



ANNO TRICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1989

No. 70 of 1989

An Act to amend the Legal Practitioners Act, 1981.

[Assented to 29 October 1989]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Legal Practitioners Act Amendment Act, 1989*.
- (2) The *Legal Practitioners Act, 1981*, is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. Section 5 of the principal Act is amended by inserting after the definition of "the Committee" the following definition:

"community legal centre" means a body established on a non-profit basis to provide legal services to the community, or a section of the community:

Disposition of trust money

4. Section 31 of the principal Act is amended by inserting after subsection (8) the following subsections:

(9) A legal practitioner who fails to deposit trust moneys in a trust account as required by this section is (apart from any penalty incurred under subsection (8)) liable to pay the Society interest on the amount of those trust moneys at the prescribed rate for the period of the default.

(10) The Society may, for proper reasons, remit interest payable under subsection (9) wholly or in part.

(11) Any interest received or recovered by the Society under subsection (9) must be paid into the statutory interest account.

Right of audience

5. Section 51 of the principal Act is amended by inserting after paragraph (d) of subsection (1) the following paragraph:

(da) a legal practitioner employed by a community legal centre and acting in the course of that employment;

The guarantee fund

6. Section 57 of the principal Act is amended by inserting after subsection (5) the following subsection:

(6) The Attorney-General may, before authorizing a payment from the guarantee fund, require the Society, the Tribunal, the Committee or any person engaged in the administration of this Act to provide such information and explanations as to the reason for the proposed payment as the Attorney-General may reasonably require.

Payment of interest accruing upon trust accounts

7. Section 57a of the principal Act is amended by striking out subsection (6).

Confidentiality

8. Section 73 of the principal Act is amended by inserting after paragraph (a) of subsection (2) the following paragraph:

(ab) the Attorney-General;

Report on investigation

9. Section 77 of the principal Act is amended by inserting after subsection (3) the following subsections:

(4) If, in the course or in consequence of investigation of a complaint, the Committee is satisfied that there are reasonable grounds to suspect that a legal practitioner has committed a criminal offence (against the law of this State or the Commonwealth or against some other law) the Committee must immediately report the matter to the Attorney-General.

(5) The Committee must, at the request of the Attorney-General, furnish the Attorney-General with any material in its possession relevant to the investigation or prosecution of the suspected offence.

(6) If it appears to the Attorney-General from a report or material furnished under this section that criminal proceedings should be taken against any person, the Attorney-General may take any action that may be appropriate for that purpose.

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

C. L. LAUCKE, Governor's Deputy