

FIRST PRINT

**MISCELLANEOUS ACTS (LEGAL PROFESSION)
AMENDMENT BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend certain enactments as a consequence of the enactment of the proposed Legal Profession Act 1987.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on the day appointed and notified under section 2 (2) of the proposed Legal Profession Act 1987.

Clause 3 gives effect to the Schedule of amendments.

Schedule 1 consists of a Schedule of amendments.



**MISCELLANEOUS ACTS (LEGAL PROFESSION)
AMENDMENT BILL 1987**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendments

SCHEDULE 1—AMENDMENTS



**MISCELLANEOUS ACTS (LEGAL PROFESSION)
AMENDMENT BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend certain enactments as a consequence of the enactment of the Legal Profession Act 1987.

Miscellaneous Acts (Legal Profession) Amendment 1987

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 Short title

1. This Act may be cited as the "Miscellaneous Acts (Legal Profession) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsections (1) and (3), this Act shall commence on the day appointed and notified under section 2 (2) of the Legal Profession Act 1987.

(3) The provisions of Schedule 2 relating to the Legal Profession Act 1987
15 shall commence—

(a) on the day appointed and notified under section 2 (2) of the Legal Profession Act 1987; or

(b) on the day appointed and notified under section 2 (2) of the Interpretation Act 1987,

20 whichever is the later.

Amendments

3. Each Act specified in Schedule 1 is amended in the manner set forth in that Schedule.

Miscellaneous Acts (Legal Profession) Amendment 1987

SCHEDULE 1

(Sec. 3)

AMENDMENTS

Defamation Act 1974 No. 18—

5 (1) Section 17J—

After section 17I, insert:

Matters arising under the Legal Profession Act 1987

17J. (1) There is a defence of absolute privilege—

(a) for a publication to or by—

10

(i) the Bar Council;

(ii) the Law Society Council;

(iii) the Professional Conduct Review Panel;

(iv) the Professional Standards Board;

(v) the Disciplinary Tribunal; or

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(vi) a member of any of those bodies as such a member,

for the purpose of the making or referral of a complaint, or the investigation, hearing or review of a complaint, under Part 10 of the Legal Profession Act 1987; and

20

(b) for the publication by a body referred to in paragraph (a) of a report of its decision or determination in respect of a complaint, and of the reasons for that decision or determination, under Part 10 of the Legal Profession Act 1987.

(2) In this section—

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(a) a reference to the Bar Council or the Law Society Council includes a reference to a committee of either of those Councils; and

(b) a reference to a member of the Bar Council or the Law Society Council includes a reference to a member of any such committee.

(2) (a) Schedule 2, clause 2 (16)—

After clause 2 (15), insert:

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(16) without limiting the operation of any other subclause, proceedings of—

(a) the Bar Council;

(b) the Law Society Council;

(c) the Professional Conduct Review Panel;

(d) the Professional Standards Board; or

Miscellaneous Acts (Legal Profession) Amendment 1987

SCHEDULE 1—*continued*
AMENDMENTS—*continued*

(e) the Disciplinary Tribunal,
under Part 10 of the Legal Profession Act 1987.

(b) Schedule 2, clause 3 (5)—

After clause 3 (4), insert:

- 5 (5) a document that consists of a report made by—
- (a) the Bar Council;
 - (b) the Law Society Council;
 - (c) the Professional Conduct Review Panel;
 - (d) the Professional Standards Board; or
 - 10 (e) the Disciplinary Tribunal,
- of its decision or determination in respect of a complaint, and of the reasons for that decision or determination, under Part 10 of the Legal Profession Act 1987.

District Court Act 1973 No. 9—

15 Section 161 (3)—

Omit “section 20J (2) of the Legal Practitioners Act, 1898,” insert instead “section 180 of the Legal Profession Act 1987”.

Insurance Act 1902 No. 49—

Section 21 (2) (c)—

20 Omit “section 70A of the Legal Practitioners Act, 1898,” insert instead “section 41 of the Legal Profession Act 1987”.

Law Foundation Act 1979 No. 32—

Section 3, definition of “Statutory Interest Account”—

25 Omit “referred to in section 44A (1) of the Legal Practitioners Act, 1898”, insert instead “maintained under Part 6 of the Legal Profession Act 1987”.

