

LEGAL PRACTITIONERS AMENDMENT ACT 1987

No. 37 of 1987

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LEGAL PRACTITIONERS AMENDMENT ACT 1987

No. 37 of 1987

AN ACT to amend the Legal Practitioners Act 1959.

[Royal Assent 8 May 1987]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Legal Practitioners* Short title.
Amendment Act 1987.

2—(1) This section and section 1 shall commence on the Commencement.
day on which this Act receives the Royal assent.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

3—In this Act, the *Legal Practitioners Act 1959** is referred Principal Act.
to as the *Principal Act*.

* No. 78 of 1959. For this Act, as amended to 1968, see Appendix D to the Annual Volume of Statutes for 1969. Subsequently amended by No. 72 of 1970, No. 102 of 1971, No. 52 of 1972, No. 100 of 1973, No. 48 of 1974, No. 88 of 1976, No. 3 of 1977, No. 41 of 1980, No. 27 of 1983, No. 29 of 1984, No. 51 of 1985, and No. 91 of 1986.

Amendment of
section 58A of
Principal Act
(Interpretation).

4—Section 58A of the Principal Act is amended as follows:—

(a) by inserting the following definition after the definition of “former practitioner”:—

“indemnity cover” includes—

(a) a policy of insurance;

(b) any arrangement or agreement by way of indemnity; and

(c) any combination of the matters referred to in paragraphs (a) and (b),

which is negotiated or arranged by the Law Society pursuant to the Indemnity Rules;

(b) by inserting the following definition after the definition of “Indemnity Rules”:—

“insurer” means a person who carries on insurance business, whether in this State or elsewhere;

(c) by omitting the definition of “master policy”.

Amendment of
section 58B of
Principal Act
(The Indemnity
Rules).

5—Section 58B of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “providing for and with respect to” and substituting “with respect to the provision of”;

(b) by omitting subsection (2) and substituting the following subsection:—

(2) The Indemnity Rules may authorize or require the Law Society to—

(a) negotiate with an insurer or any other person, whether carrying on business in this State or not, with respect to the provision of professional indemnity insurance; and

(b) make any agreements or arrangements with an insurer or any other person, whether carrying on business in this State or not, with respect to the provision of such insurance.

(c) by omitting paragraph (a) from subsection (3) and substituting the following paragraph:—

(a) may require any firm to make payments relating to such period as the Law Society may determine in connection with any premium or other money payable under any indemnity cover;

6—Section 58C of the Principal Act is amended as follows:—

- (a) by omitting “a master policy” and substituting “any indemnity cover”;
- (b) by omitting from paragraph (a) “the master policy” and substituting “any documents evidencing that indemnity cover”.

Amendment of section 58C of Principal Act (Inspection of copies of certain documents).

7—After section 58C of the Principal Act, the following section is inserted in part VIA:—

Insertion in Principal Act of new section 58D.

58D—(1) The Law Society may, by notice in writing, require a practitioner, or former practitioner, to furnish to the Law Society such information as is specified in the notice relating to—

Furnishing of information.

- (a) the number of persons he employs, or formerly employed, in his firm;
- (b) the duties performed by each of the persons he employs, or formerly employed, in his firm;
- (c) the gross income his firm received from fees during a period specified in the notice; or
- (d) any claims made against him in respect of any alleged civil liability arising from—
 - (i) his firm’s practice or any former practice; or
 - (ii) his administration of any trust or deceased estate of which he is, or formerly was, a trustee or executor.

(2) A person who is a member, or former member, of the council of the Law Society or an employee, or former employee, of the Law Society shall not communicate any information furnished to the Law Society in pursuance of subsection (1) to a person who is not—

- (a) a member of the council of the Law Society;
- (b) an employee of the Law Society;
- (c) a person with whom an agreement or arrangement has been made in accordance with section 58B; or
- (d) an employee or agent of a person referred to in paragraph (b) or (c).

(3) Subsection (2) does not apply to a communication that is made—

- (a) in or for the purpose of proceedings in a Court;

(b) to the Attorney-General;

(c) at an inquiry by the disciplinary committee; or

(d) to a police officer within the meaning of the *Police Regulation Act 1898* acting in the course of duty.

(4) a person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units.