

**LEGAL PRACTITIONERS (FURTHER AMENDMENT)
ACT, 1980, No. 86**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 86, 1980.

An Act to amend section 75 of the Legal Practitioners Act, 1898,
so as to provide for the re-constitution of The Solicitors'
Statutory Committee, and for other purposes. [Assented to,
1st May, 1980.]

Legal Practitioners (Further 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 (Further Short title. Amendment) Act, 1980”.

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

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Legal Practitioners Act, 1898, is referred to in this Act as the Principal Act. Principal
Act.

4. The Principal Act is amended in the manner set forth in Schedule 1. Amendment
of Act No.
22, 1898.

5. (1) In this section—

“Statutory Committee” means The Solicitors’ Statutory Committee;

“the commencement” means the commencement of this section.

Trans-
itional and
savings
provisions.

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(2) A person who, immediately before the commencement, held office as a member of the Statutory Committee shall, on the commencement, be deemed to be appointed under section 75 (3) (a) of the Principal Act, as amended by this Act, as a member of the Statutory Committee constituted under that Act, as so amended, and shall, notwithstanding section 75 (3A) of that Act, as so amended (but otherwise subject to that Act, as so amended), hold office as such a member until the term of his office as a member of the Statutory Committee would, if this Act had not been enacted, have expired.

(3) Any application for the leave of the Statutory Committee under section 40J of the Principal Act or for an order under section 40K of that Act and any charge or question as to the professional misconduct of any solicitor—

- (a) which, before the commencement, had been made or referred to that Committee; and
- (b) the hearing of which had not been commenced by that Committee before the commencement,

shall be deemed to have been made or referred to the Statutory Committee constituted under the Principal Act, as amended by this Act.

(4) Where, immediately before the commencement, any application, charge, question or matter was being heard by the Statutory Committee—

- (a) that application, charge, question or matter may continue to be heard; and
- (b) any leave may be granted and any decision, finding or order may be made by that Committee with respect to the application, charge, question or matter,

as if this Act had not been enacted.

(5) An order—

- (a) made by the Statutory Committee as a consequence of a hearing conducted by that Committee—
 - (i) wholly before; or

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(ii) partly before and partly after,
the commencement; and

(b) that was not, before the commencement, signed by the chairman, or by the member acting as chairman, of that Committee,

may be signed after the commencement by that chairman or member so acting and when so signed shall be deemed to be an order of the Statutory Committee constituted under the Principal Act, as amended by this Act.

(6) Any leave granted or order made by the Statutory Committee before the commencement shall be deemed to be leave granted or an order made by the Statutory Committee constituted under the Principal Act, as amended by this Act.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE SOLICITORS' STATUTORY COMMITTEE.

(1) Section 75 (2)—

Omit "three and not more than seven members who at the time of their appointment shall be members of the Society and shall be practising solicitors of not less than seven years' standing". insert instead "3 and not more than 20 members appointed under subsection (3)".

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION OF THE SOLICITORS' STATUTORY COMMITTEE—*continued.*

(2) Section 75 (3), (3A), (4)—

Omit section 75 (3) and (4), insert instead :—

(3) Of the members of the Statutory Committee—

- (a) not more than 10 shall be members of the Society who are practising solicitors of not less than 7 years' standing appointed by the Chief Justice; and
- (b) not more than 10 shall be persons (other than solicitors) appointed by the Governor.

(3A) Subject to subsections (4), (8) and (9), a member of the Statutory Committee shall hold office for a term of 3 years and, if otherwise qualified, shall be eligible for re-appointment.

(4) Where a casual vacancy in the office of a member of the Statutory Committee occurs—

- (a) a person having the same qualification as that required under subsection (3) with respect to the member who vacated his office may be appointed under that subsection to fill the vacancy; and
- (b) subject to subsections (8) and (9), a person so appointed shall hold office as a member of the Statutory Committee for the balance of the term of office of the member who vacated his office.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION OF THE SOLICITORS' STATUTORY COMMITTEE—*continued.*

(3) Section 75 (6)—

Omit the subsection, insert instead :—

(6) Notwithstanding subsections (2), (7), (8A) and (9), the powers and functions of the Statutory Committee may be exercised and performed only by a committee consisting of not less than 3 members of the Statutory Committee of which committee—

- (a) at least one member is not a solicitor; and
- (b) the number of members who are solicitors exceeds the number of members who are not solicitors.

(4) Section 75 (7)—

Omit “(provided there is a quorum)”.

(5) Section 75 (7A)—

From section 75 (7), omit “No act”, insert instead “(7A) No act”.

(6) (a) Section 75 (8)—

After “Chief Justice” where firstly occurring, insert “or Governor, as the case may require,”.

(b) Section 75 (8)—

Omit “the Chief Justice” where secondly occurring, insert instead “that person”.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION OF THE SOLICITORS' STATUTORY COMMITTEE—*continued.*

(7) (a) Section 75 (9) (c)—

Omit the paragraph.

(b) Section 75 (9) (f), (g)—

Omit section 75 (9) (f), insert instead :—

- (f) where the member was appointed under subsection (3) (a)—if he ceases to be a member of the Society or is removed from office by the Chief Justice; or
 - (g) where the member was appointed under subsection (3) (b)—if he becomes a solicitor or is removed from office by the Governor.
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