

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

D. L. WHEELER,
for Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 March, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Legal Practitioners Act, 1898, with respect to the depositing by a solicitor of part of his trust account with The Law Society of New South Wales and with respect to certain other matters.

BE

Legal Practitioners (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Legal Practitioners (Amendment) Act, 1977".

Short title.

2. The Legal Practitioners Act, 1898, is amended—

Amendment of Act No. 22, 1898.

(a) by omitting from section 42 (6) the words "seven days' notice of the date on" and by inserting instead the words "not less than 7 days' notice of the date on or after";

Sec. 42. (Keeping of accounts.)

(b) (i) by omitting from section 42A (3A) the words ", or such lesser fraction as may be prescribed by regulations made by the Governor under section 87";

Sec. 42A. (Solicitors to deposit part of trust account with Society.)

(ii) by inserting after section 42A (3A) the following subsection:—

(3AA) Notwithstanding anything in subsection (3) or (3A)—

(a) the prescribed part of an amount, as referred to in subsection (1) (a), shall, in any case where the commencing date, as so referred to, is 1st April, 1977, or 1st April in any subsequent year; or

(b)

Legal Practitioners (Amendment).

- 5 (b) the prescribed part of the aggregate of amounts, as referred to in subsection (1) (b), shall, in any case where a period of 12 months, as so referred to, during which a sum is required to be kept deposited with the Society, ends on 31st March, 1978, or on 31st March in any subsequent year,
- 10 be two-thirds of that amount or aggregate, or such lesser or greater fraction as may be prescribed in regulations made under section 87.
- (c) by inserting after section 65G (2) the following subsection :—
- 15 (2A) An application under subsection (2) may be made in any case in the name of the receiver or, in the case of property in the possession, at the disposition or under the control of a person other than the solicitor, in the name of the solicitor.
- 20 (d) by inserting after section 65GA (8) the following subsection :—
- 25 (9) Proceedings under subsection (1), (6) or (7) for the recovery of an amount or the value of property may be taken in the name of the receiver or in the name of any person or persons who would, if the receiver had not been appointed, have been entitled to take those proceedings.
- 30 (e) (i) by inserting in section 65I (2) after the words “receiver may” the words “, either in his own name or in the name of the solicitor or firm of solicitors of which the solicitor is or was a partner”;

Sec. 65G.
(Receiver may take possession of property.)

Sec. 65GA.
(Further powers of receiver.)

Sec. 65I.
(Power of receiver to deal with property.)

(ii)

Legal Practitioners (Amendment).

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- (ii) by omitting from section 65i (2) (a) the words "in connection with" and by inserting instead the words "or firm in connection with, or take proceedings for the recovery of any damages recoverable by the solicitor or firm for any tort committed with respect to,".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]

No. , 1977.

A BILL

To amend the Legal Practitioners Act, 1898, with respect to the depositing by a solicitor of part of his trust account with The Law Society of New South Wales and with respect to certain other matters.

[MR F. J. WALKER—16 March, 1977.]

BE

Legal Practitioners (Amendment).

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Legal Practitioners Short
(Amendment) Act, 1977". title.

2. The Legal Practitioners Act, 1898, is amended—

10 (a) by omitting from section 42 (6) the words "seven days' notice of the date on" and by inserting instead the words "not less than 7 days' notice of the date on or after";

Amend-
ment of
Act No.
22, 1898.

Sec. 42.
(Keeping of
accounts.)

15 (b) (i) by omitting from section 42A (3A) the words
", or such lesser fraction as may be prescribed
by regulations made by the Governor under
section 87";

Sec. 42A.
(Solicitors
to deposit
part of
trust
account
with
Society.)

(ii) by inserting after section 42A (3A) the following subsection:—

20 (3AA) Notwithstanding anything in sub-
section (3) or (3A)—

25 (a) the prescribed part of an amount, as referred to in subsection (1) (a), shall, in any case where the commencing date, as so referred to, is 1st April, 1977, or 1st April in any subsequent year; or

(b)

Legal Practitioners (Amendment).

5 (b) the prescribed part of the aggregate of amounts, as referred to in subsection (1) (b), shall, in any case where a period of 12 months, as so referred to, during which a sum is required to be kept deposited with the Society, ends on 31st March, 1978, or on 31st March in any subsequent year,

10 be two-thirds of that amount or aggregate, or such lesser or greater fraction as may be prescribed in regulations made under section 87.

