

# LEGISLATIVE ASSEMBLY

Read 1° 19 October 1983

*(Brought in by Mr Cain and Mr Fordham)*

## A BILL

To amend the *Legal Profession Practice Act 1958* and  
for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by  
and with the advice and consent of the Legislative Council and  
the Legislative Assembly of Victoria in this present Parliament  
assembled and by the authority of the same as follows (that is to  
say):

1. This Act may be cited as the *Legal Profession Practice* Short title.  
*(Amendment) Act 1983.*

2. In this Act the *Legal Profession Practice Act 1958* is called the  
Principal Act. Principal Act No.  
6291. Reprinted  
to No. 9427.  
Subsequently  
amended by Nos.  
9549, 9554, 9576,  
9697, 9699, 9858.

3. This Act shall come into operation on the day on which it receives  
the Royal Assent. Commencement.

4. In section 2A of the Principal Act, before the interpretation of  
"Council" there shall be inserted the following interpretation: Amendment of  
No. 6291 s. 2A.

"Chief Justice" means the Chief Justice of the Supreme Court  
of the State of Victoria and includes the acting Chief Justice  
and in the absence of the Chief Justice and the acting Chief  
Justice from duty means the Senior Puisne Judge for the  
time being present. "Chief Justice."

Amendment of  
No. 6291 s. 3.

5. In section 3 of the Principal Act, for the words “an attorney solicitor and proctor” there shall be substituted the words “a solicitor”.

Amendment of  
No. 6291 s. 4  
repealed.

6. Section 4 of the Principal Act shall be repealed.

Amendment of  
No. 6291 s. 5 (1)  
substituted.

7. For sub-section (1) of section 5 of the Principal Act there shall be substituted the following sub-section:

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“(1) Every person admitted to practise by the Supreme Court shall be admitted to practise both as a barrister and as a solicitor.”.

Amendment of  
No. 6291 ss. 5, 7  
and 8.

8. (1) In sub-section (3) of section 5 of the Principal Act, the words “as a barrister or solicitor or” shall be repealed.

(2) In section 7 of the Principal Act, the words “as barristers or solicitors or” shall be repealed. 10

(3) In section 8 of the Principal Act, the words “barrister or solicitor or” shall be repealed.

(4) In section 9 (2) of the Principal Act, the words “or as a barrister or as a solicitor” shall be repealed. 15

Amendment of  
No. 6291 ss. 14A  
and 15 (1).

9. In section 14A and section 15. (1) of the Principal Act, the interpretation of “Chief Justice” shall be repealed.

Amendment of  
No. 6291 s. 14Q.

10. In section 14Q of the Principal Act, after paragraph (d) of sub-section (2) there shall be inserted the following word and paragraph:

“and

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(e) shall not, in respect of anything done or performed by or under the authority of this section be liable to any action.”.

Amendment of  
No. 6291 s. 15  
(1).

11. In section 15 (1) of the Principal Act—

(a) in the interpretation of “solicitor”, after the expression “30,” there shall be inserted the expression “31, 32B,”; and 25

(b) in the interpretation of “practitioner”, the words “or a barrister or an attorney solicitor and proctor” are repealed.

Amendment of  
No. 6291 s. 27.

12. (1) In section 27 (2) (c) of the Principal Act, for the word “three” there shall be substituted the word “fifteen”.

(2) In section 27 (6) of the Principal Act, for the expression “(being persons appointed to be members of the panel pursuant to paragraph (a) or paragraph (b) of sub-section (2))” there shall be substituted the expression “(of whom two shall be persons appointed to be members of the panel pursuant to paragraph (a) or paragraph (b) of sub-section (2) and one shall be a person appointed to be a member of the panel pursuant to paragraph (c) of sub-section (2))”.

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(3) In section 27 (7) of the Principal Act, for the expression, “(of whom one shall be a person appointed to be a member of the panel

pursuant to paragraph (c) of sub-section (2))” there shall be substituted the expression “(of whom three shall be persons appointed to be members of the panel pursuant to paragraph (a) or paragraph (b) of sub-section (2) and two shall be persons appointed to be members of the panel pursuant to paragraph (c) of sub-section (2))”.

