in the exercise or purported exercise of a function under this Part.

### **Expenses of management**

“108I. (1) So much of the expenses of the management of a practice as have not been met out of the income of the practice are payable to the manager by the Law Society from the Fidelity Fund.

“(2) An amount paid by the Law Society under subsection (1) is recoverable as a debt due to the Law Society from the solicitor.

“(3) An amount recovered under subsection (2) shall be paid into the Fidelity Fund.

“(4) In subsection (1)—

‘expenses’ includes an amount paid or payable to a manager by way of remuneration.

### **Reports**

“108J. (1) A manager shall, at such times and as regards such matters as are specified in a notice in writing given to the manager by the Council, report to the Council on the management of the practice.

“(2) At the conclusion of the period of the managership, a manager shall—

- (a) report to the Council on the management of the practice; and
- (b) give a copy of that report, together with all records relating to the managership, to the solicitor.

“(3) In addition to his or her obligation to report under subsection (1) or (2), a manager may report to the Law Society on the management of the practice whenever he or she considers it desirable to do so.

### **Application of Act to managers**

“108K. The provisions of Part VII and sections 79, 93 and 110 apply in relation to managers as they apply in relation to solicitors.

### **Termination of managership—reversion of moneys**

“108L. When a solicitor’s practice ceases to be under management pursuant to this Part, any moneys (other than trust moneys) held by the manager that remain after—

- (a) the Fidelity Fund has been duly reimbursed; and
- (b) all other expenses related to the management of the practice have been paid;

become the property of the solicitor.”.

### **Permission for employment of certain persons**

39. Section 129 of the Principal Act is amended by omitting from paragraphs (1) (a) and (2) (a) “an order under subsection 36 (1A)” and substituting “a direction under subsection 36A (1)”.

### **Immunity from suit**

40. Section 129A of the Principal Act is amended by omitting paragraph (1) (c) and substituting the following paragraph:

“(c) a person appointed under section 66, 69A or 69B;”.

### **Repeal**

41. Section 131 of the Principal Act is repealed.

### **Transitional**

42. Notwithstanding the amendments effected by sections 21 and 22, in relation to conduct of a solicitor occurring before the commencement of this Act, the powers of the Board and the Court are those of the Disciplinary Committee and the Court, respectively, under the Principal Act as in force immediately before that commencement.

### **Further amendments**

43. The Principal Act is further amended as set out in the Schedule.

### **Renumbering of provisions**

**44. (1)** The amended Act is amended as provided by this section.

**(2)** The Parts of the amended Act are renumbered in a single series so that they bear consecutive Roman numerals.

**(3)** The Divisions of the amended Act are renumbered in a single series so that, within their respective Parts, they bear consecutive Arabic numerals.

**(4)** The sections of the amended Act are renumbered in a single series so that they bear consecutive Arabic numerals.

**(5)** The subsections of the amended Act are renumbered in a single series so that, within their respective sections, they bear consecutive Arabic numerals.

**(6)** The paragraphs of the amended Act are relettered in a single series so that, within their respective subsections, they bear consecutive letters in alphabetical sequence.

**(7)** The subparagraphs of paragraph 93 (1) (b) of the amended Act are renumbered in a single series so that they bear consecutive Roman numerals.

**(8)** Any provision of the amended Act that refers to a provision of that Act that has been renumbered by subsection (2), (3), (4), (5) or (7) or relettered by subsection (6) is amended by omitting that reference and substituting a reference to the provision as so renumbered or relettered.

**(9)** A reference in a provision of another law of the Territory (whether or not that provision has commenced), or in any instrument or document, to a provision of the amended Act that has been renumbered by subsection (2), (3), (4), (5) or (7) or relettered by subsection (6) shall (except as regards the operation of the provision before it was so renumbered or relettered) be construed as a reference to that provision as so renumbered or relettered.

**(10)** In this section, “amended Act” means the Principal Act as amended by sections 4 to 41 (inclusive) and 43.

### **Amendments to the *Supreme Court Act 1933***

**45.** Section 11 of the *Supreme Court Act 1933* is amended—

**(a)** by inserting in paragraph (3) (a) “or exercising a power under subsection 41 (2)” after “41 (1)”; and

- (b) by inserting in paragraph (3) (b) “or exercising such a power” after “order”.

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## SCHEDULE

Section 43

### FURTHER AMENDMENTS

**Section 5 (definitions of “Chief Justice”, “the Admission Board”, “the Court”, “the Fidelity Fund”, “the Law Society”, “the Registrar” and “the Roll of Barristers and Solicitors”)—**

Omit the definitions.

**Section 5—**

Insert the following definitions:

- “ ‘Admission Board’ means the Barristers and Solicitors Admission Board of the Australian Capital Territory;
- ‘Fidelity Fund’ means the Solicitors’ Fidelity Fund of the Australian Capital Territory established by section 76;
- ‘Law Society’ means The Law Society of the Australian Capital Territory as constituted by section 6;
- ‘Registrar’ means the Registrar of the Supreme Court;
- ‘Roll of Barristers and Solicitors’ means the roll kept under section 13;”.

**Subsection 6 (10)—**

Omit “his”.

**Subsection 6 (11)—**

Omit “he”, substitute “the member”.

**Subsection 6A (1)—**

Omit “one”, substitute “1”.

**Subsection 6A (1A)—**

Insert “Supreme” before “Court”.

**Subsection 6A (2)—**

- (a) Omit “he would have had if he”, substitute “if the person”.
- (b) Omit “one”, substitute “1”.

**SCHEDULE**—continued

**Subsection 6A (3)**—

Omit “one”, substitute “1”.

**Subsection 6B (2)**—

Omit “one” (wherever occurring), substitute “1”.

**Subsection 6B (3)**—

(a) Omit “The last preceding subsection”, substitute “Subsection (2)”.

(b) Omit “one”, substitute “1”.

**Subsection 6B (4)**—

Omit “one” (wherever occurring), substitute “1”.

**Subsection 6B (5)**—

Omit “(a) of subsection (1) of this section”, substitute “(1) (a)”.

**Part ID**—

Repeal the Part.

**Paragraph 7 (2) (a)**—

Omit “his”.

**Paragraph 7 (2) (b)**—

Omit the paragraph, substitute the following paragraph:

“(b) ends on the following 31 December.”.