(c) by inserting after section 65G (2) the following subsection :—

15 (2A) An application under subsection (2) may be made in any case in the name of the receiver or, in the case of property in the possession, at the disposition or under the control of a person other than the solicitor, in the name of the solicitor.

20 (d) by inserting after section 65GA (8) the following subsection :—

25 (9) Proceedings under subsection (1), (6) or (7) for the recovery of an amount or the value of property may be taken in the name of the receiver or in the name of any person or persons who would, if the receiver had not been appointed, have been entitled to take those proceedings.

30 (e) (i) by inserting in section 65I (2) after the words "receiver may" the words "either in his own name or in the name of the solicitor or firm of solicitors of which the solicitor is or was a partner";

(ii)

Legal Practitioners (Amendment).

- (ii) by omitting from section 65i (2) (a) the words "in connection with" and by inserting instead the words "or firm in connection with, or take proceedings for the recovery of any damages recoverable by the solicitor or firm for any tort committed with respect to,".

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]

LEGAL PRACTITIONERS (AMENDMENT) BILL, 1977

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to amend section 42 of the Legal Practitioners Act, 1898, so as to require an inspector who has been appointed by the council of The Law Society of New South Wales to examine a solicitor's accounts to give not less than 7 days' notice of the date on or after which he proposes to commence an examination of the solicitor's accounts instead of 7 days' notice of the date on which he proposes to commence such an examination as at present;
 - (b) to amend section 42A of that Act, which requires a solicitor to deposit part of the money in his trust account with the Society, by altering the proportion of the amount or aggregate of the amounts required under that section to be deposited or kept deposited with the Society from one-half, or such lesser fraction as may be prescribed by regulations made under section 87 of that Act, to two-thirds, or such lesser or greater fraction as may be so prescribed;
 - (c) to amend section 65G of that Act, which empowers a receiver appointed under Division 2 of Part VIII of that Act to take possession of property in respect of which he has been appointed receiver, to apply, either in his own name, where appropriate, in the name of the solicitor concerned, to the Supreme Court for an order for the transfer or delivery to him of that property;
 - (d) to amend section 65GA of that Act, which confers further powers on a receiver, so as to enable a receiver to take proceedings referred to in subsection (1), (6) or (7) of that section in his own name or in the name of any person who would, if he had not been appointed as receiver, have been entitled to take those proceedings; and
 - (e) to amend section 65I of that Act, which sets out the powers of a receiver to deal with property in respect of which he is appointed, so as to enable a receiver to take proceedings, in his own name or in the name of the solicitor or firm of solicitors concerned, for the recovery of any damages recoverable by that solicitor or firm for any tort committed in respect of that property.
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LEGAL PRACTITIONERS (AMENDMENT) BILL, 1977

EXPLANATORY NOTE

This Bill amends the Legal Practitioners Act, 1962, to provide for the regulation of legal practitioners in the State of Karnataka.

The Bill contains the following provisions:—
(a) to provide for the regulation of legal practitioners in the State of Karnataka;
(b) to provide for the establishment of a State Bar Council for Karnataka;
(c) to provide for the election of members of the State Bar Council;
(d) to provide for the powers and functions of the State Bar Council;
(e) to provide for the regulation of legal practitioners in the State of Karnataka.

The Bill also provides for the regulation of legal practitioners in the State of Karnataka. The Bill contains the following provisions:—
(a) to provide for the regulation of legal practitioners in the State of Karnataka;
(b) to provide for the establishment of a State Bar Council for Karnataka;
(c) to provide for the election of members of the State Bar Council;
(d) to provide for the powers and functions of the State Bar Council;
(e) to provide for the regulation of legal practitioners in the State of Karnataka.

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(c) to provide for the election of members of the State Bar Council;
(d) to provide for the powers and functions of the State Bar Council;
(e) to provide for the regulation of legal practitioners in the State of Karnataka.

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(c) to provide for the election of members of the State Bar Council;
(d) to provide for the powers and functions of the State Bar Council;
(e) to provide for the regulation of legal practitioners in the State of Karnataka.

The Bill also provides for the regulation of legal practitioners in the State of Karnataka. The Bill contains the following provisions:—
(a) to provide for the regulation of legal practitioners in the State of Karnataka;
(b) to provide for the establishment of a State Bar Council for Karnataka;
(c) to provide for the election of members of the State Bar Council;
(d) to provide for the powers and functions of the State Bar Council;
(e) to provide for the regulation of legal practitioners in the State of Karnataka.

