

## **LEGAL PRACTITIONERS (LAW FOUNDATION) AMENDMENT BILL, 1979**

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### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Law Foundation Bill, 1979.

The objects of this Bill are—

- (a) to amend section 44A (2) of the Legal Practitioners Act, 1898 ("the Principal Act"), to enable allocations to be made from the Statutory Interest Account for the promotion and furtherance of legal education in New South Wales (including legal education provided at the College of Law) and the payment of costs, charges and expenses associated with the provision of any such education (including the repayment of capital and interest charges in respect of loans used for the provision of buildings and equipment used for the provision of any such education);
- (b) to provide for a minimum annual allocation of 10 per cent of the Statutory Interest Account to be paid to the Law Foundation of New South Wales, as constituted by the proposed Law Foundation Act, 1979; and
- (c) to repeal sections 44B and 44C of the Principal Act which presently provide for the constitution and operation of the existing Law Foundation.

The Bill contains other provisions of a minor or ancillary nature.

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**LEGAL PRACTITIONERS (LAW FOUNDATION)  
AMENDMENT BILL, 1979**

No. , 1979.

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**A BILL FOR**

An Act to amend the Legal Practitioners Act, 1898, consequentially upon the enactment of the Law Foundation Act, 1979.

[MR F. J. WALKER—21 *March*, 1979.]

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*Legal Practitioners (Law Foundation) 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 :—

**5** 1. This Act may be cited as the "Legal Practitioners (Law Short title. Foundation) Amendment Act, 1979".

2. (1) This section and section 1 shall commence on the Commence-  
date of assent to this Act. ment.

10 (2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Law Foundation Act, 1979.

3. The Legal Practitioners Act, 1898, is amended in the Amendment  
manner set forth in Schedule 1. of Act No.  
22, 1898.

SCHEDULE 1.

Sec. 3.

15 AMENDMENTS TO THE LEGAL PRACTITIONERS ACT, 1898.

(1) Section 1 (1)—

From the matter relating to Part VIIA, omit "*and Law Foundation—ss. 44A–44C*", insert instead "*—s. 44A*".

(2) Part VIIA, heading—

20 Omit "*and Law Foundation*".

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*Legal Practitioners (Law Foundation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE LEGAL PRACTITIONERS ACT, 1898—  
*continued.*

(3) (a) Section 44A (2)—

- 5           Omit “The”, insert instead “Subject to subsections  
(3) and (4), the”.

(b) Section 44A (2) (c)—

Omit the paragraph, insert instead :—

- 10           (c) the promotion and furtherance of legal  
education in New South Wales (including  
legal education provided at the College of  
Law established by the Society and the  
15 further legal education of persons who have  
qualifications relating to the practice of law)  
and the payment of costs, charges and  
expenses associated with the provision of any  
such education (including the repayment of  
20 capital and interest charges in respect of  
loans used for the provision of buildings and  
equipment used for the provision of any such  
education);

(c) Section 44A (3), (4)—

After section 44A (2), insert :—

- 25           (3) As soon as practicable but not later  
than 1 month—

- (a) after the day appointed and notified under  
section 2 (2) of the Law Foundation Act,  
1979, the Society shall pay to the Law  
Foundation of New South Wales out of the  
30 Statutory Interest Account 10 per cent of

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*Legal Practitioners (Law Foundation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE LEGAL PRACTITIONERS ACT, 1898—  
*continued.*

5                   the amount, if any, that on that day is  
standing to the credit of the Statutory  
Interest Account; or

10                   (b) after the payment into the Statutory  
Interest Account of the amount of any  
interest referred to in subsection (1), the  
Society shall pay to the Law Foundation  
of New South Wales out of the Statutory  
Interest Account 10 per cent of that  
amount.

15                   (4) In addition to any amounts payable to the  
Law Foundation of New South Wales under sub-  
section (3), the Society shall pay to the Foundation  
out of the Statutory Interest Account such amounts  
at such times as may from time to time be directed  
by the Attorney-General.

20 (4) Sections 44B, 44C—

Omit the sections.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979





*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.*

*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, March, 1979.*

## **New South Wales**



ANNO VICESIMO OCTAVO

**ELIZABETHÆ II REGINÆ**

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**Act No.       , 1979.**

An Act to amend the Legal Practitioners Act, 1898, consequentially upon the enactment of the Law Foundation Act, 1979.

**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 :—

- 3.** The Legal Practitioners Act, 1898, is amended in the manner set forth in Schedule 1.