**Subsection 7 (4)**—

Omit all the words after “date of”, substitute “the appointment to the following 31 December”.

**Subsection 8 (1)**—

(a) Insert “Supreme” before “Court”.

(b) Insert “physical or mental” before “incapacity”.

**Paragraph 8 (2) (c)**—

Omit “three”, substitute “3”.

**Subsection 8 (2)**—

(a) Insert “Supreme” before “Court”.

(b) Omit “him”, substitute “the member”.

**SCHEDULE**—continued**Subsection 10 (1)**—

Insert “Supreme” before “Court” (first occurring).

**Subsection 10 (2)**—

- (a) Omit “the succeeding provisions of this section”, substitute “subsections (3), (4) and (5)”.
- (b) Insert “Supreme” before “Court” (first and second occurring).

**Paragraph 10 (2) (a)**—

- (a) Omit “he”, substitute “the person”.
- (b) Omit “court”, substitute “Supreme Court”.

**Paragraph 10 (2) (b)**—

Omit “he or she”, substitute “the person”.

**Subsection 10 (4)**—

- (a) Omit “of this section”.
- (b) Insert “Supreme” before “Court” (wherever occurring).
- (c) Insert “or she” after “he”.

**Subsections 10 (5) and 10A (4), (5), (6) and (7)**—

Insert “Supreme” before “Court” (wherever occurring).

**Subsection 11 (1)**—

Insert “Supreme” before “Court” (second and last occurring).

**Subsections 11 (2), 12 (1) and 14 (1)**—

Insert “Supreme” before “Court” (wherever occurring).

**Subsection 15B (1)**—

- (a) Omit “, after the expiration of the period of three months commencing on the date of commencement of this Part,”.
- (b) Insert “or her” after “his”.
- (c) Insert “or she” after “he”.
- (d) Omit “of this Act”.

**Subsection 15B (2)**—

- (a) Omit “the last preceding subsection”, substitute “subsection (1)”.



**SCHEDULE—continued**

- (b) Omit “he”, substitute “the person”.

**Subsection 15B (3)—**

- (a) Omit “, after the expiration of a period of three months after the date of commencement of this Part,”.
- (b) Omit “of this Act”.

**Subsection 15B (4)—**

- (a) Insert “or her” after “him”.
- (b) Omit “after the expiration of the period of three months commencing on the date of commencement of this Part”.
- (c) Insert “or she” after “he”.

**Paragraph 15C (b)—**

- Omit “his”, substitute “the applicant’s”.

**Subsection 15D (1)—**

- Omit “(1)”.

**Subsection 15E (1)—**

- (a) Omit “five”, substitute “5”.
- (b) Omit “his”, substitute “the”.

**Paragraph 15E (1) (a)—**

- (a) Omit “he”, substitute “the barrister and solicitor”.
- (b) Omit “two” (wherever occurring), substitute “2”.

**Subparagraph 15E (1) (a) (iii)—**

- Omit “Commonwealth”, substitute “Commonwealth,”.

**Subparagraph 15E (1) (a) (v)—**

- (a) Omit “two”, substitute “2”.
- (b) Omit “the last four preceding subparagraphs”, substitute “subparagraphs (i), (ii), (iii) and (iv)”.

**Paragraph 15E (1) (b)—**

- (a) Omit “he”, substitute “, the barrister and solicitor”.
- (b) Omit “twelve” (wherever occurring), substitute “12”.
- (c) Omit “one”, substitute “1”.

**SCHEDULE**—continued

(d) Omit “the last preceding paragraph”, substitute “paragraph (a)”.

**Subsection 15E (2)**—

Omit “the last preceding subsection”, substitute “subsection (1)”.

**Paragraph 15E (2) (a)**—

- (a) Omit “he”, substitute “the barrister and solicitor”.
- (b) Omit “five”, substitute “5”.
- (c) Omit “his”, substitute “the”.

**Subparagraph 15E (2) (a) (i)**—

Omit “two”, substitute “2”.

**Subparagraph 15E (2) (a) (ii)**—

- (a) Omit “one” (wherever occurring), substitute “1”.
- (b) Omit “(a) of the last preceding subsection”, substitute “(1) (a)”.

**Subparagraph 15E (2) (a) (iii)**—

- (a) Omit “(b) of the last preceding subsection”, substitute “(1) (b)”.
- (b) Omit “one”, substitute “1”.

**Paragraph 15E (2) (b)**—

- (a) Omit “he”, substitute “the barrister and solicitor”.
- (b) Insert “or her” after “him”.

**Subsection 15E (3)**—

- (a) Omit “he”, substitute “the barrister and solicitor”.
- (b) Insert “or her” after “him”.

**Paragraph 15E (4) (a)**—

- (a) Omit “he”, substitute “the barrister and solicitor”.
- (b) Omit “ten”, substitute “10”.
- (c) Omit “his”, substitute “the”.
- (d) Omit “three” (wherever occurring), substitute “3”.

**Paragraph 15E (4) (b)**—

- (a) Omit “he”, substitute “the barrister and solicitor”.
- (b) Omit “three”, substitute “3”.

**SCHEDULE**—continued

- (c) Omit “his”, substitute “the”.
- (d) Omit “six”, substitute “6”.

**Paragraph 15E (4) (c)**—

- (a) Omit “he”, substitute “the barrister and solicitor”.
- (b) Insert “or her” after “him”.

**Section 15F**—

- (a) Insert “or her” after “his”.
- (b) Omit “he” (first occurring), substitute “the barrister and solicitor”.
- (c) Insert “or she” after “he” (last occurring).

**Subsection 15J (1)**—

- (a) Omit “fourteen”, substitute “14”.
- (b) Omit “he is”, substitute “being”.
- (c) Insert “Supreme” before “Court”.
- (d) Omit “of this section”.

**Subsection 15J (2)**—

- (a) Insert “Supreme” before “Court”.
- (b) Omit “of this section”.

**Subsection 15J (2A)**—

Insert “Supreme” before “Court”.

**Subsection 15J (4)**—

- (a) Omit “of this section”.
- (b) Insert “Supreme” before “Court”.
- (c) Omit “him”, substitute “the applicant”.

**Subsection 15J (5)**—

- (a) Omit “of this section, the Court”, substitute “, the Supreme Court”.
- (b) Insert “Supreme” before “Court” (last occurring).