Legal Aid Commission Act 1979 No. 78—

(1) Section 4 (1), definition of “practising certificate”—

Omit “section 70 of the Legal Practitioners Act, 1898”, insert instead “Part 3 of the Legal Profession Act 1987”.

Miscellaneous Acts (Legal Profession) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS—*continued*

(2) Section 17 (2)—

Omit “Section 70 (3) of the Legal Practitioners Act, 1898,” insert instead “Section 33 (2) of the Legal Profession Act 1987”.

(3) Section 25 (4) (c)—

5 Omit “Legal Practitioners Act 1898”, insert instead “Legal Profession Act 1987”.

(4) Section 40 (1)—

Omit “the Legal Practitioners Act, 1898,” insert instead “Division 5 of Part 11 of the Legal Profession Act 1987”.

10 (5) Section 63 (1) (a)—

Omit the paragraph, insert instead:

(a) all amounts paid out of the Statutory Interest Account for the purpose referred to in section 67 (3) (a) of the Legal Profession Act 1987;

Legal Profession Act 1987—

15 (1) Section 7 (4)—

Omit the subsection, insert instead:

(4) Part 6 of the Interpretation Act 1987 applies to a rule made under this section in the same way as it applies to a statutory rule within the meaning of that Act.

20 (2) Section 14 (4)—

Omit the subsection, insert instead:

(4) Part 6 of the Interpretation Act 1987 applies to a rule made under this section in the same way as it applies to a statutory rule within the meaning of that Act.

25 (3) Sections 169 (2), 170 (2)—

Omit the subsections, insert instead:

(2) Part 6 of the Interpretation Act 1987 applies to a rule made under this section in the same way as it applies to a statutory rule within the meaning of that Act.

30 **Local Courts (Civil Claims) Act 1970 No. 11—**

Section 37 (2)—

Omit “section 20J (2) of the Legal Practitioners Act, 1898,” insert instead “section 180 of the Legal Profession Act 1987”.

Miscellaneous Acts (Legal Profession) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS—*continued*

Oaths Act 1900 No. 20—

(1) Section 27 (1)—

Omit “pursuant to section 66 of the Legal Practitioners Act, 1898,” insert instead “under Part 3 of the Legal Profession Act 1987”.

5 (2) Section 27 (3)—

Omit “pursuant to section 66 of the Legal Practitioners Act, 1898,” insert instead “under Part 3 of the Legal Profession Act 1987”.

Public Accountants Registration Act 1945 No. 18—

Section 28 (1) (b) (i)—

10 Omit “Legal Practitioners Act, 1898–1936”, insert instead “Legal Profession Act 1987”.

Public Finance and Audit Act 1983 No. 152—

(1) Schedule 2—

15 Omit “Barristers Admission Board formed under section 4 of the Legal Practitioners Act, 1898.”, insert instead “Barristers Admission Board constituted by the Legal Profession Act 1987”.

(2) Schedule 2—

20 Omit “Solicitors Admission Board formed under section 12A of the Legal Practitioners Act, 1898.”, insert instead “Solicitors Admission Board constituted by the Legal Profession Act 1987”.

Public Notaries Act 1985 No. 6—

(1) Section 9 (2) (b)—

Omit “the Legal Practitioners Act, 1898”, insert instead “Part 3 of the Legal Profession Act 1987”.

25 (2)(a) Section 13 (1), definition of “Board”—

Omit “Part IVA of the Legal Practitioners Act, 1898”, insert instead “Division 2 of Part 11 of the Legal Profession Act 1987”.

(b) Section 13 (6)—

Omit the subsection, insert instead:

30 (6) Sections 183–190 of the Legal Profession Act 1987 apply to and in respect of a determination under this section in the same way as they apply to and in respect of a determination under Division 3 of Part 11 of the Legal Profession Act 1987.

Miscellaneous Acts (Legal Profession) Amendment 1987

SCHEDULE 1—*continued*
AMENDMENTS—*continued*

Supreme Court Act 1970 No. 52—

(1) Section 48 (1) (a), paragraph (viii) of the definition of “specified tribunal”—

Omit the subparagraph, insert instead:

5 (viii) the Disciplinary Tribunal constituted under Part 10 of the Legal Profession Act 1987.

(2) Section 124 (1) (ka)—

Omit “section 20J (2) of the Legal Practitioners Act, 1898,” insert instead “section 180 of the Legal Profession Act 1987”.