PROOF

No. , 1977.

A BILL

To amend the Legal Practitioners Act, 1898, with respect to the depositing by a solicitor of part of his trust account with The Law Society of New South Wales and with respect to certain other matters.

[MR F. J. WALKER—16 March, 1977.]

BE

Legal Practitioners (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Legal Practitioners (Amendment) Act, 1977". Short title.

2. The Legal Practitioners Act, 1898, is amended—

10 (a) by omitting from section 42 (6) the words "seven days' notice of the date on" and by inserting instead the words "not less than 7 days' notice of the date on or after"; Amendment of Act No. 22, 1898. Sec. 42. (Keeping of accounts.)

15 (b) (i) by omitting from section 42A (3A) the words "or such lesser fraction as may be prescribed by regulations made by the Governor under section 87"; Sec. 42A. (Solicitors to deposit part of trust account with Society.)

(ii) by inserting after section 42A (3A) the following subsection:—

20 (3AA) Notwithstanding anything in subsection (3) or (3A)—

25 (a) the prescribed part of an amount, as referred to in subsection (1) (a), shall, in any case where the commencing date, as so referred to, is 1st April, 1977, or 1st April in any subsequent year; or

(b)

Legal Practitioners (Amendment).

- 5 (b) the prescribed part of the aggregate of amounts, as referred to in subsection (1) (b), shall, in any case where a period of 12 months, as so referred to, during which a sum is required to be kept deposited with the Society, ends on 31st March, 1978, or on 31st March in any subsequent year,
- 10 be two-thirds of that amount or aggregate, or such lesser or greater fraction as may be prescribed in regulations made under section 87.
- 15 (c) by inserting after section 65G (2) the following subsection :—
(2A) An application under subsection (2) may be made in any case in the name of the receiver or, in the case of property in the possession, at the disposition or under the control of a person other than the solicitor, in the name of the solicitor.
- 20 (d) by inserting after section 65GA (8) the following subsection :—
(9) Proceedings under subsection (1), (6) or (7) for the recovery of an amount or the value of property may be taken in the name of the receiver or in the name of any person or persons who would, if the receiver had not been appointed, have been entitled to take those proceedings.
- 25 (e) (i) by inserting in section 65I (2) after the words “receiver may” the words “, either in his own name or in the name of the solicitor or firm of solicitors of which the solicitor is or was a partner”;

Sec. 65G.
(Receiver may take possession of property.)

Sec. 65GA.
(Further powers of receiver.)

Sec. 65I.
(Power of receiver to deal with property.)

(ii)

Legal Practitioners (Amendment).

5 (ii) by omitting from section 65I (2) (a) the words "in connection with" and by inserting instead the words "or firm in connection with, or take proceedings for the recovery of any damages recoverable by the solicitor or firm for any tort committed with respect to,".

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(c) by inserting after section 65C (2) the following subsection:—
(2A) An application under subsection (2) may be made in any case in the name of the receiver or in the case of property in the possession of the disposition or under the control of a person other than the solicitor, in the name of the solicitor.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

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(d) by inserting after section 65C (2) the following subsection:—
(3) Proceedings under subsection (1), (6) or (7) for the recovery of an amount or the value of property may be taken in the name of the receiver or in the name of any person or persons who would, if the receiver had not been appointed, have been entitled to take those proceedings.

(e) (i) by inserting in section 65I (2) after the words "receiver may" the words "either in his own name or in the name of the solicitor or firm of solicitors of which the solicitor is or was a partner";

(ii)

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 24, 1977.

An Act to amend the Legal Practitioners Act, 1898, with respect to the depositing by a solicitor of part of his trust account with The Law Society of New South Wales and with respect to certain other matters. [Assented to, 12th April, 1977.]

BE

Legal Practitioners (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short
title.

1. This Act may be cited as the "Legal Practitioners (Amendment) Act, 1977".

Amend-
ment of
Act No.
22, 1898.
Sec. 42.
(Keeping of
accounts.)

2. The Legal Practitioners Act, 1898, is amended—

(a) by omitting from section 42 (6) the words "seven days' notice of the date on" and by inserting instead the words "not less than 7 days' notice of the date on or after";

Sec. 42A.
(Solicitors
to deposit
part of
trust
account
with
Society.)