**Subsection 15J (6)**—

- (a) Insert “Supreme” before “Court”.

**SCHEDULE**—continued

(b) Omit “the last preceding subsection”, substitute “subsection (5)”.

**Subsection 15J (7)**—

(a) Insert “Supreme” before “Court” (wherever occurring).

(b) Omit “him”, substitute “the applicant”.

**Subsection 15J (8)**—

Insert “Supreme” before “Court” (wherever occurring).

**Subsection 15K (1)**—

(a) Insert “Supreme” before “Court” (wherever occurring).

(b) Omit “(4) or (5) of the last preceding section”, substitute “15J (4) or (5)”.

**Subsection 15L (2)**—

Omit “the thirtieth day of”, substitute “30”.

**Subsection 15M (2)**—

Omit the subsection, substitute the following subsection:

“(2) Where an application for the issue of a practising certificate is made after 1 July in any year and before the following 30 June, the fee payable for the issue of the practising certificate is an amount that bears to the fee applicable under subsection (1) the same proportion as the number of months in the period between the date of the application and the following 30 June bears to 12.”.

**Subsection 15M (3)**—

(a) Omit “twelve”, substitute “12”.

(b) Insert “or her” after “his”.

**Section 15P**—

Omit “(2) of section 15M of this Act”, substitute “15M (2)”.

**Paragraph 15P (b)**—

Omit “him”, substitute “the applicant”.

**Paragraph 15P (c)**—

(a) Omit “him”, substitute “the applicant”.

(b) Omit “of this Act”.

**SCHEDULE**—continued

**Subsection 15Q (1)**—

- (a) Omit “the next succeeding subsection”, substitute “subsection (2)”.
- (b) Insert “or her” after “his”.

**Paragraph 15Q (2) (c)**—

Omit the paragraph, substitute the following paragraph:

- “(c) the Supreme Court refuses to make an order under subsection 15J (5);”.

**Subsection 15Q (3)**—

Omit “(2) of section 15L of this Act”, substitute “15L (2)”.

**Part V, Division 1**—

Omit the heading, substitute the following heading:

*“Division 1—The Professional Conduct Board”.*

**Subsection 25 (2)**—

Omit “The Disciplinary Committee”, substitute “The Professional Conduct Board”.

**Paragraph 25 (2) (a)**—

Omit “of the Law Society”.

**Subsection 25 (7)**—

- (a) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (b) Omit “one”, substitute “1”.
- (c) Omit “Committee”, substitute “Board”.

**Subsection 26 (1)**—

Omit “of the Law Society”.

**Subsection 26 (2)**—

Omit “she is”, substitute “she were”.

**Subsection 27 (1)**—

Insert “Supreme” before “Court”.

**SCHEDULE**—continued**Subsection 27 (2)**—

- (a) Omit “Disciplinary Committee” (first occurring), substitute “Professional Conduct Board”.
- (b) Insert “Supreme” before “Court”.

**Paragraph 27 (2) (e)**—

- (a) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (b) Omit “Committee” (last occurring), substitute “Board”.

**Paragraph 28 (1A) (a)**—

Omit “one”, substitute “1”.

**Subsection 28 (2)**—

- (a) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (b) Omit “Committee” (last occurring), substitute “Board”.

**Subsection 28 (3)**—

Omit “one”, substitute “1”.

**Subsection 29 (2)**—

- (a) Omit “of the Law Society”.
- (b) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (c) Omit “Committee” (last occurring), substitute “Board”.

**Paragraph 29 (2) (a)**—

Insert “or information” after “documents”.

**Section 31**—

- (a) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (b) Omit “Committee” (last occurring), substitute “Board”.

**Subsection 34 (1)**—

Omit “the next succeeding subsection”, substitute “subsection (2)”.

**SCHEDULE—continued**

**Subsection 34 (2)—**

- (a) Omit “Disciplinary Committee” (wherever occurring), substitute “Professional Conduct Board”.
- (b) Omit “the last preceding subsection”, substitute “subsection (1)”.
- (c) Omit “him”, substitute “the witness”.
- (d) Omit “Chairman”, substitute “Chairperson”.

**Subsection 34 (4)—**

- (a) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (b) Omit “he”, substitute “the Secretary”.
- (c) Omit “of this section”.

**Subsection 34 (5)—**

- (a) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (b) Omit “the last preceding subsection”, substitute “subsection (4)”.
- (c) Omit “by writing under his hand”, substitute “in writing signed by him or her”.

**Subsection 34 (10)—**

Omit “Disciplinary Committee” (last occurring), substitute “Professional Conduct Board”.

**Subsection 34 (11)—**

- (a) Omit “makes application”, substitute “applies”.
- (b) Omit “Disciplinary Committee to furnish to him under this section”, substitute “Professional Conduct Board for”.

**Subsection 35 (1)—**

- (a) Omit “subsection (3) of section 32, and to subsection (4) of section 38, of this Act”, substitute “subsection 38 (4)”.
- (b) Insert “or her” after “him”.

**Subsection 35 (2)—**

Omit “him”, substitute “the person”.

**SCHEDULE**—continued**Subsection 37 (1)**—

- (a) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (b) Omit “barrister and”.
- (c) Insert “Supreme” before “Court” (wherever occurring).
- (d) Omit “Committee” (last occurring), substitute “Board”.

**Subsection 37 (2)**—

- (a) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (b) Omit “the last preceding subsection”, substitute “subsection (1)”.

**Subsection 39 (2)**—

Omit “the last preceding subsection”, substitute “subsection (1)”.

**Section 40**—

Omit “The Disciplinary Committee”, substitute “The Professional Conduct Board”.

**Subparagraph 40A (1) (b) (ii)**—

Omit “person” (wherever occurring), substitute “employee”.

**Paragraph 40A (1) (c)**—

Omit “person” (wherever occurring), substitute “employee”.

**Paragraph 40A (2) (a)**—

Omit the paragraph, substitute the following paragraph:

“(a) the Professional Conduct Board has exercised a power under section 36 or 36A;”.

**Paragraph 40A (2) (b)**—

Omit “order was made”, substitute “power was exercised”.

**Subparagraph 40A (2) (c) (i)**—

Omit “order”, substitute “exercise of power”.

**Paragraph 40A (2) (d)**—

Omit “order”, substitute “exercise of power”.



