
LEGAL PRACTITIONERS AMENDMENT ACT 1989

No. 19 of 1989

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LEGAL PRACTITIONERS AMENDMENT ACT 1989

No. 19 of 1989

AN ACT to amend the Legal Practitioners Act 1959.

[Royal Assent 18 April 1989]

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 Amendment Act 1989*. Short title.

2—This Act shall commence on the day on which it receives the Royal assent. Commencement.

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

4—After section 7 of the Principal Act, the following section is inserted in Part II:— Insertion in Principal Act of new section 7A.

* No. 28 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, No. 91 of 1986, and No. 37 of 1987.

Interpretation of
Part II.

7A—In this Part—

“prescribed Court” means—

- (a) in the case of a prescribed jurisdiction other than New Zealand, the Supreme Court of that jurisdiction; or
- (b) in the case of the prescribed jurisdiction of New Zealand, the High Court of that jurisdiction;

“prescribed jurisdiction” means a State of the Commonwealth, a territory of the Commonwealth, Papua New Guinea, and New Zealand.

Amendment of
section 11 of
Principal Act
(Admission of
practitioners of
other States).

5—Section 11 of the Principal Act is amended as follows:—

(a) by omitting subsection (1) and substituting the following subsections:—

(1) The court may, on application made to it, admit as a practitioner a person who is a barrister, solicitor, or barrister and solicitor, of a prescribed court of a prescribed jurisdiction where—

- (a) in the case of a solicitor or barrister and solicitor, that person—
 - (i) has served 5 years under articles to a solicitor or barrister and solicitor;
 - (ii) is a graduate of the University of Tasmania or of a university recognized by the University of Tasmania and who has served at least 2 years under articles to a solicitor or barrister and solicitor;
 - (iii) has practised on his own account in any one or more of the prescribed jurisdictions as a solicitor or barrister and solicitor for at least one year during the 5 years immediately preceding the application; or

(iv) has been admitted as a solicitor or barrister and solicitor of a prescribed jurisdiction for at least 2 years, and has for a total of at least 2 years during the 3 years immediately preceding the application practised or been employed as a solicitor or barrister and solicitor in a position requiring him to be so admitted; or

(b) in the case of a barrister, that person has practised in one or more of the prescribed jurisdictions for at least one year during the 5 years immediately preceding the application.

(1AA) A person applying for admission under this section shall provide the prescribed notices and produce evidence of admission in the relevant prescribed Court together with—

(a) a certificate from the proper authority of the relevant prescribed jurisdiction stating that the name of the person is still on the roll of the relevant prescribed Court, has never been removed from that roll, and that no order has been made to suspend that person from practising;

(b) one or more certificates of fitness and character signed by one of the judges of the relevant prescribed Court; and

(c) an affidavit from that person that—

(i) he has never been bankrupt or insolvent, or made a composition or arrangement with his creditors; or

(ii) he has been bankrupt or insolvent, or has made such a composition or arrangement, stating the facts and dates and that a complete discharge from the debts has been granted.

(b) by omitting subsection (2);

(c) by omitting subsection (4).

Amendment of section 13A of Principal Act (Admission of apprentices-at-law).

6—Section 13A (1) (a) of the Principal Act is amended by inserting “or institution” after “university” where twice occurring.

Amendment of section 15 of Principal Act (Barristers).

7—Section 15 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “Supreme Court mentioned in subsection (1) of section eleven” and substituting “prescribed Court”;

(b) by omitting from subsection (5) “and who has ceased to practise in any other State or Territory of the Commonwealth in which he has practised”.

Amendment of section 18A of Principal Act (Audience of certain Federal officers).

8—Section 18A (1) (b) of the Principal Act is amended by omitting “Supreme Court mentioned in subsection (1) of section eleven” and substituting “prescribed Court”.

Amendment of section 20 of Principal Act (Practitioner, &c., struck off roll in any State may be struck off in Tasmania).

9—Section 20 of the Principal Act is amended by omitting “any other State or Territory mentioned in section eleven” and substituting “a prescribed jurisdiction other than this State”.

Amendment of section 32B of Principal Act (Trust accounts).

10—Section 32B of the Principal Act is amended by inserting the following subsection after subsection (3):—

(3A) All money received by a firm or a member of a firm as stakeholder shall be paid into the trust account of the firm to be disbursed in accordance with the terms of an agreement entered into by any persons for that purpose.