**MISCELLANEOUS ACTS (LEGAL PROFESSION)
AMENDMENT ACT 1987 No. 111**

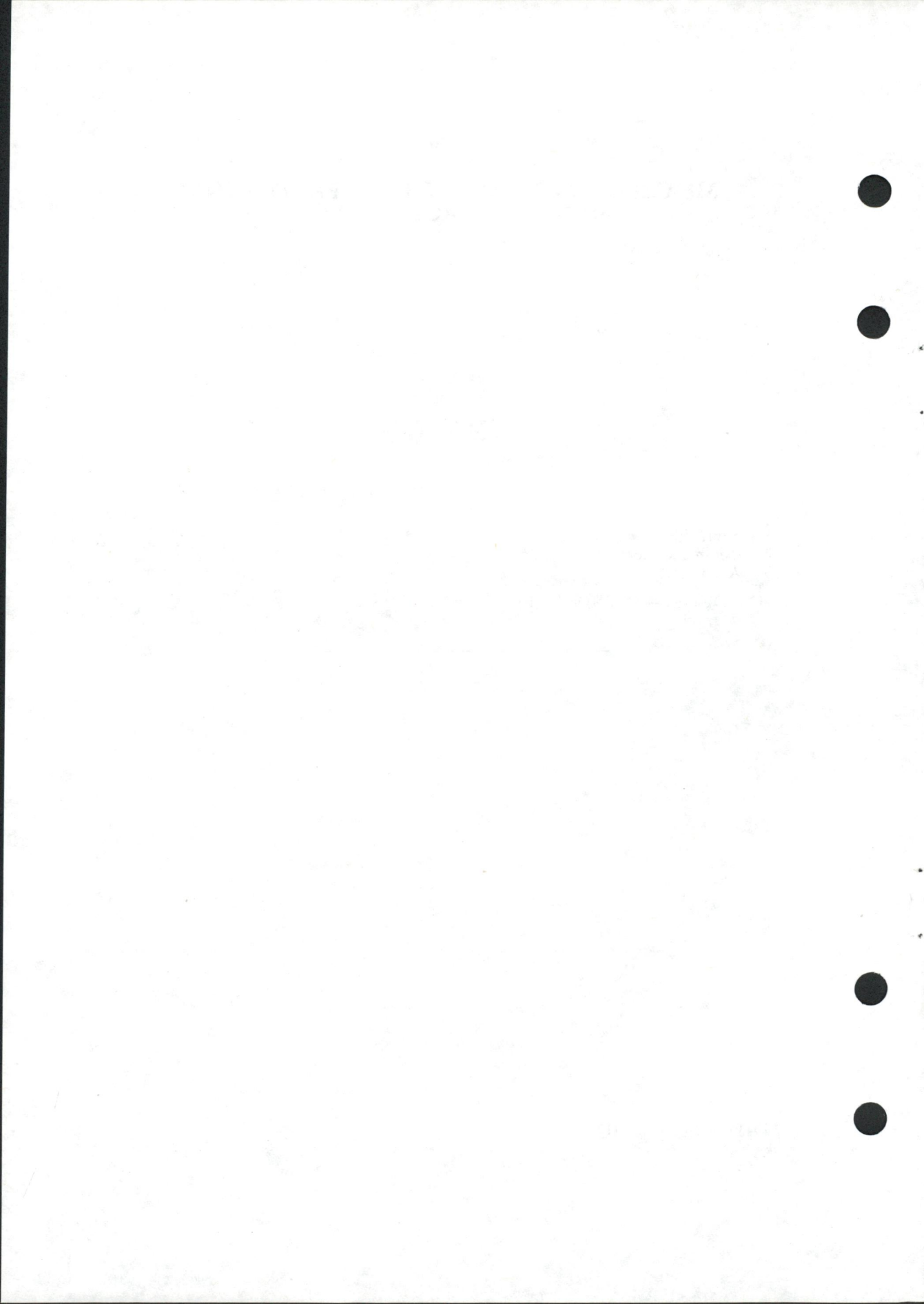
NEW SOUTH WALES



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1. Short title
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SCHEDULE 1—AMENDMENTS



**MISCELLANEOUS ACTS (LEGAL PROFESSION) AMENDMENT
ACT 1987 No. 111**

NEW SOUTH WALES



Act No. 111, 1987

An Act to amend certain enactments as a consequence of the enactment of the Legal Profession Act 1987. [Assented to 12 June 1987]

Miscellaneous Acts (Legal Profession) Amendment 1987

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 "Miscellaneous Acts (Legal Profession) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsections (1) and (3), this Act shall commence on the day appointed and notified under section 2 (2) of the Legal Profession Act 1987.