**SCHEDULE—continued**

**Paragraph 40A (2) (e)—**

- (a) Omit “order”, substitute “exercise of power”.
- (b) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.

**Subsection 40A (3)—**

Omit “an order made by the Disciplinary Committee under subsection 36 (1), (1A) or (1B)”, substitute “an exercise of power under section 36 or 36A”.

**Paragraph 40A (3) (a)—**

- (a) Omit “order under subsection 36 (1)”, substitute “exercise of power under section 36”.
- (b) Omit “barrister and” (wherever occurring).
- (c) Omit “against whom the order was made”, substitute “in respect of whom the power was exercised”.
- (d) Omit “order was made” (last occurring), substitute “power was exercised”.

**Paragraph 40A (3) (b)—**

- (a) Omit “order under subsection 36 (1A) or (1B)”, substitute “exercise of power under section 36A”.
- (b) Omit “prescribed”.
- (c) Omit “order was made”, substitute “power was exercised”.
- (d) Omit “barrister and”.

**Paragraph 40A (3) (d)—**

Omit “Disciplinary Committee so orders”, substitute “Professional Conduct Board so directs”.

**Paragraph 40A (3) (e)—**

Omit “order”, substitute “direction or revocation”.

**Subsection 42 (1A)—**

- (a) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (b) Omit “Committee” (second and last occurring), substitute “Board”.

**SCHEDULE—continued**

- (c) Insert “Supreme” before “Court”.

**Section 42A—**

- (a) Insert “Supreme” before “Court”.
- (b) Omit “barrister and” (wherever occurring).
- (c) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (d) Omit “read”, substitute “admitted”.

**Section 42B—**

- (a) Insert “Supreme” before “Court” (wherever occurring).
- (b) Omit “barrister and” (last occurring).

**Section 42C—**

- (a) Insert “Supreme” before “Court”.
- (b) Omit “barrister and”.

**Section 42D—**

- (a) Omit “The provisions of this Division are in addition to, and do not restrict or limit in any way,”, substitute “This Division is not to be taken to restrict or limit in any way”.
- (b) Insert “Supreme” before “Court”.

**Section 42E—**

Omit the section, substitute the following section:

**Failure to comply with, or contravention of, certain laws etc.**

“42E. A failure by a solicitor to comply with, or a contravention by a solicitor of, a direction given under subsection 36A (1) or a provision of this Act or of any other law in force in the Territory that imposes duties and obligations on solicitors is a matter—

- (a) that the Council may take into consideration in deciding whether a complaint should be made to the Professional Conduct Board regarding the professional conduct of the solicitor;

**SCHEDULE—continued**

- (b) that the Professional Conduct Board may take into consideration in determining whether the professional conduct of the solicitor has been such as to justify it in exercising a power in respect of the solicitor under section 36 or in forming, in relation to the conduct of the solicitor, the opinion referred to in section 37; and
- (c) that the Supreme Court may take into consideration in determining whether an order against the solicitor should be made under section 41.”.

**Subparagraph 42L (1) (a) (i)—**

- (a) Omit “his”, substitute “the”.
- (b) Omit “him”, substitute “the solicitor or former solicitor”.

**Subparagraph 42L (1) (a) (ii)—**

- (a) Omit “his”, substitute “the”.
- (b) Omit “he”, substitute “the solicitor or former solicitor”.

**Paragraphs 42M (1) (a) and (b)—**

- (a) Omit “he”, substitute “the solicitor or former solicitor”.
- (b) Insert “or her” after “his”.

**Subparagraph 42M (1) (d) (ii)—**

- (a) Omit “his”, substitute “the”.
- (b) Omit “he”, substitute “the solicitor or former solicitor”.

**Subsection 42M (2)—**

Omit “of the Law Society” (first occurring).

**Paragraph 42M (2) (a)—**

Omit “of the Law Society”.

**Paragraph 42M (3) (d)—**

Omit “her or his”, substitute “his or her”.

**Paragraph 42Q (5) (a)—**

Omit “III”, substitute “3”.

**Section 44 (definition of “year”)—**

- (a) Omit “twelve”, substitute “12”.

**SCHEDULE**—continued

(b) Omit “the first day of”, substitute “1”.

**Subsection 46 (1)**—

Omit “connexion with his”, substitute “connection with the solicitor’s”.

**Subsection 46 (1A)**—

Omit “his”.

**Subsection 46 (2)**—

(a) Omit “of this section”.

(b) Insert “or her” after “his”.

**Subsection 46 (3)**—

(a) Omit “of this section”.

(b) Omit “his”, substitute “the solicitor’s”.

**Subsection 46 (4)**—

(a) Omit “the provisions of”.

(b) Omit “him”, substitute “the solicitor”.

**Section 48**—

Repeal the section, substitute the following section:

**Payment into trust bank account**

“48. Subject to section 49, a solicitor shall cause all trust moneys received by the solicitor, in connection with his or her practice in the Territory, from, or on behalf of, a client of the solicitor to be paid—

(a) into the general trust bank account maintained by the solicitor; or

(b) if the solicitor maintains 2 or more such accounts—into 1 of those accounts;

not later than the next day on which the bank at which the account is maintained is open for business after the day on which the money is received by the solicitor.”.

**Subsection 49 (1)**—

Omit “connexion with his”, substitute “connection with the solicitor’s”.

**Subsection 49 (2)**—

(a) Omit “the last preceding subsection”, substitute “subsection (1)”.

**SCHEDULE—continued**

- (b) Omit “, after the expiry of one month after the commencement of this Act,”.

**Paragraph 50 (a)—**

- (a) Omit “One thousand dollars” (wherever occurring), substitute “\$1,000”.
- (b) Omit “him”, substitute “the solicitor”.

**Paragraph 50 (b)—**

- (a) Omit “three”, substitute “3”.
- (b) Omit “One thousand dollars”, substitute “\$1,000”.

**Section 50—**

Omit “him” (last occurring), substitute “the solicitor”.

**Subsection 51 (1)—**

- (a) Omit “him”, substitute “the solicitor”.
- (b) Insert “or her” after “his”.

**Subsection 51 (2)—**

- (a) Omit “the next succeeding subsection”, substitute “subsection (3)”.
- (b) Omit “of this Part”.
- (c) Omit “of this Act”.