(4) For sub-section (10) of section 27 of the Principal Act, there shall be substituted the following sub-section:

“(10) The president shall appoint one of the persons assigned to constitute the Tribunal for the purposes of a summary hearing or a full hearing to be the Chairman of that hearing of the Tribunal.”.

13. In section 28 (2) (a) and section 28 (2) (c) of the Principal Act for the words “an explanation”, there shall be substituted the words “a full and accurate explanation”.

Amendment of  
No. 6291 ss. 28  
(2).

14. After section 28 (4) of the Principal Act there shall be inserted the following sub-section:

“(4A) No action shall lie against a member of the Council in respect of anything done pursuant to sub-section (4) (c).”.

Amendment of  
No. 6291 ss. 28  
(4A) inserted.

15. In section 28 (5) of the Principal Act the expression “(fb)” shall be repealed.

Amendment of  
No. 6291 ss. 28  
(5).

16. In section 30 (b) (i) of the Principal Act, the words “and requiring him to show cause why he should not be dealt with by the Tribunal for the alleged misconduct” shall be repealed.

Amendment of  
No. 6291 s. 30 (b)  
(i).

17. In section 32F (2) (a) of the Principal Act—

(a) the word “and” between sub-paragraph (vii) and sub-paragraph (viii) shall be repealed; and

(b) after sub-paragraph (viii) there shall be inserted the following expression:

“and

(ix) shall not, in respect of any thing done or performed by or under the authority of this section be liable to any action;”.

Amendment of  
No. 6291 s. 32F  
(2).

18. In section 53 (12) of the Principal Act—

(a) after the words “Victoria Law Foundation” there shall be inserted the words “to the Leo Cussen Institute for Continuing Legal Education”; and

(b) after the expression “(7)” there shall be inserted the expression “(7A)”.

Amendment of  
No. 6291 ss. 53  
(12).

Amendment of  
No. 6291 ss. 54  
(1).

19. In section 54 (1) of the Principal Act after the expression “Victoria Law Foundation” there shall be inserted the words “or to the Leo Cussen Institute for Continuing Legal Education”.

Amendment of  
No. 6291 ss. 58  
(1).

20. In section 58 (1) of the Principal Act, the expression “or sub-sections (2A) (2B) or (8) of section 64” shall be repealed.

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Amendment of  
No. 6291 ss. 65  
(1).

21. In section 65 (1) of the Principal Act, after the words “prescribed form” there shall be inserted the words “calling for claims for compensation from the fund”.

Amendment of  
No. 6291 ss. 75  
(2), 76 and 77 (4).

22. (1) In section 75 (2) of the Principal Act for the expression “10 penalty units” there shall be substituted the expression “20 penalty units”.

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(2) In section 76 of the Principal Act for the expression “10 penalty units” there shall be substituted the expression “20 penalty units”.

(3) In section 77 (4) of the Principal Act for the expression “10 penalty units” there shall be substituted the expression “20 penalty units”.

Amendment of  
No. 6291 s. 104A.

23. In section 104A of the Principal Act, after the interpretation of “Court” there shall be inserted the following interpretation:

“Document.”

“Document” includes, in addition to a document in writing, anything which is included in the interpretation of “document” in the *Evidence Act 1958*.

Amendment of  
No. 6291 ss. 104B  
(1).

24. In section 104B (1) (b) of the Principal Act—

(a) the word “or” between sub-paragraph (iii) and sub-paragraph (iv) shall be repealed; and

(b) after sub-paragraph (iv) there shall be inserted the following expression:

“; or

(v) a solicitor’s contravention of or failure to comply with any Act, regulation or rule relating to his trust funds or trust accounts or the trust funds or trust accounts of any firm of solicitors of which he is a member.”.

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Amendment of  
No. 6291 s.  
104GA.

25. Section 104GA (9) of the Principal Act shall be repealed.