(3) The provisions of Schedule 2 relating to the Legal Profession Act 1987 shall commence—

(a) on the day appointed and notified under section 2 (2) of the Legal Profession Act 1987; or

(b) on the day appointed and notified under section 2 (2) of the Interpretation Act 1987,

whichever is the later.

Amendments

3. Each Act specified in Schedule 1 is amended in the manner set forth in that Schedule.

Miscellaneous Acts (Legal Profession) Amendment 1987

SCHEDULE 1

(Sec. 3)

AMENDMENTS

Defamation Act 1974 No. 18—

(1) Section 17J—

After section 17i, insert:

Matters arising under the Legal Profession Act 1987

17J. (1) There is a defence of absolute privilege—

(a) for a publication to or by—

- (i) the Bar Council;
- (ii) the Law Society Council;
- (iii) the Professional Conduct Review Panel;
- (iv) the Professional Standards Board;
- (v) the Disciplinary Tribunal; or
- (vi) a member of any of those bodies as such a member,

for the purpose of the making or referral of a complaint, or the investigation, hearing or review of a complaint, under Part 10 of the Legal Profession Act 1987; and

(b) for the publication by a body referred to in paragraph (a) of a report of its decision or determination in respect of a complaint, and of the reasons for that decision or determination, under Part 10 of the Legal Profession Act 1987.

(2) In this section—

- (a) a reference to the Bar Council or the Law Society Council includes a reference to a committee of either of those Councils; and
- (b) a reference to a member of the Bar Council or the Law Society Council includes a reference to a member of any such committee.

(2) (a) Schedule 2, clause 2 (16)—

After clause 2 (15), insert:

(16) without limiting the operation of any other subclause, proceedings of—

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Miscellaneous Acts (Legal Profession) Amendment 1987

SCHEDULE 1—*continued*
AMENDMENTS—*continued*

(e) the Disciplinary Tribunal,
under Part 10 of the Legal Profession Act 1987.

(b) Schedule 2, clause 3 (5)—

After clause 3 (4), insert:

(5) a document that consists of a report made by—

- (a) the Bar Council;
- (b) the Law Society Council;
- (c) the Professional Conduct Review Panel;
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of its decision or determination in respect of a complaint, and of the reasons for that decision or determination, under Part 10 of the Legal Profession Act 1987.

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Section 161 (3)—

Omit “section 20j (2) of the Legal Practitioners Act, 1898,” insert instead “section 180 of the Legal Profession Act 1987”.

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Legal Aid Commission Act 1979 No. 78—

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Miscellaneous Acts (Legal Profession) Amendment 1987

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AMENDMENTS—*continued*

(2) Section 17 (2)—

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Omit "Legal Practitioners Act 1898", insert instead "Legal Profession Act 1987".

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(3) Sections 169 (2), 170 (2)—

Omit the subsections, insert instead:

(2) Part 6 of the Interpretation Act 1987 applies to a rule made under this section in the same way as it applies to a statutory rule within the meaning of that Act.

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(1) Section 9 (2) (b)—

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Omit “Part IVA of the Legal Practitioners Act, 1898”, insert instead “Division 2 of Part 11 of the Legal Profession Act 1987”.

(b) Section 13 (6)—

Omit the subsection, insert instead:

(6) Sections 183–190 of the Legal Profession Act 1987 apply to and in respect of a determination under this section in the same way as they apply to and in respect of a determination under Division 3 of Part 11 of the Legal Profession Act 1987.

Miscellaneous Acts (Legal Profession) Amendment 1987

SCHEDULE 1—*continued*
AMENDMENTS—*continued*

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- (1) Section 48 (1) (a), paragraph (viii) of the definition of “specified tribunal”—

Omit the subparagraph, insert instead:

(viii) the Disciplinary Tribunal constituted under Part 10 of the Legal Profession Act 1987.

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