**Subsection 51 (3)—**

- (a) Omit “The last preceding subsection”, substitute “Subsection (2)”.
- (b) Omit “him”, substitute “the solicitor”.

**Subsection 55 (1)—**

Omit “him”, substitute “the solicitor”.

**Subparagraph 55 (2) (a) (i)—**

Omit “he”, substitute “the solicitor”.

**Subparagraph 55 (2) (a) (ii)—**

- (a) Omit “he”, substitute “the solicitor”.
- (b) Omit “one”, substitute “1”.
- (c) Omit “his”, substitute “the solicitor’s”.

**SCHEDULE**—continued**Paragraph 55 (2) (c)**—

Omit “seven”, substitute “7”.

**Subsection 55 (3)**—

- (a) Omit “of this section”.
- (b) Omit “seven”, substitute “7”.
- (c) Omit “him”, substitute “the solicitor”.

**Subsection 56 (1A)**—

- (a) Omit “him”, substitute “the solicitor”.
- (b) Insert “or she” after “he”.

**Subsection 56 (2)**—

Omit “him”, substitute “the solicitor”.

**Subsection 58 (1)**—

- (a) Insert “or her” after “his”.
- (b) Insert “or she” after “he”.

**Subsection 58 (1A)**—

- (a) Insert “or she” after “he” (first occurring).
- (b) Insert “or her” after “his” (last occurring).
- (c) Omit “he” (second and last occurring), substitute “the solicitor”.

**Subsection 58 (1B)**—

- (a) Omit “person”, substitute “solicitor”.
- (b) Omit “he” (first occurring), substitute “the solicitor”.
- (c) Insert “or she” after “he” (last occurring).

**Subparagraph 60 (1) (b) (i)**—

Omit “the last preceding paragraph”, substitute “paragraph (a)”.

**Subsection 60 (3)**—

Omit “other than the first audit after the commencement of this Act,”.

**SCHEDULE—continued**

**Paragraph 63 (1) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) this Division applies to that solicitor in respect of the period of 12 months that ended on 31 March immediately preceding the date of the application; and”.

**Subsection 63 (1)—**

- (a) Omit “he” (first occurring), substitute “the solicitor”.
- (b) Omit “his” (first occurring), substitute “the”.
- (c) Insert “or her” after “him”.

**Paragraph 63 (1) (d)—**

- (a) Omit “he”, substitute “the solicitor”.
- (b) Insert “or her” after “his”.
- (c) Omit “of this subsection”.

**Paragraph 63 (1) (f)—**

Omit the paragraph, substitute the following paragraph:

“(f) that a report under section 61 has not been delivered to the solicitor;”.

**Paragraph 63 (1) (g)—**

- (a) Omit “he”, substitute “the solicitor”.
- (b) Omit “him” (wherever occurring), substitute “the solicitor”.

**Paragraph 63 (1) (h)—**

Omit “he”, substitute “the solicitor”.

**Subsection 63 (2)—**

- (a) Omit “the last preceding subsection”, substitute “subsection (1)”.
- (b) Omit “him”, substitute “the solicitor”.

**Section 64—**

- (a) Omit “The provisions of this Division do”, substitute “This Division does”.
- (b) Omit “he”, substitute “the solicitor”.
- (c) Omit “fourteen”, substitute “14”.

**SCHEDULE**—continued**Subsection 65 (1)**—

Insert “or her” after “his”.

**Paragraph 65 (1) (e)**—

Omit “her or his”, substitute “his or her”.

**Subsection 65 (2)**—

- (a) Omit “of the Law Society”.
- (b) Omit “section” (last occurring).

**Paragraph 65 (2) (e)**—

Omit “her or his”, substitute “his or her”.

**Subsection 66 (3)**—

Insert “whether or not, in the person’s opinion” after “report” (last occurring).

**Paragraph 66 (3) (a)**—

- (a) Omit “whether or not, in his opinion,”.
- (b) Omit “him”, substitute “the person”.

**Paragraph 66 (3) (b)**—

Omit “whether or not, in his opinion,”.

**Paragraph 66 (3) (c)**—

- (a) Omit “whether or not, in his opinion,”.
- (b) Add at the end “or”.

**Paragraph 66 (3) (d)**—

- (a) Omit “whether or not, in his opinion,”.
- (b) Omit “any provision of”.

**Subsection 66 (6)**—

Omit “the provisions of”.

**Subsection 67 (2)**—

- (a) Omit “or the Secretary” (wherever occurring).
- (b) Omit “Manager”, substitute “manager”.
- (c) Omit “charge of”, substitute “charge, of”.



**SCHEDULE**—continued

**Subsection 67 (3)**—

Omit “made in accordance with the last preceding subsection”, substitute “under subsection (2)”.

**Subsection 68 (1)**—

Insert “or her” after “his” (first occurring).

**Paragraph 68 (1) (e)**—

Omit “her or his”, substitute “his or her”.

**Subsection 68 (2)**—

Omit “of the Law Society”.

**Paragraph 68 (2) (e)**—

Omit “her or his”, substitute “his or her”.

**Subsection 70 (1)**—

(a) Omit “(1) of the next succeeding section”, substitute “71 (1)”.

(b) Omit “six”, substitute “6”.

**Subsection 70 (3)**—

(a) Omit “(1) of the next succeeding section”, substitute “71 (1)”.

(b) Omit “thirty-first day of”, substitute “31”.

(c) Omit “the provisions of this Division apply”, substitute “this Division applies”.

**Subsection 70 (5)**—

Omit “one”, substitute “1”.

**Paragraph 70 (6) (a)**—

(a) Omit “six”, substitute “6”.

(b) Omit “(1) of the next succeeding section”, substitute “71 (1)”.

**Subsection 70 (6)**—

(a) Omit “two”, substitute “2”.

(b) Omit “he”, substitute “the solicitor”.

(c) Omit “one”, substitute “1”.

(d) Omit “him”, substitute “the solicitor”.

**SCHEDULE**—continued**Subsection 71 (1)**—

Omit “one”, substitute “1”.

**Subsections 71 (2) and (3)**—

(a) Omit “three”, substitute “3”.

(b) Omit “of this subsection”.

**Subsection 71 (4)**—

(a) Omit “The last two preceding subsections”, substitute “Subsections (2) and (3)”.