**Sec. 3.**

20 Omit "*and Law Foundation*".

*Legal Practitioners (Law Foundation) Amendment.*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LEGAL PRACTITIONERS ACT, 1898—  
*continued.*

(3) (a) Section 44A (2)—

- 5                   Omit “The”, insert instead “Subject to subsections (3) and (4), the”.

(b) Section 44A (2) (c), (c1)—

Omit the paragraph, insert instead :—

- 10                   (c) the promotion and furtherance of legal education in New South Wales;

- (c1) the promotion and furtherance of the objects of the Law Foundation of New South Wales;

(c) Section 44A (3)–(5)—

After section 44A (2), insert :—

- 15                   (3) As soon as practicable but not later than 1 month after the day appointed and notified under section 2 (2) of the Law Foundation Act, 1979, the Society shall pay to the Law Foundation of New South Wales out of the Statutory Interest Account
- 20                   10 per cent of the amount, if any, that on that day is standing to the credit of the Statutory Interest Account.

- 25                   (4) As soon as practicable but not later than 2 months after 30th June and 31st December in each year, the Society shall pay to the Law Foundation of New South Wales out of the Statutory Interest Account 10 per cent of the amount of any interest referred to in subsection (1) that was paid into that account during the period of 6 months next preceding
- 30                   30th June or 31st December, as the case may be, in that year.

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*Legal Practitioners (Law Foundation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE LEGAL PRACTITIONERS ACT, 1898—  
*continued.*

- 5 (5) The reference in subsection (4) to the period of 6 months next preceding 30th June, 1979, is a reference to the period commencing on the day appointed and notified under section 2 (2) of the Law Foundation Act, 1979, and ending on 30th June, 1979.

10 (4) Sections 44B, 44C—

Omit the sections.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

**LEGAL PRACTITIONERS (LAW FOUNDATION)  
AMENDMENT ACT, 1979, No. 33**

**New South Wales**



**ANNO VICESIMO OCTAVO**

**ELIZABETHÆ II REGINÆ**

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**Act No. 33, 1979.**

An Act to amend the Legal Practitioners Act, 1898, consequentially upon the enactment of the Law Foundation Act, 1979. [Assented to, 27th April, 1979.]

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*Legal Practitioners (Law Foundation) Amendment.*

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**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 (Law Foundation) Amendment Act, 1979".

Commence-      **2.** (1) This section and section 1 shall commence on the  
ment.            date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Law Foundation Act, 1979.

Amendment      **3.** The Legal Practitioners Act, 1898, is amended in the  
of Act No.      manner set forth in Schedule 1.  
22, 1898.

Sec. 3.

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**SCHEDULE 1.****AMENDMENTS TO THE LEGAL PRACTITIONERS ACT, 1898.**

(1) Section 1 (1)—

From the matter relating to Part VIIA, omit "*and Law Foundation—ss. 44A–44C*", insert instead "*—s. 44A*".

(2) Part VIIA, heading—

Omit "*and Law Foundation*".

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*Legal Practitioners (Law Foundation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE LEGAL PRACTITIONERS ACT, 1898—  
*continued.*

(3) (a) Section 44A (2)—

Omit "The", insert instead "Subject to subsections (3) and (4), the".

(b) Section 44A (2) (c), (c1)—

Omit section 44A (2) (c), insert instead :—

(c) the promotion and furtherance of legal education in New South Wales;

(c1) the promotion and furtherance of the objects of the Law Foundation of New South Wales;

(c) Section 44A (3)–(5)—

After section 44A (2), insert :—

(3) As soon as practicable but not later than 1 month after the day appointed and notified under section 2 (2) of the Law Foundation Act, 1979, the Society shall pay to the Law Foundation of New South Wales out of the Statutory Interest Account 10 per cent of the amount, if any, that on that day is standing to the credit of the Statutory Interest Account.

(4) As soon as practicable but not later than 2 months after 30th June and 31st December in each year, the Society shall pay to the Law Foundation of New South Wales out of the Statutory Interest Account 10 per cent of the amount of any interest referred to in subsection (1) that was paid into that account during the period of 6 months next preceding 30th June or 31st December, as the case may be, in that year.

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*Legal Practitioners (Law Foundation) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE LEGAL PRACTITIONERS ACT, 1898—  
*continued.*

(5) The reference in subsection (4) to the period of 6 months next preceding 30th June, 1979, is a reference to the period commencing on the day appointed and notified under section 2 (2) of the Law Foundation Act, 1979, and ending on 30th June, 1979.

## (4) Sections 44B, 44C—

Omit the sections.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 27th April, 1979.*

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979