(b) (i) by omitting from section 42A (3A) the words "or such lesser fraction as may be prescribed by regulations made by the Governor under section 87";

(ii) by inserting after section 42A (3A) the following subsection:—

(3AA) Notwithstanding anything in subsection (3) or (3A)—

(a) the prescribed part of an amount, as referred to in subsection (1) (a), shall, in any case where the commencing date, as so referred to, is 1st April, 1977, or 1st April in any subsequent year; or

(b)

Legal Practitioners (Amendment).

(b) the prescribed part of the aggregate of amounts, as referred to in subsection (1) (b), shall, in any case where a period of 12 months, as so referred to, during which a sum is required to be kept deposited with the Society, ends on 31st March, 1978, or on 31st March in any subsequent year,

be two-thirds of that amount or aggregate, or such lesser or greater fraction as may be prescribed in regulations made under section 87.

(c) by inserting after section 65G (2) the following subsection :—

(2A) An application under subsection (2) may be made in any case in the name of the receiver or, in the case of property in the possession, at the disposition or under the control of a person other than the solicitor, in the name of the solicitor.

(d) by inserting after section 65GA (8) the following subsection :—

(9) Proceedings under subsection (1), (6) or (7) for the recovery of an amount or the value of property may be taken in the name of the receiver or in the name of any person or persons who would, if the receiver had not been appointed, have been entitled to take those proceedings.

(e) (i) by inserting in section 65I (2) after the words “receiver may” the words “, either in his own name or in the name of the solicitor or firm of solicitors of which the solicitor is or was a partner”;

(ii)

Legal Practitioners (Amendment).

- (ii) by omitting from section 651 (2) (a) the words "in connection with" and by inserting instead the words "or firm in connection with, or take proceedings for the recovery of any damages recoverable by the solicitor or firm for any tort committed with respect to,".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 March, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 24, 1977.

An Act to amend the Legal Practitioners Act, 1898, with respect to the depositing by a solicitor of part of his trust account with The Law Society of New South Wales and with respect to certain other matters. [Assented to, 12th April, 1977.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Legal Practitioners (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short
title.

1. This Act may be cited as the "Legal Practitioners (Amendment) Act, 1977".

Amend-
ment of
Act No.
22, 1898.
Sec. 42.
(Keeping of
accounts.)

2. The Legal Practitioners Act, 1898, is amended—

(a) by omitting from section 42 (6) the words "seven days' notice of the date on" and by inserting instead the words "not less than 7 days' notice of the date on or after";

Sec. 42A.
(Solicitors
to deposit
part of
trust
account
with
Society.)

(b) (i) by omitting from section 42A (3A) the words " , or such lesser fraction as may be prescribed by regulations made by the Governor under section 87";

(ii) by inserting after section 42A (3A) the following subsection :—

(3AA) Notwithstanding anything in subsection (3) or (3A)—

(a) the prescribed part of an amount, as referred to in subsection (1) (a), shall, in any case where the commencing date, as so referred to, is 1st April, 1977, or 1st April in any subsequent year; or

(b)

Legal Practitioners (Amendment).

(b) the prescribed part of the aggregate of amounts, as referred to in subsection (1) (b), shall, in any case where a period of 12 months, as so referred to, during which a sum is required to be kept deposited with the Society, ends on 31st March, 1978, or on 31st March in any subsequent year,

be two-thirds of that amount or aggregate, or such lesser or greater fraction as may be prescribed in regulations made under section 87.

(c) by inserting after section 65G (2) the following subsection :—

Sec. 65G.
(Receiver may take possession of property.)

(2A) An application under subsection (2) may be made in any case in the name of the receiver or, in the case of property in the possession, at the disposition or under the control of a person other than the solicitor, in the name of the solicitor.

(d) by inserting after section 65GA (8) the following subsection :—

Sec. 65GA.
(Further powers of receiver.)

(9) Proceedings under subsection (1), (6) or (7) for the recovery of an amount or the value of property may be taken in the name of the receiver or in the name of any person or persons who would, if the receiver had not been appointed, have been entitled to take those proceedings.

(e) (i) by inserting in section 65I (2) after the words "receiver may" the words " , either in his own name or in the name of the solicitor or firm of solicitors of which the solicitor is or was a partner";

Sec. 65I.
(Power of receiver to deal with property.)

(ii)

Legal Practitioners (Amendment).

- (ii) by omitting from section 65i (2) (a) the words "in connection with" and by inserting instead the words "or firm in connection with, or take proceedings for the recovery of any damages recoverable by the solicitor or firm for any tort committed with respect to,".

In the name and on behalf of Her Majesty I assent to this Act.

L. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 12th April, 1977.*