(b) Omit “of this section”.

**Subsection 72 (1)**—

Omit “the next succeeding subsection”, substitute “subsection (2)”.

**Subsection 72 (2)**—

Omit “the last preceding subsection”, substitute “subsection (1)”.

**Paragraph 72 (2) (b)**—

Omit “seven”, substitute “7”.

**Paragraph 72 (4) (b)**—

Omit “Three thousand dollars”, substitute “\$3,000”.

**Subsection 72 (4)**—

(a) Insert “or her” after “him”.

(b) Omit “he”, substitute “the solicitor”.

**Paragraph 73 (1) (a)**—

(a) Omit “he”, substitute “the solicitor”.

(b) Insert “or her” after “him”.

**Subsection 73 (1)**—

Insert “or her” after “his” (last occurring).

**Subsection 73 (2)**—

Omit the subsection, substitute the following subsection:

“(2) In subsection (1)—

‘quarter day’ means 30 September, 31 December or 31 March.”.

**SCHEDULE**—continued

**Subsection 74 (2)**—

Omit “the last preceding subsection”, substitute “subsection (1)”.

**Paragraph 74A (4) (ca)**—

- (a) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (b) Insert “Supreme” before “Court”.

**Subsection 75 (1)**—

Omit “the last preceding Part”, substitute “Part VII”.

**Section 77**—

Omit “-1968”.

**Subsection 79 (1)**—

- (a) Omit “thirtieth day of”, substitute “30”.
- (b) Omit “of the Law Society”.
- (c) Omit “twelve”, substitute “12”.
- (d) Omit “first day of”, substitute “1”.

**Subsection 79 (2)**—

Omit “twelve”, substitute “12”.

**Subsection 79A (1)**—

Omit “(1)”.

**Subsection 81 (2)**—

Omit “three”, substitute “3”.

**Subsection 82 (1)**—

Omit “six”, substitute “6”.

**Subsection 83 (3)**—

Omit “the Secretary”, substitute “an officer”.

**Subsection 84 (4)**—

Omit “the last preceding subsection”, substitute “subsection (3)”.

**Subsection 85 (1)**—

- (a) Omit “(4)”, substitute “(5)”.

**SCHEDULE**—continued

(b) Omit “twenty-one”, substitute “21”.

(c) Insert “Supreme” before “Court”.

**Subsection 85 (2)**—

Insert “Supreme” before “Court”.

**Subsection 86 (2)**—

Omit “of the Law Society”.

**Subsection 86 (3)**—

Omit “the last preceding subsection”, substitute “subsection (2)”.

**Paragraph 88 (1) (b)**—

Omit “Fifty thousand dollars”, substitute “\$50,000”.

**Subsection 88 (4)**—

Omit “Fifty thousand dollars”, substitute “\$50,000”.

**Subsection 89 (1)**—

Omit “the last preceding section”, substitute “section 88”.

**Subsection 90 (1)**—

Omit “of the Law Society” (first occurring).

**Paragraphs 90 (2) (a) and (b)**—

Omit “the last preceding subsection”, substitute “subsection (1)”.

**Subsections 93 (1) and (1A)**—

Insert “Supreme” before “Court” (wherever occurring).

**Subsection 93 (2)**—

(a) Insert “Supreme” before “Court” (first occurring).

(b) Omit “of this Act”.

**Subsection 93 (4)**—

(a) Insert “Supreme” before “Court”.

(b) Omit “of this section” (first occurring).

(c) Omit “subsection (2) of this section”, substitute “(2)”.

**SCHEDULE—continued**

**Paragraph 95 (1) (a)—**

Omit “his”, substitute “the receiver’s”.

**Subsection 95 (2)—**

Omit “his own”, substitute “the solicitor’s”.

**Paragraph 95 (2) (a)—**

Omit “his”, substitute “the receiver’s”.

**Subsection 96 (1)—**

Omit “(c) of subsection (1) of section 94 of this Act”, substitute “94 (1) (c)”.

**Subsection 96 (4)—**

Insert “Supreme” before “Court”.

**Subsection 96 (5)—**

(a) Insert “or her” after “him” (wherever occurring).

(b) Omit “his”, substitute “the”.

**Subsection 97 (1)—**

(a) Insert “Supreme” before “Court” (first occurring).

(b) Insert “or her” after “his” (wherever occurring).

(c) Omit “(1) of section 94 of this Act”, substitute “94 (1)”.

**Subsection 97 (2)—**

(a) Insert “Supreme” before “Court” (first occurring).

(b) Omit “the last preceding subsection”, substitute “subsection (1)”.

**Subsection 98 (3)—**

(a) Omit “him”, substitute “the receiver”.

(b) Omit “either of the last two preceding subsections”, substitute “subsection (1) or (2)”.

**Paragraph 99 (1) (b)—**

(a) Insert “or her” after “his”.

(b) Omit “he”, substitute “the receiver”.

**SCHEDULE**—continued**Subsection 100 (1)**—

Omit “thirty”, substitute “30”.

**Subsection 100 (3)**—

Omit “either of the last two preceding subsections”, substitute “subsection (1) or (2)”.

**Subsection 100 (4)**—

Omit “of this section”.

**Paragraph 101 (1) (d)**—

Omit “the last preceding paragraph”, substitute “paragraph (c)”.

**Section 102**—

(a) Omit “the next succeeding section”, substitute “section 103”.

(b) Insert “Supreme” before “Court” (last occurring).

**Paragraph 102 (a)**—

(a) Insert “Supreme” before “Court”.

(b) Omit “the last preceding section”, substitute “section 101”.

**Subsection 103 (1)**—

Insert “Supreme” before “Court” (wherever occurring).

**Subsection 103 (2)**—

Omit “the last preceding subsection”, substitute “subsection (1)”.

**Subsection 103 (3)**—

Insert “Supreme” before “Court” (wherever occurring).

**Subsection 103 (4)**—

(a) Insert “Supreme” before “Court”.

(b) Omit “of this section”.

**Subsection 104 (1)**—

(a) Insert “or her” after “his” (wherever occurring).

(b) Insert “Supreme” before “Court”.

**Subsection 104 (2)**—

(a) Insert “Supreme” before “Court”.

**SCHEDULE**—continued

(b) Omit “the last preceding subsection”, substitute “subsection (1)”.

