

South Australia



**LEGAL PRACTITIONERS (MEMBERSHIP OF BOARD AND  
TRIBUNAL) AMENDMENT ACT 1997**

**No. 13 of 1997**

**SUMMARY OF PROVISIONS**

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4. **Amendment of s. 78—Establishment of Tribunal**
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**ELIZABETHAE II REGINAE**

A.D. 1997

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No. 13 of 1997

An Act to amend the Legal Practitioners Act 1981.

[Assented to 27 March 1997]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Legal Practitioners (Membership of Board and Tribunal) Amendment Act 1997*.

(2) The *Legal Practitioners Act 1981* is referred to in this Act as "the principal Act".

**Commencement**

2. (1) The provisions of this Act (other than sections 4 and 6) will be taken to have come into operation on the day on which the principal Act came into operation.

(2) Section 6 of this Act will be taken to have come into operation on the day on which section 25 of the *Legal Practitioners (Miscellaneous) Amendment Act 1996* came into operation.

(3) Section 4 of this Act comes into operation on the day on which this Act is assented to by the Governor.

**Amendment of s. 69—Conditions upon which members of the Board hold office**

3. Section 69 of the principal Act is amended by striking out from paragraph (d) of subsection (3) "ceases to hold a current practising certificate" and substituting "ceases to be a legal practitioner or is disciplined under this Act or by the Supreme Court or under an Act or law of another State or Territory of the Commonwealth for regulating the conduct of persons practising the profession of the law".

**Amendment of s. 78—Establishment of Tribunal**

4. Section 78 of the principal Act is amended—

(a) by striking out from subsection (2) "(each of whom will be a legal practitioner)";

(b) by inserting after subsection (2) the following subsection:

(3) A person is not eligible for appointment as a member of the Tribunal unless that person is a legal practitioner of at least 5 years standing (taking into account, for that purpose, periods of legal practice and judicial service within and outside the State).

**Amendment of s. 79—Conditions of membership**

5. Section 79 of the principal Act is amended by striking out paragraph (d) of subsection (4) and substituting the following paragraph:

(d) ceases to be a legal practitioner or is disciplined under this Act or by the Supreme Court or under an Act or law of another State or Territory of the Commonwealth for regulating the conduct of persons practising the profession of the law; or.

**Amendment of s. 80—Constitution and proceedings of the Tribunal**

6. Section 80 of the principal Act is amended by striking out from subsection (4) "provided that the legal practitioner in relation to whom the proceedings were instituted consents to the two members continuing to hear and determine the proceedings".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL, Governor