(c) Insert “or her” after “his”.

**Paragraph 104 (3) (a)**—

Insert “Supreme” before “Court”.

**Paragraph 104 (3) (b)**—

Omit “him in his”, substitute “the receiver in his or her”.

**Paragraph 104 (3) (c)**—

Omit “him”, substitute “the receiver”.

**Subsection 104 (3)**—

Insert “Supreme” before “Court” (last occurring).

**Subsection 104 (4)**—

Omit “the last preceding subsection”, substitute “subsection (3)”.

**Subsection 104 (5)**—

(a) Insert “Supreme” before “Court” (wherever occurring).

(b) Omit “of this section”.

(c) Omit “his”, substitute “the receiver’s”.

**Subsection 105 (1)**—

Insert “Supreme” before “Court”.

**Subsection 105 (4)**—

Omit “the last preceding subsection from two”, substitute “subsection (3) from 2”.

**Section 106**—

Insert “Supreme” before “Court”.

**Subsection 110 (1)**—

(a) Omit “the next succeeding subsection”, substitute “subsection (2)”.

(b) Omit “one”, substitute “1”.

(c) Omit “he” (wherever occurring), substitute “the solicitor”.

**SCHEDULE**—continued**Subsection 110 (2)**—

- (a) Omit “the last preceding subsection”, substitute “subsection (1)”.
- (b) Omit “one”, substitute “1”.

**Subsection 110A (4)**—

Omit “one”, substitute “1”.

**Paragraph 111 (1) (a)**—

Omit “one”, substitute “1”.

**Subsection 111 (1)**—

- (a) Omit “he”, substitute “the person giving notice”.
- (b) Insert “or her” after “him”.

**Subsection 111 (2)**—

Omit “the last preceding subsection”, substitute “subsection (1)”.

**Subsection 111 (4)**—

- (a) Omit “of this section”.
- (b) Omit “he”, substitute “the Registrar”.
- (c) Omit “one”, substitute “1”.

**Subsection 112 (1)**—

Omit “(1) of the last preceding section”, substitute “111 (1)”.

**Subsection 112 (2)**—

Omit “(1) of the last preceding section, he”, substitute “111 (1), the Registrar”.

**Subsection 113 (1)**—

- (a) Omit “(1) of section 111 of this Act and he”, substitute “111 (1) and”.
- (b) Omit “(2) of the last preceding section”, substitute “112 (2)”.

**Subsection 113 (2)**—

- (a) Omit “(1) of section 111 of this Act that he”, substitute “111 (1) that he or she”.
- (b) Omit “(2) of the last preceding section”, substitute “112 (2)”.
- (c) Omit “the last preceding subsection”, substitute “subsection (1)”.



**SCHEDULE**—continued

**Subsection 115 (1)**—

Omit “his”, substitute “that person’s”.

**Subsection 115 (2)**—

Omit “his”, substitute “the solicitor’s”.

**Subsection 115 (3)**—

Omit “either of the last two preceding subsections”, substitute “subsection (1) or (2)”.

**Subsection 116 (1)**—

Omit “the last preceding section is, in his”, substitute “section 115 is, in his or her”.

**Subsection 116 (2)**—

Omit “his certificate under the last preceding subsection”, substitute “the certificate under subsection (1)”.

**Subsection 116 (4)**—

- (a) Omit “either of the last two preceding subsections”, substitute “subsection (2) or (3)”.
- (b) Omit “of this section”.
- (c) Omit “(3) of the next succeeding section”, substitute “117 (3)”.

**Subsection 117 (1)**—

- (a) Omit “fourteen”, substitute “14”.
- (b) Omit “the last preceding section”, substitute “section 116”.
- (c) Insert “or her” after “him”.
- (d) Insert “Supreme” before “Court” (wherever occurring).

**Subsection 117 (2)**—

- (a) Insert “Supreme” before “Court”.
- (b) Omit “the last preceding section”, substitute “section 116”.

**Subsection 117 (3)**—

- (a) Insert “Supreme” before “Court”.
- (b) Omit “the last preceding subsection”, substitute “subsection (2)”.
- (c) Omit “(2) of the last preceding section”, substitute “116 (2)”.

**SCHEDULE**—continued**Section 118—**

- (a) Omit “(1) of section 111 of this Act”, substitute “111 (1)”.
- (b) Omit “fourteen”, substitute “14”.
- (c) Omit “of this Act” (last occurring).
- (d) Omit “the last preceding section”, substitute “section 117”.

**Section 119—**

- (a) Omit “of this Act” (first occurring).
- (b) Omit “(3) of section 117 of this Act”, substitute “117 (3)”.
- (c) Insert “or her” after “him”.

**Subsection 120 (3)—**

Omit “the last preceding subsection”, substitute “subsection (2)”.

**Subsection 120 (4)—**

Omit “the last preceding subsection”, substitute “subsection (3)”.

**Subsection 120 (5)—**

Omit “his”.

**Subsection 121 (1)—**

- (a) Omit “the last preceding section, the court”, substitute “section 120, the Supreme Court”.
- (b) Insert “Supreme” before “Court”.

**Subsection 121 (2)—**

- (a) Omit “the last preceding subsection, the Court”, substitute “subsection (1), the Supreme Court”.
- (b) Insert “Supreme” before “Court” (last occurring).

**Subsection 121 (3)—**

Omit “of this section, the court”, substitute “, the Supreme Court”.

**Paragraph 121 (3) (a)—**

Insert “Supreme” before “Court”.

**SCHEDULE—continued**

**Paragraph 121 (3) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) this Part (other than section 120) applies as if the agreement had not been made.”.

**Subsection 121 (4)—**

Insert “Supreme” before “Court”.

**Paragraph 122 (a)—**

Insert “or herself” after “himself”.

**Paragraph 122 (b)—**

(a) Insert “or her” after “his”.

(b) Insert “or she” after “he”.

**Subsection 123 (1)—**

Omit “the next succeeding subsection”, substitute “subsection (2)”.

**Subsection 123 (2)—**

Omit “the last preceding subsection”, substitute “subsection (1)”.

**Paragraph 123 (2) (c)—**

(a) Omit “the last preceding subsection”, substitute “subsection (1)”.

(b) Insert “or her” after “his” (wherever occurring).

**Paragraph 124 (1) (a)—**

Omit “his”, substitute “the person’s”.

**Subsection 124 (2)—**

Omit “The last preceding subsection”, substitute “Subsection (1)”.

**Paragraph 124 (2) (d)—**

Omit “of the Territory”.

**Subsection 125 (2)—**

(a) Omit “the last preceding subsection”, substitute “subsection (1)”.

(b) Insert “or her” after “him”.

(c) Omit “he” (first occurring), substitute “the person”.

(d) Insert “or her” after “his”.

**SCHEDULE**—continued

(e) Insert “or she” after “he” (last occurring).

**Subsection 127 (3)**—

- (a) Omit “of this section”.
- (b) Insert “or she” after “he” (first occurring).
- (c) Omit “his” (first occurring), substitute “the”.

**Paragraph 127 (3) (b)**—

Omit “the last preceding paragraph”, substitute “paragraph (a)”.

**Subsection 128 (1)**—

- (a) Omit “(1)”.
- (b) Omit “of the Law Society”.
- (c) Omit “connexion”, substitute “connection”.
- (d) Insert “or her” after “his” (wherever occurring).
- (e) Omit “he”, substitute “the barrister and solicitor”.

**Paragraph 128 (1) (a)**—

Omit “-1969”.

**Subsection 129 (1)**—

Omit “of the Law Society”.

**Subsection 129 (2)**—

Insert “Supreme” before “Court” (wherever occurring).

**Paragraph 129A (1) (d)**—

Omit “conduct of a prescribed person”, substitute “employment conduct of an employee or former employee of a solicitor”.

**Subsection 129A (2)**—

Omit all the words after “complaint”, substitute “referred to in paragraph (1) (d)”.

**Subsection 130 (1)**—

Omit “one”, substitute “1”.

**Paragraph 130 (2) (a)**—

Omit “six”, substitute “6”.

**SCHEDULE**—continued

**Subsection 130 (3)**—

- (a) Insert “Supreme” before “Court” (wherever occurring).
- (b) Omit “him”, substitute “the person”.

**Subsection 130 (4)**—

Omit “the last preceding subsection”, substitute “subsection (3)”.

**Subsection 130A (1)**—

- (a) Omit “Disciplinary Committee”, substitute “Professional Conduct Board”.
- (b) Insert “Supreme” before “Court”.
- (c) Omit “of this Act”.

**Subsection 130A (2)**—

Omit “the last preceding subsection”, substitute “subsection (1)”.

**Further amendments**—

1. The following provisions are amended by omitting “of this Act” (wherever occurring):

Section 5 (definition of “trust moneys”), paragraphs 15Q (2) (b) and 63 (1) (c) and subsections 88 (2), 89 (2) and 95 (4).

2. The following provisions are amended by omitting “of this section”:

Subsections 34 (3) and (6), subparagraph 34 (7) (b) (i), paragraphs 34 (8) (a) and (b) and 34 (9) (a) and subsections 74A (3), 83 (4), 84 (3), 105 (5), 111 (3) and 116 (3).

3. The following provisions are amended by inserting “or her” after “his” (wherever occurring):

Section 5 (definition of “unrestricted practising certificate”), subparagraph 15E (1) (a) (iv), section 42F (definition of “solicitor”), subparagraph 42M (1) (d) (i), section 44 (definition of “solicitor”), subsection 47 (1), paragraphs 58 (1A) (a) and 60 (1) (a), subparagraph 60 (1) (b) (ii), paragraphs 72 (2) (a), 73 (1) (b) and 94 (1) (c), subsection 105 (2), section 108, paragraphs 123 (2) (a) and (b), subsection 127 (1) and paragraphs 127 (3) (c) and (d).

**SCHEDULE—continued**

**4.** The following provisions are amended by inserting “or she” after “he”:

Subsection 9 (3), paragraph 15NA (c), subsection 28 (2), paragraph 34 (10) (b), section 42H, paragraph 42M (1) (c), subsection 56 (1), paragraph 74 (2) (b), subsections 98 (4) and 114 (2) and paragraph 127 (3) (a).

**5.** The following provisions are amended by omitting “he” and substituting “the person” (wherever occurring):

Paragraphs 10 (1) (a), (ab), (b) and (c) and subsection 66 (2).

**6.** The following provisions are amended by inserting “or her” after “him” (wherever occurring):

Paragraphs 15J (2A) (b), 42L (2) (a), 42M (1) (d), 49 (1) (a) and (b) and 60 (1) (b) and subsection 96 (4).

**7.** The following provisions are amended by omitting “the Disciplinary Committee” (wherever occurring) and substituting “the Professional Conduct Board”:

Subsections 25 (1), (5), (6) and (8), 25A (1), 26 (1) and (2), 27 (1) and 28 (1), (3) and (4), section 33, subsections 34 (3) and (6), paragraphs 34 (7) (a), (9) (b) and (10) (b), subsection 38 (1) and paragraphs 40A (3) (c), 42B (b), 42M (3) (c), 65 (1) (d) and (2) (d) and 68 (1) (d) and (2) (d).

**8.** The following provisions are amended by omitting “barrister and” (wherever occurring):

Paragraphs 31 (a), 34 (10) (a) and 37 (2) (b), subparagraphs 40A (1) (a) (ii) and (b) (ii) and paragraphs 40A (1) (c) and 42B (a) and (b).

**SCHEDULE—continued**

**NOTE**

1. Reprinted as at 31 October 1991. See also Act No. 92, 1991; No. 54, 1992.

**NOTE ABOUT SECTION HEADINGS**

On the day on which the *Legal Practitioners Act 1970* is amended by this Act, in addition to any alteration of section headings indicated in the text of this Act, headings to sections of the Principal Act are altered as set out in the following table:

Section	Amendment
26, 27 and 31	Omit “ <b>Disciplinary Committee</b> ”, substitute “ <b>Professional Conduct Board</b> ”.
35	Omit the heading, substitute the following heading: <b>Witnesses at inquiries</b>
37	Omit the heading, substitute the following heading: <b>Professional Conduct Board may report to Supreme Court</b>
38 and 40	Omit “ <b>Disciplinary Committee</b> ”, substitute “ <b>Professional Conduct Board</b> ”.
94	Omit the heading, substitute the following heading: <b>Receiver’s powers</b>

*[Presentation speech made in Assembly on 25 November 1993]*